

Standard Selection Questionnaire & Guidance for Tenderers.

Management and operation of leisure services in South Somerset

SSDC Reference:	SSDC/202001LP
ProContract Reference:	DN461382

Issue Date:	February 2020
--------------------	----------------------

Deadline for return of SSQ:	20th March 2020
------------------------------------	-----------------------------------

Contents

Executive summary	4
1 Instructions	5
2 Overview of contract requirements	6
2.1 Scope of Services	6
2.2 Further details of Commission.	6
3 Notes for Completion	8
3.1 Terminology	8
3.2 Instructions	8
3.2.1 Verification Information	8
3.2.2 Subcontracting Arrangements (if applicable)	8
3.2.3 Confidentiality	9
3.2.4 Communications	9
3.2.5 Submission of SSQ	9
3.3 Clarification of SSQ responses / Interviews	9
3.4 Amendments to SSQ Documents	9
3.5 Modification and Withdrawal	10
3.6 How the council will evaluate SSQ responses	10
3.6.1 Supplier Self-Declaration:	10
3.6.2 Evaluating SSQ Responses:	10
3.6.3 Evaluation Criteria:	10
3.6.4 Evaluation Criteria and weightings	10
3.7 The council's right to reject SSQ	13
3.8 Preparation of a tender	13
3.9 Confidentiality	14
3.10 Consortia and sub-contracting	15
3.11 Anti-Collusion Certificate	15
3.12 Conflicts of interest	16
3.13 Exclusions	16
3.14 Authority's warranties and disclaimers	17
3.15 Bribery Act / Canvassing	18
3.16 Public Services (Social Value) Act	18
3.17 Freedom of Information Act	18
3.18 Counter Terrorism and Security Act	19
3.19 Staff transfer and TUPE	19
3.20 Notification of Inventions etc.	20
3.21 Publicity	20

3.22	Transparency	21
3.23	Glossary	21
4	Standard Selection Questionnaire Structure	25
4.1	Supplier information	25
4.2	Grounds for Mandatory Exclusion	25
4.3	Grounds for Discretionary Exclusion	25
4.4	Economic and Financial Standing	26
4.5	Wider Group Details	26
4.6	Technical and Professional Ability	26
4.7	Modern Slavery Act 2015	26
4.8	Additional Questions – Standard	27
4.8.1	Insurance	27
4.8.2	Skills and Apprenticeships	27
4.8.3	Compliance with equality legislation	27
4.8.4	Environmental Management	27
4.8.5	Health and Safety	27
4.9	Additional Questions – Project Specific	27
4.10	Declaration	27
5	Standard Supplier Questionnaire	28
5.1	Supplier Information	29
5.2	Grounds for mandatory exclusion	34
5.3	Grounds for discretionary exclusion	36
5.4	Economic and financial standing	38
5.5	Wider Group Details	39
5.6	Technical and professional ability	39
5.7	Modern slavery act 2015	41
5.8	Additional Questions – Pass Fail	41
5.8.1	Insurance	41
5.8.2	Skills and Apprenticeships	42
5.8.3	Compliance with equality legislation	42
5.8.4	Environmental management	43
5.8.5	Health and safety	44
5.9	Additional Questions – Scored.	45
5.10	Declaration	47
5.11	Freedom of Information Act 2000 (FOI) Exemption Form – For Completion	48

Executive summary

Management and operation of leisure services in South Somerset

This procurement notice as advertised on 'ProContract' reference no. **DN461382** is being carried out by South Somerset District Council as the Contracting Authority (referred to as the Authority within this document). The Authority wishes to select a supplier to deliver the management and operation of leisure services in South Somerset, as described in the attached Specification of Requirements .

This procurement is being conducted in accordance with Procurement Contract Regulations 2015 using the Competitive Procedure with Negotiation.

This document relates to the Standard Selection Questionnaire (SSQ) stage of the procurement and provides guidance for the completion of the SSQ. Further detail on the evaluation and process for the next stage, the invitation to submit detailed solutions (ISDS) can be found in the draft ISDS documents.

The purpose of this questionnaire is to assist South Somerset District Council in deciding which candidates to short-list to invite to tender for operation of leisure services. The questionnaire will establish the candidate's scope of business and enable the Council to satisfy itself that the candidate has the resources and ability to perform satisfactorily.

- Stage one of this process comprises this Standard Selection Questionnaire designed as an initial assessment to identify and shortlist suitable potential candidates.
- Stage two will be the Invitation to Submit Initial Tenders (ISIT), involving those organisations identified and selected from stage one. The shortlist will be likely to include a minimum of five organisations. The Council reserve the right to select an operator or reduce the shortlist at ISIT stage and reserves the right not to negotiate.
- Stage three will be the Invitation to Submit Final Tenders (ISFT) for those bidders successful at ISIT stage. It will consist of a negotiation meeting to explore with bidders their ISIT solution followed by the opportunity for bidders to submit Revised Tenders.

1 Instructions

This SSQ, which will be used to select up to five (5) organisations to be invited to tender for the above contract, is an electronic questionnaire to be answered and submitted via the 'ProContract' tender portal.

Please read the SSQ instructions and the accompanying sections carefully that include the rules for responding to the questions and directions for submitting your completed SSQ.

The Evaluation model and criteria is included within Section 3.7.

Before submitting your completed SSQ, please ensure that:

- You have answered all questions where required
- You have enclosed all documents requested
- You have read and signed the declaration included in the SSQ.

The submission deadline is 20th March 2020 at 12 noon.

Please ensure that your answers to the SSQ questions are both accurate and complete. The Authority may exclude an organisation from the tender process at any stage if any of the representations made in their SSQ are found to be untrue.

Each organisation must bear its own costs in relation to this procurement including the costs of completing this SSQ. Under no circumstances shall the Authority be required to reimburse any organisation for any costs incurred in participating in this procurement. The Authority also reserves the right to discontinue this procurement at any time.

If you have any general questions about this SSQ or about the SSQ process, please contact the Council through the portal. Comments will be recorded, and responses published to all on an anonymous basis.

2 Overview of contract requirements

2.1 Scope of Services

The Council is committed to high quality Leisure Facility provision and currently owns the following facilities.

- Goldenstones Leisure Centre
- Wincanton Sports Centre
- Westfield Sports and Fitness Centre

The Council is also in the process of developing a new Leisure Centre for Chard, which is due to open in Autumn 2021.

The existing leisure centres are managed on the Council's behalf by LED Community Leisure (LED) through a leisure management contract until April 2021.

As a result the Council is inviting tenders from prospective partners to enter into a management contract or other arrangements to operate and maintain the facilities, including the new Leisure Centre for Chard.

The Council is also considering including Yeovil Recreation Centre in the contract.

2.2 Further details of Commission.

Contract name and authority reference	Management and operation of leisure services in South Somerset
Client team/project manager	South Somerset District Council – Lynda Pincombe
Contract Start Date	1st April 2021
Likely Contract Duration	Preferred contract term is 15 years to 25 years

- The Authority reserves the right to discontinue this procurement at any time or not to select a bidder.
- Bidders are to bear the cost of submitting a response to the SSQ.
- The Authority will not be liable for any costs incurred by the Tenderer in the preparation and submission of the SSQ including but not exclusively where the Authority decided not to proceed with the tender.
- Tenderers are responsible for allowing sufficient time to submit their SSQ. The Authority accepts no liability whatsoever for SSQs that are not submitted due to internet connectivity issues, transmission delays or errors.

Indicative Timetable

There dates are indicative only and are subject to change.

Publication of OJEU Notice and publication of Procurement Documents	w/c 10 Feb 2020
Market Interest Day	27 Feb 2020
Deadline for SSQ clarification requests	10 March 2020
Submission of completed SSQ's	20 March 2020
Completion of SSQ evaluation/appraisal	31 March 2020
Selected Candidates Invited to Submit Initial Tender (ISIT)	6 April 2020
Deadline for ISIT clarification requests	15 June 2020
ISIT submission deadline	3 July 2020
ISIT Evaluation	July 2020
Bidder Negotiation Meetings (if required)	July 2020
Invitation to Submit Revised Tenders (ISRT) if required for selected bidders	August 2020
ISRT submissions	September 2020
Evaluation of Revised Tenders	Sept/October 2020
Propose preferred bidder	November 2020
Contract start date	1 April 2021

3 Notes for Completion

3.1 Terminology

The 'Authority' means the public sector contracting authority (South Somerset District Council), or anyone acting on behalf of the contracting authority, that is seeking to invite suitable suppliers to participate in this procurement process.

'You'/'Your' or 'Supplier' 'Bidder' means the body completing these questions i.e. the legal entity seeking to be invited to the next stage of the procurement process and responsible for the information provided. The 'Supplier' is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 and could be a registered company; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.

3.2 Instructions

This Standard Selection Questionnaire (SSQ) has been designed to assess the suitability of a Supplier to deliver the authority's contract requirement(s).

If you are successful at this stage of the procurement, you will be selected for the subsequent stage of the process.

Please ensure that all questions are completed **in full** and submitted online in pdf. format. Failure to do so will result in the inability to submit your SSQ online and/or your submission being disqualified. If the question does not apply to you mark it as such, where appropriate.

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

3.2.1 Verification Information

Whilst reserving the right to request information at any time throughout the Procurement process, the authority is enabling the supplier to self-certify that there are no mandatory/discretionary grounds for excluding their organisation. The authority will only obtain such evidence after the final tender evaluation decision i.e. from the winning Supplier only. The evidence requested will relate to the specified requirements, such as the questions in section 5 of the SSQ relating to Insurance.

3.2.2 Subcontracting Arrangements (if applicable)

Where the Supplier 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.

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, Suppliers should be aware that where information provided to the authority indicates that subcontractors are to play a significant role in delivering key contract requirements, any changes to those subcontracting arrangements may affect

the ability of the Supplier to proceed with the procurement process or to provide the supplies and/or services required. Suppliers should therefore notify the authority immediately of any change in the proposed subcontractor arrangements. The authority reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

3.2.3 Confidentiality

When providing details of contracts in answering Section 5.5 (Technical and Professional Ability), the Supplier agrees to waive any contractual or other confidentiality rights and obligations associated with these contracts.

The authority reserves the right to contact the named customer contact in Section 5.5 regarding the contracts performance. The named customer contact does not owe the authority any duty of care or have any legal liability, except for any deceitful or maliciously false statements of fact.

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 Crown Commercial Service and/or contracting authorities defined by the Public Contract Regulations.

3.2.4 Communications

All questions and queries about the procurement procedure must be submitted via the 'messaging' function within the ProContract portal. Any requests for information or technical/tender queries should be posted to this page, which will be accessible and viewable by all prospective bidders to ensure a transparent and fair process.

3.2.5 Submission of SSQ

Please upload the SSQ online – hard copies or email copies **will not be accepted**.

It is your responsibility to ensure the submission is sent **on time**. Any response received after the deadline will **not be considered**.

3.3 Clarification of SSQ responses / Interviews

The Authority reserves the right to require the Tenderer to clarify its SSQ Response in writing/presentation and/or provide additional information. Tenderers must respond to any such clarification request promptly and in any event within any specific timescales set by the Authority for these purposes. Failure to respond adequately may result in the Tenderer not being selected.

3.4 Amendments to SSQ Documents

At any time prior to the Deadline for the receipt of Tenders, the Authority may modify tender documents (including supporting documents such as the Conditions of Contract) by amendment. Any such amendment will be numbered and dated and issued by the Authority to all prospective Tenderers. In order to give prospective Tenderers reasonable time in which to take the amendment into account in preparing their Tenders, the Authority may, at its discretion, extend the deadline for receipt of Tenders.

3.5 Modification and Withdrawal

Tenderers may modify their Tender prior to the Deadline via electronic submission to the portal. No Tender may be modified subsequent to the Deadline for receipt.

Tenderers may withdraw their Tender at any time prior to the Deadline by giving notice to the Authority via electronic submission to the portal.

3.6 How the council will evaluate SSQ responses

3.6.1 Supplier Self-Declaration:

In the case of this procurement the Council will ask interested parties to complete a SSQ to set out their credentials / experience in the field / market sector under tender. Prior to evaluation of tender responses, the Council will assess the Supplier Self-Declaration submitted by the candidate(s). The purpose of the Supplier Self-Declaration is to assist the Council in the evaluation bids submitted for this tender opportunity. 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”. Note: Self-declaration 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 portal.

3.6.2 Evaluating SSQ Responses:

The Council will establish an evaluation panel to review, assess and recommend award outcomes. Compliant SSQ submissions that have been received before the close date / deadline time will be evaluated against the process set out in the SSQ.

3.6.3 Evaluation Criteria:

The Council's evaluation and award decision for the SSQ will be to seek to appoint a maximum of 5 suppliers to move to the ISIT stage. The first stage of the evaluation will be to identify those bidders who pass the SQ responses and are considered acceptable suppliers. Any organisations that fail the SSQ will not be considered. Once those suppliers who pass the SSQ have been identified, the responses in 5.12 – Additional Questions of the SSQ will be evaluated and a score given to each supplier. The 5 suppliers (including ties) who score the highest in these weighted scores will then be shortlisted for the ISIT stage.

All tenderers/interested parties will be advised of our award decision in line with our tender timeline set out in the documents. Due to the commercial interests of ALL tenderers the Council will not disclose detailed information of the winning/unsuccessful bids to other parties involved in the bid process, subject to any of the obligations under the Freedom of Information Act 2000 and the Public Contracts Regulations 2015.

However a summary of tender scores will be made available.

3.6.4 Evaluation Criteria and weightings

An initial examination will be made to establish the completeness of submitted questionnaires.

All completed SSQ's received will be evaluated by appropriate officers in order to compile and agree a list of candidates who will be invited to submit an offer. The SSQ is designed to select candidates on a range of criteria. The evaluation will be based upon two elements:

1. Pass / Fail Criteria
2. Scored Criteria

3.6.4.1 Pass / Fail Criteria

A range of pass / fail assessment criteria will be applied to the responses given by candidates to Section 3 – Standard Selection Questionnaire – Candidate Responses. The assessment criteria are the minimum standards which the Council requires its Candidates to meet or exceed, including the eligibility for public contracts in regard to the grounds specified in regulation 57 (1) and (2) of the Public Contract Regulations 2015.

Whilst it is unlikely that any organisation which fails on any of the assessment criteria below will proceed to the next round of evaluation, the Council reserves the right to seek explanation from an organisation as to the incomplete nature of its application and ask for clarification and / or submission of additional or missing information where there is a mitigating explanation as to the omission, such as mistake or issues beyond the control of the organisation. This does not create a legal obligation for the Council to make such a request and each case will be considered on its own merits and with regard to the risks and implications involved should the Council decide to proceed.

If the situation arises where no candidates meet the minimum requirements, the Council reserve the right to cancel or restart the tender process.

Only those candidates who achieve an overall pass will be assessed against the scored criteria elements.

3.6.4.2 Scored Criteria

The scored criteria will be assessed using the following scale of awarding marks between 1 and 5 as detailed below:

Score	Rating	Basis for Awarding Score
0	Unacceptable	The requested response and required information is omitted/no details provided/no relevant evidence provided.
1	Poor	The response addresses some parts of the question but contains insufficient detail or explanation to evidence the Applicant's achievements and technical capability in this market and relevance to the Authority's requirements and/or overall limited evidence of and low confidence in the Applicant's technical ability, resources and/or experience to provide the Services.
2	Fair	The response addresses most parts of the question and lacks details in some aspects but provides some evidence of the Applicant's achievements and technical capability in this market and relevance to the Authority's requirements

		and/or overall fair level of confidence in the Applicant's technical ability, resources and/or experience to provide the Services.
3	Satisfactory	The response addresses all aspects of the question in sufficient detail and shows relevant evidence of the Applicant's achievements and technical capability in this market and relevance to the Authority's requirements and/or overall satisfactory evidence of and satisfactory confidence in the Applicant's technical ability, resources and/or experience to provide the Services.
4	Good	The response addresses all aspects of the question very well and shows considerable relevant evidence of the Applicant's achievements and technical capability in this market and relevance to the Authority's requirements and/or overall good evidence of and good confidence in the Applicant's technical ability, resources and/or experience to provide the Services.
5	Excellent	The response addresses all aspects of the question extremely well and in detail and shows extensive relevant evidence of the Applicant's achievements and technical capability in this market and relevance to the Authority's requirements and overall excellent evidence of and high level of confidence in the Applicant's technical ability, resources and/or experience to provide the Services.

If the evaluators feel that a Candidate is wholly incapable of meeting the Council's requirements regarding any Part of the SSQ they will receive a score of 1 for that Part. The Authority reserve the right to remove any Candidate from the procurement process that they believe are not capable of meeting the requirements of the contract – any score of 1 for a section may involve the Candidate being removed from the process.

If the situation arises where no candidates meet the minimum requirements, the Council reserve the right to cancel or restart the tender process.

3.6.4.3 Summary table of scoring model

Section	Weightings
5.1 Supplier Information	For Information Only
5.2 Grounds for Mandatory Exclusion	PASS/FAIL
5.3 Grounds for Discretionary Exclusion	PASS/FAIL
5.4 Economic and Financial Standing	PASS/FAIL
5.5 Wider Group Details	PASS/FAIL
5.6 Technical and professional ability	
5.7 Modern Slavery Act 2015	PASS/FAIL
5.8.1 Insurance	PASS/FAIL
5.8.2 Skills and apprenticeships	
5.8.3 Compliance with Equality Legislation	PASS/FAIL
5.8.4 Environmental Management	PASS/FAIL
5.8.5 Health and Safety	PASS/FAIL
5.9a ADDITIONAL QUESTIONS: Council Values and Outcomes (SCORED)	40%

Section	Weightings	
5.9b ADDITIONAL QUESTIONS: Financial Improvements (SCORED)	40%	100%
5.9c ADDITIONAL QUESTIONS: Staffing (SCORED)	20%	
	TOTAL SSQ	100%

3.7 The council's right to reject SSQ

The Council does not undertake to accept any SSQ and reserves the right without liability to Tenderers (including without limitation liability for any bid costs):

- to make a joint award
- To exclude a tender as non-compliant
- to cancel or withdraw from the tender process at any stage
- not to award a contract for the services described
- to require Tenderers promptly to clarify their Tender in writing and or provide additional information and
- to amend the terms of the ISIT including proposed timescales

The Council reserves the right to reject a Tender where:

- such Tender is submitted after the submission deadline, is completed incorrectly, is materially incomplete or otherwise fails to meet the requirements set out in this SSQ or any other requirements that have been notified to Tenderers;
- any of the circumstances set out in Public Contracts Regulations 2015 entitling the Council to disqualify the Tenderer apply to the Tenderer at any stage during the tender process regardless of whether or not such Regulations apply to this tender process;
- the tenderer is guilty of material misrepresentation in relation to its Tender submission and/or the process;
- the Tenderer contravenes any of the requirements of this SSQ;
- the Tenderer fails to respond promptly and adequately to any reasonable request from the Council for clarification or additional information;
- there is a change in identity, control, financial standing or other factor impacting on the selection and/or evaluation process affecting the Tenderer; or
- such Tender is submitted on terms that amend those set out by the Council in this SSQ including but not limited to the terms and conditions of contract,

The rejection of a Tender will not prejudice any other remedy civil or otherwise available to the Council.

The SSQ shall not confer any contractual rights on Tenderers.

3.8 Preparation of a tender

The Authority relies on Tenderers' own analysis and review of information provided. Consequently, Tenderers are solely responsible for obtaining the information which they consider is necessary in order to make decisions regarding the content of their Tender and to undertake any investigations they consider necessary to verify any information provided to them during the procurement process.

Tenderers must form their own opinions, making such investigations and taking such advice (including professional advice) as is appropriate, regarding the requirements and their Tenders, without reliance upon any opinion or other information provided by the Authority or their advisers and representatives.

Tenderers should notify the Authority promptly of any perceived ambiguity, inconsistency or omission in this ITT, any of its associated documents and/or any other information issued to them during the procurement process.

3.9 Confidentiality

The contents of this SSQ and supporting documents are being made available by the Authority on condition that:

- All material issued in connection with this SSQ will remain the property of the Authority and must be used only for the purpose of this procurement exercise. All Authority issued SSQ material must be either returned to the Authority or securely destroyed by the Tenderers (at the Authority's option) at the conclusion of the procurement exercise.
- Tenderers must at all times treat the contents of the SSQ and any related documents (together called the 'Information') as confidential, save in so far as they are already in the public domain;
- Tenderers must not disclose copy, reproduce, distribute or pass any of the Information to any other person at any time or allow any of these things to happen;
- Tenderers must not use any of the Information for any purpose other than for the purposes of submitting (or deciding whether to submit) a Tender; and
- Tenderers must not undertake any publicity activity of any kind in relation to the Tender.
- Tenderers may disclose, distribute or pass any of the Information to the Tenderer's advisers, sub-contractors or to another person provided that either:
 - This is done for the sole purpose of enabling a Tender to be submitted and the person receiving the Information undertakes in writing to keep the Information confidential on the same terms as if that person were the Tenderer; or
 - The Tenderer obtains the prior written consent of the Authority in relation to such disclosure, distribution or passing of Information; or
 - The disclosure is made for the sole purpose of obtaining legal advice from external lawyers in relation to the ITT or any agreement arising from it; or
 - The Tenderer is legally required to make such a disclosure.

- The Authority may disclose detailed information relating to Tenders to its officers, employees, agents or advisers and the Authority may make any of the documents available for private inspection by its officers, employees, agents or advisers. The Authority also reserves the right to disseminate information that is materially relevant to the procurement to all Tenderers, even if the information has only been requested by one Tenderer, subject to the duty to protect each Tenderer's commercial confidentiality in relation to its Tender (unless there is a requirement for disclosure under the FoIA).
- The Authority may consult credit reference agencies to assess the creditworthiness of a Tenderer and such information may be used in the assessment of a Tender.

3.10 Consortia and sub-contracting

It is expected that this Invitation to Tender will be responded to by single Tenderers. However, if a consortium tenders, the Authority may require that either one member of the consortium undertakes primary liability for the Services, or that the consortium forms a legal entity in accordance with [Regulation 19 of the Regulations](#).

Where a Tenderer intends to use sub-contractors, it is the Tenderer's responsibility to provide each sub-contractor with all the necessary information (having regard to the provisions relating to confidentiality in this SSQ) to enable production of their Tender. Where information about a Tenderer is requested, information must be given about all sub-contractors of that Tenderer (other than labour-only contractors).

Tenderers must ensure that all sub-contractors and consortium members and advisers comply with the requirements placed on Tenderers in this ITT.

3.11 Anti-Collusion Certificate

Any Tenderer who:

- fixes or adjusts the amount of its Tender by or in accordance with any arrangement with any other party; or
- communicates to any party other than the Authority the amount or approximate amount of its proposed Tender or information which would enable the amount or approximate amount to be calculated (except where such disclosure is made in confidence in order to obtain quotations necessary for the preparation of the Tender or insurance or any necessary security); or
- enters into any agreement or arrangement with any other party that such other party will refrain from submitting a Tender; or
- enters into any arrangement with any other party as to the amount of any Tender submitted; or

- offers or agrees to pay or give or does pay or give any sum or sums of money, inducement or valuable consideration directly or indirectly to any party for doing or having done or causing or having caused to be done in relation to any other Tender or proposed Tender, any act or omission,

will (without prejudice to any other civil remedies available to the Authority and without prejudice to any criminal liability which such conduct by a Tenderer may attract) be disqualified.

Tenderers are required to sign and return an **Anti-Collusion Certificate** as part of the procurement exercise

3.12 Conflicts of interest

The Authority requires all actual or potential conflicts of interest to be resolved to its satisfaction. Other than where the conflict of interest arises during the tender period, this must be done before the delivery of Tenders in response to this ITT. This includes any conflicts of interest arising during the Tendering and evaluation processes where a Tenderer or a subcontractor/supplier or adviser to the Tenderer is:

- the same firm or company or a member of the same group of companies as another Tenderer or a subcontractor/supplier or adviser put forward by another Tenderer in respect of the Services; or
- an adviser to or a member of the same group of companies as an adviser to the Authority.

Resolving the conflict of interest may (at the discretion of the Authority) require the withdrawal of a Tenderer or one of the Tenderers subject to the conflict of interest.

3.13 Exclusions

The issue of an ITT is not a commitment by the Authority to place an order as a result of the procurement exercise or at a later stage. The Authority reserves the right to decide not to award any Contract as a result of this procurement process.

Tenderers should note that the details of spend, volumes and potential access dates set out in this ITT are estimates only. They are not intended to provide any commitment as to the volume and/or value of the Specification of Requirements the Authority may purchase.

3.14 Authority's warranties and disclaimers

This ITT and accompanying documents reflect the Authority's current requirements for the Services. The Authority reserves, at its discretion, the right to amend these as it considers appropriate from time to time.

Whilst the information in this ITT has been prepared in good faith, it does not purport to be comprehensive or to have been independently verified. This ITT is issued on the basis that:

- Neither the Authority nor any of their advisers accept any liability, responsibility or duty of care to anyone other than the Authority for its adequacy, accuracy, completeness or for anything said or done in relation to the procurement to which this ITT relates;
- neither the Authority nor any of their professional advisers make any (express or implied) representation or warranty either about the information contained in this ITT or on which it is based, or about any written or oral information that may be made available to any Tenderer, funder, other interested person or their professional advisers;
- nothing contained in this ITT constitutes an inducement or incentive in any way to persuade an interested person to pursue its interest, make a Tender or enter into the Contract or any other related agreement;
- this ITT is not intended to provide a basis for any investment decision and should not be considered as a recommendation by the Authority or any of their advisers;
- neither this ITT nor any information supplied by the Authority should be relied on as a promise or representation as to the future;
- this ITT is neither an offer capable of acceptance nor is it intended to create a binding contract nor is it capable of creating such a contract by any subsequent actions; and
- no implied contract is to arise between the Authority and any Tenderer resulting from the issue of or any Tenderer's compliance with this ITT or matters related to it.

Each Tenderer to whom the document is sent must make its own independent assessment of the proposed terms after making such investigation and taking such professional advice as it deems necessary to determine its interest in the Contract.

Under no circumstances will the Authority be liable to a Tenderer in respect of any costs incurred by a Tenderer (whether directly or otherwise) in relation to the preparation or Submission of an offer.

Any agreement concluded as a result of this ITT will be governed by English law.

3.15 Bribery Act / Canvassing

Any Tenderers who directly or indirectly canvasses any officer, member, employee, or agent of the Authority concerning the establishment of any agreement or who directly or indirectly obtains or attempts to obtain information will be disqualified.

The Bribery Act 2010 modernises the law on bribery and came in to force on 01 July 2011. The Act requires Public Bodies to ensure that they have procedures in place to prevent bribery by persons associated with them. As part of this responsibility all Tenderers should make themselves aware of the obligations set out at <http://www.justice.gov.uk/legislation/bribery>.

3.16 Public Services (Social Value) Act

The Public Services (Social Value) Act 2012 brought in a statutory requirement for public authorities to have regard to economic, social and environmental well-being in connection with public services contracts. Tenderers should note that they may be asked to comply with particular requirements based around such considerations as part of the selection and/or award process.

3.17 Freedom of Information Act

The Authority is subject to The Freedom of Information Act 2000 ("FoIA"), Data Protection Legislation and The Environmental Information Regulations 2004 ("EIR").

As part of the Authority's duties, it may be required to disclose information concerning the procurement process, details about individuals or the Contract to anyone who makes a reasonable request.

Any information supplied, which the Tenderer considers may be potentially exempt from disclosure under the Freedom of Information Act MUST be set out in **Freedom of Information Act 2000 (FOI) Exemption Form**

The attention of Tenderers is drawn to Section 43 of the Freedom of Information Act: <http://www.legislation.gov.uk/ukpga/2000/36/section/43> which provides that information may be exempt information if it constitutes a trade secret, or if its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the Authority). Applicants are further advised that, if the Authority considers this exemption applies, it will then be necessary for the Authority to determine whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The Authority will endeavour to consult with Tenderers and have regard to comments and any objections before it releases any information to a third party under the FoIA or the EIR however the Authority will be entitled to determine in its absolute discretion whether any information is exempt from the Act and/or the EIR, or is to be disclosed in response to a request for information. The Authority must make its decision on disclosure in accordance with the provisions of the FoIA or the

EIR and can only withhold information if it is covered by an exemption from disclosure under the FoIA or the EIR.

As such the Authority will only keep confidential information that is properly confidential in its nature and then only for a reasonable amount of time.

The rights of data subjects under Data Protection Legislation will be applied in accordance with the requirements of Data Protection Legislation. Where appropriate the Authority will endeavour to consult with Tenderers and have regard to comments and any objections before it releases any information.

However the Authority will be entitled to determine in its absolute discretion whether any information is exempt from Data Protection Legislation when considering disclosure of information in response to a request for information. The Authority must make its decision on disclosure in accordance with the provisions of the Data Protection Legislation.

3.18 Counter Terrorism and Security Act

Section 29 of the Counter Terrorism and Security Act 2015 places a duty on Local Authorities in the performance of their duties to have “due regard to the need to prevent people from being drawn into terrorism”. The Act requires the Authority to ensure that its procedures help to ensure a better understanding of radicalisation so that strategies can be put in place to deal with it. As part of this responsibility all Tenderers should make themselves aware of the obligations set out at <http://www.legislation.gov.uk/ukpga/2015/6/contents>.

3.19 Staff transfer and TUPE

The Authority considers that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) will apply on the commencement of Services. The submission of a Tender and acceptance by the Authority of an offer in these circumstances will mean that the Successful Bidder may have to employ members of the incumbent consultants staff currently employed in connection with the Services (‘Transferring Employees’). Accordingly the Successful Bidder shall be deemed to have satisfied itself as to the applicability of TUPE.

The Successful Bidder shall comply with all relevant TUPE guidance and any other applicable guidance. Bidders are expected to take this and any other relevant Legislation and guidance into account and submit their Tender on that basis. The Successful Bidder will also be expected to comply with the consultation requirements in TUPE.

Bidders are advised that their Tender should take into account all costs relating to TUPE.

Bidders should also note that the Successful Bidder(s) will, at the end of the Contract with the Authority, itself be required to supply details of its workforce engaged on the Services (and that of any relevant sub-contractors and any such information as the Authority reasonably requires) so that this

information can be passed to bidders bidding for any subsequent re-tendering of the Services. Bidders are referred to the Contract for further details.

3.20 Notification of Inventions etc.

In its Tender the Tenderer will notify the Authority of:

- any invention or design the subject of Patent or Registered Design rights (or application thereof) of which the Tenderer is aware which is owned by a third party and which appears to be relevant to the performance of any resultant contract or to subsequent use by the Authority of anything required to be done or delivered under any resultant contract;
- whether it is subject to any restriction (including any export requirement or restriction) as to disclosure or use or obligation to make payments in respect of any other intellectual property (including technical information) required for the purpose of any resultant contract or subsequent use by the Authority of anything required to be done or delivered under any resultant contract;
- any allegation of infringement of intellectual property rights made against the Tenderer which pertains to the performance of any resultant contract or subsequent use by the Authority of anything required to be done or delivered under any resultant contract;
- any patent or registered design, (or application thereof) owned or controlled by the Tenderers and which appears to be relevant to the Requirements under any resultant contract, and use of which by or on behalf of the Authority may give rise to any claim.

3.21 Publicity

Tenderers are advised that the Authority may wish to make a public announcement concerning the award of the Contract and any substantial subcontracts placed down the supply chain. To this end, unless there are specific objections for doing so, Tenderers are requested to provide details of such subcontracts.

Any Tenderer who wishes to make a similar announcement, either coincident with or subsequent to Authority's announcement, must seek prior approval from the Authority's Contract.

The content of any announcement a successful Tenderer may wish to make must be cleared in advance by the Authority.

The Authority reserves the right to publish the following information once the Contract has been awarded:

- Contractor(s) Name
- Nature of goods or service to be supplied
- Award criteria

- Rationale for contract award
- Total price of the contract awarded

Under no circumstances should a successful Tenderer confirm to any third party the fact of their acceptance of an offer of contract prior to informing the Authority of their acceptance, and/or ahead of the Authority's announcement of the award of contract.

3.22 Transparency

The Authority is required to publish details of all contracts with a value over £5,000. Therefore, if you win this Tender the Contract between you and the Authority will be published in its entirety. Information may only be redacted if it is reasonably designated as confidential in accordance with [Regulation 21 of the Public Contract Regulations 2015](#). The successful Tenderer may be requested to provide a copy of the redacted Contract to the Authority once it is awarded.

3.23 Glossary

Unless the context otherwise requires, the following words and expressions used within this document shall have the following meanings:

TERM	Definition
Agreement	Shall mean Contract
Applicant	Shall mean the organisation responding to any SQ, ISIT, ISFT or any other stage as determined by the procurement procedure
Award	Shall mean the process by which the Authority shall determine to whom the Contract will be awarded in accordance with the criteria listed at Regulation 67 of the Public Contracts Regulations 2015
Authority	Shall mean South Somerset District Council and its successors, transferees and assigns.
Bid	Shall mean the Applicant's response to the Invitation to Submit Initial Tenders (ISIT)
Bidder	Shall mean Applicant
Bidder Party or Parties	Any employee, consultant, advisor, agent, officer or Sub-Contractor (of any tier) of the Bidder
Business Day	Shall mean 09:00 – 17:00 Monday to Friday with the exception of Bank Holidays
Commercially Sensitive information	Shall mean the information listed by an Applicant within its Bid at Volume Two (2) Applicant's Offer comprising the information of a commercially sensitive nature relating to the Contractor, its intellectual property rights or its business or which the Contractor has indicated to the Authority that, if disclosed by the Authority, would cause the Contractor significant commercial disadvantage or material financial loss
Competitive Procedure with Negotiation	Shall mean the public procurement procedure detailed at Regulation 30 of the Public Contracts Regulations 2015
Consortia/Consortium	Shall mean two (2) or more persons, at least one of whom is an economic operator, acting jointly for the purpose of being awarded a public contract (pursuant to Regulation 19 Public Contracts Regulations 2015)
Contract	Shall mean the Agreement between the Authority and Contractor for the execution of the Goods/Works or Services, including all documents to which reference may properly be made in order to ascertain the rights and obligations of all the parties involved

Contract Commencement Date	Shall be 1 April 2021
Contractor	Shall mean the Applicant awarded the Contract culminating from an offer to supply accepted by this Authority
Contract Period	Shall be up to twenty (20) years
Descriptive Document	The document so named containing information about the Project issued by the Authority.
Dialogue	Shall mean the opportunity provided by the Authority for the Bidders to present its solution and negotiate on its Bid
Facility/ies	Shall mean the facilities identified within the Output Specifications (Volume 4)
Instructions	As defined in Volume One (1) Instructions and Guidance Bidders
Internal Approval Process	Shall mean all or any statutory or official process or processes (or process or processes required under any governance arrangements) of the Authority or any other public or regulatory authority for the granting of all or any approval or approvals in relation to the Project and / or the award of the Contract.
ISIT (Initial Tenders)	Shall mean Invitation to Submit Initial Tenders
ISIT Documents	Shall mean as defined at section 4.1 of this Volume One (1) Instructions and Guidance to Bidders
ISIT Period	Shall mean the period from issue of this ISIT to close of dialogue and call for Final Tenders
ISFT (Final Tenders)	Shall mean Invitation to Submit Final Tenders
Lead Applicant	Shall mean the organisation leading the bidding process on behalf of its consortia or sub-contractor partners
Management Fee	Shall mean the amount which the Bidder offers to pay (or receive) from the Authority in return for delivering the Contract.
MEAT	Shall mean most economically advantageous tender from the point of view of the contracting authority in relation to the subject matter of the contract, by applying the award criteria stated in the procurement documents

Method Statement	The method statements to be prepared by the Bidder as part of the Solution to explain how the service will be delivered.
Output Specification	The Output Specification set out in Volume 4 of this ISIT (which will form Schedule 2 of the completed Contract) and which sets out the Authority's required outcomes and standards for the service to be provided
Preferred Bidder	Shall mean a Bidder that the Authority selects after evaluation of Final Tenders as their preferred partner for the Project
Project	Shall mean the procurement of an operator for the operation of the Leisure Centres and New Community Arts and Entertainment Venue
Public Contracts Regulations	Shall mean the legislation incorporated in to English law concerning public procurement, which can be found at http://www.legislation.gov.uk/uksi/2015/102/contents/made
Selection	Shall mean the process by which Applicants have been selected to move forward to the next stage of the procurement process, in accordance with the criteria listed at Regulation 58 of the Public Contracts Regulations 2015
SQ or Selection Questionnaire	SQ means the questionnaire issued to potential providers interested in being invited to take part in dialogue
Submission	<p>Shall mean the correct and proper process for submitting the Applicant's Bid electronically.</p> <p>Applicants will not send their Bids to the Authority in a paper or other 'hard' format unless specifically requested to do so within the associated bid documentation.</p> <p>Any Submissions that do not accord with the guidelines set out above shall be considered as non-compliant and will be treated as such.</p>
Transfer of Undertakings (Protection of Employment) (TUPE) Regulations 2006	Shall mean the legislation concerned with the rights and obligations relating to employers and employees on the transfer or merger of undertakings, businesses or parts of businesses, which can be found at the following http://www.legislation.gov.uk/uksi/2006/246/contents/made
Volume One (1) Instructions and Guidance to Bidders	Shall mean the document containing advice to Applicants concerning the way that the procurement process will be conducted, the way in which the documentation should be completed and shall contain information pertaining to the procurement including the specification

Volume Two (2) Agreement and Schedules	Shall mean the Contract and Schedules, which will be finalised following Contract award and are presented in draft at this stage
Volume Three (3) Output Specification	Shall mean the specifications which the Authority is expecting the Applicants to deliver the Service against.

4 Standard Selection Questionnaire Structure

4.1 Supplier information

This section will not be scored and is for information only. It is designed to gather the necessary details to understand the nature of your organisation and legal entity participating in the procurement process. A supplier may be excluded on the grounds of providing insufficient or false information.

This information refers to the organisation completing the SSQ.

4.2 Grounds for Mandatory Exclusion

The authority will exclude suppliers from the procurement if any of the mandatory grounds for rejection apply:

- Evidence of convictions (if the supplier ticks ‘Yes’ and/or the authority has other external evidence) relating to organised crime, corruption, fraud, money laundering; or
- Has been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations; and
- The supplier has failed to provide sufficient evidence of remedial action having taken place subsequently (see ‘self-cleaning’)

4.3 Grounds for Discretionary Exclusion

The authority is entitled to exclude suppliers from the procurement if any of the discretionary grounds for exclusion apply. The contracting authority will consider all the relevant circumstances and may at its discretion allow a supplier to proceed (See below paragraph on ‘Self-cleaning’).

Conflict of interest

The authority may exclude the Supplier if there is a conflict of interest which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.

Where there is any indication that a conflict of interest exists or may arise then it is the responsibility of the Supplier to inform the authority, detailing the conflict in a separate Appendix (See Appendix C for template) provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by the authority should not represent a conflict of interest for the Supplier.

‘Self-cleaning’

Any Supplier that answers a question which may result in discretionary exclusion, 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 Supplier 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 Supplier 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 Supplier 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 Supplier shall be given a statement of the reasons for that decision.

4.4 Economic and Financial Standing

Potential supplier’s responses to this section will be used to undertake an assessment of your organisation’s economic and financial standing.

4.5 Wider Group Details

Information relating to the suppliers organisational structure

4.6 Technical and Professional Ability

Contract References

These questions require the Supplier to provide details of contract examples that are relevant to the authority’s requirements.

4.7 Modern Slavery Act 2015

The authority is asking potential providers to confirm that they are compliant with the requirements under the Modern Slavery Act 2015

4.8 Additional Questions – Standard

4.8.1 Insurance

The authority is asking potential providers to self-certify that they have or will undertake to secure any required insurance in the event that they are awarded the contract.

4.8.2 Skills and Apprenticeships

The authority is asking potential providers to detail how they will support outcomes around skills and apprenticeships

4.8.3 Compliance with equality legislation

The authority is requiring providers to self-certify that they comply with equality legislation. The authority will assess any remedial action that has been taken to address any breaches of the legislation that have been noted.

4.8.4 Environmental Management

The authority is requiring providers to self-certify that the Supplier has not been convicted of breaching environmental legislation.

If any breaches have occurred, the Supplier is given the opportunity to provide further information in an Appendix.

4.8.5 Health and Safety

The authority is requiring providers to self-certify that they have a health and safety policy in place. Note that organisations with less than five employees are not required to have a health and safety policy, however, this may still be required if relevant to the procurement undertaken.

4.9 Additional Questions – Project Specific

The Council has identified three additional questions which relate to the ability of the contractor to deliver the Council's requirements and these will be scored as identified earlier in this SSQ.

4.10 Declaration

Written statement declaring the veracity of the information provided. To be signed by the Supplier representative.

A list of all the appendices included in the tender should be included.

5 Standard Supplier Questionnaire

Note – You may adjust the size of the following text boxes to suit your response.

Candidates are required to respond to the questions below. You may expand the sections provided or provide your responses on clearly cross-referenced sheets. Please make sure that where you choose to cross reference, the responses are all submitted in a single word file so that they may be printed of together.

Please note you **do not need to provide supporting documents and policies**, unless specifically requested to do so.

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 exclusion¹. 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 the Council to enter into a contract, there may be significant consequences. You may be

¹ For the list of exclusion please see

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf

excluded from the procurement procedure, and from bidding for other contracts for three years. If a contract has been entered into you may be sued for damages and the contract may be rescinded. If fraud, or fraudulent intent, can be proven, you or your responsible officers may be prosecuted and convicted of the offence of fraud by false representation, and you must be excluded from further procurements for five years.

5.1 Supplier Information

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 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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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 <input type="checkbox"/> No <input type="checkbox"/>
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.	

SECTION 1		
POTENTIAL SUPPLIER INFORMATION		
Question number	Question	Response
1.1(k)	Trading name(s) that will be used if successful in this procurement	
1.1(l)	Relevant classifications (state whether you fall within one of these, and if so which one) a) Voluntary Community Social Enterprise (VCSE) b) Sheltered Workshop c) Public service mutual	
1.1(m)	Are you a Small, Medium or Micro Enterprise (SME) ² ?	Yes <input type="checkbox"/> No <input type="checkbox"/>
1.1(n)	Details of Persons of Significant Control (PSC), where appropriate: ³ - 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. ⁴ (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)	

² See EU definition of SME: <http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/>

³ UK companies, Societates European (SEs) and limited liability partnerships (LLPs) will be required to identify and record the people who own or control their company. Companies, SEs and LLPs will need to keep a PSC register, and must file the PSC information with the central public register at Companies House. [See PSC guidance.](#)

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

SECTION 1	POTENTIAL SUPPLIER INFORMATION	
Question number	Question	Response
	<ul style="list-style-type: none"> - Registration number (if applicable) - Head office DUNS number (if applicable) - Head office VAT number (if applicable) <p>(Please enter N/A if not applicable)</p>	

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.

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

SECTION 1	BIDDING MODEL	
Question number	Question	Response
1.2(a) - (i)	Are you bidding as the lead contact for a group of economic operators?	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>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.</p> <p>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.</p>
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?	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
1.2(b) - (ii)	If you responded yes to 1.2(b)-(i) please provide additional details for each sub-contractor in the following table: we may ask them to complete this form as well.	

SECTION 1		BIDDING MODEL					
Question number	Question					Response	
	Name						
	Registered address						
	Trading status						
	Company registration number						
	Head Office DUNS number (if applicable)						
	Registered VAT number						
	Type of organisation						
	SME (Yes/No)						
	The role each sub-contractor will take in providing the works and /or supplies e.g. key deliverables						
	The approximate % of contractual obligations assigned to each sub-contractor						

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.

SOUTH SOMERSET DISTRICT COUNCIL

I understand that the authority may reject this submission in its entirety if there is a failure to answer all the relevant questions fully, or if false/misleading information or content is provided in any section.

I am aware of the consequences of serious misrepresentation.

SECTION 1	CONTACT DETAILS AND DECLARATION	
Question number	Question	Response
1.3(a)	Contact name	
1.3(b)	Name of organisation	
1.3(c)	Role in organisation	
1.3(d)	Phone number	
1.3(e)	E-mail address	
1.3(f)	Postal address	
1.3(g)	Signature (electronic is acceptable)	
1.3(h)	Date	

5.2 Grounds for mandatory exclusion

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.

In some circumstances the Authority is required by law to exclude you from participating further in this procurement.

If you cannot answer 'No' to every question in this section it is very unlikely that your application will be accepted.

Please state 'Yes' or 'No' to each question.

SECTION 2		GROUNDS FOR MANDATORY EXCLUSION	
Question number	Question	Response	
2.1(a)	<p>Regulations 57(1) and (2) The detailed grounds for mandatory exclusion of an organisation are set out on this web page and in Appendix Two, which should be referred to before completing these questions.</p> <p>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.</p>		
	Participation in a criminal organisation.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)	
	Corruption.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)	
	Fraud.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)	
	Terrorist offences or offences linked to terrorist activities	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)	
	Money laundering or terrorist financing	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)	
	Child labour and other forms of trafficking in human beings	Yes <input type="checkbox"/> No <input type="checkbox"/>	

SECTION 2		GROUNDS FOR MANDATORY EXCLUSION	
Question number	Question	Response	
		If Yes please provide details at 2.1(b)	
2.1(b)	<p>If you have answered yes to question 2.1(a), please provide further details.</p> <p>Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction,</p> <p>Identity of who has been convicted</p> <p>If the relevant documentation is available electronically please provide the web address, issuing authority, precise reference of the documents.</p>		
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 <input type="checkbox"/> No <input type="checkbox"/>	
2.3(a)	<p>Regulation 57(3)</p> <p>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?</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
2.3(b)	<p>If you have answered yes to question 2.3(a), please provide further details.</p> <p>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.</p>		

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.

5.3 Grounds for discretionary exclusion

The Authority is entitled to exclude you from consideration if any of the following apply but may decide to allow you to proceed further.

If you cannot answer 'no' to every question it is possible that your application might not be accepted.

In the event that any of the following do apply, please set out (in a separate Annex) full details of the relevant incident and any remedial action taken subsequently. The information provided will be taken into account by the Authority in considering whether or not you will be able to proceed any further in respect of this procurement exercise.

The Authority is also entitled to exclude you in the event you are guilty of serious misrepresentation in providing any information referred to within regulation 23, 24, 25, 26 or 27 of the Public Contracts Regulations 2006 or you fail to provide any such information requested by us.

Please state 'Yes' or 'No' to each question.

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 web page , 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 <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2	
3.1 (b)	Breach of social obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2	
3.1 (c)	Breach of labour law obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/> 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	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2	

SECTION 3 GROUNDS FOR DISCRETIONARY EXCLUSION		
	Question	Response
	situation arising from a similar procedure under the laws and regulations of any State?	
3.1(e)	Guilty of grave professional misconduct?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(f)	Entered into agreements with other economic operators aimed at distorting competition?	Yes <input type="checkbox"/> No <input type="checkbox"/> 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 <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(h)	Been involved in the preparation of the procurement procedure?	Yes <input type="checkbox"/> No <input type="checkbox"/> 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 <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(j)	Please answer the following statements	
3.1(j) - (i)	The organisation is guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 3.2
3.1(j) - (ii)	The organisation has withheld such information.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 3.2
3.1(j) –(iii)	The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 3.2
3.1(j)-(iv)	The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 3.2

SECTION 3 GROUNDS FOR DISCRETIONARY EXCLUSION		
	Question	Response
	material influence on decisions concerning exclusion, selection or award.	
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)	

5.4 Economic and financial standing

You may be excluded if you are unable to provide to the Authority's satisfaction.

SECTION 4 ECONOMIC AND FINANCIAL STANDING		
	Question	Response
4.1	Are you able to provide a copy of your audited accounts for the last two years, if requested? If no, can you provide one of the following: answer with Y/N in the relevant box.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	(a) 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 <input type="checkbox"/> No <input type="checkbox"/>
	(b) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	(c) 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 <input type="checkbox"/> No <input type="checkbox"/>
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 <input type="checkbox"/> No <input type="checkbox"/>

5.5 Wider Group Details

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 <input type="checkbox"/> No <input type="checkbox"/>
5.2	If yes, would the parent company be willing to provide a guarantee if necessary?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5.3	If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)?	Yes <input type="checkbox"/> No <input type="checkbox"/>

5.6 Technical and professional ability

SECTION 6	TECHNICAL AND PROFESSIONAL ABILITY
6.1	<p>Relevant experience and contract examples</p> <p>Please provide details of up to three contracts, in any combination from either the public or private sector; voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. VCSEs may include samples of grant-funded work. Contracts for supplies or services should have been performed during the past three years.</p> <p>The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.</p> <p>Consortia bids should provide relevant examples of where the consortium has delivered similar requirements. If this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle is to be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (three examples are not required from each member).</p> <p>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.</p> <p>If you cannot provide examples see question 6.3</p>

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

6.2	<p>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)</p> <p>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)</p>
6.2	
6.3	<p>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.</p>
6.3	

5.7 Modern slavery act 2015

SECTION 7 MODERN SLAVERY ACT 2015: Requirements under Modern Slavery Act 2015		
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 <input type="checkbox"/> N/A <input type="checkbox"/>
7.2	If you have answered yes to question 1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015?	Yes <input type="checkbox"/> Please provide relevant the URL. No <input type="checkbox"/> Please provide an explanation

5.8 Additional Questions – Pass Fail

5.8.1 Insurance

Bidders who self-certify that they meet the below requirement will be required to provide evidence of this if they are successful at contract award stage.

Please state 'Yes' or 'No' to each question.

NOTE – a 'Yes' response will score a Pass and a 'No' response will score a 'Fail'

SECTION 8 ADDITIONAL QUESTIONS	
8.1	Insurance
a.	<p>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 below: Y/N</p> <p>Employer's (Compulsory) Liability Insurance = £10,000,000</p> <p>Public Liability Insurance = £10,000,000</p> <p>*It is a legal requirement that all companies hold Employer's (Compulsory) Liability Insurance of £5 million as a minimum. Please note this requirement is not applicable to Sole Traders.</p>

5.8.2 Skills and Apprenticeships

8.2	Skills and Apprentices ⁵ – (please refer to supplier selection guidance)	
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 <input type="checkbox"/> No <input type="checkbox"/>
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 <input type="checkbox"/> No <input type="checkbox"/>
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 <input type="checkbox"/> No <input type="checkbox"/>

5.8.3 Compliance with equality legislation

Please state 'Yes' or 'No' to each question.

NOTE – a 'No' response will score a Pass and a 'Yes' response will score a 'Fail'

8.3	Compliance with Equality Legislation	
For organisations working outside of the UK please refer to equivalent legislation in the country that you are located.		
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 <input type="checkbox"/> No <input type="checkbox"/>

⁵ [Procurement Policy Note 14/15- Supporting Apprenticeships and Skills Through Public Procurement](#)

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 of alleged unlawful discrimination?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	<p>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.</p> <p>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.</p> <p>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.</p>	
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 <input type="checkbox"/> No <input type="checkbox"/>

5.8.4 Environmental management

Please state ‘Yes’ or ‘No’ to each question.

NOTE – a ‘Yes’ response will score a Pass and a ‘No’ response will score a ‘Fail’

8.4	Environmental Management	
a.	<p>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)?</p> <p>If your answer to 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.</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>

	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.	
b.	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?	Yes <input type="checkbox"/> No <input type="checkbox"/>

5.8.5 Health and safety

Please state 'Yes' or 'No' to each question.

NOTE – a 'Yes' response will score a Pass and a 'No' response will score a 'Fail'

8.5	Health and Safety	
a.	Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements.	Yes <input type="checkbox"/> No <input type="checkbox"/>
b.	<p>Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years? This should include any fees liable for recovery of Health and Safety Executive's related costs.</p> <p>If your answer to this question was "Yes", please provide details in a separate Appendix of any enforcement/remedial orders served and give details of any remedial action or changes to procedures you have made as a result.</p> <p>The authority will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to the authority's satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches.</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>

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 <input type="checkbox"/> No <input type="checkbox"/>
d.	Does your organisation have a Safe Guarding policy? If your answer is Yes please enclose a copy	Yes <input type="checkbox"/> No <input type="checkbox"/> Copy enclosed Yes <input type="checkbox"/> No <input type="checkbox"/>

5.9 Additional Questions – Scored.

8.6	Additional Questions	
a.	Council Values and Outcomes Please illustrate your understanding of the Council's values and aspirations of this project and provide examples of where you have delivered similar outcomes to those sought by the Council Word Count Max 2000 Words	Weighting 40%
Response		
b.	Financial Improvements Please illustrate examples of where you have delivered financial improvements through the management of leisure facilities on behalf of local authorities. Word Count Max 2000 Words	Weighting 40%

Response		
c.	Staffing Please provide examples of contracts where you have transferred staff (acting as either a transferor or transferee of staff in a TUPE situation) and outline how you recruit, train, consult and manage staff (with examples from previous contracts). Word Count Max 2000 Words	Weighting 20%
Response		

5.10 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 Bidder*].

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 SSQ	Appendix Number

SSQ Form Completed by

Name:

Position in Organisation:

Date:

Signature:

FREEDOM OF INFORMATION ACT 2000 (FoI) EXEMPTION FORM

Guidance

The Customer encourages its Contractors to take their own legal advice about the FoI Act. The customer shall not be held liable for any actions claims or costs howsoever arising.

The Customer considers that the following information is likely to be captured by the “confidential” (s.41 absolute exemption) and/or “commercial interest” (s.43 qualified exemption) and therefore maybe subject to the Public Interest test:

- Trade secrets; or
- Financial, commercial, scientific, technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates; or
- Where disclosure could prejudice the competitive position of that person in the conduct of his/her profession or business or otherwise in his/her occupation; or
- Where disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.

NB: Contractors should note that claiming blanket confidentiality of tender documentation, breaches current Government guidelines provided to the Customer and will not be accepted, therefore rendering the entire tender documentation disclosable under the FoI Act.

Procedure

Please specify below the relevant clauses or documentation containing the information you claim is exempt.

We consider that pricing schedules and technical specifications are most likely to be covered by one or other of the above exemptions and would therefore not, normally, be disclosed.

Each document claimed under the exemptions should be clearly marked as “confidential” or “commercially sensitive”.

These documents should be inserted into the section identified for confidential documents as specified in your Invitation to Tender. Please confirm below the documents inserted in that section:

- **Confidential Information:**

- **Commercially Sensitive Information:**

The Customer is obliged to consider whether something, which its Contractor claims is confidential, is truly confidential. In those instances where the Customer does not agree with the exemption claimed, it will always consult with the Contractor before disclosing the information.

Where the Customer decides to release such information, it will only do so in the following circumstances:

- Where the Contractor consents; or
- Where the information or information of a similar type is generally available to the public (eg where a Minister would give such information in answer to a Parliamentary Question); or
- Where the Contractor has been advised, at the time that the information is received, that the information will be released; or
- Where the Customer believes that the public interest would be better served by disclosing rather than by refusing to disclose the information. In this instance, the views of the Contractor will be sought in advance of a decision being made. Where the Contractor refuses to agree to disclosure of the information, the Contractor is able to refer the matter to the Information Commissioner at the Contractor's expense.

Signed	Position
Print Name	Date