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**Durham Wildlife Trust**

**ITT for Fishburn to Holdforth Bridge River Restoration**

**ITT Schedule 2**

**Tender Response Document**





**Notice to Bidding Organisations**

Before completing this Tender please ensure that you have read and fully understood the instructions and requirements set out in the ITT Document 1 – Invitation to Tender for Fishburn to Holdforth Bridge river restoration, together with the Durham Wildlife Trust Standard terms and Conditions.

This document contains the forms of tender and responses you need to complete and return to us by the deadline. It also contains important information and guidance on how to complete the various sections in this document.

To be eligible for us to consider your tender you must return the following completed and, where appropriate, signed documents by no later than **5.00pm Wednesday 6th October 2021**:

1. Completed Business Questionnaire (Sections A-I below) together with a signed Section A pro-forma
2. Signed Form of Tender including total Tender Price (Section J Below)
3. Completed Schedule of Costs (Appendix 3)
4. Signed Certificate of Non-Collusion and Non-Canvassing (Section K Below)

The above documents may be scanned in and sent by email or signed using an electronic signature system.

Definitions - Organisation Profile

Please use the notes in each section below as a guide to how your organisation will need to complete the Business Questionnaire together with the requirements in the Invitation to Bid Document One.

Please read the following definitions and instructions carefully to determine how you will need to bid. If you require any further guidance or clarification, please contact the named Tender manager named on the front of the Invitation to Tender Document One.

**Section A – Organisation Profile**

You must complete all fields in Section A: Bidding Organisation Profile

**How we use this information**

This information will be used by DWT to understand the nature of the bidding organisation.

The information required must be provided by the bidding organisation in full and, if applicable, for each of its consortium members or formal partners as explained above. If any of the information required is not provided, the response of the bidding organisation may be disqualified from the Tender evaluation process.

**Please indicate which of the following applies to your submission:**

Sole Bidding Organisation

Bidding Organisation is a consortium, joint venture or partnership

Bidding Organisation is a special purpose vehicle

**Bidding Organisation(s) details**

|  |  |
| --- | --- |
| Name of Bidding organisation: |  |
| Registered address: |  |
| Company registration number: |  |
| Contact name: |  |
| Contact telephone number: |  |
| Email address: |  |

If you are providing details for consortium members or partners, confirm you have attached a completed pro-forma (next page below) with organisation details for each of the members of the consortium, partnership or joint venture.

**Pro-forma to Section A (additional bidding organisations)**

Refer to the Business Questionnaire Notes and Guidance Section A – Bidding Organisation Profile for this procurement for DWT’s definitions of ‘consortia’, ‘partnerships’, ‘joint ventures’ and ‘special purpose vehicles’.

If you are bidding as one of these types of organisation, **you must complete a separate copy of this pro-forma for each member organisation that makes up your bid.** The information provided will be used in accordance with the guidance and evaluation methodology explained in the Invitation to Tender Document.

|  |  |
| --- | --- |
| Name of lead bidding organisation  (as named in Section A ): |  |
| Name of additional consortium or special purpose vehicle member: |  |
| Registered address: |  |
| Company registration number: |  |
| Contact name: |  |
| Contact telephone number: |  |
| Email address: |  |

**SECTION B: GROUNDS FOR EXCLUSION**

**Sole Bidding Organisations**

You must provide all the information required in Section B: Grounds for Exclusion.

**Evaluation Criteria**

**Important note:** DWT may, at its discretion and in consideration of any additional information provided or mitigating circumstances, disregard any grounds for exclusion if it is satisfied that there are overriding requirements in the general interest that justify doing so.

| **Grounds for**  **Exclusion** | **Fail** | **Pass** |
| --- | --- | --- |
| Identified grounds for exclusion under regulation 23(1) and (4) of the Public Contracts Regulations 2006 (as amended). | No grounds for exclusion identified under regulation 23(1) and (4) of the Public Contracts Regulations 2006 (as amended). |

***If your Organisation answers yes to any of the following questions, please provide full details of the matter, including the names of the individuals concerned, any penalty or other sanction imposed by the Court and/or any relevant Court judgement, any remedial action taken by the Organisation and any other information the Organisation considers would be relevant to DWT’s consideration of whether to exercise its discretion under regulation 23(2) and 23(4) of the Public Contracts Regulations 2006, in particular as it relates to the Organisation’s ability to provide services under the proposed contract.***

***Your organisation also includes any director, Partner, or any other person who has powers of representation, decision making or control within the organisation.***

**B1. Mandatory grounds**

Has your organisation (or its directors or any other person who has powers of representation, decision or control of such organisation) been convicted of any of the following offences:

|  |  |
| --- | --- |
|  | **Select one box for each** |
| Conspiracy within the meaning of section 1 of the Criminal Law Act 1977 where that conspiracy relates to participation in a criminal organisation as defined in Article 2(1) of Council Joint Action 98/733/JHA. | Yes  No |
| Corruption within the meaning of section 1 of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906. | Yes  No |
| The offence of bribery. | Yes  No |
| Fraud, where the offence relates to fraud affecting the financial interests of the European Communities as defined by Article 1 of the Convention relating to the protection of the financial interests of the European Union, within the meaning of:   * the offence of cheating the Revenue; * the offence of conspiracy to defraud; * fraud or theft within the meaning of the Theft Act 1968 and the Theft Act 1978; * fraudulent trading within the meaning of section 458 of the Companies Act 1985; * defrauding the Customs within the meaning of the Customs and Excise Management Act 1979 and the Value Added Tax Act 1994; * an offence in connection with taxation in the European Community within the meaning of section 71 of the Criminal Justice Act 1993; or * destroying, defacing or concealing of documents or procuring the extension of a valuable security within the meaning of section 20 of the Theft Act 1968. | Yes  No |
| Money laundering within the meaning of the Money Laundering Regulations 2003. | Yes  No |
| Any other offence within the meaning of Article 45(1) of the Public Sector Directive. | Yes  No |

|  |
| --- |
| If there are any convictions, please give details below, including any action taken to resolve the situation. |
|  |

**B2. Discretionary grounds**

With regard to you, your directors or any other person who has powers of representation, decision or control in your Organisation, please answer the following questions using the yes/no box:

|  |  |
| --- | --- |
|  | **Select one box for each** |
| * Are you bankrupt or had a receiving order or administration order or bankruptcy restrictions order made against you; * Have you made any composition or arrangement with or for the benefit of your creditors; * Have you made any conveyance or assignment for the benefit of your creditors; * Are you unable to pay or have no reasonable prospect of being able to pay, a debt within the meaning of section 268 of the Insolvency Act 1986, or article 242 of the Insolvency (Northern Ireland) Order 1989; * In Scotland have you granted a trust deed for creditors or become otherwise apparently insolvent; * Are you the subject of a petition presented for sequestration of your estate; or * Are you the subject of any similar procedure under the law of any other state? | Yes  No |
| Being a partnership constituted under Scots law:   * Have you granted a trust deed or become otherwise apparently insolvent; or * Are you the subject of a petition presented for sequestration of your estate? | Yes  No |
| Being a company or any other entity within the meaning of section 255 of the Enterprise Act 2002:   * Have you passed a resolution or are the subject of an order by the court for the company’s winding up otherwise than for the purpose of genuine reconstruction or amalgamation; * Have you had a receiver, manager or administrator on behalf of a creditor appointed for the company’s business or any part of that; * Are you the subject of the above procedures; or * Are you the subject of similar procedures under the law of any other state? | Yes  No |
| Have you been convicted of a criminal offence relating to the conduct of your business or profession? | Yes  No |
| Have you, or any director or senior executive committed an act of grave misconduct in the course of your business or profession? | Yes  No |
| Have you failed to fulfil your obligations regarding the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which the Organisation is established? | Yes  No |
| Have you failed to fulfil your obligations regarding the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which the economic operator is established? | Yes  No |
| Are you guilty of serious misrepresentation in providing any information required of you under this regulation? | Yes  No |
| **If the answer to any of the above is yes, please give details, including any action taken to resolve the situation.** | |
|  | |

**SECTION C**: INSURANCE

You must provide all the information required in Section C: Insurance.

| **Insurance Evaluation** | **Fail** | **Pass** |
| --- | --- | --- |
| Failure by the bidding organisation to confirm that it has or, if successful, will buy the specified minimum levels of insurance. | The bidding organisation confirms that it has or, if successful, will buy the specified minimum levels of insurance in the Tender |

**Evaluation Criteria**

The bidding organisation agrees that it has or, if successful, will have in place by time of contract commencement the following minimum levels of insurance for any one claim:

|  |  |
| --- | --- |
|  | **Confirmed**  **Please select one box for each** |
| Public Liability £5 million | Yes  No |
| Employers Liability £10 million | Yes  No |

You will be asked to provide the evidence in the form of copies of policies, letters of confirmation from insurers or letters of confirmation from insurance brokers should you be awarded the contract.

**Section D: Health and Safety**

You must read the information provided in Section D: Health and Safety and confirm that you understand and agree to your undertakings as described in this section.

| **Health and Safety Evaluation** | **Fail** | **Pass** |
| --- | --- | --- |
| Failure by the bidding organisation to agree to its undertakings (on behalf of itself, consortium members or SPV members, as applicable) | The bidding organisation confirms its agreement to its undertakings (on behalf of itself and any consortium members or SPV members, as applicable) |

The following applies to organisations that are bidding for work to be undertaken in the UK.

The bidding organisation must:

* Ensure that its entire workforce and any sub contractors will comply with all relevant health and safety legislation as well as any requirements or instructions from DWT.
* Have appointed a competent person with overall responsibility for health and safety that is duly authorised in the organisation.
* Have processes in place for the identification of training needs and delivery of training to its workforce appropriate to the work for which it is bidding.
* Have processes in place for the development of risk assessments and method statements relevant to the nature of the work for which it is bidding that will identify, manage and mitigate associated risks and hazards.
* *(If it is an organisation with five or more employees)* have in place a written health and safety policy as required by Section 2(3) of the Health and Safety at Work etc Act 1974 and issue any codes of safe working practices to your workforce. This policy must provide details of the competent person or persons that have been appointed on behalf of the organisation to undertake the measures needed to comply with the requirements and prohibitions of the Management of Health and Safety at Work Regulations 1999.

DWT may verify your compliance with the above requirements at any stage of the procurement process or during the life of the contract, by means of policy checking, validation of accreditations, site audits or any other method it deems appropriate.

For further information on employers’ health and safety obligations, please visit the Health and Safety Executive website at

<http://www.hse.gov.uk/simple-health-safety/index.htm>.

Specific guidance on how to write a policy and risk assessment is available at <http://www.hse.gov.uk/simple-health-safety/write.htm>.

Please confirm that you understand and agree to comply with the conditions listed above.

|  |
| --- |
| *Please confirm as appropriate*  Yes  No |

**SECTION E - Equality and Diversity**

You must provide all the information required in Section E: Equality and Diversity in respect of the lead bidding organisation, consortium members or partners (if applicable). Your response must apply to all of the organisations you have named in your response to Section A. This applies to consortium members or special purpose vehicle members; if your response is ‘No’, this must be true for each and all members of the bidding entity. If the answer is ‘Yes’ for any member of the bidding entity, you must tell us this and provide details.

**Evaluation Criteria**

| **Equality and Diversity Evaluation** | **Fail** | **Pass** |
| --- | --- | --- |
| Failure to confirm that the bidding organisation complies with its legal obligations as outlined in question E1.  OR  Evidence of findings of unlawful discrimination by any court or industrial or employment tribunal or formal investigation and no evidence of adequate steps (or evidence of inadequate steps) taken as a consequence of any findings. | The bidding organisation confirms that it complies with all of its legal obligations as outlined in question E1.  AND  No evidence of findings of unlawful discrimination by any court or industrial or employment tribunal or formal investigation; or evidence of findings of unlawful discrimination by any court or industrial or employment tribunal or following investigation and evidence is provided of adequate steps taken as a consequence of any findings. |

With respect to question E4.3, DWT has final authority to determine whether steps taken as a consequence of any findings against an organisation are adequate or inadequate, or whether no further action was required.

E1. Does the bidding organisation comply with its legal obligations under the Equality Act 2010 (or equivalent), relating to the following?

|  |
| --- |
| ***Confirm as appropriate*** |
| Age Yes  No |
| Disability Yes  No |
| Gender reassignment Yes  No |
| Marriage and civil partnership Yes  No |
| Pregnancy and maternity Yes  No |
| Race Yes  No |
| Religion or belief Yes  No |
| Sex Yes  No |
| Sexual orientation Yes  No |
| **NOTE TO ORGANISATION:**  **It is the responsibility of the bidding organisation to keep up to date with relevant legislation and ensure it has a current understanding.** |

E2. In the last three years has any finding of unlawful discrimination been made against the bidding organisation by any court or industrial or employment tribunal?

|  |
| --- |
| *Please confirm as appropriate*  Yes  No |

E3. In the last three years has any finding of unlawful discrimination been made against the bidding organisation as a result of a formal investigation by the Equality and Human Rights Commission (EHRC) or any relevant statutory European Body?

|  |
| --- |
| *Please confirm as appropriate*  Yes  No |

E4. If the answer to either E2 or E3 was ‘Yes, provide the following information**:**

E4.1 If the bidding organisation was required to take action, did the action taken satisfy the relevant organisation?

|  |
| --- |
| *Please confirm as appropriate*  Yes  No |

E4.2 Outline what action the bidding organisation was required to take

|  |
| --- |
|  |

E4.3 Please outline what action the bidding organisation took. If the bidding organisation did not take the required action, explain why not**.**

|  |
| --- |
|  |

DWT may verify the veracity of your responses with the EHRC (and/or other bodies, as relevant) and check your compliance with any actions required to take. Where necessary, we may seek further clarification from the bidding organisation on

any details of its response

**SECTION F – GDPR**

During the course of our work with contractors and suppliers, there may be times when appropriate data, including personal data, held by DWT or its partners is shared. Please confirm below that your organisation is fully compliant with current GDPR requirements and that appropriate policies and provisions are in place to secure and protect any personal and/or commercially sensitive data. Please note – the winning bidder may be required to produce relevant policy and operational documentation.

|  |
| --- |
| *Please confirm as appropriate*  Yes  No |

**SECTION G – ENVIRONMENTAL IMPACT**

DWT is committed to working in ways which mitigate against the effects of climate change and which minimize any harmful effects on the environment and wherever possible lead to environmental net gains. To this end we aim to work with organisations which are also pro-active in seeking to make a positive impact on the environment and can evidence how they are achieving this.

Please answer the following :

|  |
| --- |
| ***Confirm as appropriate*** |
| Does the lead bidding organisation have: an environmental and/or sustainability policy in place? Yes  No |
| ISO 14001 accreditation? Yes  No |
| Investors in the Environment accreditation? Yes  No |
| Carbon Trust Standard? Yes  No |
| What other ways does the organisation evidence a progressive approach to reducing its environmental impact?  *Please answer below in not more than 250 words* |
| Has the lead bidding organisation or any of the partners / sub-contractors in this bid ever received a penalty or fine for offences under Environmental Protection Legislation? Yes  No |
| *If Yes please detail below:* |

**SECTION H – Technical Questions**

You should refer to the instructions and requirements in the Invitation to Tender Document One to decide how you should complete this section.

**Question H.1a – Previous relevant experience, qualifications and references 10%**

Having specific regard to the Invitation to Tender Document

and to assist DWT’s considerations and future decision making processes, Bidders are required to give examples of previous recent experience of delivering similar contracts, giving clarity regarding their exact roles in the work

**Evaluation Guidance**

Tenders will be evaluated on whether they have clearly set out their experience of delivering a project of this type.

|  |  |
| --- | --- |
| **Marks Awarded** | **Evaluation Criteria** |
| **0** | No response. Does not answer the question. |
| **1** | Response to the question demonstrates that the Bidder is unlikely to have sufficient experience and understanding to deliver the requirements. |
| **2** | Response to the question demonstrates that the Bidder has the experience and understanding to deliver the requirements but with minor reservations. |
| **3** | Response to the question demonstrates that the Bidder has the experience and understanding to deliver the requirements to an adequate standard. |
| **4** | Response to the question demonstrates that the Bidder has the experience and understanding to deliver the requirements an above adequate standard. |
| **5** | Excellent response to the question which demonstrates that the Bidder has exceptional experience and understanding to deliver the requirements. The response identifies how their experience will be of significant benefit to the project. |

|  |
| --- |
| *Written response: maximum of 1,000 words (bullet points acceptable)*  If a bidder exceeds the number of words set for this question, then the responses to the question will be evaluated only up to the stipulated number of words detailed.  Please note evaluators will not cross reference information from one question to another question, regardless of its relevance or quality. Evaluators will only consider information that is provided in the relevant box below and that it complies with all of the above. Any other text will be disregarded, however additional photographs and spreadsheets may be appended. |

|  |
| --- |
| Bidders Response to H1a: |

**Question H.1b –Quality application and ideas demonstrated with reference to the bidder’s relevant portfolio 40%**

**Evaluation Guidance**

Tenders will be evaluated on the strength of their methodology, ideas, plans and team.

|  |  |
| --- | --- |
| **Marks Awarded** | **Evaluation Criteria** |
| **0** | No response. Does not answer the question. |
| **1** | Response to the question demonstrates that the Bidder has not provided sufficient information or evidence to support the likely delivery of a successful project |
| **2** | Response to the question demonstrates that the Bidder has the experience and understanding with a competent team and approach to deliver the requirements but with minor reservations. |
| **3** | Response to the question demonstrates that the Bidder has the experience and understanding with a competent team and approach to deliver the requirements but with minor reservations. |
| **4** | Response to the question demonstrates that the Bidder is likely to deliver the requirements an above adequate standard. |
| **5** | Excellent response to the question which demonstrates that the Bidder has exceptional experience and understanding to deliver the requirements. The response identifies how their experience, approach and team will be of significant benefit to the project. |

|  |
| --- |
| *Written response:*  *Bidders are requested not to use more than 5000 words in total providing information in this section*  Alternatively bidders are invited to attach any appropriate documentation or links to relevant website pages to illustrate this aspect.  Bidders may use this section to outline their approach, preferred methods, timeline and any other elements which they consider relevant. Bidders should also attach any relevant CVs, details of qualifications and awards together with links to their organisation’s website, case studies and other factors which may be useful.  What is the added value which the bidder can bring to this project? |

|  |
| --- |
| Bidders Response to H1b: |

**SECTION I – Price and Value for money (weighting 50%)**

All costs that will be associated with the above tender are to be incorporated into Appendix 3 on a cost per intervention basis.

Contractors should use locally sourced materials whenever possible and recruit and utilise local volunteers in carrying out the programme as described on page 6 of ITT1.

The indicative budget for this programme of work is £40,000 to £50,000 inclusive of VAT.

Any increase of costs above the tendered sum in Appendix 3 must be authorised by Discover Brightwater and Durham Wildlife Trust staff following an official request for additional funds from the successful contractor, detailing the reason for the additionality and amount requested. Discover Brightwater makes no guarantee that additional funds will be available.

**SECTION J: CERTIFICATES AND DECLARATIONS**

**DURHAM WILDLIFE TRUST**

Invitation to Tender to become contractor for Fishburn to Holdforth Bridge River restoration.

**FORM OF TENDER**

**To:**

**djones@durhamwt.co.uk**

**Dafydd Jones**

**Natural Environment & Access Project Coordinator**

**Discover Brightwater**

**Flexspace Unit 28**

**Durham Way South**

**Newton Aycliffe**

**DL5 6ZF**

Date:

I/We hereby offer and agree to execute the whole of the work required in carrying out the above procurement in accordance with the following:

* Terms and Conditions (As outlined in the DWT Terms and Conditions Appendix 1)
* Specification (ITT Document One)
* Form of Tender and Retainer Outline and Indicative Fees
* Relevant Clarifications

We acknowledge the parties will not enter into a Contract together unless and until they execute and complete a Contract incorporating the above-mentioned documents

I/We certify that this is a bona fide Tender and that I/we have not fixed or adjusted the amount of the Tender by or under or in accordance with any agreement or arrangement with any other person.

I/We also certify that we have not done and I/we undertake that I/we will not do at any time before the hour and date specified for the return of this Tender any of the following acts: -

(a) Communicating to a person other than the person calling for those Tenders the amount or approximate amount of the proposed Tender rates and costs, except where the disclosure, in confidence, of the approximate amount of the Tender was necessary to obtain insurance premium quotations required for the preparation of the Tender;

(b) Entering into any agreement or arrangement with any other person that he shall refrain from tendering or as to the amount of any tender to be submitted;

(c) Offering or paying or giving or agreeing to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other Tender or proposed Tender for the said work any act or thing of the sort described above.

In this Certificate, the word "person" includes any persons and any body or association, corporate or unincorporated; and "any agreement or arrangement" includes any such transaction, formal or informal and whether legally binding or not.

Signed

.......................................................................................................................................

In the capacity of

.......................................................................................................................................

Duly authorised to sign Tenders and give such Certificate for an on behalf of

**(IN BLOCK CAPITALS)**

.......................................................................................................................................

Address ....................................................................................................

....................................................................................................

....................................................................................................

....................................................................................................

Date: ...............................................................................

Great care should be taken in the preparation of this tender because after it has been submitted, DWT shall not entertain any request for its alteration on the grounds that an error has been made.

No pledge is given to accept the lowest or any tender.

SECTION K: - NON COLLUSIVE

CERTIFICATE OF NON-COLLUSION AND NON-CANVASSING

Invitation to Tender to become contractor for Fishburn to Holdforth Bridge River restoration.

**To:**

**Dafydd Jones**

**Natural Environment & Access Project Coordinator**

**Discover Brightwater**

**Flexspace Unit 28**

**Durham Way South**

**Newton Aycliffe**

**DL5 6ZF**

Date:

Statement of non-canvassing

I/we hereby certify that I/we have not canvassed any member, Director, employee, representative or adviser of DWT in connection with the proposed award of the Contract by DWT, and that no person employed by me/us or acting on my/our behalf, or advising me/us, has done any such act.

I/we further hereby undertake that I/we will not canvass any member, Director, employee, representative or adviser of DWT in connection with the award of the Contract and that no person employed by me/us or acting on my/our behalf, or advising me/us, will do any such act.

**Statement of non-collusion**

The essence of selective tendering for the Contract is that DWT shall receive bona fide competitive Tenders from all Bidders.

In recognition of this principle, I/we certify that this is a bona fide offer, intended to be competitive and that I/we have not fixed or adjusted the amount of the offer in accordance with any agreement or arrangement with any other person (except any sub-contractor identified in this offer).

I/we also certify that I/we have not done, and undertake that I/we will not do, at any time any of the following acts:

* + - * 1. communicate to a person other than DWT the amount or approximate amount of my/our proposed offer except where the disclosure in confidence of the approximate value of the Tender was essential to obtain insurance premium quotations required for the preparation of the Tender; or
        2. enter into any agreement or agreements with any other person that they shall refrain from tendering or as to the amount of any offer submitted by them; or
        3. offer or agree to pay or give or actually pay or give any sum of money, inducement or valuable consideration, directly or indirectly, to any person for doing or having done or having caused to be done in relation to any other offer or proposed offer, any act or omission.

I/we agree that DWT may, in its consideration of the offer and in any subsequent actions, rely upon the statements made in this Certificate.

Signed

Name:

Position

For and on behalf of

## Tender Application Checklist:

To be eligible for us to consider your tender your must return the following completed and, where appropriate, signed documents:

* Relevant experience and qualifications including brief CV(s )of key people leading and working on the project
* Proposed approach to carrying out the work, including methodology, work programme and reporting arrangements to cover the work and evaluation.
* Proposed fee basis
* Analysis of fee into number of days’ work and daily rate, materials, expenses and other costs, VAT if applicable
* Complete ITT Schedule 2 – Tender Response Document including completed Section A pro-forma
* Completed and signed Section J– Form of Tender
* Completed and Signed Section K– Non Collusive Tendering Certificate
* Environmental Policy and evidence of how your organisation is progressively working towards reducing its carbon footprint and making a positive impact on the environment
* Equal Opportunities statement
* Names and details of two site references/referees

The deadline for hard copy or signed and scanned electronic submissions is **5.00pm Wednesday 6thth October 2021.** We will acknowledge receipt of all tenders as soon as practically possible after we have received them.

**djones@durhamwt.co.uk**

**Dafydd Jones**

**Natural Environment & Access Project Coordinator**

**Discover Brightwater**

**Flexspace Unit 28**

**Durham Way South**

**Newton Aycliffe**

**DL5 6ZF**