

**Standard Selection Questionnaire for inclusion on the tender list**

**Winterstoke Road Bridge Replacement**

**Selection Questionnaire**

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| --- | --- | --- | --- | --- | --- | --- |
| Revision | Purpose | Originated | Checked | Reviewed | Authorised | Date |
| 01 | For OJEU publication | D. Roberts | T. Foster | A. Rome | A. Rome | 22-07-20 |



FOR THE: Winterstoke Road Bridge Replacement

PLEASE SUBMIT BY: **13:00 (1pm) 24 August 2020**

APPLICANT: [Input Supplier name]

# Background Information

North Somerset Council is the local authority of North Somerset. It is a unitary authority, possessing the powers of both a non-metropolitan county and district council combined. There are two parliamentary constituencies in the North Somerset boundary, the North Somerset constituency and the Weston-super-Mare constituency.

The main settlements are Weston-super-Mare and three smaller towns of Clevedon, Nailsea and Portishead.

North Somerset Council provides a full range of local government services including highways, social services, children services, planning, parks and open spaces, waste collection and disposal, property maintenance and the council is also a local education authority. It has a population of around 210,000. North Somerset borders the local government areas of Bristol, Bath and North East Somerset, Mendip and Sedgemoor.

As a contracting authority, we spend around £160 million per annum on various works, goods and services to bring benefits to the area and its residents. The Council operates out of the Town Hall, Weston-super-Mare and Castlewood, Clevedon.



The age structure in North Somerset is older with fewer younger dependents and people aged under 40. One in five people in North Somerset are aged over 65 compared to 18% in England.

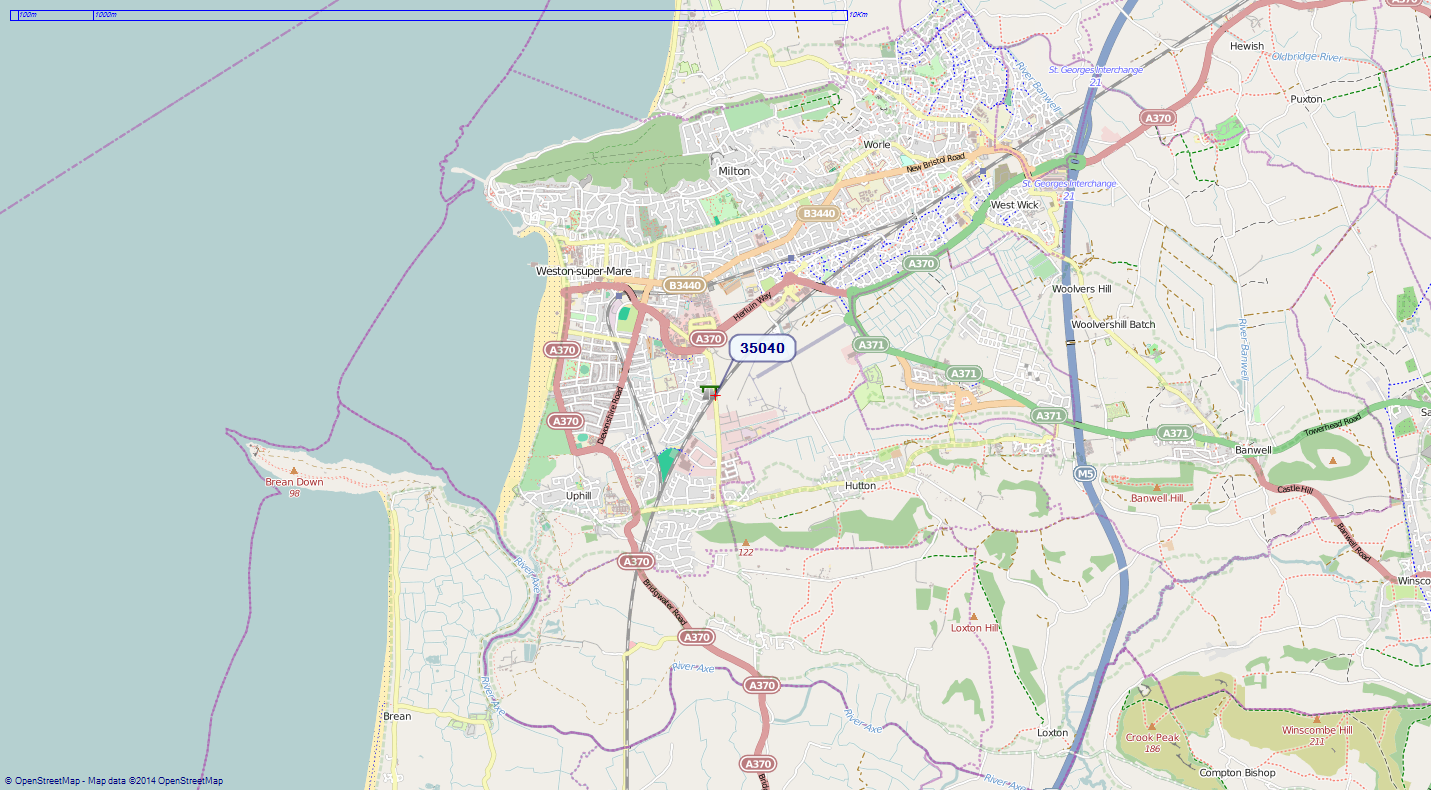
North Somerset has 18 areas \* in the most deprived quartile in the country. All of these areas are in Weston-super-Mare. There are areas in North Somerset within the most deprived 1% nationally and within the least deprived 1% nationally. This results in North Somerset having the 3rd largest inequality gap out of the 326 English districts.

\* Indices of Deprivation (ID) 2015,

[www.n-somerset.gov.uk](http://www.n-somerset.gov.uk)

# Scope of the contract

The existing bridge at Winterstoke Road carries a ‘C’ class highway across the main London-Exeter railway line and enables vehicle access to industrial and residential areas from Weston-super-Mare town centre; see Figure below. The bridge was built in 1943 by the Ministry of Defence (MOD) as part of the airfield; however, unusually on adoption of the highway asset, the ownership of the bridge structure was not transferred, so it remains a MOD owned asset. The bridge is now at the end of its design life and, without significant work or replacement, would need to be closed for use as unsafe. The existing structure currently has a 7.5t weight limit imposed. A whole life cost analysis for dealing with the structure, completed on behalf of the MOD, concluded that the preferred option is complete replacement of the bridge.



The outcome of the Project is to create a safer environment and improved accessibility for the community through the development of the Winterstoke Road Bridge.

The Project shall:

* Be satisfactory in design and construction to all stakeholders including Network Rail,
* Designed for a 120-year lifespan and to meet NSC standards where applicable,
* Satisfy all statutory processes,
* Demonstrate provision for multi-modal access including car, bus, pedestrian and cyclist,
* Eliminate, or minimise, impact to local community during construction,
* Not introduce unnecessary operational and maintenance constraints,
* Deliver social value through the scheme,
* Consider carbon management in construction with ambition to get as close to net zero carbon as possible and
* Consider sustainability classification of CEEQUAL Excellent

If possible, the project shall:

* Satisfy the reasonable requirements of local community groups,
* Enhance local environment through sensitive design and construction activities.

Generally, we would not award a contract to a supplier if the annual value of the contract was more than 50% of the supplier's turnover.

Tender Timetable

The table below outlines the indicative timetable for this project. The authority reserves the right to change this timetable.

|  |  |
| --- | --- |
| **STAGE** | **DEADLINE/ DATE** |
| SQ published on the Portal[[1]](#footnote-2) | 23rd July 2020 |
| SQ Submission deadline | 13:00 (1pm) 24 August 2020 |
| SQ Evaluation/moderation | End Aug 2020 |
| Notify Shortlisted Bidders/Issue Tender Documentation (estimated) | w/c 7 Sept 2020 |
| Tender Submission Deadline (estimated) | 2 Nov 2020 |
| Tender Evaluation Period (estimated) | Mid Nov 2020 |
| Moderation (estimated) | w/c 16 Nov 2020 |
| Issue Alcatel letters (estimated) | 17 Feb 2021 |
| Alcatel period ends (estimated) | 1 Mar 2021 |
| Contract Start Date (estimated) | Early March 2021 |

# Overview of the Supplier Appraisal Process

This stage is about obtaining and interpreting general information about you, as a potential contractor, to determine your suitability for our requirement and for working with the council.

The Selection Questionnaire stage aims to arrive at a list of suppliers who are suitable for working with us and have broadly the right capabilities to meet our requirement. We will try to strike a balance between, on the one hand, narrowing down the field sufficiently to allow an in-depth focus on a smaller group of suppliers at the tendering stage, and, on the other, ensuring that all bidders who are suitable are indeed selected to go forward and not rejected. The assessment of bidder responses (“Submissions”) at this stage will therefore have important consequences for the Project going forward.

The benefits of sending you this Selection Questionnaire (SQ) are:

* it enables us to provide a greater level of detail about project requirements than is possible in an advert, which is necessarily brief
* it allows us to elicit a more detailed response on your capacity and capability in direct relation to the requirement, and avoid having to deal with less informative (or irrelevant) general information
* all responses are ordered, structured and consistent, making the process of selection more effective. For further information on the evaluation methodology, we have provided an evaluation guidance document which can be found in Part 4.

The information you submit allows us to determine your overall capability and capacity in relation to our requirement. It is crucial to examine this information fully at this stage to ensure that only those suppliers apparently capable of meeting the requirement will be carried forward. This helps to avoid wasting your time and money and enables us to shortlist the candidates quickly down to a manageable number.

You must complete this SQ in the format given, please do not make any changes to the presentation of this SQ as this allows for ease of evaluation.

Please answer all of the questions. Failure to do so will usually mean that you will not be invited to participate further in this procurement process as we will be unable to fully assess your suitability.

There are a number of Pass/Fail sections within this SQ. These will be assessed first before the Technical and Professional ability section (Section 4) is assessed. If your Submission fails any of the initial Pass/Fail sections, the Business Capability section will **not** be assessed.

The council intends to invite 5 bidders to the Invitation to Tender stage. Those bidders will be the 5 bidders with the highest scoring submissions (using the scoring criteria as indicated in the Method of Evaluation, Table 1).

Certain questions in this SQ require applicants to self-certify matters relating to their compliance or organisation. Applicants should note that prior to reaching a contract award decision, the Council will undertake due diligence on the highest scoring Bidder. This due diligence will be conducted on the certificates and documentation supporting the highest scoring bidder's self-certified responses to the SQ. The council will request the supporting documentation from the highest scoring Bidder who must provide this without delay. The council’s contract award decision will be subject to the satisfactory completion of this due diligence. The council reserves the right to deselect an applicant or bidder prior to any award of contract, based on an assessment of the updated information. The council (acting reasonably) reserves the right not to permit changes to consortium members that play a significant role in delivering key contract requirements.

**Supplier Support**

ProActis who provide our procurement portal also offer Supplier support. For all support issues Suppliers should in the first instance log their query via the following e mail:

* ProContractSuppliers@proactis.com

If the query is of a time sensitive nature they also have an Emergency Contact number:

* 0330 0050352

In the first instance Suppliers should log their call using the e mail address.

**Standard Selection Questionnaire**

**Potential Supplier Information and Exclusion Grounds: Part 1 and 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[[2]](#footnote-3). 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.

**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.

**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.

**Enquiries and further information**

All queries in relation to the selection stage of the procurement process, the SQ or these explanatory notes must be made in writing and submitted using the messaging facility on the Proactis Procurement Portal: [www.supplyingthesouthwest.org.uk](http://www.supplyingthesouthwest.org.uk) to be received by the council no later than 13:00 (1pm) 19 August 2020

The council intends to copy both the query raised and the council’s responses to all organisations who have expressed an interest except where in its opinion the response relates to information that is commercially confidential.

Applicants should not approach any member of the council in relation to the procurement or the procurement process, other than by using the messaging facility on the Procurement Portal.

Winterstoke Road Bridge Replacement

**DN486590**

**Notes for completion**

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

2. “You”/ “Your” or “supplier” means the potential supplier completing this standard Selection Questionnaire **i.e. the legal entity seeking to be invited to the next stage of the procurement process and responsible for the information provided.** The term ‘supplier’ is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 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. Failure to do so may result in your submission being disqualified. If the question does not apply to you, please state clearly ‘N/A’. All information provided must be in English or accompanied by a certified translation.

4. Should you need to provide additional Appendices in response to the questions, these should be numbered clearly and listed as part of your declaration.

5. 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.

6. For Part 1 and Part 2 every organisation that is being relied on to meet the selection must complete and submit the self-declaration.

7. 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.

8. Please upload a completed version of this document via the procurement portal [www.supplyingthesouthwest.org.uk](http://www.supplyingthesouthwest.org.uk). Any attached files must be clearly named with both your company name and the subject matter of the data.

9. You should note that the procurement documents are draft documents at this stage, providing indicative information of the council’s intended approach in the procurement process and are for general information only. The council reserves the right to vary, amend and update any aspects of the procurement documents and final details and versions of the procurement documents will be confirmed to applicants successful in being selected to participate in the relevant tender stages of the procurement procedure.

10. The council reserves the right to restrict and control access to the procurement documents and information in order to protect the confidential nature of information which the council makes available throughout the procurement procedure and therefore some information may only be made available to applicants shortlisted and invited to the relevant tender stages of the procurement procedure.

11. In completing their SQ submissions, applicants should not assume that the council has any prior knowledge of the applicant, its practice, reputation or its involvement in existing services, projects or procurements. In evaluating SQ submissions, except as set out in paragraph 12 below, the Council will only consider information provided in response to this SQ (which include customer references sought regarding the contracts included in Section 6 responses of the SQ).

12. Notwithstanding paragraph 11 above, the council may take account of any prior knowledge it has of the applicant, its practice, reputation or its involvement in existing services, projects or procurements to the extent that such knowledge indicates that information contained in the applicant’s SQ submission is false, misleading or inaccurate.

**Sub-contracting arrangements**

13. Where the bidder proposes to use one or more sub-contractors to deliver some or all of the contract requirements, a separate Appendix should be used to provide details of the proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for. Details are requested under Part 1 of this SQ.

14. The authority recognises that arrangements in relation to sub-contracting may be subject to future change, and may not be finalised until a later date. However, bidders should be aware that where information provided to the authority indicates that sub-contractors are to play a significant role in delivering key contract requirements, any changes to those sub-contracting arrangements may affect the ability of the bidder to proceed with the procurement process or to provide the supplies and/or services required. Bidders should therefore notify the authority immediately of any change in the proposed sub-contractor arrangements. The authority reserves the right to deselect the bidder prior to any award of contract, based on an assessment of the updated information.

15. Please note that the authority may require the consortium to assume a specific legal form if awarded the contract, to the extent that a specific legal form is deemed by the authority as being necessary for the satisfactory performance of the contract.

16. Where you are proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV), you should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity in a separate Appendix.

‘**Self-cleaning’**

17. Any bidder that answers ‘Yes’ to questions within part 2 should provide sufficient evidence, in a separate Appendix, 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 bidder 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 economic operator concerned shall be allowed to continue in the procurement process.

In order for the evidence referred to above to be sufficient, the bidder 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 bidder 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 bidder shall be given a statement of the reasons for that decision.

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

**Part 1: Potential supplier Information**

| **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) |  |
| 1.1 (d) | Date of registration in country of origin |  |
| 1.1 (e) | Company registration number (if applicable) |  |
| 1.1 (f) | Charity registration number (if applicable) |  |
| 1.1 (g) | Head office DUNS number (if applicable) |  |
| 1.1 (h) | Registered VAT number |  |
| 1.1 (i) – (i) | If applicable, 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), 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 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), 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)[[3]](#footnote-4)? | Yes  No |
| 1.1(n) | Details of Persons of Significant Control (PSC), where appropriate:[[4]](#footnote-5)  - 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);  - Which conditions for being a PSC are met;  - Over 25% up to (and including) 50%,  - More than 50% and less than 75%,  - 75% or more. [[5]](#footnote-6)  (Please enter N/A if not applicable) |  |
| 1.1(o) | Details of immediate parent company:  - 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)  (Please enter N/A if not applicable) |  |
| 1.1(p) | Details of ultimate parent company:  - 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)  (Please enter N/A if not applicable) |  |

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

|  |  |  |
| --- | --- | --- |
|  | **Bidding model** | |
| **Question number** | **Question** | **Response** |
| 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), (a) (iii) and  to 1.2(b) (i), (b) (ii), 1.3, Section 2  and 3.  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, Section 2 and 3 |
| 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 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 subcontractor 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 subcontractor 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.

|  |  |  |
| --- | --- | --- |
|  | **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** | |
| --- | --- | --- |
| **Question number** | **Question** | **Response** |
| 2.1(a) | **Regulations 57(1) and (2)**  The detailed grounds for mandatory exclusion of an organisation are set out on this  [webpage](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 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** | **Response** |
| 3.1 | **Regulation 57 (8)**  The detailed grounds for discretionary exclusion of an organisation are set out on this  [webpage](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 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?  . | Yes  No  If Yes please provide details at 3.2 |
| 3.1 (b) | Breach of social obligations? | Yes  No  If Yes please provide details at 3.2 |
| 3.1 (c) | Breach of labour law obligations? | Yes  No  If Yes please provide details at 3.2 |
| 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? | Yes  No  If Yes please provide details at 3.2 |
| 3.1 (e) | Guilty of grave professional misconduct? | Yes  No  If Yes please provide details at 3.2 |
| 3.1 (f) | Entered into agreements with other economic operators aimed at distorting competition? | Yes  No  If Yes please provide details at 3.2 |
| 3.1 (g) | Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure? | Yes  No  If Yes please provide details at 3.2 |
| 3.1 (h) | Been involved in the preparation of the procurement procedure? | Yes  No  If Yes please provide details at 3.2 |
| 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? | Yes  No  If Yes please provide details at 3.2 |
| 3.1 (j)  3.1 (j) – (i)  3.1 (j) – (ii)  3.1 (j) – (iii)  3.1 (j) – (iv) | Please answer the following statements  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.  The organisation has withheld such information.  The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015.  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. | Yes  No  If Yes please provide details at 3.2  Yes  No  If Yes please provide details at 3.2  Yes  No  If Yes please provide details at 3.2  Yes  No  If Yes please provide details at 3.2 |
| 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) |  |

**Part 3: Selection Questions[[6]](#footnote-7)**

|  |  |  |
| --- | --- | --- |
| **Section 4** | **Economic and Financial Standing** | |
|  | **Question** | **Response** |
| 4.1 | Please provide one of the following to demonstrate your economic/financial standing;  Please indicate your answer with an ‘X’ in the relevant box. | |
| a) A copy of your audited accounts for the most recent two years. | Yes  No |
| (b) A statement of the turnover, Profit and Loss Account/Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year of trading for this organisation. | Yes  No |
| (c) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position. | Yes  No |
| (d) Alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover 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). | Yes  No |
| 4.2 | Where we have specified a minimum level of economic and financial standing and/ or a minimum financial threshold within the evaluation criteria for this procurement, please self-certify by answering ‘Yes’ or ‘No’ that you meet the requirements set out. | Yes  No |

|  |  |  |
| --- | --- | --- |
| **Section 5** | **If you have indicated in the Selection Questionnaire question 1.2 that you are part of a wider group, please provide further details below:** | |
| **Name of organisation** | |  |
| **Relationship to the Supplier completing these questions** | |  |
| 5.1 | Are you able to provide parent company accounts if requested to at a later stage? | Yes  No |
| 5.2 | If yes, would the parent company be willing to provide a guarantee if necessary? | Yes  No |
| 5.3 | If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)? | Yes  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 this requirement. These should link to the examples provided in Section 9 (Professional and Technical Experience) and should include demonstrating experience of ECI, working in a rail environment and working in a spirit of mutual trust and co-operation. Our requirements are more particularly set out in the Scope (Preamble, Volumes 1 and 2) that form part of the tender documents.  Example contracts may be from the past five years.  VCSE’s may include samples of grant-funded work.  The named customer 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 will 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 sub-contractor(s) who will deliver the contract.  If you cannot provide examples see question 6.3. |

|  |  |
| --- | --- |
|  | Contract 1 |
| Name of customer organisation |  |
| Point of contact in the organisation |  |
| Position in the organisation |  |
| Email address |  |
| Description of contract |  |
| Contract start date |  |
| Contract completion date |  |
| Estimated contract value |  |
|  | Contract 2 |
| Name of customer organisation |  |
| Point of contact in the organisation |  |
| Position in the organisation |  |
| Email address |  |
| Description of contract |  |
| Contract start date |  |
| Contract completion date |  |
| Estimated contract value |  |
|  | Contract 3 |
| Name of customer organisation |  |
| Point of contact in the organisation |  |
| Position in the organisation |  |
| Email address |  |
| Description of contract |  |
| Contract start date |  |
| Contract completion date |  |
| Estimated contract value |  |

|  |  |
| --- | --- |
| **Section 6** | **Technical and Professional Ability** |
| 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 questions 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 a contract. |

|  |  |  |
| --- | --- | --- |
| **Section 7** |  | |
| 7.1 | Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")? | Yes  No |
| 7.2 | If you have answered yes to question 7.1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015? | Yes  Please provide the relevant url to view the statement …  No  Please provide an explanation |

**8. Additional Questions**

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

| **Section 8** | **Additional Questions** | |
| --- | --- | --- |
| **8.1** | **Insurance** | |
| a. | Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated in the published conditions of contract.  Y/N  Stage 1 - PSC Contract   |  |  |  | | --- | --- | --- | | **Event** | **Minimum amount of cover** | **period following Completion of the whole of the *service* or termination** | | The *Consultant's* failure to use the skill and care normally used by a competent and qualified professional consultant experienced in carrying out services similar to the *service* in relation to projects of a similar size, nature, value, scope, timescale and complexity to the Project | **£20,000,000.00 (Twenty Million Pounds)**  in respect of each claim, without limit to the number of claims. | **Twelve (12) years** | | Loss of or damage to property and liability for bodily injury to or death of a person (not an employee of the *Consultant*) arising from or in connection with the *Consultant* Providing the Service | **£10,000,000.00 (Ten Million Pounds)**  in respect of each claim, without limit to the number of claims. | **Two (2) years** | | Death of or bodily injury to employees of the *Consultant* arising out of and in the course of their employment in connection with the contract | **£10,000,000.00 Ten Million Pounds)**  in respect of each claim, without limit to the number of claims. | **Two (2) years** |   Stage 2 – ECC Contract  The minimum amount of cover for insurance against loss of or damage to property (except, the *works*, Plant and Materials and Equipment) and liability for bodily injury to or death of a person (not an employee of the *Contractor*) arising from or in connection with the *Contractor* Providing the Works for any one event is **One hundred and fifty five million pounds (£155,000,000).**  The minimum amount of cover for insurance against death of or bodily injury to employees of the *Contractor* arising out of and in the course of their employment in connection with this contract for any one event is **Ten million pounds (£10,000,000.00)**.  The minimum amount of insurance cover for claims made against the *Contractor* arising out of its failure to use the skill and care normally used by a competent and qualified architect or other professional consultant experienced in carrying out design works in relation to developments of a similar size, nature, value, scope, timescale and complexity to the *works* is, in respect of each claim **Twenty million pounds (£20,000,000.00)**. The period following Completion of the whole of the *works* or earlier termination for which the *Contractor* maintains insurance for claims made against it or arising out of its failure to use the required skill and care is **12 years**. | |
| **8.2** | **Skills and Apprentices[[7]](#footnote-8)** | |
| a. | Public procurement of contracts with a full life value of £10 million and above and duration of 12 months and above should be used to support skills development and delivery of the apprenticeship commitment. This policy is set out in detail in Procurement Policy Note 14/15.  Please confirm if you will be supporting apprenticeships and skills development through this contract. | Yes  No |
| b. | If yes, can you provide at a later stage documentary evidence to support your commitment to developing and investing in skills, development and apprenticeships to build a more skilled and productive workforce and reducing the risks of supply constraints and increasing labour cost inflation? | Yes  No |
| c. | Do you have a process in place to ensure that your supply chain supports skills, development and apprenticeships in line with PPN 14/15 (see guidance) and can provide evidence if requested? | Yes  No |
| **8.3** | **Steel[[8]](#footnote-9)** | |
| a. | Please describe the supply chain management systems, policies, standards and procedures you currently have in place to ensure robust supply chain management | |
|  | | |
| b. | Please provide details of previous similar projects where you have demonstrated a high level of competency and effectiveness in managing of all supply chain members involved in steel supply or production so that there was a sustainable and safe supply of steel. | |
|  | | |
| c. | Please provide all the relevant details of previous breaches of health and safety legislation in the last 5 years, applicable to the country in which you operate, on comparable projects, for both:  (i) Your company  (ii) All your supply chain members involved in the production or supply of steel. | |

**9. Project specific questions to assess Technical and Professional Ability**

Further project specific questions relating to the technical and professional ability of the supplier with regards to the nature of the contract.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| A.1 | **Health and Safety**  Please self-certify that you have accredited SSIP membership in a construction related scheme or hold OHSAS18001 which you will either have already or shortly need to convert to ISO 45001 – issued by a Conformity Assessment Body accredited to provide conformity assessment services to that standard (e.g. accredited by UKAS), for the following:   1. one or more of the following CDM duty holder roles: contractor, principal contractor, designer, principal designer; 2. general health and safety: policy and capability   If you do not have this, you will be required to provide a copy of your Health and Safety Policy that complies with current legislative requirements. This will be only requested of the highest scoring tenderer during the evaluation process.  If this policy is requested of you, please ensure that you include:  1. A statement of intent  2. Responsibilities section which sets out who is responsible for specific actions  3. The arrangements section containing the detail of what you are going to do in practice and information on how you are going to eliminate or reduce the risks of hazards in your work.  If you have any other relevant policies/procedures connected with this work, please include these alongside your tender response. This includes your requirement to manage subcontracting partners should you be subcontracting any part of the provision.  Given the specific nature of the Winterstoke Road Bridge Project, it is felt appropriate to further enquire as to a supplier’s health and safety capacity and capability. A series of further questions can be found in Annex A to this SQ. You are again being asked to self-certify. Please note that any information or evidence being requested will only be requested of the highest scoring tenderer during the evaluation process (i.e. prior to contract conclusion). If you have accredited SSIP membership in a construction related scheme or hold OHSAS18001 which you will either have already or shortly need to convert to ISO 45001 as referred to above, please note that you need only complete questions 6, 9, 15, 17, 20 and 21. Further guidance as to the actual information required will be provided to the highest scoring tenderer at the appropriate time. | | Yes  No | |
| A.2a | **Equality and Diversity** | | | |
| *For the avoidance of doubt, should question C relating to subcontractors not be relevant to your organisation for this provision, please enter “N/A”* | | | |
| a) In the last three years, has any finding of unlawful discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)? | | Yes  No | |
| b) In the last three years, has your organisation had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds or alleged unlawful discrimination? | | Yes  No | |
| If you have answered “yes” to one or both of the questions in this module, please provide, as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.  If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.  You may be excluded if you are unable to demonstrate to the Authority’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring | | | |
| c) If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | | Yes  No  N/A | |
| A.2b | Please self-certify that you are able to provide a signed and dated copy of your most recent written Equality and Diversity Policy Statement.  As an employer do you comply with your statutory obligations under the Equality Act 2010 which applies in Great Britain, or equivalent legislation in the countries in which your firm employs staff? You are again being asked to self-certify in this question. Please note that any information or evidence being requested will only be requested of the highest scoring tenderer during the evaluation process (prior to contract conclusion). Further guidance as to the actual information required will be provided to the highest scoring tenderer at the appropriate time.  If requested, your Equality & Diversity policy will be assessed in line with the guidance at 9.6, therefore please familiarise yourself with this guidance. The policy will be scored out of 5 and to pass the council’s requirements for this contract opportunity you must achieve a score of **3** or more. | | Yes ☐  No ☐  Yes ☐  No ☐ | |
| A.3a | **Environmental Management** | | | |
| Has your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last three years by any environmental regulator or authority (including local authority)? | | Yes ☐  No ☐ | |
| If your answer to the this question is “Yes”, please provide details in a separate Appendix of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served.  The Authority will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last 3 years, unless the Authority is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches. | | | |
| A.3b | If you use sub-contractors, do you have processes in place to check whether any of these organisations have been convicted or had a notice served upon them for infringement of environmental legislation?  The Authority may request evidence to demonstrate this. | | Yes  No  N/A | |
| **Questions A5 to A7 are project specific questions. Please upload a separate document with your SQ submission clearly labelled as “Project Specific Answers”** | | | | |
| A.5 | The contract includes for Early Contractor Involvement (ECI) to encourage innovation and better mitigate risks to project delivery. Using examples of previous delivery of ECI type projects, please demonstrate how you were involved in encouraging innovation. Please remember to set out your role and the result of such innovation, e.g. programme delivery improvements, whole life cost improvements, reduced risk to the client etc.  Limit your answer to a maximum of 3 projects and 2 pages of A4 at Arial font size 12 minimum. | Weighting30% | |
| A.6 | Using examples of previous delivery please demonstrate your experience in the delivery of:   * + railway bridges,   + bridges generally; and   + major structure construction.   Limit your answer to a maximum of 3 projects and 3 pages of A4 at Arial font size 12 minimum. | Weighting 40% | |
| A.7 | This project will require close collaboration with key stakeholders, including Network Rail, to ensure that works are coordinated with the railway network. Using examples of previous delivery please demonstrate your experience of managing projects with interface/ stakeholder requirements of this nature. Please provide, in particular, examples of when you have worked collaboratively with Network Rail (and others) to deliver a project safely and within challenging programme and budget constraints.  Limit your answer to a maximum of 2 pages of A4 at Arial font size 12 minimum. | | Weighting30% | |

**Declaration**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | I declare that to the best of my knowledge the answers submitted to these questions are correct. 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, and I am signing on behalf of......................... (**Insert name of supplier**).  I understand that the Authority may reject my submission if there is a failure to answer all relevant questions fully or if I provide false/misleading information. I have provided a full list of any Appendices used to provide additional information in response to questions.  I also declare that there is no conflict of interest in relation to the Authority’s requirement.  The following appendices form part of our submission: | | |  |
|  | **Section of SQ** | | **Appendix number** |  |
|  |  | |  |  |
|  |  | |  |  |
| **SQ Completed by:** | | | | |
|  | Name |  | |  |
|  | Role in organisation |  | |  |
|  | Date |  | |  |
|  | Signature |  | |  |

# 

# Part 4 Method of Evaluation

This section seeks to clarify further how each of the sections will be evaluated i.e. whether they are scored, Pass/Fail, both or alternatively are for information only.

**Table 1 details those sections that will be scored:**

|  |  |  |
| --- | --- | --- |
| **Key Section Question/s** | **Outline** | **Level** |
| 9 | **Project Specific Questions to assess Technical and Professional Ability** | Using the scoring matrix found below (Table 3) each of the responses from A5 onwards will be scored by a panel of evaluators and weighted accordingly. See Table 2 below. |

**The weighting attributed to the Project Specific Questions to assess Technical and Professional Ability section are as follows:**

**Table 2**

|  |  |  |
| --- | --- | --- |
| **Key Section Question/s** | **Outline** | **Weighting %** |
| A5 | Early Contractor Involvement experience | 30 |
| A6 | Bridge construction Design and Build | 40 |
| A7 | Collaboration with Network Rail | 30 |
|  | **Total Score** | **100** |

**Table 3 Scoring Matrix**

| **Score** | **Classification** | **Award Criteria** |
| --- | --- | --- |
| 5 | Excellent | A response that inspires high confidence as to the contractor’s capability/ capacity to deliver a project like the Winterstoke Road Bridge project. In addition to recent, pertinent experience there is clearly extensive alignment between the Winterstoke Road Bridge project and other projects undertaken by the contractor. |
| 4 | Good | A response that inspires confidence as to the contractor’s capability/ capacity to deliver a project like the Winterstoke Road Bridge project. Recent, pertinent experience is clearly demonstrated. |
| 3 | Satisfactory | A response that is acceptable, and in the main provides confidence. However, there are some very minor reservations as to the contractor’s capability/ capacity to deliver a project like the Winterstoke Road Bridge project, given the evidenced experience provided. |
| 2 | Weak | A response that leads to more than minor reservations as to the contractor’s capability/ capacity to deliver a project like the Winterstoke Road Bridge project, given the evidenced experience provided. |
| 1 | Inadequate | A response that is not acceptable, leading to serious reservations as to the experience and capability/ capacity of the contractor to deliver a project like the Winterstoke Road Bridge project. |
| 0 | Unsatisfactory | No response or response does not provide any relevant information and does not answer the question. |

**Table 4 details those sections that are Pass / Fail:**

|  |  |  |
| --- | --- | --- |
| **Key Section Question/s** | **Outline** | **Level** |
| Part 2, Section 2 | Grounds for Mandatory Exclusions | Please read the paragraph that precludes this section. |
| Part 2, Section 3 | Grounds for Discretionary Exclusion | The Authority may exclude any provider who answers ‘Yes’. |
| Part 3, Section 4 | Economic & Financial Standing | Full details must be submitted or the council reserve the right to fail the tenderer. Financial standing will be judged by the Council’s Finance Officers through an assessment of the company’s profitability, liquidity gearing and turnover and must be judged as acceptable to undertake the contract. Generally we would not award a contract to a supplier if the annual value of the contract was more than 50% of the supplier's turnover.  **See 9.7 below for more details.** |
| Part 3, Section 6 | Technical and Professional Ability | The responses will be judged on their relevance to this Contract opportunity.  **This is a Pass/Fail criteria.** |
| Part 3, section 8.1 | Insurance  (self-certification) | See details above – as per Section 8  **This is a Pass/Fail criteria.** |
| Part 3, Section 9 | Project specific questions to assess Technical and Professional Ability | Your response to questions A1 to A4 will be evaluated using a Pass/Fail criteria. |

9.5 **Additional guidance with regards the Health & Safety**

All questions in this section must be completed. Your Health & Safety policy as requested at Section 9 Question A.1 must be of a standard to demonstrate competence and compliance with regards to H&S legislation and will be considered in relation to the nature of each procurement.

All of the questions asked are based on legislative requirements and responses will be evaluated to ensure that the information provided corresponds to the level of risk of the work or service activity specified within the tender.

**The pass mark for this is 2.**

A score of less than **2** for any part will be considered to have failed and removed from the tender process. Where a policy is awarded a score of less than **2**, it will also be deemed to have failed and the next most economically advantageous tender will be assessed.

|  |  |
| --- | --- |
| Excellent Response, wholly compliant | 3 |
| Good response, the key information/standards are in place. Some minor omissions | 2 |
| Information submitted is inadequate | 1 |
| Significant omissions. Response wholly inadequate or no response. | 0 |

If you have self-certified that you have SSIP status or hold OHSAS18001/ISO 45001, instructions around the Health and safety policy will not apply however you may be asked to evidence your status/qualification.

9.6 **Additional guidance with regards Equalities & Diversity**

Your equality and diversity policy as requested at Section 9 Question A.2.b will be assessed using the following criteria:

* Inclusion of all 9 protected characteristics specified in the Equality Act (age, disability, race, religion or belief, sexual orientation, pregnancy and maternity, marriage or civil partnership, sex, gender reassignment)
* A statement of acknowledgement of compliance with responsibilities under the Equality Act 2010
* A statement of how equality issues are being considered by the organisation in both employment and service delivery
* A statement of how equality issues are reviewed or monitored in the organisation, including the overall responsibility for the implementation of the policy
* An action plan on how equality issues are being improved across the organisation

A point will be awarded for each fulfilled criteria which is evident in your policy. The pass mark for this is 3/5.

9.7 **Financial Evaluation**

# FINANCIAL STANDING APPRAISAL

The key objective of financial appraisal is to analyse a bidder’s financial position and ability to carry out this contact. A range of factors needs to be considered as part of the appraisal and various financial statistics, ratios and figures analysed. Once the appropriate data has been obtained a professional judgement must then be applied to the issues.

When undertaking the financial vetting, the council looks at the bidder’s most recent accounts along with those of any parent company (if applicable). These would be checked for general audit qualification issues and then analysed to give an indication of turnover and contract capacity, profitability, liquidity, net worth, asset/debt position and general stability. An Experian compact report will also be obtained and reviewed as part of the process.

Initially basic checks are made on a bidder’s title and any relevant registration details (e.g. registered number at Companies House). The council would check whether the bidder is trading or dormant and whether it has a parent company. The status of the accounts is also determined to check whether accounts submitted are for the last accounting period for which statements have been filed and whether there are later accounts that are overdue.

When considering profitability, the council looks at the profit before tax. A loss in the year would be looked at in conjunction with the balance sheet resources available to cover this loss and any losses in the preceding year which would indicate trading difficulties.

When looking at liquidity, the council uses the Current Ratio and the Acid Test ratio. The Current Ratio is a measure of financial strength and addresses the question of whether the bidder has enough current assets to meet the payment schedule of its current debts with a margin of safety for possible losses in current assets. The Acid Test ratio measures liquidity and excludes stock to just really include liquid assets.

The council would look at the bidder’s balance sheet and determine the net tangible worth of the organisation and that element that can be mobilised in a financial crisis. The council would also look at the debt (gearing) ratio, total liabilities against shareholders’ funds, and interest cover, interest paid against profit before interest and tax.

Contract limit is the size of contract that is considered ‘safe’ to award to a bidder, based on a simple comparison of the annual contract value to the annual turnover of the organisation. This gives the council an idea of financial strength to ensure that the bidder can cope financially with this size of contract. The council assesses the capacity issue of whether the bidder has the resources to carry out the work. The council also considers whether the bidder will become over-dependant on the contract in question.

The council would consider all of the above in assessing the financial standing of bidders and that of any parent, and then a judgement would be made as to the level of risk that the organisation would represent to the council. The final decision regarding the acceptability of the bidder’s financial standing relies on a degree of professional judgement from the council. If the council decides that the financial standing of the bidder is such that it does not have the ability to perform the contact and represents an unacceptable risk to the council, then the bidder will be excluded from further consideration in this procurement process.

Note:

Any contract awarded by the council will be with the company whose accounts have been submitted. However, if the accounts submitted are those of the parent company, the contract can be with the subsidiary but a parent company guarantee will be required.

**Guidance on new supplier Selection Questionnaire**

**Mandatory Exclusion Grounds**

**Public Contract Regulations 2015 R57(1), (2) and (3)**

**Public Contract Directives 2014/24/EU Article 57(1)**

**Participation in a criminal organisation**

Participation offence as defined by section 45 of the Serious Crime Act 2015

Conspiracy within the meaning of

● section 1 or 1A of the Criminal Law Act 1977 or

● article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983

where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime;

**Corruption**

Corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906;

The common law offence of bribery;

Bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010, or section 113 of the Representation of the People Act 1983;

**Fraud**

Any of the following offences, where the offence relates to fraud affecting the European Communities’ financial interests as defined by Article 1 of the convention on the protection of the financial interests of the European Communities:

* the common law offence of cheating the Revenue;
* the common law offence of conspiracy to defraud;
* fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978;
* fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006;
* fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;
* an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
* destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969;
* fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006;
* the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act;

**Terrorist offences or offences linked to terrorist activities**

Any offence:

● listed in section 41 of the Counter Terrorism Act 2008;

● listed in schedule 2 to that Act where the court has determined that there is a terrorist connection;

● under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by the previous two points;

**Money laundering or terrorist financing**

Money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002

An offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996

**Child labour and other forms of trafficking human beings**

An offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004;

An offence under section 59A of the Sexual Offences Act 2003

An offence under section 71 of the Coroners and Justice Act 2009;

An offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994

An offence under section 2 or section 4 of the Modern Slavery Act 2015

**Non-payment of tax and social security contributions**

Breach of obligations relating to the payment of taxes or social security contributions that has been established by a judicial or administrative decision.

Where any tax returns submitted on or after 1 October 2012 have been found to be incorrect as a result of:

● HMRC successfully challenging the potential supplier under the General Anti – Abuse Rule (GAAR) or the “Halifax” abuse principle; or

● a tax authority in a jurisdiction in which the potential supplier is established successfully challenging it under any tax rules or legislation that have an effect equivalent or similar to the GAAR or “Halifax” abuse principle;

● a failure to notify, or failure of an avoidance scheme which the supplier is or was involved in, under the Disclosure of Tax Avoidance Scheme rules (DOTAS) or any equivalent or similar regime in a jurisdiction in which the supplier is established

**Other offences**

Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any jurisdiction outside England, Wales and Northern Ireland

Any other offence within the meaning of Article 57(1) of the Directive created after 26th February 2015 in England, Wales or Northern Ireland

**Discretionary exclusions**

**Obligations in the field of environment, social and labour law.**

Where an organisation has violated applicable obligations in the fields of environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X to the Directive (see copy below) as amended from time to time; including the following:-

● Where the organisation or any of its Directors or Executive Officers has been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years.

● In the last three years, where the organisation has had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds of alleged unlawful discrimination.

● In the last three years, where any finding of unlawful discrimination has been made against the organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or incomparable proceedings in any jurisdiction other than the UK).

● Where the organisation has been in breach of section 15 of the Immigration, Asylum, and Nationality Act 2006;

● Where the organisation has a conviction under section 21 of the Immigration, Asylum, and Nationality Act 2006;

● Where the organisation has been in breach of the National Minimum Wage Act 1998.

**Bankruptcy, insolvency**

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;

**Grave professional misconduct**

Guilty of grave professional misconduct

**Distortion of competition**

Entered into agreements with other economic operators aimed at distorting competition

**Conflict of interest**

Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure

**Been involved in the preparation of the procurement procedure**.

**Prior performance issues**

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.

**Misrepresentation and undue influence**

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.

**Additional exclusion grounds**

**Breach of obligations relating to the payment of taxes or social security contributions.**

**ANNEX X Extract from Public Procurement Directive 2014/24/EU**

**LIST OF INTERNATIONAL SOCIAL AND ENVIRONMENTAL CONVENTIONS REFERRED TO IN ARTICLE 18(2) —**

● ILO Convention 87 on Freedom of Association and the Protection of the Right to Organise;

● ILO Convention 98 on the Right to Organise and Collective Bargaining;

● ILO Convention 29 on Forced Labour;

● ILO Convention 105 on the Abolition of Forced Labour;

● ILO Convention 138 on Minimum Age;

● ILO Convention 111 on Discrimination (Employment and Occupation);

● ILO Convention 100 on Equal Remuneration;

● ILO Convention 182 on Worst Forms of Child Labour;

● Vienna Convention for the protection of the Ozone Layer and its Montreal Protocol on substances that deplete the Ozone Layer;

● Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention);

● Stockholm Convention on Persistent Organic Pollutants (Stockholm POPs Convention)

● Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (UNEP/FAO) (The PIC Convention) Rotterdam, 10 September 1998, and its 3 regional Protocols.

**Consequences of misrepresentation**

A serious misrepresentation which induces a contracting authority to enter into a contract may have the following consequences for the signatory that made the misrepresentation:-

● The potential supplier may be excluded from bidding for contracts for three years, under regulation 57(8)(h)(i) of the PCR 2015;

● The contracting authority may sue the supplier for damages and may rescind the contract under the Misrepresentation Act 1967.

● If fraud, or fraudulent intent, can be proved, the potential supplier or the responsible officers of the potential supplier may be prosecuted and convicted of the offence of fraud by false representation under s.2 of the Fraud Act 2006, which can carry a sentence of up to 10 years or a fine (or both).

● If there is a conviction, then the company must be excluded from procurement for five years under reg. 57(1) of the PCR (subject to self-cleaning).

1. Following publication of OJEU site visits may be requested via the online Portal referred to in the ITT. [↑](#footnote-ref-2)
2. 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-3)
3. See EU definition of SME <https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en> [↑](#footnote-ref-4)
4. 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.](https://www.gov.uk/government/publications/guidance-to-the-people-with-significant-control-requirements-for-companies-and-limited-liability-partnerships) [↑](#footnote-ref-5)
5. Central Government contracting authorities should use this information to have the PSC information for the preferred supplier checked before award. [↑](#footnote-ref-6)
6. [See Action Note 8/16 Updated Standard Selection Questionnaire](https://www.gov.uk/government/collections/procurement-policy-notes) [↑](#footnote-ref-7)
7. Procurement Policy Note 14/15– Supporting Apprenticeships and Skills through Public Procurement [↑](#footnote-ref-8)
8. Procurement Policy Note 16/15– Procuring steel in major projects [↑](#footnote-ref-9)