The purpose of this Supplier Self-Certification is to assist Eastleigh Borough Council ('the Council') in the evaluation bids submitted for this open tender procedure. Under Public Contracts Regulations 2015 the Council *is* permitted to ask relevant and proportionate “suitability assessment questions”, designed to enable it to assess “whether candidates meet minimum standards of suitability, capability, legal status or financial standing”.

**Title: Lift Refurbishment - Mitchell Road, Multi Storey Car Park**

**SELF-CERTIFICATION COMPLETION**

The self-certification is designed to be self-explanatory. It should take no longer than thirty minutes to complete. The Council advertises ALL Procurement opportunities where the total contract value is estimated to be in excess of £50,000 via the South East Business Portal (SEBP) in order to seek Tender returns from suitably qualified suppliers.

This self-certification is issued electronically and MUST be by hard copy to The Head of Legal and Democratic Services at Eastleigh Borough Council, Eastleigh House, Upper Market Street, Eastleigh SO50 9YN no later than 12 NOON on 11th December 2015.

This self-certification must be completed by and should only contain information about, the organisation/party named in Question 1 which, if successful, would be the organisation/party which will contract with the Council.

In order to simplify this process, unless expressly asked please do not provide supporting documents when submitting this self-certification (e.g. certificates, corporate flyers/marketing, statements or policies). Please insert ALL answers in the space provided in the self-certification and do not refer to attached documents for your answers as these will not be reviewed or scored by the evaluation panel). Use the left mouse click to select answers to multi-choice and Yes/No questions.

**Please note**, in order to keep the self-certification concise please **do not exceed 250 words** per answer.

**It is important that suppliers note a fail to any of the sections 20-30 will automatically mean that the Invitation to Tender will be excluded from further evaluation.**

The Council may ask to see policies / certificates at a later stage, so please ensure they can be made available upon request. Applicants may also be asked to clarify their answers or provide more details about certain issues.

**SELF-CERTIFICATION EVALUATION CRITERIA**

The Self-Certification will be evaluated based on a submission made by interested party. Self-Certification submissions that fail any question from the pass/fail section will not progress any further in the process and the supplier will be informed of their exclusion via the SEBP.

**NOTE:** The Council's Self-Certification evaluation is a desk-top exercise and is based upon the information provided by the supplier’s self-Certification submission and financial evaluation as described in section 20.

Self-Certifications will be assessed in accordance with the requirements of The Public Contracts Regulations 2015. The Council will treat all applications in line with the principles of transparency, equality of treatment and non-discrimination.

The following table provides the summary scoring mechanism which will be applied by the Council's Evaluation panel.

| **Questions Ref #** | **Description** | **Score / Weighting** |
| --- | --- | --- |
| 1 -19 | Organisation Details | For Information only |
| 20 | Provision of Financial Information | Pass/Fail |
| 21 | Insurance | Pass/Fail |
| 22 - 26 | Business Practices | Pass/Fail |
| 27 - 29 | Professional Business Standing | Pass/Fail |
| 30 | Declaration Section | Pass/Fail |

**How to Contact Us:**

**Please route any queries about this self-certification to pearl.tee@eastleigh.gov.uk**

**Please complete ALL sections as indicated:**

1. Name of Business submitting this response (the party with whom the council may contract with).

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1. Contact person's name for enquiries relating to this submission.

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1. Contact person's e-mail address.

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1. Business address (who would provide services).

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1. Telephone number.

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1. Website address (if available).

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1. Please indicate size and type of organisation:

Business Size

Micro Business [0-9 employees T/O under £1.6M]

Small Business [10-49 employees T/O under £8.3M]

Medium Business [50-249 employees T/O under £41M]

Large Business [Over 250 employees T/O over £41M]

Type of organisation

Sole trader

Partnership

Limited Liability Partnership

Private limited company

Public limited company

Local authority

Voluntary / charitable / not for profit organisation

Other (please specify below)

1. If 'Other' has been selected from the above question, please provide details.

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1. If your business is a registered company, charity or any other registered organisation (including limited, non-limited or Industrial and Provident Society), please state your registration number. This must be the registration number of the Business (organisation/party) that the Council may potentially contract with.

If your organisation is a charity, and has both a charity and company registration number, please provide both.

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1. Please specify the name of the registering body.

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1. Date of registration (if this applies).

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1. Registered address (if different from the address provided in Q4).

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1. Please confirm whether or not you have formed, or are forming a consortium for the purpose of tendering for this requirement.

Yes

No

If you have answered 'No' to this question, please go to question 16 and proceed with the remainder of the self-certification.

1. If you have answered 'Yes' to Question 13, please list the names of your consortium members and their registration numbers (if applicable). Please note the Council reserves the right to obtain additional information on the consortium members.

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1. If you have answered 'Yes' to Question 13, please confirm the structure of the Consortium (e.g. One Legal Entity, Lead Organisation on behalf of the consortium, External Non-Delivering Organisation).

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1. Name of ultimate parent company (if applicable).

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1. Registration number and/or registered Charity number of parent organisation (if applicable).

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1. Please state if any director, partner, senior manager or associate of your organisation is an employee of the Council or is a relative or has any type of private or business relationship with either a Councillor or an officer employed by the Council.

Yes

No

1. If you have answered 'Yes' to Question 18 above, please give details of the relationship.

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**PASS / FAIL SECTION (Q.20 to 30 inclusive)**

1. **Provision of Financial Information**

Please indicate which of the following you will be submitting attached to this form.(you must be able to tick at least one). The more information you are able to provide by ticking the appropriate boxes below, the better the Council will be able to assess your financial standing. Any forecast financial information (e.g. Business plans, management accounts, cash flow forecasts etc.) must be duly signed by a Director/Board of the organisation. *“I/we confirm that the financial information presented as part of our submission represents a ‘true and fair view,’ is materially accurate to my/our knowledge and can be used by the Council to make an informed decision regarding our organisations financial status.”*

A copy of your audited accounts for your last two financial years.

If you qualify for the small business exemption, a copy of your statutory accounts for your last two financial years.

A statement of turnover, profit & loss account, balance sheet and a Director's/Managing Partners report (if available) for the most recent year of trading.

A statement of your cash flow forecast, projected profit & loss account and balance sheet for the current year and a bank letter outlining the current cash and credit position

Alternative means of demonstrating financial status if trading for less than one year (e.g. a copy of your business plan, cash flow forecast, details of your start-up capital/loans or management accounts).

**Business Risk Score:** Please note that the Council may obtain an independent financial appraisal report from Credit Safe.

The report provides the Council with an overall Risk Rating Score which will be used to assess the applicant’s financial standing. The Credit Safe score ratings are:

* Score of 40 or below will mean automatic "**FAIL**" of your SELF CERTIFICATION and you will be excluded from the procurement process.
* Score of 40 - 70 will be a "**PASS - SUBJECT TO**" provision of a suitable guarantee or commitment**\*\*** if/when deemed appropriate"
* Score of 70 and over is a "**PASS**"

\*\*Please confirm your commitment to obtain either a Parent Company Guarantee or Performance Bond prior to contract award, if the Council deems this necessary.Evidence of the assurance required will be requested during the tender process (if your firm is short-listed) and prior to contract award. If your organisation is unable to provide the evidence at that point, the Council will be unable to proceed with the contract award.

Yes

No

1. **Insurance:** Please confirm whether or not you have the appropriate levels of insurance cover as set out below.

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| Employer's Liability | £10 million |
| Public Liability | £10 million |

Yes

No

If you have answered 'No' to above, please confirm you are able to obtain the required levels of insurance should you be selected for tender / award.

Yes

No

1. **Business practices - Sustainability**

The Council has an ethos to reduce its carbon footprint, proactively manage and reduce its impact on the environment and its use of natural resources and to develop its Corporate Social Responsibility. Is this an approach you agree with and are willing to support?

Yes

No

1. **Business practices - Equalities**

Is it your policy as an employer to comply with anti-discrimination legislation, and to treat all people fairly and equally so that no one group of people is treated less favourably than others?

Yes

No

1. In the last three years has any finding of unlawful discrimination been made against your organisation by any court or industrial or employment tribunal or equivalent body?

Yes

No

1. In the last three years has your organisation been the subject of a formal investigation by the Equality and Human Rights Commission or an equivalent body on the grounds of alleged unlawful discrimination?

Yes

No

1. If your answer to either question 24 or 25 is “Yes”, what corrective actions, if any, did your organisation take as a result of that finding or investigation?

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1. **Professional & Business Standing - Fraud / Bribery / Concealment**

Has your organisation or any director or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?

(a) 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;

(b) 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, where the offence relates to active corruption;

(c) the offence of bribery, where the offence relates to active corruption;

(d) bribery within the meaning of section 1,2 or 6 of the Bribery Act 2010 or section 113 of the Representation of the Peoples Act 1983;

(e) fraud, 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, within the meaning of—

(i) the offence of cheating the Revenue;

(ii) the offence of conspiracy to defraud;

(iii) 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;

(iv) 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;

(v) 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;

(vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;

(vii) 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;

(viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or

(ix) making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of the Fraud Act 2006;

(f) any offence listed—

(i) in section 41 of the Counter Terrorism Act 2008(a); or

(ii) in Schedule 2 to that Act where the court has determined that there is a terrorist

connection;

(g) any offence under sections 44 to 46 of the Serious Crime Act 2007(b) which relates to an offence covered by subparagraph (f);

(h) money laundering within the meaning of section 340(11) of the Proceeds of Crime Act 2002;

(i) 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;

(j) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004(f);

(k) an offence under section 59A of the Sexual Offences Act 2003(g);

(l) an offence under section 71 of the Coroners and Justice Act 2009(h);

(m) 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; or

(f) any other offence within the meaning of Article 57(1) of the Public Sector Directive

(i) as defined by the law of any jurisdiction outside England and Wales and Northern

Ireland; or

(ii) created, after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland.

Response to Question 27:

Yes

No

1. **Professional & Business Standing - Debt / Insolvency / Tax**

Is any of the following true of your organisation?

(a) being an individual - is bankrupt or has had a debt relief order or a receiving order or administration order or bankruptcy restrictions order or a debt relief restrictions order made against him or has made any composition or arrangement with or for the benefit of his creditors or has not made any conveyance or assignment for the benefit of his creditors or appears unable to pay or to have no reasonable prospect of being able to pay, a debt within the meaning of section 268 of the Insolvency Act 1986, or article 242 of the Insolvency (Northern Ireland) Order 1989, or in Scotland has granted a trust deed for creditors or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of his estate, or is the subject of any similar procedure under the law of any other state;

(b) being a partnership constituted under Scots law - has granted a trust deed or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of its estate; or

(c) being a company or any other entity within the meaning of section 255 of the Enterprise Act 2002 - has passed a resolution or is the subject of an order by the court for the company’s winding up otherwise than for the purpose of bona fide reconstruction or amalgamation, or had a receiver, manager or administrator on behalf of a creditor appointed in respect of the company’s business or any part thereof or is the subject of similar procedures under the law of any other state?

Has your organisation or any director, partner, senior manager or associate of your organisation:

(a) been convicted of a criminal offence relating to the conduct of your business or profession;

(b) committed an act of grave misconduct in the course of your business or profession;

(c) failed to fulfil obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which you are established;

(d) failed to fulfil obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which you are established; or

e) been guilty of serious misrepresentation in providing any information required of you under Regulations 24, 25, 26 or 27 of the Public Contracts Regulations 2006 or has not provided such information in response to a request by the contracting authority.

f) been issued with any Prohibition or Improvement Notices by the HSE (Health & Safety Executive) in the past 3 years.

g) been subject to the issue of any default notices regarding contract performance in the past 3 years

Response to Question 28:

Yes

No

1. If you have answered 'Yes' to Question 27 or 28, please provide the following information:

i) The date of occurrence;

ii) What has occurred or is occurring (including details of any legal action, fines or convictions and any further guidance (e.g. subsequent advice from the investigating body));

iii) Actions which your organisation has taken to mitigate the risk of re-occurrence.

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The Council will consider the information provided in order to assess whether the organisation which has submitted the SELF CERTIFICATION response, should be excluded.

1. **Declaration: (Pass / Fail)**

I declare that to the best of my knowledge the answers submitted in this self-Certification are correct. I understand that the information will be used in the process to assess my organisation's suitability for the Council's requirement. I understand that the Council may reject this self-Certification if there is a failure to answer all relevant questions fully or if I provide false/misleading information.

FREEDOM OF INFORMATION: The Council is subject to The Freedom of Information Act 2000 (“Act”) and The Environmental Information Regulations 2004 (“EIR”). As part of the Council’s obligations under the Act or EIR, it may be required to disclose information concerning the procurement process or the resultant Contract to anyone who makes a reasonable request. If Respondents to this self-Certification consider that any of the information provided in their self-Certification submission is commercially sensitive (meaning it could reasonably cause prejudice to the organisation if disclosed to a third party) then it should be clearly marked in the table below as "Not for disclosure to third parties” together with valid reasons in support of the information being exempt from disclosure under the Act and the EIR.

| **Section Ref #** | **Self-Certification Section Description** | **Mark X if NOT for Disclosure under FOI** | **Please state valid reason why information is regarded as exempt from disclosure.** |
| --- | --- | --- | --- |
| 1 -19 | Organisation Details |  |  |
| 20 | Provision of Financial Information |  |  |
| 21 | Insurance |  |  |
| 22 - 26 | Business Practices |  |  |
| 27 - 29 | Professional Business Standing |  |  |
| 30 | Declaration Section |  |  |

When you have completed the self-Certification, please ensure that:

1) You have answered all the questions and;

2) You have read and signed the following undertaking:

I certify that the information supplied regarding the Organisation is accurate to the best of my knowledge and that I accept the conditions and undertakings requested in the Supplier Self Certification. I understand that it is a criminal offence, punishable by imprisonment, to give or offer any gift or consideration whatsoever as an inducement or reward to any servant of a public body. I also understand that any such action will result in rejection of our application to take part in the tender procedure and empower the Council to cancel any contract currently in force. I understand and agree to the conditions set out in the Freedom of Information and Environmental Information Statement.

NB. This undertaking is to be signed by a Partner, Director or authorised representative i.e. in their name on behalf of the Organisation.

I / we agree with this Declaration

Name of person completing Declaration:

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Position in Organisation:

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**Important:** The Council will not be able to process your self-Certification submission if you fail to confirm acceptance of Q.30 Declaration (tick box) and insert Name and Position in organisation.