TORBAY COUNCIL

Part 3 Selection Questionnaire

Contract Reference

TTRAN3220

Contract Title

Customer Relationship Management (CRM)
System

Procurement Procedure

Restricted

Maximum Period of Contract

8 Years

Return Date

05 February 2021

Return Time

12:00 Noon

Return To

www.supplyingthesouthwest.org.uk

Applicant Name

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Stage One – Standardised Selection Questionnaire

A. Information for Potential Suppliers

Potential Supplier Information and Exclusion Grounds: Part 1 & Part 2

The standard Selection Questionnaire is a self-declaration, made by you (the potential supplier), that you do not meet any of the grounds for exclusion. If there are 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).

A completed declaration of Part 1 and Part 2 provides a formal statement that the organisation making the declaration has not breached any of the exclusions grounds. Consequently we require all the 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).

When completed, this form is to be sent back to the contact point given in the procurement documents along with the selection information requested in the procurement documentation.

Alternatively you can submit the completed Exclusion Grounds of the <u>EU ESPD</u> (Part III) as a downloaded XML file to the buyer contact point along with the selection information requested in the procurement documentation.

Supplier Selection Questions: Part 3

The procurement document will provide instructions on 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 bidder.

¹ For the list of exclusion please see: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf

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 proved, 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.

B. 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. For Part 1 and Part 2 every organisation that is being relied on to meet the selection criteria must complete and submit the self-declaration.
- 6. For answers to Part 3 If you are bidding on behalf of a group, for example, a consortium, or you intend to use sub-contractors, you should complete all of the questions on behalf of the consortium and/ or any sub-contractors, providing one composite response and declaration.

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

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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.

C. Questionnaire

Part 1. Potential Supplier Information						
Section 1.	Section 1. Potential Supplier Information					
Question Number	Question	Response				
1.1(a)	Full name of the potential supplier submitting the information					
1.1(b) – (i)	Registered office address (if applicable)					
1.1(b) – (ii)	Registered website address (if applicable)	· ·				
1.1(c)	Trading status:					
	a) Public Limited Company					
	b) Limited Company					
	c) Limited Liability Partnership					
	d) Other Partnership					
	e) Sole Trader					
	f) Third Sector					
	g) Other (please specify your trading status					

Date of registration in country of origin

Charity registration number (if applicable)

Head office DUNS number (if applicable)

Company registration number (if

If applicable, is your organisation

registered with the appropriate

Registered VAT number

applicable)

Yes

No

1.1(d)

1.1(e)

1.1(f)

1.1(g)

1.1(h)

1.1(i) - (i)

	professional or trade register(s) in the member state where it is established?	N/A	
1.1(i) - (ii)	If you responded yes to 1.1(i) - (i), please provide the relevant details, including the registration number(s).		
1.1(j) - (i)	Is it a legal requirement in the state where you are established for you to possess a particular authorisation, or be	Yes	
	a member of a particular organisation in order to provide the services specified in this procurement?	No	
1.1(j) - (ii)	If you responded yes to 1.1(j) - (i), please provide additional details of what is required and confirmation that you have complied with this.		
1.1(k)	Trading name(s) that will be used if successful in this procurement.		
1.1(l)	Relevant classifications (state whether you fall within one of these, and if so which one):		
	a) Voluntary Community Social Enterprise (VCSE)		
	b) Sheltered Workshop		
	c) Public Service Mutual		
1.1(m)	Are you a Small, Medium or Micro Enterprise (SME) 2?	Yes	
	Emerphise (OWE)	No	
1.1(n)	Details of Persons of Significant Control (PSC) where	appropriate3:
	Name:		
	Date of birth:		
	Nationality:		
	Country, state or part of the UK where the PSC usually lives:		
	Service address:		
	The date he or she became a PSC in relation to the company (for existing companies the 6 April 2016 should be used):		

² See EU definition of SME: http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/
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 with the central public register at Companies House. See PSC guidance.

	Which conditions for being a PSC are met (Please enter N/A if not applicable):					
	Over 25% up to (and including) 50%					
	More than 50% and less than75%					
	 75% or more⁴ 					
1.1(o)	Details of immediate parent company (plea applicable):	se enter N/A if not				
	 Full name of the immediate parent company 					
	 Registered office address (if applicable) 					
	 Registration number (if applicable) 					
	 Head office DUNS number (if applicable) 					
	 Head office VAT number (if applicable) 					
1.1(p)	Details of ultimate parent company (please	enter N/A if not applicable):				
	Full name of the ultimate parent company					
	Registered office address (if applicable)					
	 Registration number (if applicable) 					
	 Head office DUNS number (if applicable) 					
	- Head office VAT number (if applicable)					
Diagon potos A o	riminal record shock for relevant convictions	may be undertaken for the				

Please note: A criminal record check for relevant convictions may be undertaken for the preferred suppliers and the persons of significance in control of them.

⁴ Central Government contracting authorities should use this information to have the PSC information for the preferred supplier checked before award.

Please provide the following information about your approach to this procurement:

Section 1. Bidding Model					
Question Number	Question Response				
1.2(a) - (i)	Are you bidding as the lead contact for a	Yes			
	group of economic operators?	No			
		If yes please provide de listed in questions 1.2(a (a) – (iii) and to 1.2(b) – (b) – (ii), 1.3, Section 2 a			
		provide the r group at 1.2 reference pu	idder please name of your (a) – (ii) for		
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.				
1.2(b) – (i)	Are you, or if applicable, the group of	Yes			
	economic operators proposing to use sub-contractors?				

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 Number					
Head Office DUNS Number (if applicable)					
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 contractual obligations assigned to each subcontractor					

Contact Details and Declaration

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.

Section 1.	Contact Details and Declaration			
Question Number	Question	Response		
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)	E-mail Address:			
1.3(f)	Postal Address:			
1.3(g)	Signature (electronic is acceptable):			
1.3(h)	Date:			

Part 2. Exclusion Grounds

Please answer the following questions in full. Note that every organisation that is being relied on to meet the selection must complete and submit the Part 1 and Part 2 self-declaration.

Section 2. Grounds for Mandatory Exclusion

	- Crounds for mandatory Exclusion					
Question Number	Question Response					
2.1(a)	Regulation 57(1) and (2)					
	The detailed grounds for mandatory exclusion of an organisation are set out on this <u>web page</u> , which should be referred to before completing these questions.					
	Please indicate if, within the past five years you, your organisother person who has the powers of representation, decision the organisation who has been convicted anywhere in the work the offences within the summary below and listed on the well	or control in orld of any of				
	Participation in a criminal organisation:	Yes				
	If yes please provide details at 2.1(b)	No				
	Corruption:	Yes				
	If yes please provide details at 2.1(b)	No				
	If yes please provide details at 2.1(b)	Yes				
		No				
	If was please provide details at 2.1(h)	Yes				
		No				
	Money laundering or terrorist financing:	Yes				
	If yes please provide details at 2.1(b)	No				
	Child labour and other forms of trafficking in human beings:	Yes				
	If yes please provide details at 2.1(b)	No				
2.1(b)	If you have answered yes to question 2.1(a), please provide details:	further				
	nviction was					

	Identity of who has been convicted.			
If the relevant documentation is available electronically please web address, issuing authority and precise reference of the d				
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).			
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 the United Kingdom.			
	accordance with the legal provisions 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?	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 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		
Question Number	Question	Response	
3.1	Regulation 57(8)		
	The detailed grounds for discretionary exclusion of an organis out on this web page, which should be referred to before compuestions.		
	Please indicate if, within the past three years, anywhere in the the following situations have applied to you, your organisation person who has powers of representation, decision or control organisation.	or any o	-
3.1(a)	Breach of environmental obligations?	Yes	
	If yes please provide details at 3.2	No	
3.1(b)	Breach of social obligations?	Yes	
	If yes please provide details at 3.2	No	
3.1(c)	Breach of labour law obligations?	Yes	
	If yes please provide details at 3.2	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	Yes	
	suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State?	No	
	If yes please provide details at 3.2		
3.1(e)	Guilty of grave professional misconduct?	Yes	
	If yes please provide details at 3.2	No	
3.1(f)	Entered into agreements with other economic operators	Yes	
	aimed at distorting competition? If yes please provide details at 3.2	No	

3.1(g)	Aware of any conflict of interest within the meaning of	Yes	
	regulation 24 due to the participation in the procurement procedure?		
	If yes please provide details at 3.2	No	
3.1(h)	Been involved in the preparation of the procurement procedure?	Yes	
	If yes please provide details at 3.2	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	Yes	
	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		
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	Yes	
	selection criteria.		
	If yes please provide details at 3.2		
3.1(j) – (ii)	The organisation has withheld such information. If yes please provide details at 3.2		
3.1(j) – (iii)	The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts	Yes	
	Regulations 2015. If yes please provide details at 3.2	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		
	provide misleading information that may have a material influence on decisions concerning exclusion, selection or award.	No	
	If yes please provide details at 3.2		
3.2	If you have answered Yes to any of the above, explain what me taken to demonstrate the reliability of the organisation despite of a relevant ground for exclusion? (Self Cleaning):		

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Part 3. Selection Questions⁵

Section 4.	Economic and Financial Standing			
Question Number	Question	Response		
4.1	Please Note: Applicants are required to provide the financial information they identify below, as part of their response to this Part 3 Selection Questionnaire. This information will be used at this stage to establish the Applicant's ability to provide the information and therefore meet the selection criteria. The financial information will only be assessed in relation to the highest scoring Applicant(s) as part of Torbay Council's pre-award due diligence process.			
	Are you providing a copy of your audited accounts for the last 2 years?	Yes		
	If no, are you providing one of the following, answer with Y/N in the relevant box:	No		
	(a) A statement of the turnover, Profit and Loss Account/Income Statement, Balance Sheet/Statement of	Yes		
	Financial Position and Statement of Cash Flow for the most recent year of trading for this organisation.	No		
	(b) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit	Yes		
		No		
	(c) Alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover	Yes		
	for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).	No		
4.2(a)	Where we have specified a minimum level of economic and financial standing and/ or a minimum financial	Yes		
	threshold within the evaluation criteria for this procurement, please self-certify by answering 'Yes' or 'No' that you meet the requirements set out.	No		
4.2(b)	If you are unable to provide any of the financial information set out in question 4.1 and/or have answered No to question 4.2(a) please provide			

⁵ See Action Note 8/16 Updated Standard Selection Questionnaire

an explanation for this, e.g. your organisation is a new start-up:

Section 5.	question 1.2 th	icated in the Selection Question at you are part of a wider group, details below:	
Name of Org	anisation:		
Relationship to the Supplier completing these questions:			
5.1	'	ovide parent company accounts if	Yes
	requested to at a la	No	
5.2	1	, would the parent company be willing to provide a	
	guarantee if neces	ary?	No
5.3		able to obtain a guarantee elsewhere	Yes
	(e.g. from a bank)?		No

Section 6. Technical and Professional Ability

6.1 Relevant Experience and Contract Examples

Please provide details of up to three contracts, in any combination from either the public or private sector; voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. VCSEs may include samples of grant-funded work. Contracts for supplies or services should have been performed during the past three years. Works contracts may be from the past five years.

The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.

Consortia bids should provide relevant examples of where the consortium has delivered similar requirements. If this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle is to be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (three examples are not required from each member).

Where the Supplier is a Special Purpose Vehicle, or a managing agent not intending to be the main provider of the supplies or services, the information requested should be provided in respect of the main intended provider(s) or subcontractor(s) who will deliver the contract.

If you cannot provide examples see question 6.3

	Contract 1	Contract 2	Contract 3
Name of Customer Organisation:			
Point of Contact in the Organisation:			
Position in the Organisation:			
E-mail Address:			

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Brief De	escription of Contract:			
Contrac	ct Start Date:			
Contrac	ct Completion Date:			
Estimat	ed Contract Value			
6.2	Where you intend to sub-contract a proportion of the contract, please demonstrate how you have previously maintained healthy supply chains with your sub-contractor(s). Evidence should include, but is not limited to, details of your supply chain management tracking systems to ensure performance of the contract and including prompt payment or membership of the UK Prompt Payment Code (or equivalent schemes in other countries).			
6.3	If you cannot provide at least one example for question 6.1, in no more than 500 words please provide an explanation for this e.g. your organisation is a new start-up or you have provided services in the past but not under contract.			

Section 7.	Modern Slavery Act 2015: Requirements under Modern Slavery Act 2015 ⁶		
7.1	, , , , , , , , , , , , , , , , , , ,		
	section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")?	No	
7.2	If you have answered yes to question 1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015?	Yes	
		No	
	If you have answered yes, please provide the relevant URL:		
	If you have answered no, please provide an explanation:		

Section 8. Additional Questions

Suppliers who self-certify that they meet the requirements to these additional questions will be required to provide the evidence of this if they are successful at contract award stage.

8.1	Insurance		
a)	Please self-certify whether you already have, or can commit to	Yes	
	obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:	No	
	Employer's (Compulsory) Liability Insurance* =	£5m	
	Public Liability Insurance =	£5m	
	Professional Indemnity Insurance =	£5m	
	Product Liability Insurance =	£5m	
	*It is a legal requirement that all companies hold Employer's (Compulsory) Liability Insurance of £5 million as a minimum. Please note this requirement is not applicable to Sole Traders.		

⁶ Procurement Policy Note 9/16 Modern Slavery Act 2015

8.2 Project Specific Questions to Assess Technical and Professional Ability – Mandatory Pass / Fail Requirements

Suppliers who self-certify that they meet the requirements for these questions will be required to provide evidence of this if they are successful at contract award stage. Please indicate your answer by marking 'X' in the relevant boxes.

Question Number	Question	Response
8.2.1	Has your organisation or any of your supply chain members been subject to any breaches of health and safety legislation in	Yes
	the last 5 years, applicable to the country in which you operate, on comparable projects?	No
	If you have answered yes please provide details below:	
8.2.2	Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in	Yes
	relation to the Health and Safety Executive (or equivalent body) in the last 3 years?	No
	If you have answered yes please provide details below:	
8.2.3	 has a current and valid Cyber Essentials certificate, which has been awarded by one of the government approved Cyber Essentials accreditation bodies within the most recent 12 months; or is working towards gaining a current and valid Cyber Essentials certificate and can confirm that it will have been awarded by the planned Contract commencement date; or meets the technical requirements prescribed by the Cyber Essentials Scheme and can provide evidence of verification within the most recent 12 months by a technically competent and independent third party that the organisation demonstrates compliance with Cyber Essentials technical requirements; or is exempt from complying with the requirements as it conforms to the ISO27001 standard and the Cyber Essentials requirements have been included in the scope of that standard, and have been verified as such by a certification body approved to issue a Cyber Essentials certificate by one of the government approved Cyber Essentials accreditation bodies. 	Yes

	 If you have answered yes please delete as appropriate below Our organisation has a current and valid Cyber Essentials Our organisation is working towards a current and valid Cycertificate. Our organisation meets the technical requirements prescriber Essentials Scheme. Our organisation is exempt from complying with the requirements. 	s certific ber Ess	by the
8.2.4	Please confirm that your websites and digital experiences meet Web Content Accessibility Guidelines (WCAG) to an AA standard and you can provide proof of an accessibility audit by a recognised organisation if required.	Yes	
		No	

8.3	Project Specific Questions to Assess Technical and Professions - Short Listing Questions	al Ability
Question Number	Question	% Score
8.3.1	Please demonstrate the specific and relevant skills and expertise your company has brought to similar projects within the last 5 years. Your response should include as a minimum but not be limited to the following: • understanding of the specific challenges that faced similar projects; • illustrate how similar challenges were addressed in other projects; and • detail the financial and non-financial benefits realised through implementation.	55.00%
	Evidencing Compliance	
	You need to provide copies of any certifications as appendices to accompany your response to this question.	
	Page Limit – 5 pages of A4 at Font size 12 (excluding appendices)	

8.3.2	Please outline up to three examples during the last five years of how you have met implementation requirements and how you have addressed any issues that have arisen. Your response should include as a minimum but not be limited to the following: • Service design, development and validation; • application integration; • beta implementation and testing; • data/content migration; • transaction migration; • training and mentoring; • go live management; and • service transformation. Page Limit – 5 pages of A4 at Font size 12	35.00%
Response	:	

8.3.3

Please provide details as to the how the organisation and software is compliant with the General Data Protection Regulation (GDPR).

Your response should include as a minimum but not be limited to the following:

- Your Data Protection Register Number and expiry date;
- Details of your Data Protection Officer (if applicable) and their responsibilities;
- Any relevant data protection policies and procedures;
- Details of your records of processing activities (ROPA) (if applicable);
- Processes for detecting and communicating personal data breaches;
- Details on how the system complies with the information rights of data subjects including rights of subject access, right to be forgotten and right to rectification;

 Details on how data can be deleted en-masse and automatically, according to the appropriate retention schedules;

- Details of the data protection and security training employees in your organisation receive; and
- Details of security measures (technical and physical) in place to protect the personal data processed on behalf of the authority.

Evidencing Compliance

You need to provide copies of any relevant data protection policies and procedures as appendices to accompany your response to this question.

Page Limit – 4 pages of A4 at Font size 12 (excluding appendices)

Response:

10.00%