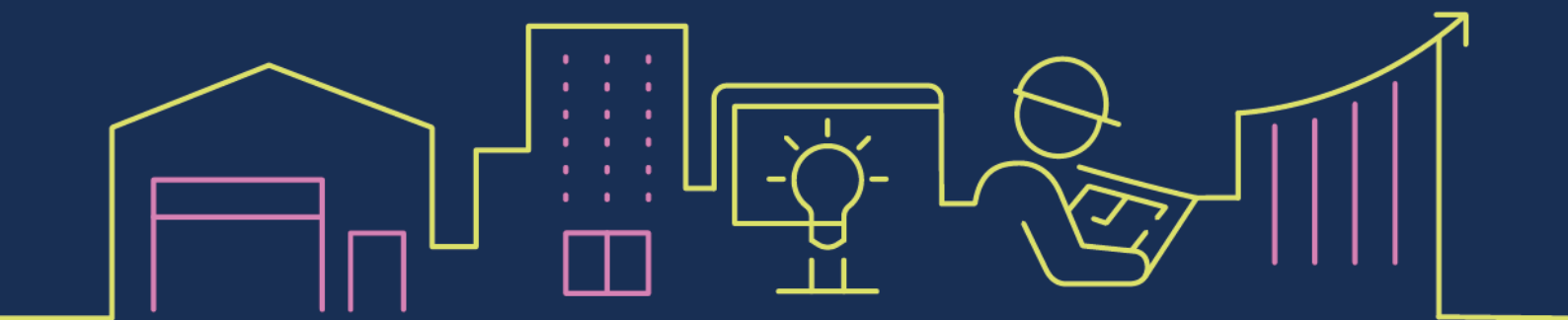


Carmarthenshire Business Flood Relief Infrastructure Fund

Guidelines for Applicants

Grant aid to support strategic projects for businesses affected by flooding.



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Cyngor Sir Gâr
Carmarthenshire
County Council



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Carmarthenshire Business Flood Relief Infrastructure Fund - Grant Guidelines

1. Introduction

- 1.1 Carmarthenshire County Council (the County Council) has made available funds to support strategic projects for businesses that are affected by flooding.
- 1.2 The programme has a fixed budget and accordingly the scheme is based on a “challenge” principle. Priority will be given to applications that will provide tangible benefits to the local economy in terms of jobs safeguarded.
- 1.3 This scheme will be operated under the UK Subsidy Rules.

2. Eligible Areas / Applications

- 2.1 Eligible projects will be based in areas of Carmarthenshire that have been subject to repeat significant flood events since Storm Callum in October 2018.
- 2.2 All applicants must be economically and financially viable.
- 2.3 Grants for flood alleviation/protection works will require landowner permission and relevant licences.

3. Ineligible Work

- Works which have already commenced.
- Temporary interventions
- Repairs & maintenance

4. The Levels of Grant

The grant will be based on a maximum of a third of the total project of the costs.

Other public funding may be sought for the project however applicants will be expected to contribute at least 25% of the total project from their own funds.

The maximum grant is £50,000.

5. Application Process

The procedure will consist of a single application process.

- 5.1 The application must be accompanied by the following:-

- Scaled drawings showing the existing building and the proposed works together with a detailed specification of the works. These should be prepared by a suitably professionally qualified architect / quantity surveyor.
- An A4 size or OS map extract of sufficient scale to clearly identify the exact location of the works concerned.
- Detailed specification of works
- Quotes/tenders in line with 3rd party procurement rules (please see Annex 1)
- Flood consequences assessment and any associated flood modelling.
- NRW flood consent
- Land owners consent and associated licences
- Where applicable copies of all relevant statutory consents.
- 3 years company accounts
- Confirmation of match funding.
- Letters of support from stakeholders.
- A statement showing the proportion of the fees that are attributed to the works and the name and qualifications of any professional consultant employed by the applicant.
- A programme of works and forecast cost expenditure.
- Maintenance plan

Completed application forms & drawings must be submitted to:

EconomicDevelopment@Carmarthenshire.gov.uk

- 5.2 The grants panel and Council's Cabinet Member will then assess and consider the individual applications. The applicant will be advised of the decision. No appeals will be considered.
- 5.3 If successful the applicant will receive a formal offer letter in duplicate with terms and conditions. Both copies must be signed, and one copy returned together with a schedule of works and grant drawdown forecast.
- 5.4 To claim an interim grant payment a successful applicant must complete, sign (applicant only) and return an interim claim form together with a surveyor's interim valuation certificate, invoice from the contractor and proof of payment.
- 5.5 To claim a final grant payment a successful applicant must complete, sign (applicant only) and return a final claim form together with surveyor's practical completion certificate, all original project invoices, and proof of payment. If the eligible works expenditure is lower than anticipated in the grant offer, the grant will be reduced on a pro rata basis.

6. Assessment Criteria

Applicants should note that the County Council will be assessing the project against various criteria: -

- Number of jobs safeguarded.
- Number of businesses benefiting from support.
- Impact of the scheme on future flood incidents.
- Value for money.

7. The Grant

- 7.1 The grant can only be offered in those cases where the Council is satisfied that without such aid the project will not proceed, either on the scale envisaged or within a reasonable time frame.
- 7.2 The amount of the grant offered to each project will be determined by the County Council and will be based on the lowest tendered cost of the approved works which are considered eligible for grant aid.
- 7.3 The amount of grant specified in the grant offer letter is the maximum County Council contribution towards the project. In the event of there being any reductions in the cost of the approved works, the County Council will make a pro-rata reduction to the amount of grant originally offered.
- 7.4 Grant will normally be awarded exclusive of VAT. If the applicant cannot recover VAT this may be accepted as an eligible cost at the discretion of the County Council, subject to the applicant undertaking to repay to the County Council any VAT element which later becomes reclaimable from HM Customs and Excise as a result of a change in the applicant's VAT status.

8. Contract implementation professional fees

- 8.1 Grant recipients must employ an appropriately qualified professional to assess tenders, supervise project works and provide certificates for completed works. This cost may be included in the qualifying expenditure for grant assistance up to a limit of 15% of the total construction cost provided that it has been accounted for in the application form and the County Council's specific written agreement has been sought prior to the engagement of consultants. The professional consultant must hold a qualification appropriate to the nature of the works proposed.
- 8.2 Applicants should provide quotations/ tenders (in line with procurement guidelines as set out in section 11 below) from suitable qualified professionals for the design, supervision and certification of proposed works.

9. Application for grant

In making an application for grant, the applicant will warrant to the County Council that all information provided in connection with and accompanying both application forms is and remains true and accurate in all respects and that any

estimates and anticipated forecast outputs or other facts were made after due and careful research and investigation. The warranty will be deemed to be given again at the time the applicant submits the grant claim form. Please note that the applicant and not any appointed agent acting for the applicant must sign the application form.

10. Land Registry

If appropriate a Legal Charge will need to be placed on the title deeds of the land and registered with the Land Registry for a minimum of five years from the date of final grant payment. The applicant is responsible for arranging this and any associated costs. After this period the applicant will also be responsible for pursuing its removal and any costs associated with this process.

11. Procurement

When making a purchase or paying for a service, applicants should aim to get value for money whilst offering a range of businesses the opportunity to provide those goods or services in a fair and transparent manner.

The applicant must therefore ensure that the procurement procedures detailed in Annex 1 of this document are adopted according to the estimated value (exc. of VAT) of the contract at quotation/pre-tender stage. Your decision must demonstrate best value and you must keep records which supports your decision.

Failure to fully comply with the procurement thresholds will render the costs ineligible for assistance under this fund.

Please refer to Annex 1 for the rules.

12. Avoiding conflicts of interest

It is possible that project applicants, or persons connected with them (such as relatives, business partners or friends) may wish to tender for a contract being offered by the project applicant. This is not unacceptable, but the applicant will need to make sure that they conduct the transaction as openly and as transparently as possible. If the applicant or any person connected with them, has an interest in any of the potential bids for a contract offered:-

- the applicant is required to declare any interest prior to the issue of tender documentation;
- a list of proposed tenderers is provided to Carmarthenshire County Council for consideration prior to issue of tender documentation;
- tenders should be returned directly to Carmarthenshire County Council
- the applicant should not be involved in the issue, opening or recording of those tenders.

- The process should be managed by an architect or quantity surveyor on behalf of the applicant.
- the applicant should consider how the procurement guidelines should be applied to ensure not only that the procedure is fair to all bidders but can be seen to be so also;
- every stage in the procedure should be recorded formally and the records retained on file and be made available for inspection.

13. Statutory Consents

Applications must not be submitted until all required statutory consents (e.g. Planning Permission, Listed Building Consent, Flood Licences, Building Regulation Approval have been applied for. In exceptional circumstances a project without full approved consent may be considered subject to status and any award of grant will be conditional on securing the required consent.

14. Insurance

For a period of five years from the grant award date, the applicant must comprehensively insure the flood alleviation scheme with a reputable insurance company and, if requested, provide the County Council with evidence of such insurance.

15. Repair and condition

For a period of 5 years from the grant payment date the applicant is required to keep the flood alleviation scheme in a good and substantial state of repair and condition.

16. Repayment of grant

Funding shall be withheld and/or, insofar as payment has been made, the grant recipient shall repay funding either in whole or in part, including if:

- a domestic check by the Authority, the National Audit Office, Wales Audit Office, or any of their representatives, identifies circumstances whereby a full or partial repayment of funding is due, or, if the Authority otherwise requires the funding to be withheld, reduced, cancelled or recovered;
- there has been an overpayment of funding;
- the applicant is found to have made any misrepresentation in connection with the application;
- the applicant has breached the provision of terms and conditions of grant;
- the flood alleviation scheme is not fully re-instated within 12 months of any occurrence giving rise to loss of or damage to the flood alleviation scheme;
- during its economic life, the project undergoes substantial change defined as being used for purposes other than those specified in the application, or, having

a change of owner without notifying Carmarthenshire County Council. The economic life is the period of final payment of the grant.

17. Disposal of assets

- 17.1 The applicant must secure the County Council's written consent to any disposal of the flood alleviation scheme within 5 years of the final payment of grant.
- 17.2 Where applicable the County Council will seek to register an interest in the grant aided scheme with the Land Registry by either a restriction or legal charge. In the case of unregistered land where the option of a restriction is not available there may be a requirement for a legal charge at all times. This process will alert the County Council to any change in the ownership or lease of the property. The Council will wish to ensure that no changes are made to the grant aided work and will not unreasonably withhold any consent but may require that the grant be repaid in part or in whole.

The Council will not unreasonably withhold such consent but may require that the grant to be repaid in part in line with the following:

Date of disposal of asset(s)	Amount to be repaid
Within 1 year	Funding to be repaid in full
Within 2 years	80% of funding to be repaid
Within 3 years	60% of funding to be repaid
Within 4 years	40% of funding to be repaid
Within 5 years	20% of funding to be repaid
After 5 years	No funding to be repaid

The above are minimum repayment requirements.

18. Monitoring

- 18.1 Upon giving reasonable notice, the County Council reserves the right to inspect the works at any time between receipt of a grant application and the expiration of 5 years from the final grant payment date. The County Council may appoint such professionals as it sees fit to undertake such inspection on its behalf.
- 18.2 The applicant must retain any original invoice, account or other document (including serial numbers of goods purchased) relating to your approved project for ten years from the date of the final grant payment.
- 18.2 Carmarthenshire County Council have the right to audit the activities of the grant on approved projects at all levels of delivery, on an appropriate sampling basis and will be, as far as possible, carried out before the final payment is made for a project but may occur after project completion.

18.3 This grant fund is awarded under UK Subsidy Control Rules, and the County Council therefore require you to advise us of any public funding you have received any period of 3 consecutive fiscal years immediately preceding your application.

19. Other issues relating to the application for grant

19.1 Welsh Language

All signage erected as part of the project will be required to be bilingual.

19.2 Health & Safety

You will need to comply with the Health & Safety at Work Act 1974 and Construction, Design & Management Regulations 2015.

20. General Data Protection Regulation (GDPR)

20.1 To find out more about how we use your information, please contact Hawys Furlong on 07815591440 to obtain our Privacy Notice, or visit our website www.carmarthenshire.gov.wales

21. Subsidy Control Rules

This scheme is covered by the current UK Government Subsidy Control Act (2022). The total amount of Minimum Financial Assistance (MFA) received over a rolling period of three fiscal years should not exceed £315,000 per business*. If you have received any other financial assistance in the past 3 financial years, please describe the support in the box below. It is the responsibility of the applicant to monitor the level of MFA received; you will be asked to declare that this has not been exceeded in the event of an offer being made. [* The MFA financial threshold applies at company group level.]

22. Contact details

22.1 For further details on the grant scheme, please contact Hawys Barrett 078155591440

23. Submission of applications

23.1 Applications should be sent to the following address:-

EconomicDevelopment@Carmarthenshire.gov.uk

Annex 1 - Third Party Grant Procurement Rules

Requirement	Value	Procurement Process
All	up to £4,999	<p>A minimum of 1 written Quotation must be obtained and retained.</p> <p>Best value for money must be obtained and reasonable care must be taken to obtain goods, works or services of adequate quality at a competitive price. A documented record to support the decision must be retained for audit purposes.</p> <p>Applicants are requested to 'Think Carmarthenshire First' when seeking quotations for the purchase of Goods/Services. Please therefore, explore the market place to establish if there are any businesses within Carmarthenshire that can provide the goods / service that you are seeking to purchase. Applicants may be required to demonstrate such quotations have been sought</p>
All	£5,000 and £24,999	<p>A minimum of 3 written Quotations must be sought from competitive sources*. The quotes must be based on the same specification and evaluated on a like for like basis.</p> <p>A documented record of the quotes sought, the evaluation process and the decision to award must be recorded.</p> <p>Applicants are requested to 'Think Carmarthenshire First' when seeking quotations for the purchase of Goods/Services. Please therefore, explore the market place to establish if there are any businesses within Carmarthenshire that can provide the goods / service that you are seeking to purchase. Applicants may be required to demonstrate such quotations have been sought</p>
All	£25,000 and £74,999	<p>A minimum of 3 written Quotations must be sought from competitive sources*. The quotes must be based on:</p> <ul style="list-style-type: none"> • the same specification, • the same evaluation criteria and evaluated on a like for like basis. It is best practice to establish an evaluation panel. • the same closing date. <p>A documented record of the quotes sought, the evaluation process and the decision to award must be recorded for audit purposes.</p> <p>**In the event that only one quotation is received, you must contact the Project Manager from Carmarthenshire County Council (CCC) to provide details and justification of the procurement process you have undertaken. The decision to proceed to purchase must be approved by CCC on a case by case basis. In circumstances where it is evident that more than one quotation could be sought, there may be a requirement to advertise via Sell2Wales.</p>
NB - spend thresholds of £75K and under are exclusive of VAT		
Goods and Services	£75,000 and £213,477	<p>A minimum of 4 tenders must be sought from competitive sources*, with a minimum of 2 tenders to be received**.</p> <p>All those tendering must be provided with the same information: the same specification of requirements,</p> <ul style="list-style-type: none"> • an outline of the evaluation criteria against which the contract will be awarded and

		<ul style="list-style-type: none"> the same closing date for receipt of tenders, after which no submissions will be accepted. <p>The evaluation process you follow must be consistent with the original evaluation criteria outlined and an evaluation report produced detailing on what basis the successful tender was awarded. It is best practice to establish an evaluation panel to evaluate tenders.</p> <p>** In the event that only one tender is received, you must contact the Project Manager from Carmarthenshire County Council (CCC) to provide details and justification of the procurement process you have undertaken. The decision to proceed to purchase must be approved by CCC on a case by case basis. In circumstances where it is evident that more than one tender could be sought, there may be a requirement to advertise via Sell2Wales.</p>
Works	£75,000 and £5,336,937	<p>A minimum of 4 tenders <u>must</u> be sought from competitive sources*, with a minimum of 3 tenders to be received**. All those tendering must be provided with the same information:</p> <ul style="list-style-type: none"> the same a specification of requirements, an outline of the evaluation criteria against which the contract will be awarded and the same closing date for receipt of tenders, after which no submissions will be accepted. <p>The evaluation process you follow must be consistent with the original evaluation criteria outlined and an evaluation report produced detailing on what basis the successful tender was awarded. It is best practice to establish an evaluation panel to evaluate tenders.</p> <p>** In the event that only one tender is received, you must contact the Project Manager from Carmarthenshire County Council (CCC) to provide details and justification of the procurement process you have undertaken. The decision to proceed to purchase must be approved by CCC on a case by case basis. In circumstances where it is evident that more than one tender could be sought, there <u>may</u> be a requirement to advertise via Sell2Wales.</p> <p>For contracts in excess of £250k in value:</p> <ul style="list-style-type: none"> In selecting contractors for the tender list, it is recommended that the appropriate due diligence and financial checks are undertaken on these parties. <p>As a minimum, due diligence and financial checks must be undertaken on the preferred contractor following the evaluation and prior to contract award.</p>
NB - spend thresholds for Goods / Services under £213,477 and works under £5,336,937 are exclusive of VAT		
Goods and Services	Above £213,477*	If a contract for Goods or Services is likely to exceed £213,477 the applicant must inform the project manager to determine whether the contract will be subject to World Trade Organisation's Agreement on Government Procurement (GPA).
Works	Above £5,336,937*	If a contract for Works is likely to exceed £5,336,937 the applicant must inform the project manager to determine

		whether the contract will be subject to World Trade Organisation's Agreement on Government Procurement (GPA).
<p>* When calculating the estimated value of the contract in order to determine whether the full UK regulations apply, the contract value estimation (for these values only – not below) must be inclusive of VAT as of the 1 January 2022. This is as a result of the UK's independent membership of the GPA (Government Procurement Agreement).</p>		

Important Guidance

Advertising via Sell2Wales

* It is possible for you to advertise on the National Procurement website, www.Sell2Wales.co.uk if you are in a situation where you have difficulty in identifying the minimum number of suppliers required and/or would like to vary or attract new suppliers to quote or tender. Advertising via Sell2Wales is considered to be best practice, however you may feel that you are better able to identify potential suppliers who could provide the best overall offer.

This facility is available to you free of charge, please visit the Sell2Wales website <http://www.sell2wales.gov.uk/> and contact the website helpline on 0800 222 9004 for further information.

Seeking Quotations/Tenders

For spend above £5,000 it is essential that the quotes/tenders are sought from appropriate suppliers for the goods, works or services required. In circumstances where it is evident that unsuitable quotes/tenders have been sought, there may be a requirement to advertise via Sell2Wales.

Other Funders

If a project involves any other or additional funding streams, these Third Party Grant Procurement Rules must be followed as a minimum for the total estimated spend of the requirement.

Avoiding conflicts of interest

We recognise that it is possible that applicants / developers or persons connected with them (such as relatives, business partners or friends) may wish to tender for a contract being offered by the applicant / developer. This is acceptable, but applicants will need to ensure that the tendering process is undertaken in an open, transparent and fair manner, as outlined above, which does not give one person or company tendering any advantage over another, which arises from the process. Appropriate measures to prevent identify and remedy any conflicts of interest must be carried out.

If an applicant / developer or any person connected with them directly or indirectly, has a financial, economic, political or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure:

- that applicant / developer, or any other person or party with an interest must declare that interest in writing to the Project officer who will offer advice accordingly.
- specifications and evaluation criteria must not be biased or tailored to favour one solution or any one party over another.

- that person or party with an interest should take no part whatsoever in any of the tender evaluation procedures to ensure that the process is fair to all. It is acknowledged that the grant applicant may be required to provide the final approval
- every stage of the procedure must be recorded formally.
- If the contract would normally be subject to a single tender procedure, it is recommended that the sponsor should seek written quotes from at least two other suppliers (ie following the procedure set out above for contracts between £5000 and £25,000)

The purpose of these guidelines is to ensure that there is fairness in the spending of public money and that the integrity of the applicant is not compromised.

Changes to the specification or contract

If any changes are required to the specification after seeking quotes/tenders which affects the original scope of the requirement, a new procurement exercise may need to be undertaken to ensure that best value for money has been achieved. This may occur where there are unforeseen additions to the original requirement, where tenders are received in excess of the available budget, where funding levels change etc. The grant applicant must inform the Project officer who will offer advice accordingly.

- **Failure to observe the relevant procedures outlined above will be considered non-compliant and may lead to a withdrawal of the grant offer and potential claw-back of funding.**
- **In cases where you are unable to satisfy the requirements of these procedures you must always inform the project manager.**
- **If you have any queries as to how these procedures should be applied, you should contact the project manager for clarification and further guidance.**

Do's and Don'ts of Tendering

Do's	Don'ts
<ul style="list-style-type: none"> • ensure that any potential conflicts of interest are declared at the earliest opportunity. 	<ul style="list-style-type: none"> • Don't skew the specification to eliminate or to discriminate against suppliers i.e. limit the specification to a specific brand.
<ul style="list-style-type: none"> • comply with the appropriate rules 	<ul style="list-style-type: none"> • Don't change the scope of the specification once distributed.
<ul style="list-style-type: none"> • ensure that the specification is precise and not in excess of the requirements. 	<ul style="list-style-type: none"> • Don't change the evaluation criteria during the process.
<ul style="list-style-type: none"> • ensure that the Evaluation Criteria is directly relevant to the subject of the contract 	<ul style="list-style-type: none"> • Don't give companies too short notice to quote.
<ul style="list-style-type: none"> • complete and retain full records for future reference and audit purposes 	<ul style="list-style-type: none"> • Don't enter into too much detail verbally with suppliers regarding

	specific questions. The same information must be provided to all suppliers to ensure the process is fair
<ul style="list-style-type: none"> ensure that quotes/tenders are evaluated on a 'like for like' basis. 	<ul style="list-style-type: none"> Don't reveal prices to potential suppliers.
<ul style="list-style-type: none"> ensure that you treat suppliers in an open, transparent and non-discriminatory manner. 	<ul style="list-style-type: none"> Don't breach confidentiality.
<ul style="list-style-type: none"> allow sufficient time for companies to quote 	<ul style="list-style-type: none"> Don't open quotes/tenders in advance of the deadline.
<ul style="list-style-type: none"> ensure the value of the Goods/Works or Service is estimated accurately at the start of the process to apply the correct procurement process. The aggregated value must be used where applicable. 	<ul style="list-style-type: none"> Don't consider submissions received after the deadline.

Procurement Definitions

Title	Description
Aggregation	Adding together the value of separate contracts for the same supply, service or works.
Contract	A Contract for the purposes of these Rules shall be any agreement (whether or not in writing) between the grant applicant and one or more other parties for:- <ul style="list-style-type: none"> the sale of goods or materials; the supply of goods or materials; the execution of works the provision of services (including accommodation and facilities).
Competitive Source	an independent provider bidding against another independent provider
Goods	are material items i.e. equipment, food, vehicles etc
World Trade Organisation's Agreement on Government Procurement (GPA).	are rules and regulations that Public Sector organisations must adhere to when procuring Goods, Works and Services over a certain value threshold whereby an official Tender Exercise in accordance with the World Trade Organisation's Agreement on Government Procurement (GPA) should be undertaken.
Evaluation	a method of determining which offer provides the best value for money in accordance with the pre-determined evaluation criteria
Evaluation Criteria	A list of key requirements taken from the specification that will enable suppliers to explain how they intend to deliver the requirement which will be evaluated. The criteria by which the most economically advantageous tender will be determined is based on a combination of price/cost and quality criteria.
Evaluation Panel	It is best practice to establish an evaluation panel to undertake the evaluation exercise. It may be appropriate to have a cross functional

	team as a panel. Panel should agree specification and evaluation criteria. Panel should be consistent throughout each stage of procurement exercise
Sell2Wales	is a National Procurement Website where all public sector contracts are advertised. Third Party Grant Recipients can also advertise via the website free of charge, please visit the Sell2Wales website http://www.sell2wales.gov.uk/ and contact the website helpline on 0800 222 9004 for further information.
Services	tasks undertaken by people i.e. consultancy services, translation services etc
Specification	this is a written statement that defines the requirements. The specification will vary according to the work, product or service concerned. For a simple product the specification may be a brief description, while in the case of a complex requirement it will be a comprehensive document. The description of the goods, works or services required must not refer to a specific make, brand or source.
Tender/Quote	is the document compiled by a potential supplier in response to an invitation to quote/tender. It sets out general information demonstrating the capability and eligibility of the supplier - including detailed information about how they propose to fulfil the specifications of the requirement.
Works	include landscaping, construction, building works etc