London Borough of Brent (LBBC)

Find a Tender Service Technical Consultancy Framework

Selection Questionnaire (SQ) Instructions Document
All Lots
502309

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Copy No	Name of holder	Company	Date issued
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2.	Philip Gardener	LBBC	20/03/2024
3.	Susan Goss	Currie & Brown	20/03/2024

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1. Selection Questionnaire (SQ) evaluation process

Table A – Indicative SQ Timetable

SQ Activity	Indicative Timetable
Deadline for receipt of clarification	18/04/2024 at 12 noon
Deadline for receipt of SQ (see Instructions for Completion document)	30/04/2024 at 12 noon
Selection of tender list	13/06/2024

1.1 Evaluation Process

This SQ is in accordance with the "Restricted Procedure" as defined in The Public Contracts Regulations 2015 (as amended).

All SQ documentation is to be returned via the dedicated e-portal, as per the SQ Instructions for Completion document.

The SQ process will be conducted to ensure that suppliers are evaluated fairly against a pre-determined evaluation matrix.

Upon receipt, the SQ response will remain unopened until the deadline in **Table A** has passed.

Each SQ response will be reviewed prior to evaluation of the Technical and Financial Capacity to ensure its completeness and compliance to the SQ instructions. Incomplete or non-compliant SQs may be rejected prior to evaluation.

The selection criteria will be made in two parts. **Sections 1, 2, 3, and 4** include mandatory questions which must be answered receiving a Pass/Fail score. Each SQ response must receive a pass mark for these questions in order to proceed. For those suppliers meeting the minimum selection stage requirements i.e. receiving a pass mark for **Sections 1-4**, an evaluation of **Section 5** will then be undertaken.

Section 5, Project Specific Questions 5.6 to 5.10 (N.B. Q5.6 to Q5.9 for Lot 3, Lot 4, Lot 5, or Lot 6) will follow a weighted score evaluation. **Section 5, Project Specific Questions 5.6 to 5.10 (N.B. Q5.6 to Q5.9 for Lot 3, Lot 4, Lot 5, or Lot 6)** will be marked against a selection stage scoring criteria of (0-5), provided in **Table D.**

The response will enable LBBC to form a clear view of the supplier's technical and professional capacity. The responses in respect of each question must therefore be clear and concise.

No reliance should be placed on information given to LBBC previously or provided elsewhere in the SQ response.

Suppliers may be contacted for clarification of information if required.

Suppliers are permitted to clarify LBBC's requirements in the SQ, and LBBC may require a supplier(s) to clarify or supplement the information it submits in its SQ, provided that to do so will not distort the competition.

Suppliers, both successful and unsuccessful, will have the opportunity to receive detailed feedback regarding their application if requested.

1.2 SQ Evaluation criteria

The SQ assessments are based on the question responses received by suppliers to Sections 1, 2, 3, 4, and 5 and will be carried out by an evaluation panel made up of authorised representatives. The SQ evaluation criteria to be applied to the SQs is outlined in **Table B.**

Table B – SQ Evaluation Criteria

Lot 1 Multi-Disciplinary Consultancy Services - Major Works

Qualitative Criteria	Weighting	Page Limit
SQ PART 1 & PART 2 [STANDARD QUESTIONS]		
Part 1 - Potential Supplier Information		
Section 1.1 – Potential Supplier Information	Information Only	
Section 1.2 – Bidding Model	Information Only	
Section 1.3 – Declaration	Information Only	
Part 2 – Exclusion Grounds		
Section 2.1 – Grounds for Mandatory exclusion	Pass/Fail	
Section 3 – Mandatory and discretionary grounds relating to the payment of taxes and social security contributions	Pass/Fail	
Section 4 – Grounds for Discretionary Exclusion	Pass/Fail	
Section 4.2 – Modern Slavery Act	Pass/Fail	
SQ PART 3 [LOT SPECIFIC QUESTIONS]		
Part 3 – Selection Questions		
Section 7 Project Specific Questions		
(1) Financial Assessment Tool & Accounts	Pass/Fail	
(2) Insurance	Pass/Fail	
(3) Sustainability Accreditation	Information Only	
(4) Local Sourcing	Information Only	
(5) Fair Trade	Information Only	
(6) Residential Housing Project Experience	30%	3 x A4
(7) Multi-Disciplinary Team	20%	1 x A4
(8) Reporting Structure (Inc. Reporting)	10%	1 x A4 (plus organisational chart not included in page limit)
(9) Design Quality	20%	2 x A4
(10) Quality Management	20%	1 x A4 (plus certificate not included in page limit)

Table B – SQ Evaluation Criteria

Lot 2 Multi-Disciplinary Consultancy Services - Minor Works

Qualitative Criteria	Weighting	Page Limit
SQ PART 1 & PART 2 [STANDARD QUESTIONS]		
Part 1 - Potential Supplier Information		
Section 1.1 – Potential Supplier Information	Information Only	
Section 1.2 – Bidding Model	Information Only	
Section 1.3 – Declaration	Information Only	
Part 2 – Exclusion Grounds		
Section 2.1 – Grounds for Mandatory exclusion	Pass/Fail	
Section 3 – Mandatory and discretionary grounds relating to the payment of taxes and social security contributions	Pass/Fail	
Section 4 – Grounds for Discretionary Exclusion	Pass/Fail	
Section 4.2 – Modern Slavery Act	Pass/Fail	
SQ PART 3 [LOT SPECIFIC QUESTIONS]		
Part 3 – Selection Questions		
Section 7 Project Specific Questions		
(1) Financial Assessment Tool & Accounts	Pass/Fail	
(2) Insurance	Pass/Fail	
(3) Sustainability Accreditation	Information Only	
(4) Local Sourcing	Information Only	
(5) Fair Trade	Information Only	
(6) Residential Housing Project Experience	30%	3 x A4
(7) Multi-Disciplinary Team	20%	1 x A4
(8) Reporting Structure (Inc. Reporting)	10%	1 x A4 (plus organisational chart not included in page limit)
(9) Design Quality	20%	2 x A4
(10) Quality Management	20%	1 x A4 (plus certificate not included in page limit)

Table B – SQ Evaluation Criteria

Lot 3 Structural Engineering

Qualitative Criteria	Weighting	Page Limit
SQ PART 1 & PART 2 [STANDARD QUESTIONS]		
Part 1 - Potential Supplier Information		
Section 1.1 – Potential Supplier Information	Information Only	
Section 1.2 – Bidding Model	Information Only	
Section 1.3 – Declaration	Information Only	
Part 2 – Exclusion Grounds		
Section 2.1 – Grounds for Mandatory exclusion	Pass/Fail	
Section 3 – Mandatory and discretionary grounds relating to the payment of taxes and social security contributions	Pass/Fail	
Section 4 – Grounds for Discretionary Exclusion	Pass/Fail	
Section 4.2 – Modern Slavery Act	Pass/Fail	
SQ PART 3 [LOT SPECIFIC QUESTIONS]		
Part 3 – Selection Questions		
Section 7 Project Specific Questions		
(1) Financial Assessment Tool & Accounts	Pass/Fail	
(2) Insurance	Pass/Fail	
(3) Sustainability Accreditation	Information Only	
(4) Local Sourcing	Information Only	
(5) Fair Trade	Information Only	
(6) Residential Housing Project Experience	40%	3 x A4
(7) Reporting Structure (Inc. Reporting)	10%	1 x A4 (plus organisational chart not included in page limit)
(8) Design Quality	25%	2 x A4
(9) Quality Management	25%	1 x A4 (plus certificate not included in page limit)

Table B – SQ Evaluation Criteria

Lot 4 Energy Efficiency and Retrofit Consultancy

Qualitative Criteria	Weighting	Page Limit
SQ PART 1 & PART 2 [STANDARD QUESTIONS]		
Part 1 - Potential Supplier Information		
Section 1.1 – Potential Supplier Information	Information Only	
Section 1.2 – Bidding Model	Information Only	
Section 1.3 – Declaration	Information Only	
Part 2 – Exclusion Grounds		
Section 2.1 – Grounds for Mandatory exclusion	Pass/Fail	
Section 3 – Mandatory and discretionary grounds relating to the payment of taxes and social security contributions	Pass/Fail	
Section 4 – Grounds for Discretionary Exclusion	Pass/Fail	
Section 4.2 – Modern Slavery Act	Pass/Fail	
SQ PART 3 [LOT SPECIFIC QUESTIONS]		
Part 3 – Selection Questions		
Section 7 Project Specific Questions		
(1) Financial Assessment Tool & Accounts	Pass/Fail	
(2) Insurance	Pass/Fail	
(3) Sustainability Accreditation	Information Only	
(4) Local Sourcing	Information Only	
(5) Fair Trade	Information Only	
(6) Residential Housing Project Experience	40%	3 x A4
(7) Reporting Structure (Inc. Reporting)	10%	1 x A4 (plus organisational chart not included in page limit)
(8) Design Quality	25%	2 x A4
(9) Quality Management	25%	1 x A4 (plus certificate not included in page limit)

Table B – SQ Evaluation Criteria

Lot 5 Fire Safety Management

Qualitative Criteria	Weighting	Page Limit
SQ PART 1 & PART 2 [STANDARD QUESTIONS]		
Part 1 - Potential Supplier Information		
Section 1.1 – Potential Supplier Information	Information Only	
Section 1.2 – Bidding Model	Information Only	
Section 1.3 – Declaration	Information Only	
Part 2 – Exclusion Grounds		
Section 2.1 – Grounds for Mandatory exclusion	Pass/Fail	
Section 3 – Mandatory and discretionary grounds relating to the payment of taxes and social security contributions	Pass/Fail	
Section 4 – Grounds for Discretionary Exclusion	Pass/Fail	
Section 4.2 – Modern Slavery Act	Pass/Fail	
SQ PART 3 [LOT SPECIFIC QUESTIONS]		
Part 3 – Selection Questions		
Section 7 Project Specific Questions		
(1) Financial Assessment Tool & Accounts	Pass/Fail	
(2) Insurance	Pass/Fail	
(3) Sustainability Accreditation	Information Only	
(4) Local Sourcing	Information Only	
(5) Fair Trade	Information Only	
(6) Residential Housing Project Experience	40%	3 x A4
(7) Reporting Structure (Inc. Reporting)	10%	1 x A4 (plus organisational chart not included in page limit)
(8) Design Quality	25%	2 x A4
(9) Quality Management	25%	1 x A4 (plus certificate not included in page limit)

Table B – SQ Evaluation Criteria

Lot 6 Mechanical and Electrical Engineering

Qualitative Criteria	Weighting	Page Limit
SQ PART 1 & PART 2 [STANDARD QUESTIONS]		
Part 1 - Potential Supplier Information		
Section 1.1 – Potential Supplier Information	Information Only	
Section 1.2 – Bidding Model	Information Only	
Section 1.3 – Declaration	Information Only	
Part 2 – Exclusion Grounds		
Section 2.1 – Grounds for Mandatory exclusion	Pass/Fail	
Section 3 – Mandatory and discretionary grounds relating to the payment of taxes and social security contributions	Pass/Fail	
Section 4 – Grounds for Discretionary Exclusion	Pass/Fail	
Section 4.2 – Modern Slavery Act	Pass/Fail	
SQ PART 3 [LOT SPECIFIC QUESTIONS]		
Part 3 – Selection Questions		
Section 7 Project Specific Questions		
(1) Financial Assessment Tool & Accounts	Pass/Fail	
(2) Insurance	Pass/Fail	
(3) Sustainability Accreditation	Information Only	
(4) Local Sourcing	Information Only	
(5) Fair Trade	Information Only	
(6) Residential Housing Project Experience	40%	3 x A4
(7) Reporting Structure (Inc. Reporting)	10%	1 x A4 (plus organisational chart not included in page limit)
(8) Design Quality	25%	2 x A4
(9) Quality Management	25%	1 x A4 (plus certificate not included in page limit)

1.3 SQ Assessment and Scoring Principles

The scoring principles set out in **Table C** are to be used for the evaluation of SQ Part 1, Part 2 and Part 3 (Sections 1, 2, 3, 4 and 5) and provide the minimum selection stage requirements.

Table C – SQ Scoring Principles (Sections 1, 2, 3, 4 and 5)

Question Heading	Minimum Requirements
PART 1 – POTENTIAL SUPPLIER INFORMATION	
Section 1 Potential Supplier Information, Bidding Model and Contact Details and Declaration	Information Only – Supplier details, Bidding model and Contact Details and Declaration completed in full. Failure to complete in full may result in LBBC requesting further information.
PART 2 – EXCLUSION GROUNDS	
Section 2 Exclusion Grounds Grounds for Mandatory Exclusion	Pass – Section should be answered in full indicate No across the number of mandatory exclusion grounds, or where a response if 'Yes' this is supported by proportionate 'self-cleaning measures'. Fail – An answer of Yes for any of the exclusionary grounds except where this is disproportionate or where this is not supported by proportionate 'self-cleaning'.
Section 3 Grounds for [Mandatory and discretionary grounds relating to the payment of taxes and social security] Discretionary Exclusion	Pass – Section should be answered in full indicating No across the number of discretionary exclusion grounds, or where a response if 'Yes' this is supported by proportionate 'self-cleaning measures'. Fail - Section has not been completed in full and/or an answer of Yes for any of the discretionary except where this is disproportionate or where this is not supported by proportionate 'self-cleaning'.
Section 4 Grounds for Discretionary Exclusion	Pass – Section should be answered in full indicating No across the number of discretionary exclusion grounds, or where a response if 'Yes' this is supported by proportionate 'self-cleaning measures'. Fail - Section has not been completed in full and/or an answer of Yes for any of the discretionary except where this is disproportionate or where this is not supported by proportionate 'self-cleaning'.
Section 4.2 Modern Slavery Act (If Applicable)	Pass – Section should be answered in full indicating Yes (if applicable) to being a relevant commercial organisation under the Modern Slavery Act and stating compliance with reporting requirements or providing justification as to why not. Fail – Section has not been answered in full and/or indicating Yes (if applicable) to being a relevant commercial organisation under Modern Slavery Act but no to compliance with reporting requirements with no suitable justification.

Question Heading	Minimum Requirements
PART 3 SELECTION QUESTIONS	
Section 5 Project Specific Questions	
Q5.1 Financial Assessment Tool & Accounts	Pass - Section should be answered in full and Supplier has provided last 2 years of detailed accounts (or other suitable evidence of financial standing). Data from detailed accounts will be used to complete financial standing assessment as detailed in **Appendix B** of this document and generate a score out of 100%. The Supplier will pass if the score is 50% or above. Fail - Supplier has not achieved the minimum score required i.e. has scored 49% or below.
Q5.2 Insurance	Pass – Section should be answered in full indicating Supplier meets minimum insurance levels specified as follows. See table below for insurance levels for each lot. *Legend:* *Employer's (Compulsory) Liability Insurance = EL* *Public Liability Insurance = PL* *Professional Indemnity Insurance = PI* *Product Liability Insurance = Product* Fail – Section has not been completed in full and/or Supplier does not meet minimum insurance levels specified.

Insurance	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6
EL	£5m	£5m	£5m	£5m	£5m	£5m
PL	£5m	£5m	£5m	£5m	£5m	£5m
PI	£2m	£2m	£2m	£2m	£2m	£2m
Product	N/A	N/A	N/A	N/A	N/A	N/A

Q5.3 Sustainability Accreditation	For Information Only. Please provide the information requested.
Q5.4 (i) Local Sourcing Q5.4 (ii) Local Sourcing Q5.4 (iii) Local Sourcing	For Information Only. Please provide the information requested for all three parts of the question.
Q5.5 Fair Trade	For Information Only. Please provide the information requested.
Q5.6 Residential Housing Project Experience	Pass - In line with the **Table D Scoring Principles** (please refer) a score of 3 ("satisfactory") For above has been achieved. Fail – In line with the **Table D Scoring Principles** (please refer) a score of 0 ("unacceptable"), 1 ("major reservations") or 2 ("some reservations") has been given
Q5.7 Multi-Disciplinary Team [N.B. not used in Lot 3, Lot 4, Lot 5 or Lot 6.]	Pass - In line with the **Table D Scoring Principles** (please refer) a score of 3 ("satisfactory") For above has been achieved. Fail – In line with the **Table D Scoring Principles** (please refer) a score of 0 ("unacceptable"), 1 ("major reservations") or 2 ("some reservations") has been given

Question Heading	Minimum Requirements
Q5.8 Reporting Structure [N.B. Q5.7 in Lot 3, Lot 4, Lot 5 or Lot 6.]	Pass - In line with the **Table D Scoring Principles** (please refer) a score of 3 ("satisfactory") For above has been achieved. Fail – In line with the **Table D Scoring Principles** (please refer) a score of 0 ("unacceptable"), 1 ("major reservations") or 2 ("some reservations") has been given
Q5.9 Design Quality [N.B. Q5.8 in Lot 3, Lot 4, Lot 5 or Lot 6.]	Pass - In line with the **Table D Scoring Principles** (please refer) a score of 3 ("satisfactory") For above has been achieved. Fail – In line with the **Table D Scoring Principles** (please refer) a score of 0 ("unacceptable"), 1 ("major reservations") or 2 ("some reservations") has been given
Q5.10 Quality Management [N.B. Q5.9 in Lot 3, Lot 4, Lot 5 or Lot 6.]	Pass - In line with the **Table D Scoring Principles** (please refer) a score of 3 ("satisfactory") For above has been achieved. Fail – In line with the **Table D Scoring Principles** (please refer) a score of 0 ("unacceptable"), 1 ("major reservations") or 2 ("some reservations") has been given

The scoring principles set out in **Table D** are to be used for the evaluation of **Section 5: Project Specific Questions 5.6 to 5.10 (N.B. Q5.6 to Q5.9 for Lot 3, Lot 4, Lot 5, or Lot 6).** The written responses will be marked out of 5 (no half marks can be given) and a weighting applied to achieve the weighting stated in **Table B. Any Section 5: Project Specific Questions 5.6 to 5.10 (N.B. Q5.6 to Q5.9 for Lot 3, Lot 4, Lot 5, or Lot 6) response that receives a score of 0 ("unacceptable"), 1 ("major reservations") or 2 ("some reservations"), however, will not meet the minimum requirements set out by this SQ and will receive a 'Fail' mark.**

A minimum of two evaluators will mark each Project Specific question in **Section 5: Project Specific Questions 5.6 to 5.10 (N.B. Q5.6 to Q5.9 for Lot 3, Lot 4, Lot 5, or Lot 6)**. Once all SQs are marked a moderation meeting will be held to ensure fair and consistent marking across the SQs, as a result scores may be adjusted and finalised at the meeting. Each supplier's final score will be an average of the two or more scores finalised at the moderation meeting.

Table D – SQ Scoring Principles (Section 5: Project Specific Questions 5.6 to 5.10)

(N.B. Q5.6 to Q5.9 for Lot 3, Lot 4, Lot 5, or Lot 6)

Score	Scoring Principles
0	**Unacceptable:** The information required is either omitted or fundamentally fails to meet the relevant submission requirements to address the Council's requirements. Insufficient evidence to demonstrate that the relevant submission requirements or the Council's requirements can be met. **NB: as outlined in Table C Scoring Principles, a score of 0 for any question will result in your SQ response receiving a 'Fail' mark.**
1	**Major Reservations:** The information submitted has insufficient evidence that the specified requirements can be met. Significant omissions, serious and/or many concerns. **NB: as outlined in Table C Scoring Principles, a score of 1 for any question will result in your SQ response receiving a 'Fail' mark.**

Score	Scoring Principles
2	**Some Reservations:** The information submitted has some minor omissions in respect of the relevant submission requirements. The tender satisfies the basic minimum requirements in some respects but is unsatisfactory in other respects and raises some concerns. **NB: as outlined in Table C Scoring Principles, a score of 2 for any question will result in your SQ response receiving a 'Fail' mark.**
3	**Satisfactory:** The information submitted provides some good evidence to meet the relevant submission requirements and/or the Council's requirements. It is satisfactory in most respects and there are no major concerns.
4	**Good:** The information submitted provides good evidence that all the relevant submission requirements and/or the Council's requirements can be met. Full and robust response, any concerns are addressed so that the proposal gives confidence.
5	**Outstanding:** The information submitted provides good evidence that all the relevant submission requirements and/or the Council's requirements can be met, and the proposal is outstanding. Exemplary in the industry, provides full confidence and no concerns.

2. Instructions for Completion

2.1 ePortal Submissions

Please return completed SQ submissions in line with the instructions below:

Table A – deadlines for submission(s).

These instructions are designed to ensure that all Suppliers are given equal and fair consideration.

No unauthorised alteration or addition (save for the inclusion of the relevant information) should be made to the Selection Questionnaire (SQ).

SQs must not be qualified in any way and must be submitted strictly in accordance with the SQ, including these instructions. SQs must not be accompanied by any documentation that may be construed as rendering the SQs equivocal and/or placing it on a different footing from any other SQ.

To be considered, completed SQs must be **received by the nominated Procurement Consultant by:**

a. Electronic Copy: Uploaded to the dedicated e-Portal by no later than the submission date in **Table A** or such later date as LBBC notified to Suppliers.

b. Individual files uploaded should be no larger than 10MB in size and any complete submission should not exceed 30MB in total. Further guidance on uploading to the ePortal can be found in the User Guides section of the dedicated ePortal's website.

c. Only SQs received through these means will be accepted. LBBC reserves the right to reject completed SQs received after the closing date and time.

The supplier is to consider the contents provided within this SQ and all associated documentation.

LBBC is utilising the LondonTenders e-Portal to manage this process and communicate with bidders. Accordingly, there will be no hard copy documents issued to bidders and all communications with LBBC including the submission of bid responses will be conducted via LondonTenders.

Please note the LondonTenders e-Portal may let you submit after the deadline, but LBBC may not accept bids submitted after the deadline.

If after viewing the information regarding the opportunity you decide that you are **no longer** interested in registering an interest, then click the **'*Return to find opportunities*'** button. If you do decide you would like to express your interest, then click on the ***'Register interest in this opportunity'*** button.

Please allow sufficient time to upload documentation and submit your bid. It is not recommended to commence uploading documents less than four hours before the deadline. Remember after uploading your documents **to press the *'Submit Response'* button** within the LondonTenders e-Portal. Until you have pressed the SUBMIT button you have not sent your bid to LBBC.

Should you experience any technical difficulties regarding the LondonTenders e-Portal please contact LondonTenders directly:

LondonTenders Help Centre
Email: ProContractSuppliers@proactis.com

It is the bidder's responsibility to return completed documentation via the LondonTenders e-Portal.

During the bid process, any communication between bidders and LBBC must be made via LondonTenders.

2.2 SQ evaluation process

Upon receipt, the SQ submission will remain unopened until the deadline has passed. LBBC may decide to hold a formal opening ceremony with key stakeholders present to oversee the recording of SQ received.

All SQ will be logged and checked for compliance with the instructions given in the SQ documentation. Each SQ will be reviewed prior to evaluation to ensure its completeness and compliance to the SQ instructions outlined within this document. Incomplete or non-compliant SQs may be rejected prior to evaluation.

The SQ process will be conducted to ensure that SQs are evaluated fairly to ascertain the top scoring SQs which will be determined upon the selection criteria.

Suppliers may be contacted for clarification of information if required. LBBC may require a Supplier to clarify or supplement the information it submits in its SQ, provided that to do so will not distort the competition. However, all negotiations with Suppliers on fundamental aspects of the contract, variations which are likely to distort competition are ruled out. Any anomalies identified will be flagged and suppliers will be given the opportunity to clarify aspects that were unclear.

The SQ process will use the selection criteria to provide all the information required for a rigorous and objective assessment of the proposal. The assessment of all aspects stated shall be recorded for audit purposes and feedback provided to suppliers.

Suppliers, both successful and unsuccessful, will have the opportunity to receive feedback regarding their submission if requested.

2.3 SQ completion

The Supplier is to consider the contents provided within this SQ and all associated documentation. If the Supplier is unable to fulfil the needs of LBBC then please confirm as a courtesy the intention to withdraw from the process via the dedicated ePortal.

It is important that Suppliers provide all the documentation asked for in the format and order specified. Supporting information should be presented in the same order as, and should be referenced to, the relevant question. The supplier is to review and respond to each question in full.

Suppliers should adhere to any page / word limits specified. Any response exceeding the designated page/word limits will be disregarded beyond that limit.

The Supplier should note that the font to be used in all responses is Arial, the size is to be 11, single line spacing and the colour black. Emphasis by colour change, italics, bolding and underline is permitted but must remain within the size limits. We would ask you to show restraint and keep them to a minimum.

Missing pages, sections or wrongly inserted information may be scored as the lowest possible mark.

All submissions and all other communications must be in the English language.

The inclusion of marketing and general company literature is not required and may well cause your application to be rejected.

LBBC reserves the right to disqualify a bidder or to terminate the Framework Agreement if any material misrepresentation is made in their SQ submission. Indeed, LBBC is not bound to accept any SQ submitted pursuant to this procurement process.

LBBC reserves the right to reject any SQ submission that is not submitted in accordance with the instructions given and their decision will be final.

LBBC reserves the right to amend, add to or withdraw all or any part of this SQ at any time during the procurement process.

The contents of this SQ, and that of any other documentation sent to you in respect of this selection process, are provided on the basis that they remain the property of LBBC and their appointed consultants and must be treated as confidential. If you are unable or unwilling to comply with this requirement you are required to destroy this document and all associated documents immediately and not retain any electronic or paper copies.

Suppliers are advised that that their participation in this procurement process is to remain private and confidential to their own business with exception of those parties that are intended to be part of the supply of the service. Third parties engaged by the supplier are also bound by the same requirements of this SQ document.

LBBC shall not be committed to any course of action as a result of:

- issuing this SQ or any invitation to participate in this procurement exercise;
- an invitation to submit any response in respect of this procurement exercise;
- communicating with a supplier or Suppliers representatives or agents in respect of this procurement exercise; or
- any other communication between LBBC and any other party.

Suppliers shall accept and acknowledge that by issuing this SQ LBBC shall not be bound to accept any SQ and reserves the right to terminate the procurement and, where appropriate, re-advertise the procurement.

Suppliers are advised to retain for themselves details of their submissions. LBBC reserves the right to make a charge if a supplier requests a copy of its submitted SQ. Authorities must at all times:

- comply with the Data Protection Act 2018 (DPA);
- indemnify LBBC against loss, destruction or procuring of data contrary to the DPA by the Applicant, its servants or agents;

Suppliers should read these instructions carefully before completing the SQ. Failure to comply with these instructions for completion and submission of the SQ Response, and any additional instructions given by LBBC, may result in the rejection of the SQ. Suppliers are advised therefore to acquaint themselves fully with the extent and nature of the Services.

LBBC reserves the right to carry out financial checks on all applicants in line with the selection criteria.

Please read all the notes and questions in the SQ document prior to completing, Suppliers are responsible for satisfying themselves that they have obtained all information necessary for the preparation and submission of SQ responses.

2.4 SQ clarifications

All clarifications are to be communicated via the dedicated ePortal. Only clarifications raised in this way shall be responded to. **Facsimile, telephone or oral enquiries will NOT be accepted**.

Suppliers may request clarification via the dedicated ePortal at any point up until the date stated in this document. Suppliers are requested where possible to cross-reference questions to the relevant sections of the SQ.

Suppliers are permitted to clarify LBBC's requirements in the SQ.

LBBC will endeavour to answer all clarification questions as quickly as possible but cannot guarantee a minimum response time.

All clarifications and non-commercially sensitive questions raised by the Suppliers with their answers will be published on the dedicated ePortal from where the SQ was collected. It is the responsibility of the Supplier to periodically check for updates.

It is understood that Suppliers may, to the extent that it relates specifically to their own proposals, consider that their request for clarification or enquiry is of a confidential nature and that to release the answer to all Suppliers would reveal a commercially sensitive or innovative approach. If this is considered to be the case by a Suppliers, the following procedure will be adopted:

- If a supplier believes that its request for clarification or enquiry is confidential then the request must be marked as ‘Confidential’.
- If LBBC considers, at their sole discretion, that they are able to respond and answer the request for clarification or enquiry on a confidential basis, then they will do so.
- If LBBC considers, at their sole discretion, that they are unable to respond to and answer the request for clarification or enquiry on a confidential basis, they will notify the supplier of their decision and the supplier will have the opportunity to withdraw the request for clarification or enquiry.
- If the supplier does not wish to withdraw their request for clarification or enquiry, then the request for clarification or enquiry and LBBC’s response will be issued to all Suppliers via the dedicated ePortal.
- LBBC reserves the right to notify all Suppliers through the dedicated ePortal of any issue, of a general nature, arising out of any request for clarification or enquiry, which they consider would affect all Suppliers.

Should any Sub-Consultants require any information or clarifications, these requests must be directed through the supplier only and not by any direct contact with LBBC. Suppliers are advised that any requests for clarification or enquiries must be received no later than as stated in this document.

LBBC may not respond to any requests for clarification submitted or received after the latest date for submitting a request.

2.5 Costs & Expenses

Suppliers must obtain for themselves at their own responsibility and expense all information necessary for the preparation of SQs. Suppliers are solely responsible for the costs and expenses

incurred in connection with the preparation and submission of their SQ and all other stages of the selection and evaluation process. Under no circumstances will LBBC or their advisers, be liable for any costs or expenses borne by Suppliers, sub-contractors or advisers in this process, nor shall LBBC be liable for any loss of profits, loss of contracts or other costs or losses suffered or incurred by a Supplier as a result of that Supplier not being awarded one or more contracts pursuant to this procurement process.

LBBC reserves the right to cancel the procurement process at any point.

The SQ is made available in good faith. No warranty is given as to the accuracy or completeness of the information contained within it and any liability for any inaccuracy or incompleteness is therefore expressly disclaimed by LBBC and their advisors. No charge is levied against any bidder for the receipt of these SQ documents.

2.6 Official ITT Amendments

At any time prior to the deadline for the receipt of SQs, LBBC may modify the SQ by amendment. Any such amendment will be numbered and dated and issued by LBBC or selected consultants to all prospective Suppliers. In order to give prospective Suppliers reasonable time in which to take the amendment into account in preparing their SQs, LBBC may, at its discretion, extend the deadline for receipt of SQs.

2.7 Canvassing & Collusive Behaviour

Any supplier who directly or indirectly canvasses any officials, members, employees or agents of LBBC concerning the award of contract or who directly or indirectly obtains or attempts to obtain information from such official, member, employee or agent or concerning any other supplier, SQ or proposed SQ will be disqualified. Any SQ or other documents submitted in respect of which the supplier:

- communicates to any person other than LBBC any information
- enters into any agreement or arrangement with any other person that such other person shall refrain from submitting SQs or shall limit or restrict the information to be shown by any other Suppliers in its SQs and other documents; or
- offers or agrees to pay or give, or does pay or give, any sum of money, inducement or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other supplier or any other proposed SQs or other documents any act or omission; or
- has directly or indirectly canvassed any member or official of LBBC organisation concerning the acceptance of any SQs or has directly or indirectly obtained or attempted to obtain information from any such member or official concerning any other SQs submitted by any other Supplier,

shall not be considered for acceptance and shall accordingly be rejected by LBBC provided always that such non-acceptance or rejection shall be without prejudice to any other civil remedies available to LBBC in respect thereof or to any criminal liability that such conduct by a supplier may attract.

In submitting its SQ each supplier warrants, represents and undertakes to LBBC:

- it has not done any of the acts or matters referred to above and has complied in all respects with these SQ notes;

- all information, representations and other matters of fact communicated (whether in writing or otherwise) to LBBC by the supplier, its employees or agents in connection with or arising out of the SQ are true, complete and accurate in all respects;
- it has made its own investigations and research and has satisfied itself in respect of all matters (whether actual or contingent) relating to the SQ;
- it has full power and Authority to enter into the contract and undertake the Project;
- it is of sound financial standing and has and will have sufficient premises, working capital, skilled personnel, vehicles, plant, goods and materials and other resources available to it to carry out the Project (s); and
- it will not at any time claim or seek to enforce any lien, charge, or other encumbrances over property of whatever nature owned by LBBC and that is for the time being in the possession of the supplier.

2.8 No Inducement or Incentive

The SQ is issued on the basis that nothing contained in it shall constitute an inducement or incentive nor shall have in any other way persuaded an supplier to submit a SQ or enter into the Framework Agreement or any other contractual agreement.

2.9 Consortium

Where a consortium approach is proposed, the Suppliers submission should be a combined response, except where questions specifically requests responses for each member of the consortium.

LBBC recognises that arrangements in relation to consortia may be subject to future change. Suppliers are reminded that any change in relation to the consortium must be notified to LBBC so it can assess the new information against the selection criteria. If the supplier's circumstances have changed significantly from the position stated on submission of its SQ, this may lead to the supplier no longer being able to participate further in the procurement process.

2.10 Contact Point

Suppliers must name a single point of contact in their organisation for the purposes of this procurement exercise. LBBC shall not be responsible for contacting the supplier through any route other than the nominated contact registered on the dedicated ePortal.

2.11 Confidentiality

All documents issued in connection with this SQ shall remain the property of LBBC and shall be used only for the purposes of this procurement exercise.

Subject to the paragraphs below, the contents of the SQ Submission document are being made available by LBBC on condition that:

- Suppliers shall at all times treat the contents of the SQ and any related documents (together called the Information) as confidential, save in so far as they are already in the public domain;
- Suppliers shall 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;

- Suppliers shall not use any of the Information for any purpose other than for the purposes of submitting (or deciding whether to submit) a SQ; and

- Suppliers shall not undertake any publicity activity within any section of the media

- Suppliers may disclose, distribute or pass any of the Information to the Supplier's advisers, sub-contractors or to another person provided that either:
  - this is done for the sole purpose of enabling a SQ 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 Supplier; or
  - the Suppliers obtains the prior written consent of LBBC 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 procurement or to the Contract arising from it; or
  - the Supplier is legally required to make such a disclosure.

The definition of 'person' includes but is not limited to any person, firm, body or association, corporate or incorporate. LBBC may disclose detailed information relating to SQ to its officers, employees, agents or advisers and LBBC may make any of the SQ responses available for private inspection by its officers, employees, agents or advisers. LBBC also reserves the right to disseminate information that is materially relevant to the procurement to all Suppliers, even if the information has only been requested by one supplier, subject to the duty to protect each supplier's commercial confidentiality in relation to its SQ.

2.12 Freedom of Information

The supplier should acknowledge that LBBC may be subject to the requirements of the Freedom of Information Act 2000 ("FOIA"), subordinate legislation made under FOIA and any guidance and/or codes of practice issued (from time to time) in relation to FOIA.

Where a supplier considers that any of the information included in its bid is commercially sensitive, the supplier should identify this and explain in broad terms what harm might result from disclosure of the information in response to a relevant information request received by LBBC, as well as the time period applicable to such commercial sensitivity. Alternatively, where a supplier considers that any other exemption applies to information submitted; this should be identified and explained.

Suppliers should however be aware that, although LBBC will take into account the reasons given for treating information as commercially sensitive or otherwise exempt, LBBC may nevertheless be required to disclose it under FOIA where such disclosure is considered to be in the public interest. LBBC shall be responsible for determining, in its sole discretion, whether any exemption under FOIA applies.

Once, and if, the contract has been entered into, LBBC may release details of that agreement into the public domain, subject to the confidentiality provisions contained therein. Suppliers should be aware of this possibility.

Currie & Brown UK Limited
150 Holborn, London, EC1N 2NS
T | +44 20 7061 9000 E | enquiries@curriebrown.com
www.curriebrown.com