

**Weston-super-Mare Shop Front Enhancement Scheme DPS**

**Standard Selection Questionnaire**

**Weston-super-Mare Shop Front Enhancement DPS (Dynamic Purchasing Solution)**

**Standard Selection Questionnaire**

**Please Submit By:**

**Round one – 1:00 pm Monday 20 January 2020.**

**Subsequent rounds – no specified closing date.**

**Applicant: [Please Input Contractor name]**

**North Somerset Council Reference: DN453830**

**Commencing: February 2020**

**DPS Duration Contract Term: To March 2024**

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# Potential Contractor Information

1. Scope of Contract
   1. The requirements of this contract are set out in Document “1. WSM Shop Front Enhancement Scheme DPS Introductory Document”.
   2. In order to be accepted onto the Weston-super-Mare Shop Front Enhancement DPS contractor’s will need to complete and return this Selection Questionnaire (SQ) document.
2. Timetable of Key Dates
   1. Set out below is the proposed procurement timetable. This is intended as a guide and, whilst the Council does not intend to depart from the timetable, it reserves the right to do so at any stage.

|  |  |
| --- | --- |
| **STAGE** | **DEADLINE** |
| Initial Advertisement.  OJEU, Contracts Finder, Supplying the Southwest  Advert. DPS then remains open on Contracts Finder, Supplying the Southwest | OJEU issued 19 December.  UK notices sent 23 December |
| Closing time and date for Round 1 applications | 13:00 PM 20 January 2020 |
| Applications for Round 2 opens | 13:00 PM 20 January 2020 |
| Evaluation of Round 1 responses | 20 – 31 January 2020 |
| Round 1 successful/unsuccessful notification | Week commencing 3 February 2020 |
| Dynamic Purchasing System commences | February 2020 |
| Round 2, and subsequent rounds, close | When new application received |
| Round 3, and subsequent rounds, open | On closing of previous round |

* 1. Following round 1 closing the DPS will be continually open and contractor’s can apply to join at any time. Any application will trigger the closing of the current round, after which the response will be evaluated. The closing of a current round will automatically trigger the opening of the next round, the DPS will remain open for its full term. It is the intention of the council to meet the standard 10 working day timescales for evaluating a request to join the DPS, however the council reserves the right to extend this period to 15 working days where necessary.

1. Overview of the Contractor Appraisal Process
   1. This stage is about obtaining and interpreting general information about you, as a potential contractor, to determine your suitability for our requirement and for working with us.
   2. The information you submit allows us to determine your overall capability and capacity in relation to our requirement.
   3. You must complete this SQ in the format given, please do not make any changes to the presentation of this SQ as this allows for ease of evaluation.
   4. Please answer all of the questions. Failure to do so will usually mean that you will not be invited to tender as we will be unable to fully assess your suitability.
   5. There are a number of Pass/Fail sections within this SQ, as indicated at the beginning of clarified in Method of Evaluation, Table 4. These sections will be assessed first before the Technical and Professional ability section (Section 4) is assessed. If your Tender fails any of the initial Pass/Fail sections, the Business Capability section will **not** be assessed.
   6. All contractors passing the SQ evaluation will be entered onto the DPS listing
2. Contractor Support
   1. ProActis who provide our procurement portal also offer Contractor support. For all support issues contractors should in the first instance log their query via the following e mail:

* ProContractSuppliers@proactis.com

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

* 0330 0050352

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

# Standard Selection Questionnaire Introduction

1. Potential Contractor Information and Exclusion Grounds: Part 1 and Part 2.
   1. The standard Selection Questionnaire is a self-declaration, made by you (the potential contractor), that you do not meet any of the grounds for exclusion[[1]](#footnote-1). 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).
   2. 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).
   3. 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.
2. Contractor Selection Questions: Part 3
   1. 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.
   2. 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 contractor.
3. Consequences of misrepresentation
   1. If you seriously misrepresent any factual information in filling in the Selection Questionnaire, and so induce an authority to enter into a contract, there may be significant consequences. You may be excluded from the procurement procedure, and from bidding for other contracts for three years. If a contract has been entered into you may be sued for damages and the contract may be rescinded. If fraud, or fraudulent intent, can be proved, you or your responsible officers may be prosecuted and convicted of the offence of fraud by false representation, and you must be excluded from further procurements for five years.

# Standard Selection Questionnaire Form

**Notes for completion**

1. The “authority” means the public sector contracting authority, or anyone acting on behalf of the contracting authority, that is seeking to invite suitable contractors to participate in this procurement process.
2. “You”/ “Your” or “contractor” means the potential contractor completing this standard Selection Questionnaire i.e. the legal entity seeking to be invited to the next stage of the procurement process and responsible for the information provided. The term ‘contractor’ is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 and could be a registered company; the lead contact for a group of economic operators; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.
3. Please ensure that all questions are completed in full, and in the format requested. Failure to do so may result in your submission being disqualified. If the question does not apply to you, please state clearly ‘N/A’.
4. Should you need to provide additional Appendices in response to the questions, these should be numbered clearly and listed as part of your declaration. A template for providing additional information is provided at the end of this document.
5. The authority recognises that arrangements set out in section 1.2 of the standard Selection Questionnaire, in relation to a group of economic operators (for example, a consortium) and/or use of sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the authority immediately of any change in the proposed arrangements and ensure a completed Part 1 and Part 2 is submitted for any new organisation relied on to meet the selection criteria. The authority will make a revised assessment of the submission based on the updated information.
6. For Part 1 and Part 2 every organisation that is being relied on to meet the selection must complete and submit the self-declaration.
7. For answers to Part 3 - If you are bidding on behalf of a group, for example, a consortium, or you intend to use sub-contractors, you should complete all of the questions on behalf of the consortium and/ or any sub-contractors, providing one composite response and declaration.
8. Please upload a completed version of this document via the procurement portal [www.supplyingthesouthwest.org.uk](http://www.supplyingthesouthwest.org.uk)

**Sub-contracting arrangements**

1. Where the contractor 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.
2. 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, contractors should be aware that where information provided to the authority indicates that sub-contractors are to play a significant role in delivering key contract requirements, any changes to those sub-contracting arrangements may affect the ability of the contractor to proceed with the procurement process or to provide the supplies and/or services required. Contractors should therefore notify the authority immediately of any change in the proposed sub-contractor arrangements. The authority reserves the right to deselect the contractor prior to any award of contract, based on an assessment of the updated information.
3. Please note that the authority may require the consortium to assume a specific legal form if awarded the contract, to the extent that a specific legal form is deemed by the authority as being necessary for the satisfactory performance of the contract.
4. Where you are proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV), you should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity in a separate Appendix.

‘**Self-cleaning’**

1. Any contractor that answers ‘Yes’ to questions within part 2 should provide sufficient evidence, in a separate Appendix, that provides a summary of the circumstances and any remedial action that has taken place subsequently and effectively “self-cleans” the situation referred to in that question. The contractor has to demonstrate it has taken such remedial action, to the satisfaction of the authority in each case.
2. 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.
3. In order for the evidence referred to above to be sufficient, the contractor 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.

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

## Part 1: Potential contractor Information

|  |  |  |
| --- | --- | --- |
| Section 1 Potential contractor information | | |
| **Question number** | **Question** | **Response** |
| 1.1(a) | Full name of the potential contractor submitting the information |  |
| 1.1 (b) - (i) | Registered office address (if applicable) |  |
| 1.1 (b) - (ii) | Registered website address (if applicable) |  |
| 1.1 (c) | Trading status  a) public limited company  b) limited company  c) limited liability partnership  d) other partnership  e) sole trader  f) third sector  g) other (please specify your trading status) |  |
| 1.1 (d) | Date of registration in country of origin |  |
| 1.1 (e) | Company registration number (if applicable) |  |
| 1.1 (f) | Charity registration number (if applicable) |  |
| 1.1 (g) | Head office DUNS number (if applicable) |  |
| 1.1 (h) | Registered VAT number |  |
| 1.1 (i) – (i) | If applicable, is your organisation registered with the appropriate professional or trade register(s) in the member state where it is established? | Yes  No  N/A |
| 1.1 (i) – (ii) | If you responded yes to 1.1(i) - (i), please provide the relevant details, including the registration number(s). |  |
| 1.1(j) - (i) | Is it a legal requirement in the state where you are established for you to possess a particular authorisation, or be a member of a particular organisation in order to provide the services specified in this procurement? | Yes  No |
| 1.1(j) - (ii) | If you responded yes to 1.1(j) - (i), please provide additional details of what is required and confirmation that you have complied with this. |  |
| 1.1(k) | Trading name(s) that will be used if successful in this procurement |  |
| 1.1(l) | Relevant classifications (state whether you fall within one of these, and if so which one)  a) Voluntary Community Social Enterprise (VCSE)  b) Sheltered Workshop  c) Public service mutual |  |
| 1.1(m) | Are you a Small, Medium or Micro Enterprise (SME)[[2]](#footnote-2)? | Yes  No |
| 1.1(n) | Details of Persons of Significant Control (PSC), where appropriate:[[3]](#footnote-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]](#footnote-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)  - Registration number (if applicable)  - Head office DUNS number (if applicable)  - Head office VAT number (if applicable)  (Please enter N/A if not applicable) |  |

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

|  |  |  |
| --- | --- | --- |
|  | **Bidding model** | |
| **Question number** | **Question** | **Response** |
| 1.2(a) – (i) | Are you bidding as the lead contact for a group of economic operators? (A group of economic operators means where two or more contractors have come together to apply for this opportunity as one contractor) | Yes  No  If yes, please provide details listed  in questions 1.2(a) (ii), (a) (iii) and  to 1.2(b) (i), (b) (ii), 1.3, Section 2  and 3.  If no, and you are a supporting  contractor please provide the name of  your group at 1.2(a) (ii) for  reference purposes, and  complete 1.3, Section 2 and 3 |
| 1.2(a) - (ii) | Name of group of economic operators (if applicable) |  |
| 1.2(a) - (iii) | Proposed legal structure if the group of economic operators intends to form a named single legal entity prior to signing a contract, if awarded. If you do not propose to form a single legal entity, please explain the legal structure |  |
| 1.2(b) - (i) | Are you or, if applicable, the group of economic operators proposing to use sub-contractors? | Yes  No |
| 1.2(b) - (ii) | If you responded yes to 1.2(b)-(i) please provide additional details for each subcontractor in the following table: we may ask them to complete this form as well.   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | Name |  |  |  |  |  | | Registered address |  |  |  |  |  | | Trading status |  |  |  |  |  | | Company registration number |  |  |  |  |  | | Head Office DUNS number (if applicable) |  |  |  |  |  | | Registered VAT number |  |  |  |  |  | | Type of organisation |  |  |  |  |  | | SME (Yes/No) |  |  |  |  |  | | The role each subcontractor will take in providing the works and /or supplies e.g. key deliverables |  |  |  |  |  | | The approximate % of contractual obligations assigned to each subcontractor |  |  |  |  |  | | |

**Contact details and declaration**

I declare that to the best of my knowledge the answers submitted and information contained in this document are correct and accurate.

I declare that, upon request and without delay I will provide the certificates or documentary evidence referred to in this document.

I understand that the information will be used in the selection process to assess my organisation’s suitability to be invited to participate further in this procurement.

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

I am aware of the consequences of serious misrepresentation.

|  |  |  |
| --- | --- | --- |
|  | **Contact details and declaration** | |
| **Question number** | **Question** | **Response** |
| 1.3(a) | Contact name |  |
| 1.3(b) | Name of organisation |  |
| 1.3(c) | Role in organisation |  |
| 1.3(d) | Phone number |  |
| 1.3(e) | E-mail address |  |
| 1.3(f) | Postal address |  |
| 1.3(g) | Signature (electronic is acceptable) |  |
| 1.3(h) | Date |  |

## Part 2: Exclusion Grounds

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

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

Please Note: The authority reserves the right to use its discretion to exclude a potential contractor where it can demonstrate by any appropriate means that the potential contractor is in breach of its obligations relating to the non-payment of taxes or social security contributions.

|  |  |  |
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| Section 3 Grounds for discretionary exclusion | | |
|  | **Question** | **Response** |
| 3.1 | **Regulation 57 (8)**  The detailed grounds for discretionary exclusion of an organisation are set out on this [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.  Please indicate if, within the past three years, anywhere in the world any of the following situations have applied to you, your organisation or any other person who has powers of representation, decision or control in the organisation. | |
| 3.1 (a) | Breach of environmental obligations? | Yes  No  If Yes please provide details at 3.2 |
| 3.1 (b) | Breach of social obligations? | Yes  No  If Yes please provide details at 3.2 |
| 3.1 (c) | Breach of labour law obligations? | Yes  No  If Yes please provide details at 3.2 |
| 3.1 (d) | Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation’s assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State? | Yes  No  If Yes please provide details at 3.2 |
| 3.1 (e) | Guilty of grave professional misconduct? | Yes  No  If Yes please provide details at 3.2 |
| 3.1 (f) | Entered into agreements with other economic operators aimed at distorting competition? | Yes  No  If Yes please provide details at 3.2 |
| 3.1 (g) | Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure? | Yes  No  If Yes please provide details at 3.2 |
| 3.1 (h) | Been involved in the preparation of the procurement procedure? | Yes  No  If Yes please provide details at 3.2 |
| 3.1 (i) | Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions? | Yes  No  If Yes please provide details at 3.2 |
| 3.1 (j) | 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  No  If Yes please provide details at 3.2 |
| 3.1 (j)– (ii) | The organisation has withheld such information. | Yes  No  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  No  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 material influence on decisions concerning exclusion, selection or award. | Yes  No  If Yes please provide details at 3.2 |
| 3.2 | If you have answered Yes to any of the above, explain what measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self-Cleaning) |  |

Part 3: Selection Questions**[[5]](#footnote-5)**

|  |  |  |
| --- | --- | --- |
| 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  No |
| (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  No |
| (b) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position. | Yes  No |
|  | (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  No |

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| Section 5 Wider Group  **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 Contractor completing these questions** | |  |
| 5.1 | Are you able to provide parent company accounts if requested to at a later stage? | Yes  No |
| 5.2 | If yes, would the parent company be willing to provide a guarantee if necessary? | Yes  No |
| 5.3 | If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)? | Yes  No |

|  |  |
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| Section 6 Technical and Professional Ability | |
| 6.1 | **Relevant experience and contract examples**  Please provide details of three contracts, in any combination from either the public or private sector, voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. Contracts for supplies or services should have been performed during the past three years.  The named customer contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.  Consortia bids should provide relevant examples of where the consortium has delivered similar requirements. If this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle will be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (three examples are not required from each member).  Where the Contractor is a Special Purpose Vehicle, or a managing agent not intending to be the main provider of the supplies or services, the information requested should be provided in respect of the main intended provider(s) or sub-contractor(s) who will deliver the contract.  If you cannot provide examples see question 6.3 |

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

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

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| --- | --- | --- |
| 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  No |
| 7.2 | If you have answered yes to question 7.1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015? | Yes  Please provide the relevant url to view the statement …  No  Please provide an explanation |

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

|  |  |  |
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| Section 8 Additional Questions | |  |
| **8.1** | **Insurance** |  |
|  | 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:  Employer’s (Compulsory) Liability Insurance = £5,000,000 (Five Million)  Public Liability Insurance = £5,000,000 (Five Million)  \*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. | Yes  No |

Section 9 Project specific questions to assess Technical and Professional Ability

Further project specific questions relating to the technical and professional ability of the contractor with regards to entry onto the DPS.

|  |  |  |
| --- | --- | --- |
| A1 | **Health and Safety** |  |
| A1.1 | Do you have accredited SSIP membership (e.g. CHAS, SafeContractor) or hold OHSAS18001/ISO 45001? | Yes ☐  No ☐ |
|  | If Yes, please provide relevant details and evidence. You do not need to answer questions A1.2 –A1.5 go straight to question A1.6. |
|  | If No. please answer questions A1.2-A1.8 below. |
| A1.2 | Who is your competent Health and Safety Person, as required by the Management of Health and Safety of Work Regulations, and what professional qualifications and/or competencies do they hold? Is the person named a consultant or an employee? | |
|  | |
| A1.3 | Please attach a signed and dated copy of your most recent written Health and Safety Policy (as required by Section. 2(3) of the Health and Safety at Work Act 1974 to include Policy Statement, Organisational Structure, and arrangements (procedures) | |
|  | |
| A1.4 | Explain in detail how you will be monitoring and auditing for Health & Safety whilst working with NSC and their partners. | |
|  | |
| A1.5 | What Health and Safety Information, Instruction and Training is provided to employees?  Please provide a training matrix or list including specialist areas of training and industry specific competencies. | |
|  | |
| A1.6  (All) | Please provide an example risk assessment and Method Statement / Construction Phase Plan for an activity similar to that to be undertaken as part of the proposed contract | |
|  | |
| A1.7  (All) | Do you intend to sub contract any part of the service? If so please provide details of your selection and monitoring arrangements. | |
|  | |
| A1.8  (All) | Please advise if you have been in receipt of any H&S or Fire Safety convictions/notices from the HSE, Local Authority or Local Fire Authority in the past 5 years? | |
|  | |

|  |  |  |
| --- | --- | --- |
| A.2 | **Equality and Diversity** | |
| A2.1 | a) In the last three years, has any finding of unlawful discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)? | Yes  No |
| b) In the last three years, has your organisation had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds or alleged unlawful discrimination? | Yes  No |
| If you have answered “yes” to one or both of the questions in this module, please provide, as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.  If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.  You may be excluded if you are unable to demonstrate to the Authority’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring | |
| c) If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? (For the avoidance of doubt, should this question relating to subcontractors not be relevant to your organisation for this provision, please enter “N/A”) | Yes  No  N/A |
| A2.2 | * 1. Please self-certify that you are able to provide a signed and dated copy of your most recent written Equality and Diversity Policy Statement.   2. As an employer do you comply with your statutory obligations under the Equality Act 2010 which applies in Great Britain, or equivalent legislation in the countries in which your firm employs staff?   3. If requested, your Equality & Diversity policy will be assessed in line with the guidance at 9.6, therefore please familiarise yourself with this guidance. The policy will be scored out of 5 and to pass the council’s requirements for this contract opportunity you must achieve a score of 3 or more. | Yes ☐  No ☐  Yes ☐  No ☐ |

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 contractor**).  I understand that the Authority may reject my submission if there is a failure to answer all relevant questions fully or if I provide false/misleading information. I have provided a full list of any Appendices used to provide additional information in response to questions.  I also declare that there is no conflict of interest in relation to the Authority’s requirement.  The following appendices form part of our submission: | | |  |
|  | **Section of SQ** | | **Appendix number** |  |
|  |  | |  |  |
|  |  | |  |  |
| **SQ Completed by:** | | | | |
| 9.1 | Name |  | |  |
| 9.2 | Role in organisation |  | |  |
| 9.3 | Date |  | |  |
| 9.4 | Signature |  | |  |
|  |  |  | |  |
| **DPS Lots**  Please indicate which Lot(s) you are applying for. You can apply for one or more Lots. | | | | YES/NO |
| 1 | Joinery and millwork, specifically classical shop front construction and installation in timber | | |  |
| 2 | Decoration | | |  |
| 3 | Minor electrical works (external lighting etc) | | |  |
| 4 | Minor demolition | | |  |
| 5 | Brick repairs / Repointing / Stone repairs/ lime mortar rendering | | |  |
| 6 | Timber window installation | | |  |
| 7 | Leadwork | | |  |
| 8 | Scaffolding | | |  |
| 9 | Internal security grills | | |  |
| 10 | Shop doorway/ doors automatic and manual | | |  |
| 11 | Traditional tiling (Victorian floor tiles and 20th century wall tiling) | | |  |
| 12 | Signage | | |  |
| 13 | Main contractor directly delivering some or all the trades above and managing and supervising sub-contractors where used. | | |  |

# 

## Part 4 Method of Evaluation

This section seeks to clarify further how each of the sections in Volume Two will be evaluated i.e. whether they are scored, Pass/Fail, both or alternatively are For Information Only.

**Table 1 details those sections that are Pass / Fail:**

|  |  |  |
| --- | --- | --- |
| **Key Section Question/s** | **Outline** | **Level** |
| Part 2, Section 2 | Grounds for Mandatory Exclusions | Please read the paragraph that precludes this section. |
| Part 2, Section 3 | Grounds for Discretionary Exclusion | The Authority may exclude any provider who answers ‘Yes’. |
| Part 3, Section 4 | Economic & Financial Standing  (self-certification) | Responses to the questions must be provided. The council reserves the right to seek further financial information from Contractors prior to award of contract. Where additional financial information is requested this will be assed as set out at 10.3 below. Generally, we would not award a contract to a contractor if the annual value of the contract was more than 50% of the contractor's turnover.  **See 10.3 below for more details.** |
| Part 3, Section 6 | Technical and Professional Ability | The responses will be judged on their relevance to this Contract opportunity.  **This is a Pass/Fail criteria.** |
| Part 3, section 8.1 | Insurance  (self-certification) | Minimum:  Employers Liability £5 Million  Public Liability £5 Million  **This is a Pass/Fail criteria.** |
| Part 3, Section 9 | Project specific questions to assess Technical and Professional Ability | Your response to questions A1 and A2 will be evaluated using a Pass/Fail criteria. Please see further guidance below. |

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

All questions in section 9 must be completed. Your Health & Safety policy as requested at A1.1 must be of a standard to demonstrate competence and compliance with regards to H&S legislation and will be considered in relation to the nature of each procurement.

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

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

A score of less than **2** for any part will be considered to have failed and the contractor will not added to the DPS.

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

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

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

Your equality and diversity policy as requested at A2 will be assessed using the following criteria:

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

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

10.3 **Financial Assessments**

Financial assessments will not normally be carried out. However, the council reserves the right to carry out a financial assessment where it has concern over the financial ability of a contractor, for contracts over £100k or when several concurrent contracts are to be awarded to the same contractor.

The key objective of the financial assessment will be to analyse a contractor’s financial position and ability to carry out the contract(s), the checks undertaken will be proportional to the value of work to be awarded.

When undertaking the financial assessment, the council will look at the contractor’s most recent accounts along with those of any parent company (if applicable). These would be checked for general audit qualification issues and then analysed to give an indication of turnover and contract capacity, profitability and general stability.

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

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

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

**Guidance on new contractor Selection Questionnaire**

**Mandatory Exclusion Grounds**

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

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

**Participation in a criminal organisation**

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

Conspiracy within the meaning of

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

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

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

**Corruption**

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

The common law offence of bribery;

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

**Fraud**

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

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

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

Any offence:

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

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

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

**Money laundering or terrorist financing**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Other offences**

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

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

**Discretionary exclusions**

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

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

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

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

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

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

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

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

**Bankruptcy, insolvency**

Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation’s assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State;

**Grave professional misconduct**

Guilty of grave professional misconduct

**Distortion of competition**

Entered into agreements with other economic operators aimed at distorting competition

**Conflict of interest**

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

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

**Prior performance issues**

Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions.

**Misrepresentation and undue influence**

The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award.

**Additional exclusion grounds**

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

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

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

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

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

● ILO Convention 29 on Forced Labour;

● ILO Convention 105 on the Abolition of Forced Labour;

● ILO Convention 138 on Minimum Age;

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

● ILO Convention 100 on Equal Remuneration;

● ILO Convention 182 on Worst Forms of Child Labour;

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

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

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

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

**Consequences of misrepresentation**

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

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

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

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

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

1. For the list of exclusions, please see

   https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/551130/List\_of\_Mandatory\_and\_Discretionary\_Exclusions.pdf [↑](#footnote-ref-1)
2. See EU definition of SME <https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en> [↑](#footnote-ref-2)
3. UK companies, Societates European (SEs) and limited liability partnerships (LLPs) will be required to identify and record the people who own or control their company. Companies, SEs and LLPs will need to keep a PSC register, and must file the PSC information with the central public register at Companies House. [See PSC guidance.](https://www.gov.uk/government/publications/guidance-to-the-people-with-significant-control-requirements-for-companies-and-limited-liability-partnerships) [↑](#footnote-ref-3)
4. Central Government contracting authorities should use this information to have the PSC information for the preferred contractor checked before award. [↑](#footnote-ref-4)
5. [See Action Note 8/16 Updated Standard Selection Questionnaire](https://www.gov.uk/government/collections/procurement-policy-notes) [↑](#footnote-ref-5)