1. **TENDERER SELECTION QUESTIONNAIRE**

The authority confirms that it will keep confidential and will not disclose to any third parties any information obtained from a named customer contact, other than to the Cabinet Office and/or contracting authorities defined by the regulations, or pursuant to an order of the court or demand made by any competent authority or body where the authority is under a legal or regulatory obligation to make such a disclosure.

All contracting authorities, bound by the Public Contract Regulations 2015, have to use a standard supplier questionnaire as part of any procurement exercise which exceeds the EU thresholds. The Crown Commercial Service (CCS) publishes this questionnaire and Sefton Council has included it within this document as part of this particular procurement exercise.

Within the supplier Selection Questionnaire is a self-declaration by you, the potential Service Provider that you do not meet any of the grounds for exclusion[[1]](#footnote-1). If there are any grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (we call this self-cleaning).

Notes for completion

1. The “authority” means the contracting authority, or anyone acting on behalf of the contracting authority, that is seeking to invite suitable candidates to participate in this procurement process.

2. “You” / “Your” refers to the potential supplier completing this standard Selection Questionnaire i.e. the legal entity responsible for the information provided. The term “potential supplier” is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 (referred to as the “regulations”) and could be a registered company; the lead contact for a group of economic operators; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.

3. Please ensure that all questions are completed in full, and in the format requested. If the question does not apply to you, please state ‘N/A’. Should you need to provide additional information in response to the questions, please submit a clearly identified annex.

4. The authority recognises that arrangements set out in section 1.2 of the standard Selection Questionnaire, in relation to a group of economic operators (for example, a consortium) and/or use of sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the authority immediately of any change in the proposed arrangements and ensure a completed Part 1 and Part 2 is submitted for any new organisation relied on to meet the selection criteria. The authority will make a revised assessment of the submission based on the updated information.

5. Every organisation that is being relied on to meet the selection must complete and submit the self-declaration in Parts 1 and 2.

**Information and Exclusion Grounds: Parts 1 and 2**

A completed declaration provides a formal statement that the organisation making the declaration has not breached any of the exclusions grounds. Consequently we require all organisations that you will rely on to meet the selection criteria to provide a completed Part 1 and Part 2. For example these could be parent companies, affiliates, associates, or essential sub-contractors, **if they are relied upon to meet the selection criteria**. This means that where you are joining in a group of organisations, including joint ventures and partnerships, each organisation in that group must complete one of these self-declarations. Sub-contractors that you rely on to meet the selection criteria must also complete a self-declaration (although sub-contractors that are not relied upon do not need to complete the self-declaration).

All questionnaires must be clearly labelled and cross referenced to the main Tender. Additional forms must be included by the Tenderer as part of their complete Tender submission.

When completed, this form should be submitted in accordance with the instructions given in the Instructions for Completing and Submitting a Tender.

**Part 1 – General Information**

General information questions are asked for information purposes only and the responses will not be evaluated or scored. The answers do however give the evaluation panel an overview of the organisation and its structure so it is important these are completed in full.

| **Q No** | **Information** | **Assessment** |
| --- | --- | --- |
| **1.1** | **Potential Service Provider** **information** | For information |
| **1.2** | **Bidding Model, Organisation Size and Structure** | For information |
| **1.3** | **Contact details and declaration** | For information |

**Part 2 – Exclusion Grounds**

Please be mindful when you, or the organisations that you rely on to meet the selection criteria (Supporting Organisations) are completing the questionnaire, that if the response is ‘yes’ to any of the questions in Part 2, section 2 of the Selection Questionnaire (Grounds for Mandatory Exclusion), the tender submission will be rejected.

If you or your Supporting Organisations answer ‘yes’ to any question in Part 2, Section 3 (‘Grounds for Discretionary Exclusion’) the evaluating officers will assess the reasons for that answer and may reject the tender submission or may reject the use of a particular subcontractor/partner.

**Supplier Selection Questions: Part 3**

Instructions are provided in the Invitation to Tender, regarding this questionnaire and the selection questions you need to respond to and how to submit those responses. If you are bidding on behalf of a group (consortium) or you intend to use sub-contractors, you should complete all of the selection questions on behalf of the consortium and/or any sub-contractors.

If the relevant documentary evidence referred to in the Selection Questionnaire is not provided upon request and without delay we reserve the right to amend the contract award decision and award to the next compliant tenderer.

**Consequences of misrepresentation**

If you seriously misrepresent any factual information in filling in the Selection Questionnaire, and so induce an authority to enter into a contract, there may be significant consequences. You may be excluded from the procurement procedure, and from bidding for other contracts for three years. If a contract has been entered into you may be sued for damages and the contract may be rescinded. If fraud, or fraudulent intent, can be proven, you or your responsible officers may be prosecuted and convicted of the offence of fraud by false representation, and you must be excluded from further procurements for five years.

|  |  |  |
| --- | --- | --- |
| **PART 1 – POTENTIAL SUPPLIER INFORMATION** | | |
| **Section 1** | **POTENTIAL SUPPLIER INFORMATION** | |
| * 1. (a) | Please state the full name of the organisation submitting this tender (and, where applicable, the full name of the organisation acting as the lead contact where a consortium bid is being submitted): | |
|  | |
| 1.1(b)(i) | Please state the registered office address (if applicable): | |
| Address: | |
| Postcode: | |
| 1.1 (b)(ii) | Please state the registered website address (if applicable): | |
| 1.1(c) | Please state the trading status of your organisation (please state YES against the relevant status below – please select one only): | |
| * + - 1. Public Limited Company (PLC) | YES / NO |
| b) Limited Company(LTD) | YES / NO |
| c) Limited Liability Partnership (LLP) | YES / NO |
| d) other Partnership | YES / NO |
| e) Sole Trader | YES / NO |
| f) Third sector | YES / NO |
| g) Other. Please specify:………………………………………………… | YES / NO |
| 1.1(d) | Date of registration in your country of origin (please state dd/mm/yyyy) | |
|  | |
| 1.1(e) | Please state the company registration number (or N/A) | |
|  | |
| 1.1(f) | Please state the charity registration number (or N/A) | |
|  | |
| 1.1(g) | Please state your head office DUNS number (or N/A) | |
|  | |
| 1.1(h) | Please state the registered VAT number (or N/A) | |
|  | |
| 1.1(i)(i) | Is your organisation registered with the appropriate professional or trade register(s) in the member state where it is established? | YES / NO / N/A |
| 1.1(i)(ii) | If you responded yes to 1.1(i)(i) above please provide the relevant details, including the registration number(s) below | |
|  | |
| 1.1(j)(i) | Is it a legal requirement in the state where you are established for you to possess a particular authorisation, or to be a member of a particular organisation, in order to provide the services specified in this procurement? | YES / NO |
| 1.1(j)(ii) | If you responded yes to 1.1(j)(i) above please provide additional details of what is required and confirmation that you have complied with this below | |
|  | |
| 1.1(k) | Please state the trading name(s) that will be used if successful in this procurement | |
|  | |
| 1.1(l) | Relevant classifications (please state whether you fall within one of these, and if so which one) | |
| 1. Voluntary Community Social Enterprise (VCSE) | YES / NO |
| 1. Sheltered Workshop | YES / NO |
| 1. Public Service Mutual | YES / NO |
| 1.1(m) | Are you a Small, Medium or Micro Enterprise (SME)[[2]](#footnote-2) | YES / NO |
| 1.1(n) | Details of Persons of Significant Control (PSC)[[3]](#footnote-3) where appropriate: | |
| Name: | |
| Date of birth: | |
| Nationality: | |
| Country, state or part of the UK where the PSC usually lives: | |
| Service address: | |
| The date he/she became a PSC in relation to the company (for existing companies the 6 April 2016 should be used) | |
| Which conditions for being a PSC are met: | |
| Over 25% (up to and including) 50% | YES / NO |
| More than 50% and less than 75% | YES / NO |
| 75% or more | YES / NO |
| 1.1(o) | Please state the name of the immediate parent company and provide details below (or state N/A) | |
| Full name of immediate parent company: | |
| Registered office address: | |
| Registration number: | |
| Head office DUNS number: | |
| Head office VAT number: | |
| 1.1(p) | Please state the name of the ultimate parent company and provide details below (or state N/A) | |
| Full name of ultimate parent company: | |
| Registered office address: | |
| Registration number: | |
| Head office DUNS number: | |
| Head office VAT number: | |
| 1.1(q) | Please state the contact details for orders/enquiries which should be used if your organisation is awarded the contract | |
| Company Name:  Address:  Postcode:  Telephone:  Fax:  Contact Name:  Position:  Email Address: |  |

|  |  |  |
| --- | --- | --- |
| **1.2** | **BIDDING MODEL, ORGANISATION SIZE AND STRUCTURE** | |
| 1.2(a)(i) | Are you bidding as the lead contact for a group of economic operators? | YES / NO |
| If yes, please provide details listed in questions   * 1.2 (a)(ii) and 1.2(a)(iii) (name of group and legal structure) * 1.2(b)(i) and (b)(ii) (sub-contractors) * 1.3(a)-(h) (contact details and declaration) * Section 2 (Grounds for Mandatory Exclusion) * Section 3 (Grounds for Discretionary Exclusion) | |
| If no, and you are a supporting bidder, please provide the name of your group at 1.2(a)(ii) for reference purposes and complete   * 1.3(a)-(h) (contact details and declaration) * Section 2 (Grounds for Mandatory Exclusion) * Section 3 (Grounds for Discretionary Exclusion) | |
| 1.2(a)(ii) | Name of group of economic operators (if applicable) | |
|  | |
| 1.2(a)(iii) | Proposed legal structure if the group of economic operators intends to form a named single legal entity prior to signing a contract, if awarded. If you do not propose to form a single legal entity, please explain the legal structure below | |
|  | |
| 1.2(b)(i) | Are you or, if applicable, the group of economic operators proposing to use sub-contractors? | YES / NO |
| 1.2(b)(ii) | If you responded yes to 1.2(b)(i) please provide additional details for each sub-contractor in the following table – we may ask them to complete this form as well | |
| |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | Name |  |  |  |  |  | | Registered address |  |  |  |  |  | | Trading status |  |  |  |  |  | | Company registration |  |  |  |  |  | | Head office (DUNS) number (or N/A) |  |  |  |  |  | | Registered VAT number |  |  |  |  |  | | Type of organisation |  |  |  |  |  | | SME (Yes/No) |  |  |  |  |  | | The role each sub-contractor will take in providing the works and/or supplies e.g. key deliverables |  |  |  |  |  | | The approximate % of the contractual obligations assigned to each sub-contractor |  |  |  |  |  | | |
| * 1. (c) | With regards to the definitions provided below, please state which type of organisation you are |  |
| Micro organisation (9 employees or fewer) | YES / NO |
| Small organisation (10-49 employees) | YES / NO |
| Medium organisation (50-249 employees) | YES / NO |
| Large organisation (250 employees or more) | YES / NO |
| How many people are there in your organisation? |  |
| How many are directly employed by the organisation? |  |

|  |  |  |
| --- | --- | --- |
| **1.3** | **CONTACT DETAILS AND DECLARATION**  **NOTE: the details here relate to the person signing the declaration only.** The authority will ONLY use the details registered on the eProcurement portal when contacting you regarding this tender submission, and all correspondence will be sent to you via the portal.   * I declare that to the best of my knowledge the answers submitted and information contained in this document are correct and accurate * I declare that upon request and without delay I will provide the certificates or documentary evidence referred to in this document. * I understand that the information will be used in the selection process to assess my organisation’s suitability to be invited to participate further in this procurement. * I understand that the authority may reject this submission in its entirety if there is a failure to answer all the relevant questions fully, or if false/misleading information or content is provided in any section. * I am aware of the consequences of serious misrepresentation. | |
| 1.3(a) | Contact name |  |
| 1.3 (b) | Name of organisation |  |
| 1.3 (c) | Role in organisation |  |
| 1.3 (d) | Phone number |  |
| 1.3 (e) | Email address |  |
| 1.3 (f) | Postal address |  |
| 1.3 (g) | Signature (electronic is acceptable) |  |
| 1.3 (h) | Date |  |

**Part 2 Exclusion Grounds**

The authority must exclude organisations from the procurement process if any of the mandatory exclusion grounds for rejection apply, unless the tenderer can provide evidence of measures taken to rectify the situation (self-cleaning).

The authority may exclude organisations from this procurement process if any of the discretionary grounds for exclusion apply.

Tenderers completing the form are advised to refer to the instructions concerning ‘self-cleaning’ prior to completing this section of the form.

**‘Self-cleaning’**

Any organisation that answers ‘Yes’ to questions in Part 2 Grounds for Exclusion should provide sufficient evidence, as directed, that provides a summary of the circumstances and any remedial action that has taken place subsequently and effectively “self cleans” the situation referred to in that question. The Tenderer has to demonstrate it has taken such remedial action, to the satisfaction of the authority in each case.

If such evidence is considered by the authority (whose decision will be final) as sufficient, the Tenderer concerned shall be allowed to continue in the procurement process. In order for the evidence referred to above to be sufficient, the Tenderer shall, as a minimum, prove that it has;

* paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
* clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and
* taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

The measures taken by the Tenderer shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the authority to be insufficient, the Tenderer shall be given a statement of the reasons for that decision.

|  |  |  |  |
| --- | --- | --- | --- |
| **PART 2 – GROUNDS FOR EXCLUSION (all questions in this section will be assessed on a Pass/Fail basis in accordance with the guidance given in Part A)** | | | |
| **Section 2** | **GROUNDS FOR MANDATORY EXCLUSION** | | |
| 2.1(a) | **Regulations 57(1) and (2)**  The detailed grounds for mandatory exclusion of an organisation are set out on this [web page](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.  Please indicate if, within the past five years you, your organisation or any other person who has powers of representation, decision or control in the organisation been convicted anywhere in the world of any of the offences within the summary below and listed on the [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf). | | |
| Participation in a criminal organisation. | YES / NO  If Yes please provide details at 2.1(b) | |
| Corruption. | YES / NO  If Yes please provide details at 2.1(b) | |
| Fraud | YES / NO  If Yes please provide details at 2.1(b) | |
| Terrorist offences or offences linked to terrorist activities | YES / NO  If Yes please provide details at 2.1(b) | |
| Money laundering or terrorist financing | YES / NO  If Yes please provide details at 2.1(b) | |
| Child labour and other forms of trafficking in human beings | YES / NO  If Yes please provide details at 2.1(b) | |
| 2.1(b) | If you have answered yes to question 2.1(a), please provide further details.   * Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction, * Identity of who has been convicted * If the relevant documentation is available electronically please provide the web address, issuing authority, precise reference of the documents. | | |
|  | | |
| 2.2 | If you have answered YES to any of the points above have measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self Cleaning) | | YES / NO |
| 2.3(a) | **Regulation 57(3)**  Has it been established, for your organisation by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which the organisation is established (if outside the UK), that the organisation is in breach of obligations related to the payment of tax or social security contributions? | | YES / NO |
| 2.3(b) | If you have answered yes to question 2.3(a), please provide further details. Please also confirm you have paid, or have entered into a binding arrangement with a view to paying, the outstanding sum including where applicable any accrued interest and/or fines. Please enlarge the box as required to accommodate the details you need to provide. | | |
|  | | |
| Please Note: the authority reserves the right to use its discretion to exclude a potential supplier where it can demonstrate by any appropriate means that the potential supplier is in breach of its obligations relating to the non-payment of taxes or social security contributions. | | | |

|  |  |  |
| --- | --- | --- |
| **Section 3** | **GROUNDS FOR DISCRETIONARY EXCLUSION** | |
| 3.1 | Regulation 57 (8)  The detailed grounds for discretionary exclusion of an organisation are set out on the [www.gov.uk](http://www.gov.uk) webpage[[4]](#footnote-4), which should be referred to before completing these questions.  Please indicate if, within the past three years, anywhere in the world any of the following situations have applied to you, your organisation or any other person who has powers of representation, decision or control in the organisation. | |
| 3.1(a) | Breach of environmental obligations?  If yes please provide details at 3.2 | YES / NO |
| 3.1(b) | Breach of social obligations?  If yes please provide details at 3.2 | YES / NO |
| 3.1(c) | Breach of labour law obligations?  If yes please provide details at 3.2 | YES / NO |
| 3.1(d) | Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation’s assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State?  If yes please provide details at 3.2 | YES / NO |
| 3.1(e) | Guilty of grave professional misconduct?  If yes please provide details at 3.2 | YES / NO |
| 3.1(f) | Entered into agreements with other economic operators aimed at distorting competition?  If yes please provide details at 3.2 | YES / NO |
| 3.1(g) | Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure?  If yes please provide details at 3.2 | YES / NO |
| 3.1(h) | Been involved in the preparation of the procurement procedure?  If yes please provide details at 3.2 | YES / NO |
| 3.1(i) | Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions?  If yes please provide details at 3.2 | YES / NO |
| 3.1(j) | Please answer the following statements | |
| 3.1(j)-(i) | The organisation is guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria.  If yes please provide details at 3.2 | YES / NO |
| 3.1(j)-(ii) | The organisation has withheld such information  If yes please provide details at 3.2 | YES / NO |
| 3.1(j)–(iii) | The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015.  If yes please provide details at 3.2 | YES / NO |
| 3.1(j)-(iv) | The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.  If yes please provide details at 3.2 | YES / NO |
| 3.2 | If you have answered Yes to any of the above, explain what measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self Cleaning) | |
|  | |

1. For the list of exclusions please see https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/551130/List\_of\_Mandatory\_and\_Discretionary\_Exclusions.pdf [↑](#footnote-ref-1)
2. See EU definition of SME: http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/ [↑](#footnote-ref-2)
3. UK Companies, Societates European (SEs) and limited liability partnerships (LLPs) will be required to identify and record the people who own or control their company. Companies, SEs, and LLPs will need to keep a PSC register, and must file the PSC information within the central public register at Companies House. See https://www.gov.uk/government/publications/guidance-to-the-people-with-significant-control-requirements-for-companies-and-limited-liability-partnerships [↑](#footnote-ref-3)
4. https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/551130/List\_of\_Mandatory\_and\_Discretionary\_Exclusions.pdf [↑](#footnote-ref-4)