**DN581359**

**Schedule 1.1**

**Request to Participate (RTP)**

**Selection Questionnaire PAS91 2017**

**Commercial and Procurement Team**

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# Selection Questionnaire PAS91

**Potential Supplier Information and Exclusion Grounds**

This standard Selection Questionnaire is a self-declaration, made by you (the potential supplier), that you do not meet any of the grounds for exclusion.

The form of Selection Questionnaire is PAS91:2013+A1:2017

If there are grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (we call this self-cleaning).

A completed declaration 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).

If the relevant documentary evidence referred to in the Selection Questionnaire is not provided upon request and without delay we reserve the right to amend the contract award decision and award to the next compliant bidder.

**Consequences of misrepresentation**

If you seriously misrepresent any factual information in filling in the Selection Questionnaire, and so induce an authority to enter into a contract, there may be significant consequences. You may be excluded from the procurement procedure, and from bidding for other contracts for three years. If a contract has been entered into you may be sued for damages and the contract may be rescinded. If fraud, or fraudulent intent, can be proved, you or your responsible officers may be prosecuted and convicted of the offence of fraud by false representation, and you must be excluded from further procurements for five years.

**PAS91**:2013+A1:2017

**Table 1 – Supplier identity, key roles and contact information**

|  |  |  |  |
| --- | --- | --- | --- |
| Q Ref | Nature of Information | Description of response expected, which will be taken into account in assessment | Response |
| C1-Q1 | Name of legal entity or sole-trader | Unique name of legal entity or name of individual |  |
| C1-Q2 | Registered office Address | C1-Q2-1 Address line 1 (Property name/number) |  |
| C1-Q2-2 Address line 2 |  |
| C1-Q2-3 Address line 3 |  |
| C1-Q2-4 Town |  |
| C1-Q2-5 County |  |
| C1-Q2-6 Postcode |  |
|  | Website address | C1-Q2-7 website (if applicable) |  |
| C1-Q3 | Contact Details for  Enquiries | C1-Q3-1 Title (Mr, Mrs, Ms, etc.) |  |
| C1-Q3-2 Forename |  |
| C1-Q3-3 Family name |  |
| C1-Q3-4 Job title |  |
| C1-Q3-5 e-mail |  |
| C1-Q3-6 Telephone number |  |
| C1-Q3-7 Fax number |  |
| C1-Q3-8 Address line 1  (Property name/number) |  |
| C1-Q3-9 Address line 2 |  |
| C1-Q3-10 Address line 3 |  |
| C1-Q3-11 Town |  |
| C1-Q3-12 County |  |
| C1-Q3-13 Postcode |  |
| C1-Q4 | Registration number, if registered with Companies House or equivalent | C1-Q4-1 Registration number with Companies House |  |
| C1-Q4-2 Registration number with equivalent body |  |
| C1-Q5 | Charity registration number |  |  |
| C1-Q6 | VAT registration number |  |  |
| C1-Q7 | Name of immediate parent company |  |  |
| C1-Q8 | Name of ultimate parent company |  |  |
| C1-Q9 | Type of organization | *e.g. PLC; limited company; LLP; other partnership; sole trader; other (please specify)* |  |
| C1-Q10 | Size of business | Are you a micro, a small, or a  medium-sized enterprise (1)? | **Yes  No** |
| C1-Q11 | ONLY IN THE CASE THE PROCUREMENT IS RESERVED (2) Sheltered workshop/“social business” | C1-Q11-1 Is your organization a sheltered workshop, a “social business” (3) or will it provide for the performance of the contract in the context of sheltered employment programmes?  IF YES  Please respond to C1-Q11-2 and C1-Q11-3 below | **Yes  No** |
| C1-Q11-2 What is the corresponding percentage of disabled or disadvantaged workers? |  |
| C1-Q11-3 Please specify which category or categories of disabled or disadvantaged workers the employees concerned belong to |  |
| C1-Q12 | APPLICABLE TO NON-UK BUSINESSES ONLY Official lists/national pre-qualification system | C1-Q12-1 If applicable, is your organization registered on an official list of approved economic operators or does it have an equivalent certificate (e.g. under a national (pre)qualification system)?  IF YES:  Please answer the remaining parts of Table 1 and complete Tables 9 and 10 and the required declaration.  Complete C1-Q12-2 to C1-Q12-6 below. | **Yes  No  N/A** |
| C1-Q12-2 Please provide the name of the list or certificate and the relevant registration or certification number, if applicable |  |
| C1-Q12-3 If the certificate of registration or certification is available electronically, please state the:  • web address  • issuing authority or body  • precise reference of the documentation |  |
| C1-Q12-4 Please state the references on which the registration or certification is based, and, where applicable, the classification obtained in the official list (4) |  |
| C1-Q12-5 Does the registration or certification cover all of the required criteria in Tables (document compiler to insert the table numbers for all of the questions included for the procurement, other than those in tables 1, 9 and 10)?  IF NO  In addition, please complete the missing information in Tables (document compiler to insert the table numbers for all of the questions included for the procurement, other than those in tables 1, 9 and 10) | **Yes  No** |
| C1-Q12-6 ONLY if this is required in the relevant notice or procurement documentation:  Will your organization be able to provide a certificate with regard to the payment of social security contributions and taxes or provide information enabling the contracting authority or contracting entity to obtaining it directly by accessing a national database in any Member State that is available free of charge? If the relevant documentation is available electronically, please state the:  • web address  • issuing authority or body  • precise reference of the documentation | **Yes  No** |
| C1-Q13 | Form of Participation | C1-Q13-1 Are you participating in the procurement procedure together with others (5)?  IF YES  Please respond to C1-Q13-2, C1-Q13-3 and C1-Q13-4 below  Please ensure that the others concerned, each provide a separate questionnaire | **Yes  No** |
| C1-Q13-2 Please indicate your organization’s role(6) i.e. sole supplier/lead entity, group member, other entity (relied upon) (7), other entity (not relied upon) |  |
| C1-Q13-3 To enable the collation of the group’s responses, please identify the other organizations participating in the procurement procedure together |  |
| C1-Q13-4 Where applicable, please provide the name of the group |  |
| C1-Q14 | Lots | Where applicable, please indicate the lot(s) for which you wish to tender |  |

*NOTES to Table 1*

1. *See EU definition of SME https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition\_en*
2. *See contract notice point III.1.5*
3. *I.e. its main aim is the social and professional integration of disabled or disadvantaged persons*
4. *The references and classification, if any, are set out on the certification*
5. *Notably as part of a group, consortium, joint venture or similar, or a subcontractor that is being relied on to meet the selection criteria.*
6. *Where the supplier is participating in the procurement with others as referred to in question C1-Q13-2, the organizational roles should be understood, as follows:*
7. *Sole supplier/ Lead entity:*
8. *Sole entity or, in case of consortium, joint venture or other types of groups, the leader of the group.*
9. *Group member: Member (not leader) of the consortium, joint venture or other type of group.*
10. *Other entity (relied upon): Entity on which the main supplier, the group or other subcontractor, relies in order to meet the selection criteria.*
11. *Other entity (not relied upon): Entity on which the main supplier, the group or other subcontractor, does not rely in order to meet the selection criteria.*
12. *This includes subcontractors that the supplier relies on in the application and other organizations that the group relies on in the application (see Regulation 63 of the Public Contracts Regulations 2015).*
13. *For subcontractors that are not relied on by a candidate in its application, the buyer may ask whether the candidate intends to subcontract, the details of the proposed subcontractors (in so far as this is possible) and also for those subcontractors to complete a self-declaration against the exclusion grounds (Regulation 71 (1) and (8) Public Contracts Regulations 2015)*

**Table 2 – Financial Information**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Q Ref | Information required | Description of information expected, which will be taken into account in assessment | | Tick as applicable | Supplier’s unique reference to relevant supporting information |
| C2-Q1 | Please select the one organization description that most closely matches your organization and provide information accordingly | | |
| C2-Q1-1 Financial information for a start-up business that has not reported accounts to the Inland Revenue or Companies House | Forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, or an alternative means of demonstrating financial status (See Note 2 to this Table) | |  |  |
| C2-Q1-2 Accounts for an unincorporated business (sole traders and partnerships) | Copy of the most recent accounts that contain turnover, profit before tax, and balance sheet (if prepared) covering either the most recent two-year period of trading or, if trading for less than two years, the period that is available.  If accounts are not prepared, provide the relevant pages from the latest tax returns (self-employment pages for sole traders, partnership pages for partnerships), together with the tax assessment. | |  |  |
| C2-Q1-3 Accounts for a small company or limited liability partnership with a turnover below the audit threshold at which the preparation of audited accounts is not required | Copy of the most recent accounts as submitted to the Inland Revenue covering either the most recent two-year period of trading or, if trading for less than two years, the period that is available. Abbreviated accounts are not acceptable | |  |  |
| C2-Q1-4 Accounts for a medium to large incorporated entity and all other organizations that are required to prepare audited accounts | Copy of the most recent audited accounts covering either the most recent two-year period of trading or, if trading for less than two years, the period that is available | |  |  |
| C2-Q1-5 Accounts for other organization types (e.g. not for profit entities, local authorities, housing associations, charities) | In most cases it is likely that audited accounts will have been prepared and the accounts required at C2-Q1-4 above will suffice. Where this is not the case, an unaudited copy of the most recent accounts as described in C2-Q1-2 above should be provided. | |  |  |
| C2-Q2 | Insurance statement and certificates | Please enter the requested information in the response column | | | Response |
| C2-Q2-1 Employers’ liability insurance | C2-Q2-1-1 Policy No. | |  |
| C2-Q2-1-2 Limit of indemnity | |  |
| C2-Q2-1-3 Excess | |  |
| C2-Q2-1-4 Limit for a single event | |  |
| C2-Q2-1-5 Expiry date | |  |
| C2-Q2-2 Public liability insurance | C2-Q2-2-1 Policy No. | |  |
| C2-Q2-2-2 Limit of indemnity | |  |
| C2-Q2-2-3 Excess | |  |
| C2-Q2-2-4 Limit for a single event | |  |
| C2-Q2-2-5 Expiry date | |  |
| C2-Q2-3 Professional indemnity insurance (Where consultancy input involved) | C2-Q2-3-1 Policy No. | |  |
| C2-Q2-3-2 Limit of indemnity | |  |
| C2-Q2-3-3 Excess | |  |
| C2-Q2-3-4 Expiry date | |  |
| C2-Q2-4 Product liability insurance (Where product is to be supplied) | C2-Q2-4-1 Policy No. | |  |
| C2-Q2-4-2 Limit of indemnity | |  |
| C2-Q2-4-3 Excess | |  |
| C2-Q2-4-4 Expiry date | |  |

*NOTE 1 to Table 2 Where an insurance type is claimed to be “not in scope”, it is essential that an explanation supporting that claim is provided, e.g. the explanation could support the fact that a particular type of insurance was not required for the work undertaken.*

*NOTE 2 to Table 2 At the discretion of the buyer, a minimum level of turnover may be asked for. However, buyers should avoid insisting on requirements which may not be proportionate or relevant to the procurement, or which may discriminate against or be burdensome for SMEs or new providers. It is acknowledged that the nature and extent of the accounts provided will be commensurate with the business requirements and legal obligations of the supplier.*

**Table 3A – Business and professional standing**

**ESPD option, Grounds for mandatory exclusion and non-payment of tax and social security contributions (mandatory and discretionary exclusion)**

|  |  |  |  |
| --- | --- | --- | --- |
| Q Ref | Question | Response | |
| ESPD Option | | | |
| C3-QP1 | Have you submitted a completed European Single Procurement Document (ESPD)?  The questions in this module (Tables 3A and 3B) need not be completed if you have provided a completed and signed European Single Procurement Document (ESPD). | YES | No |
| Grounds for Mandatory Exclusion | | | |
| C3-QP2 | In respect of Regulations 57(1 and 2) of the Public Contracts Regulations 2015 the detailed grounds for mandatory exclusion of an organization are set out on the 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.  Within the past five years, anywhere in the world, have you, your organization or any person who has powers of representation, decision or control in the organization been convicted of any of the offences within the summary (C3-QP2-1 to C3-QP2-8) below, and listed on the above referenced webpage? |  | |
| C3-QP2-1 | Participation in a criminal organization | YES | No |
| C3-QP2-2 | Corruption | YES | No |
| C3-QP2-3 | Fraud | YES | No |
| C3-QP2-4 | Terrorist offences or offences linked to terrorist activities | YES | No |
| C3-QP2-5 | Money laundering or terrorist financing | YES | No |
| C3-QP2-6 | Child labour and other forms of trafficking human beings | YES | No |
| C3-QP2-7 | Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any jurisdiction outside England, Wales or Northern Ireland | YES | No |
| C3-QP2-8 | Any other offence within the meaning of Article 57(1) of the Directive created after 26th February 2015 in England, Wales or Northern Ireland. | YES | No |
| C3-QP2-9 | If you have answered yes to any of questions C3-QP2-1 to C3-QP2-8, provide further details for each such question, including:  • date of conviction and the jurisdiction;  • which of the grounds listed the conviction was for;  • the reasons for conviction;  • the identity of who has been convicted.  If the relevant documentation is available electronically, provide:  • the web address;  • issuing authority;  • precise reference of the documents. | Response | |
| C3-QP2-10 | If you have answered Yes to any of the questions C3-QP2-1 to C3-QP2-8, explain, for each such question, what measures have been taken to demonstrate the reliability of the organization despite the existence of relevant grounds for exclusion (self-cleaning - see Regulation 57 (13 to 17) of the Public Contracts Regulations 2015). | Response | |
| Non-payment of tax and social security contributions (mandatory and discretionary exclusion) | | | |
| C3-QP3 | In respect of Regulation 57(3) and (4) of the Public Contracts Regulations 2015, the detailed grounds for mandatory and discretionary exclusion of an organization are set out on the 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. |  | |
| C3-QP3-1 | Has your organization met all its obligations relating to the payment of taxes or social security contributions, both in the UK and in the country in which the organization is established (if outside the UK)? | YES | No |
| C3-QP3-2 | If you responded “No” for question C3-QP3-1, was this through a judicial or administrative decision having final and binding effect? | YES | No |
| C3-QP3-3 | Have any tax returns submitted on or after 1 October 2012 been found to be incorrect as a result of: |  |  |
| C3-QP3-3(a) | • HMRC successfully challenging the potential supplier under the General Anti – Abuse Rule (GAAR) or the “Halifax” abuse principle; | YES | No |
| C3-QP3-3(b) | • a tax authority in a jurisdiction in which the potential supplier is established successfully challenging it under any tax rules or legislation that have an effect equivalent or similar to the GAAR or “Halifax” abuse principle; or | YES | No |
| C3-QP3-3(c) | • a failure to notify, or failure of an avoidance scheme which the supplier is or was involved in, under the Disclosure of Tax Avoidance Scheme rules (DOTAS), VADR (Schedule 11A to the Value Added Tax Act 1994 (as amended by Schedule 1 to the Finance (no. 2) Act 2005) or any equivalent or similar regime in a jurisdiction in which the supplier is established. | YES | No |
| C3-QP3-4 | If you have answered No to C3-QP3-1 and/or Yes to any of questions C3-QP3-2 to C3-QP3-3(c), provide further details for each instance, including:  • whether you believe there to be any overriding reasons for non-payment;  • the country or state concerned;  • the amount concerned;  • details of the means for a No response to question C3-QP3-1 (if not included the response to C3-QP3-2 or C3-QP3-3(a) (b) or (c));  • the date of the conviction or decision (if applicable);  • in case of a conviction, insofar as established directly therein, the length of the period of exclusion;  • whether you have paid, or have entered into a binding arrangement with a view to paying, “the taxes or social security contributions due” including where applicable any interest accrued and/or fines; and  • if the relevant documentation is available electronically indicate the web address, issuing authority or body and precise reference of the  document. | Response | |

*NOTE We reserve our right to use our discretion to exclude your bid where we can demonstrate by any appropriate means that you are in breach of your obligations relating to the non-payment of taxes or social security contributions.*

**Table 3B – Grounds for discretionary exclusion**

|  |  |  |  |
| --- | --- | --- | --- |
| Q Ref | Question | Response | |
| ESPD Option | | | |
| C3-QP4 | Regulation 57 (8) of the Public Contracts Regulations 2015  The detailed grounds for discretionary exclusion of an organization are set out on the 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.  Within the past three years, anywhere in the world, have any of the situations identified in C3- QP4-1 to C3-QP4-8(e) below applied, to you or your organization. |  | |
| C3-QP4-1 | Breach of obligations in the field of environment, social and/or labour law | YES | No |
| C3-QP4-2 | Bankruptcy, insolvency | YES | No |
| C3-QP4-3 | Guilty of grave professional misconduct | YES | No |
| C3-QP4-4 | Distortion of competition | YES | No |
| C3-QP4-5 | Aware of any conflict of interest | YES | No |
| C3-QP4-6 | Been involved in the preparation of the procurement procedure | YES | No |
| C3-QP4-7 | Performance deficiencies on a previous contract leading to early termination, damages or other sanctions | YES | No |
| C3-QP4-8 | Misrepresentation and undue influence  Do any of the following statements apply to your organization? | | |
| C3-QP4-8(a) | The organization 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 |
| C3-QP4-8(b) | The organization has withheld such information. | YES | No |
| C3-QP4-8(c) | The organization is not able to submit supporting documents required under Regulation 59 of the Public Contracts Regulations 2015. | YES | No |
| C3-QP4-8(d) | The organization has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organization undue advantages in the procurement procedure. | YES | No |
| C3-QP4-8(e) | The organization has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award. | YES | No |
| C3-QP4-9 | If you have answered Yes to any of questions C3- QP4-1 to C3-QP4-8(e), provide  • details of the circumstances;  • explain what measures have been taken to demonstrate the reliability of the organization despite the existence of a relevant ground for exclusion (Self cleaning - see Regulation 57 (13 to 17) of the Public Contracts Regulations 2015);  • if relevant documentation is available electronically, indicate the web address, issuing authority or body and precise reference of the document. | Response | |

**Table 4 – Health and safety: policy and capability**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Q Ref  C4-Q1 | Exemptions and pertinent question selection | | | Exemption(s) Claimed | | | | |
| Please tick i and /or ii for C4-Q1-1a, b and /or c, as appropriate, and for i, also state the CDM duty holder role(s) for which exemption is claimed | | | | Supplier’s unique reference to certificates or other supporting information |
| C4-Q1 | In the circumstances set out in C4-Q1-1a) to C4-Q1-1c), if your organization meets the relevant criteria in respect of exemption categories i) and/or ii) below:  i. one or more of the following CDM duty holder roles: contractor, principal contractor, designer, principal designer;  ii. general health and safety: policy and capability;  and you can provide the supporting information to evidence this, the following exemptions apply:  • for an exemption under i) or ii) above: questions C4-Q2 to C4-Q11 need not be completed  • for an exemption under i) above questions C4-Q12 to C4-Q22 also need not be completed in respect of the role(s) identified.  If you are not claiming an exemption, please move to question C4-Q2.  However, if you are claiming exemption(s), but such exemption(s) does not cover all the categories/roles relevant to your application, please:  • complete questions C4-Q12 to C4-Q22 in respect of each relevant category/role not covered by an exemption; and  • provide any additional information required for C4-Q2 to C4-Q11 in respect of relevant categories/ roles that are not covered by an exemption.\*  *NOTE \*Additional information to that relevant to the exemption(s) claimed could be required to demonstrate satisfactory organization and arrangements appropriate to the categories/roles not covered by such exemption(s).* | | |  | | | |  |
| Circumstances of exemption | | | | | | | |
| C4-Q1-1a) You have, within the last twelve months, successfully completed a prequalification application undertaken by an assessment provider able to demonstrate that its information gathering process is equivalent to that of PAS 91. | | | For i)  CDM duty holder role(s) claimed.  ...................................................  For ii) | | | |  |
| C4-Q1-1b) You have, within the last twelve months, successfully met the assessment requirements of a construction-related scheme in registered membership of the Safety Schemes in Procurement (SSIP) forum (see Annex D). | | | For i)  CDM duty holder role(s) claimed.  ...................................................  For ii) | | | |  |
| C4-Q1-1c) You hold a certificate of compliance with BS OHSAS 18001 (or equivalent) issued by a Conformity Assessment Body accredited to provide conformity assessment services to that standard,1 e.g. accredited by UKAS.  *Note 1) accredited means having undergone third-party attestation by an organization that is a signatory to either or*  *both of the European Accreditation or International Accreditation Forum, multi-lateral agreements.* | | | For i)  CDM duty holder role(s) claimed.  ...................................................  For ii) | | | |  |
| Q Ref. | Question | | Example of the type of information in support of responses, which will be taken into account in assessment | | YES | NO | Supplier’s unique reference to relevant supporting information | |
| C4-Q2 | Are you able to show that you have a general policy and an organization which is responsible for ensuring effective health and safety (H&S) management? | | Evidence of periodically reviewed general H&S policy, signed and dated by a senior person within the organization. The H&S policy should also contain the organization and arrangements. These should be relevant to the anticipated nature and scale of activity to be undertaken, and set out responsibilities for H&S management at all levels in the organization. (Organizations with fewer than 5 employees, see Note 4 to this Table) | |  |  |  | |
| C4-Q3 | Are you able to show your arrangements for ensuring that your H&S measures are effective in reducing/ preventing work-related incidents, occupational ill-health and accidents? | | Details of the arrangements for H&S management that are relevant to the anticipated nature and scale of activity to be undertaken, and how these arrangements are communicated to workers. (Organizations with fewer than 5 employees, see Note 4 to this Table) | |  |  |  | |
| C4-Q4 | Do you have ready access to competent H&S advice/assistance? | | Evidence of how your organization has ready access to competent H&S advice, for both general health and safety and, for CDM duty holders, construction-related health and safety.  (Access to competent inhouse advice, in whole or part, is usually preferred. It is essential that H&S advisor(s) are able to provide general H&S advice and that, for CDM duty holders (from the same source or elsewhere) advice on relevant construction H&S issues is accessible as required.) | |  |  |  | |
| C4-Q5 | Do you have a process for providing your employees/other workforce with training and other information appropriate to the activities that your organization is likely to undertake? | | Evidence that your organization implements relevant training arrangements to ensure that employees/other workforce have sufficient skills and understanding to discharge their various duties. This should include refresher training on relevant good H&S practice and, for CDM contractors and principal contractors, Construction Phase Plans (CPP) may be used to show how information is disseminated or communicated on-site (see note 5 to this Table). | |  |  |  | |
| C4-Q6 | Do your employees/other workforce have H&S and other relevant knowledge, experience and skills to carry out activities that your organization is likely to undertake? | | Evidence that your employees/other workforce have suitable knowledge, experience and skills for the activities assigned to them, unless there are specific situations where they need to work under competent control and/or supervision (e.g. apprentices and other trainees). | |  |  |  | |
| C4-Q7 | Do you check, review and, where necessary, improve your H&S performance? | | Evidence that your organization has an effective, ongoing system for monitoring H&S procedures, and for periodically reviewing and updating that system as necessary. | |  |  |  | |
| C4-Q8 | Do you have procedures for involving your employees/other workforce in the planning and implementation of H&S measures? | | Evidence that your organization implements a means of consulting with its employees/other workforce on H&S matters and how comments, concerns or complaints submitted by employees/other workforce are taken into account. | |  |  |  | |
| C4-Q9 | Do you routinely record and review accidents/incidents and undertake follow-up action? | | Evidence that your organization maintains records of all RIDDOR-reportable (see note 6 to this Table) and other incidents for at least the last three years.  Evidence that your organization has an effective system for reviewing significant incidents, and recording any resulting action taken (including your response to any H&S enforcement activity). | |  |  |  | |
| C4-Q10 | Do you have arrangements for ensuring that your suppliers also apply H&S measures that are appropriate to the activities that your organization is likely to undertake? | | Evidence that your organization implements arrangements for ensuring and monitoring H&S skills, knowledge and experience, and performance, throughout your entire supply chain, appropriate to the work likely to be undertaken. | |  |  |  | |
| C4-Q11 | Do you operate a process of risk assessment, capable of supporting safe systems of work? | | Evidence that your organization implements procedures for carrying out relevant risk assessments and for developing and implementing safe systems of work (“method statements”).  Please provide indicative examples, which must include: the identification and control of any significant occupational health (not just safety) issues, appropriate to the work likely to be undertaken. (Organizations with fewer than 5 employees, see Note 4 to this Table)  *NOTE Risk assessments should focus on, and be proportionate to, the risks arising from the type of work to be undertaken. The need to reduce documentation requirements on microbusinesses in particular should be taken into account by buyers and assessment providers. Excessive bureaucracy associated with prequalification assessment can obscure the real H&S issues to be considered, and even divert effort away from them.* | |  |  |  | |
| C4-Q12 | CDM duty holder related question selection: The questions asked in C4-Q13 to C4-Q22 (in conjunction with questions C4-Q2 to C4-Q11) are appropriate for particular construction duties and have been colour coded accordingly to assist identification. Please indicate below which duty (or duties) best describes your organization’s activity and then only provide responses to the questions colour coded to the duty (or duties) you have selected.  *NOTE The questions refer to duty holders under the Construction (Design and Management) Regulations 2015, which defines the scope of “construction” activity. If your organization potentially fills more than one role (e.g. “Design and Build”), please provide responses to the questions applying to all relevant duty holder roles (e.g. Designer and Principal Contractor)* | | | |  | |  | |
| CDM DUTY HOLDER ROLE(S) IDENTIFIED  Please respond “yes” or “no” to each role identified below | | | |  | |  | |
| *NOTE 1 If none of the duty holder roles identified below are relevant, you do not need to respond to any of questions C4-Q13 to C4-Q22*  *NOTE 2 Principal contractors will also need to respond to questions applicable to contractors, and principal designers will also need to respond to questions applicable to designers* | | | | YES | No |  | |
| C4-Q12-a) Contractor/principal contractor(respond to grey shaded questions C4-Q13 to C4-Q16) | | | |  |  | None Required | |
| C4-Q12-b) Principal contractor (in addition to C4-Q13 to C4-Q16 also respond to yellow shaded question C4-Q17) | | | |  |  |  | |
| C4-Q12-c) Designer/principal designer (respond to red shaded questions C4-Q18 to C4-Q19) | | | |  |  |  | |
| C4-Q12-d) Principal designer (in addition to C4-Q18 to C4-Q19 also respond to green shaded questions C4-Q20 to C4-Q22) | | | |  |  |  | |
| Q Ref | | Question | Example of the type of information in support of responses, which will be taken into account in assessment. | | YES | NO | Supplier’s unique reference to relevant supporting information | |
| C4-Q13 Contractor/  Principal contractor | | Do you have arrangements for cooperating and co-ordinating your work with others (including other suppliers, notably contractors)? | Describe how co-operation and co-ordination of the work is achieved in practice, and how any other organizations are involved in drawing up method statements, etc. including response to emergency situations. This should include how input from your suppliers will be taken into account, and how external comments, including any concerns or complaints, will be responded to. This may include CPPs. | |  |  |  | |
| C4-Q14 Contractor/  Principal contractor | | Do you have arrangements for ensuring on-site welfare for your employees/other workforce? | Describe how you ensure suitable welfare facilities for your employees/other workforce are in place before starting work on site, whether provided by a site-specific arrangement with others, or your own measures. This may include CPPs. | |  |  |  | |
| C4-Q15 Contractor/  principal contractor | | Are you able to provide evidence of the skills, knowledge and experience of H&S in construction in your organization? | Examples of actual knowledge, skills and experience within your organization. This may include:  NEBOSH Construction Certificate; membership of Association for Project Safety; membership of Institution of Construction Safety; SSSTS; SMSTS (e.g. provided in a skills matrix for key personnel) | |  |  |  | |
| C4-Q16 Contractor/ principal contractor | | Do you review and develop your effectiveness in the contractor/principal contractor role? | Evidence that your organization Implements an ongoing system for monitoring performance, including post-project review. | |  |  |  | |
| C4-Q17 Principal contractor | | Do you implement arrangements to meet the ‘principal contractor’ duties under the Construction (Design and Management) Regulations 2015? | Concise, practical examples, relevant and proportionate to the type of activity likely to be carried out, of how your organization meets the requirements of principal contractor. In particular, provide evidence of how you:  C4–Q17-1 Plan, manage, monitor and coordinate H&S in the construction phase, including communication with the client, principal designer and contractors;  C4–Q17-2 Prepare, review and maintain CPPs;  C4–Q17-3 Organize cooperation Between contractors and others, and coordinate the work;  C4–Q17-4 Ensure relevant and suitable site inductions;  C4–Q17-5 Provide information for the H&S file. | |  |  |  | |
| C4-Q18 Designer/  principal designer | | Do you implement arrangements to meet the ‘designer’ duties under the Construction (Design and Management) Regulations 2015? | Evidence showing how you address C4-Q18-1 to C4-Q18-4 below.  Provide relevant examples showing how risk was reduced through design.  *NOTE Emphasis should be on practical, proportionate measures that address significant risks arising from designs for relevant construction, not on lengthy documentation about generic risks.*  C4-Q18-1 Check that the client is aware of their duties  C4-Q18-2 Ensure that you and your workforce have the necessary skills, knowledge and experience to discharge their legal duties under CDM 2015?  Provide relevant evidence of:  • your CPD programme and/ or examples of training and development plans (which may include inhouse training).  • your relevant qualifications, e.g. membership of a professional institution such as CIAT; CIBSE; ICE or RIBA.  • how you maintain your  technical knowledge and understanding of construction design.  C4-Q18-3 Ensure significant risks are eliminated by design, taking account of the principles of prevention and show how construction and lifecycle risks are eliminated or controlled (with reference to buildability, maintainability and use).  C4-Q18-4 Effectively manage design changes, with regard to ensuring H&S during and post-completion. | |  |  |  | |
| C4-Q19 Designer/  principal designer | | Do you review and monitor your design performance, notably in relation to H&S? | Evidence that your organization implements an ongoing system for monitoring H&S design procedures and for reviewing and updating that system as necessary, e.g. through project design  review (during and post-completion). | |  |  |  | |
| C4-Q20 Principal Designer | | Do you implement arrangements to meet the “principal designer” duties under the Construction (Design and Management) Regulations 2015? | Concise, practical examples, relevant and proportionate to the type of activity likely to be carried out, of how your organization meets the requirements of principal designer. In particular, evidence of how you:  C4–Q20-1 Help the client to meet its duties under CDM 2015  C4–Q20-2 Gather, prepare, communicate and coordinate information, including design information, with other duty holders during the pre-construction phase  C4–Q20-3 Plan, manage and monitor health and safety-related information, including design information, in the pre-construction phase of a project, with the aim of identifying, eliminating or controlling foreseeable risks;  C4–Q20-4 Ensure designers carry out their duties, including oversight and co-ordination within the design team and with other designers/contractors;  C4-Q20-5 Liaise with the principal contractor;  C4–Q20-6 Prepare and provide relevant information to other duty holders, including the H&S file. | |  |  |  | |
| C4-Q21 Principal designer | | Are you able to provide evidence of the skills, knowledge and experience of H&S in construction in your organization? | Examples of actual skills, knowledge and experience. This may include validated CPD, and typical additional qualifications.  For example, a member of the registers administered by the Association for Project Safety or the Institution of Construction Safety (formerly known as the CDM co-ordinator’s register), or the ICE construction health and safety register. | |  |  |  | |
| C4-Q22 Principal designer | | Do you review and develop your effectiveness in the principal designer role? | Evidence that your organization implements, an ongoing system for monitoring performance, including post-project review. | |  |  |  | |

*NOTES TO TABLE 4*

*NOTE 1 Assessors should not request unnecessary paperwork and may not necessarily require evidence of all the examples in column 3 of Table 4. Suppliers (including contractors, consultants and others) should only be required to produce enough evidence to show that they meet the relevant criteria, taking account of the nature of activities/projects likely to be involved, and the hazards and risks. This requires assessors to make a judgement as to whether the evidence provided meets the standard to be achieved. If that judgement is reasonable, and clearly based on the evidence requested, assessors cannot be criticised if the supplier they appoint subsequently proves not to have the necessary capability (essential knowledge, skills and experience) when carrying out the activity.*

*NOTE 2 For suppliers that will be CDM duty holders – The core questions in Table 4 align with legal requirements on the relevant duty holder under the Construction (Design and Management) Regulations (CDM 2015).*

*NOTE 3 For suppliers that will be CDM duty holders – Asking the questions in Table 4 does not remove the buyer’s requirement to make further enquiries about the supplier’s H&S capability, as required for specific projects, services or other activities.*

*Stage 1: An assessment of the supplier’s organization and arrangements for H&S, to determine whether these are sufficient to enable the supplier to carry out the activity safely and without risk to health. Stage 1 assessments*

*assess the general (basic) capability of the supplier and are within the scope of PAS 91.*

*Stage 2: Stage 2 assessments are outside the scope of PAS 91\*. They involve an additional assessment of the supplier’s experience, technical capability and track record, to establish that: it is capable of carrying out the actual construction activity/project required (i.e. project, activity or service-specific enquiries), and notably in relation to higher hazard activity; that the supplier recognizes any limitations and how these should be overcome; and appreciates the hazards associated with the activity and how the risk should be effectively controlled.*

*\*Stage 2 assessments follow Stage 1 enquiries and they should not therefore be asked in relation to PAS 91 (although in the public sector only, stage 2 questions relating to previous experience will be asked in the prequalification questionnaire – if required by law).*

*NOTE 4 If a supplier has fewer than five employees it is not legally required to write down its general policy, organization or arrangements. However, it does need to be able to show that its arrangements are adequate in relation to the type of activity likely to be undertaken.*

*NOTE 5 Relevant and proportionate CPPs are required for ‘construction work’ covered by CDM 2015. CPPs need only be proportionate to the nature of the activity likely to be undertaken.*

*NOTE 6 RIDDOR: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.*

**Table 5 - Equal opportunity and diversity policy and capability**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Q Ref. | Question | Description of information in support of response, which will be taken into account in assessment | YES | NO | Supplier’s unique reference to relevant supporting information |
| O1-Q1 | As an employer, do you meet the requirements of the positive equality duties in relation to the Equalities Act 2010? | In respect of O1-Q1, copies of:  O1-Q1-1 relevant instructions or written statement/evidence of relevant actions  O1-Q1-2 relevant guidance or written statement/evidence of relevant actions  O1-Q1-3 relevant policies/literature or written statement/ evidence of relevant actions  O1-Q1-4 evidence of where you believe these policies have made a difference |  |  |  |
| O1-Q2 | Is it your policy as an employer to comply with anti-discrimination legislation, and to treat all people fairly and equally so that no one group of people is treated less favourably than others? | No supporting evidence required |  |  |  |
| O1-Q3 | In the last three years has any finding of unlawful discrimination been made against your organization by any court or industrial or employment tribunal or equivalent body? | Details of any findings |  |  |  |
| O1-Q4 | In the last three years, has your organization been subject to a compliance action by the Equality and Human Rights Commission or an equivalent body on grounds of alleged unlawful discrimination? | Details of any investigations |  |  |  |
| O1-Q5 | In the last three years, has your organization been found in breach of section 15 of the Immigration, Asylum and Nationality Act 2006? | Details of any findings |  |  |  |
| O1-Q6 | In the last three years, has your organization been found in breach of section 21 of the Immigration, Asylum and Nationality Act 2006? | Details of any findings |  |  |  |
| O1-Q7 | In the last three years, has your organization been found to be in breach of the National Minimum Wage Act 1998? | Details of any findings |  |  |  |
| O1-Q8 | If the answer to any of questions 3 to 7 is “yes”, what steps did your organization take as a result of that finding or investigation? | Details/evidence of remedial action |  |  |  |
| O1-Q9 | Does your organization operate appropriate arrangements to ensure that equality and diversity is embedded within your organization? | Provide copies of any relevant policies or written statement/evidence of relevant actions |  |  |  |
| O1-Q10 | Do you actively promote good practice in terms of eliminating discrimination in all forms through: |  |  |  |  |
| O1-Q10-1 guidance to your employees/ suppliers concerned with recruitment, training and promotion? | In respect of O1-Q10-1, copies of any relevant guidance or written statement/evidence of relevant actions. |  |  |  |
| O1-Q10-2 making guidance or policy documents concerning how the organization embeds equality and diversity available to employees/ sub-contractors, recognized trade unions or other representative groups of employees? | In respect of O1-Q10-2, copies of any relevant guidance, policies, or written statement/ evidence of relevant actions. |  |  |  |
| O1-Q10-3 appropriate recruitment advertisements or other literature? | In respect of O1-Q10-3, copies of any relevant advertisement or written statement/evidence of relevant actions. |  |  |  |

**Table 6 – Environmental management policy and capability**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Q Ref. | Exemption | | Exemption claimed | If exemption claimed, supplier’s unique reference to certificates or other supporting information | | |
| O2-Q1 | The questions in this module need not be completed if your organization holds a certificate of compliance with BS EN ISO 14001 (or equivalent) issued by a Conformity Assessment Body accredited to provide conformity assessment services to that standard2, e.g. accredited by UKAS, or you have a valid EMAS certificate, and can provide information to evidence this. | | YES |  | | |
| NO |
| Q Ref. | Question | Description of information in support of response, which will be taken into account in assessment | | YES | NO | Supplier’s unique reference to relevant supporting information |
| O2-Q2 | Do you have a documented policy and organization for the management of construction-related environmental issues? | Evidence that you or your organization has an environmental management policy authorized by the chief executive or equivalent that is regularly reviewed. The policy should be relevant to the nature and scale of the activity and set out the responsibilities for environmental management throughout the organization. | |  |  |  |
| O2-Q3 | Do you have Documented arrangements for ensuring that your environmental management procedures are effective in reducing/ preventing significant impacts on the environment? | Evidence that your organization’s environmental policy implementation plan provides information as to how the company aims to discharge relevant legal responsibilities and provides clear indication of how these arrangements are communicated to employees/other workforce, in relation to environmental matters including:  • sustainable materials procurement;  • waste management;  • energy management.  This should include the arrangements for responding to, monitoring and recording environmental incidents, emergencies and complaints. | |  |  |  |
| O2-Q4 | Do you have arrangements for providing employees who will engage in construction, with training and information on construction-related environmental issues? | Evidence that your organization has in place, and implements, training arrangements to ensure that its workforce has sufficient skills and understanding to carry out their various duties. This should include a programme of refresher training that will keep employees/other workforce updated on relevant legal requirements and good environmental management practice. | |  |  |  |
| O2-Q5 | Do you check, review and where necessary improve your environmental management performance? | Evidence that your organization has a system for monitoring environmental management procedures on an ongoing basis and for updating them at periodic interval. | |  |  |  |
| O2-Q6 | Do you have arrangements for ensuring that any suppliers you engage apply environmental protection measures that are appropriate to the activity for which they are being engaged? | Evidence that your organization has procedures for monitoring supplier’s environmental management arrangements and ensuring that environmental performance appropriate for the activity to be undertaken is delivered throughout the whole of your organizations supply chain. | |  |  |  |

2) In O2-Q,1 accredited means having undergone third-party attestation by an organization that is a signatory to either or both of the European Accreditation or International Accreditation Forum, multi-lateral agreements.

*NOTE EMAS is the European Eco-management and Audit Scheme, sponsored by the European Commission (see* [*http://eceuropaeu/environment/emas/index\_ENhtm*](http://eceuropaeu/environment/emas/index_ENhtm)*)*

**Table 7 – Quality management policy and capability**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Q Ref. | Exemption | | Exemption claimed | If exemption claimed, supplier’s unique reference to certificates or other supporting information | | |
| O3-Q1 | The questions O3-Q2 to O3-Q6, need not be completed if your organization holds a certificate of compliance with BS EN ISO 9001 (or equivalent) issued by a Conformity Assessment Body accredited to provide conformity assessment services to that standard3 e.g. accredited by UKAS, and can provide information to evidence this. | | YES |  | | |
| NO |
| Q Ref. | Question | Description of information in support of response, which will be taken into account in assessment | | YES | NO | Supplier’s unique reference to relevant supporting information |
| O3-Q2 | Do you have a policy and organization for quality management? | Evidence that your organization has and implements a quality management policy that is authorized by the chief executive or equivalent that is periodically reviewed at a senior management level. The policy should be relevant to the nature and scale of the work to be undertaken and set out responsibilities for quality management throughout the organization. | |  |  |  |
| O3-Q3 | Do you have arrangements for ensuring that your quality management, including the quality of construction output and general performance, is effective in reducing/ preventing incidents of sub-standard delivery? | Evidence that your organization keeps copies of documentation setting out quality management organization and procedures that meet currently agreed good. practice. These should include the arrangements for quality management throughout the organization. They should set out how the company will carry out its policy, with a clear indication of how the arrangements are communicated to employees/other workforce. | |  |  |  |
| O3-Q4 | Do you have arrangements for providing your workforce with quality-related training and information appropriate to the type of work for which your organization is likely to bid? | Evidence that your organization has in place and implements, training arrangements to ensure that its employees/other workforce has sufficient skills and understanding to discharge their various responsibilities. These arrangements should include a programme of training that will keep employees/other workforce up to date with required knowledge about quality related issues, including copies of job profiles; training manuals and training records. | |  |  |  |
| O3-Q5 | Do you have procedures for periodically reviewing, correcting and improving quality performance? | Evidence that your organization has a system for monitoring quality management procedures on an ongoing basis. Your organization should be able to provide evidence of systematic, periodic review and improvement of quality in respect of construction output and general performance. | |  |  |  |
| O3-Q6 | Do you have arrangements for ensuring that your own suppliers apply quality management measures that are appropriate to the work for which they are being engaged? | Evidence that your organization has arrangements for monitoring supplier’s quality management arrangements and ensuring that quality performance appropriate for the work to be undertaken is delivered throughout the whole of your organizations supply chain. | |  |  |  |

3) In O3-Q1 accredited means having undergone third-party attestation by an organization that is a signatory to either or both of the European Accreditation or International Accreditation Forum, multi-lateral agreements.

**Table 8 – Supplementary questions in respect of organizational technical and/or professional capability**

**These questions are Scored where noted.**

The Scoring of these questions will be used to short list Suppliers to be invited to the second stage of the procurement, ISIT, as set out in Volume 5 – Returnable Schedules Tendering Instructions

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Q Ref. | Question | Description of information in support of response, which will be taken into account in assessment | YES | NO | Unique  reference to  supporting  information |
| S1-Q1 | **Experience & Capability**  Have you and/or your company carried out activities or provided services of the same or similar nature to that which is the subject of this prequalification questionnaire?  **Scored Question** | One example for each of the headings listed below should be provided to demonstrate experience and capability:   1. Safety Defect Repairs 2. Winter Service 3. Routine and Environmental Works – Planned and Reactive Gully Maintenance 4. Routine and Environmental Works – Drainage Jetting 5. Routine and Environmental Works – Verge Maintenance 6. Emergency Service – Out of Hours and Civil Emergency Response 7. Programme Management and Delivery   **For Works**  Any works carried out over the past 5 years together with evidence of satisfactory completion, indicating in each case:   1. The identity of the organisation and contact person the works were provided to 2. Description of the works or project, and where they were carried out 3. Start date and Completion date 4. Estimated project or works value 5. Any certificate or evidence confirming satisfactory completion of the project or works   **For Services**  Any services provided in the past 3 years together , indicating in each case:   1. The identity of the organisation and contact person the services were provided to 2. Description of the services and where they were provided 3. Start and End dates of the services 4. Estimated contract value 5. Any certificate or evidence confirming satisfactory delivery of the service |  |  |  |
| S1-Q2 | **Technical Skill & Ability**  Do you and/or your company have the necessary technical skills and abilities to deliver the activities or services that are the subject of this prequalification questionnaire?  **Scored Question** | A statement of the professional accreditations and qualifications held by you, your members of staff and workforce within your company who will be responsible for providing the works and services for each of the headings that are the subject of this prequalification questionnaire.  These should cover the following headings:   1. Safety Defect Repairs 2. Winter Service 3. Routine and Environmental Works – Planned and Reactive Gully Maintenance 4. Routine and Environmental Works - Drainage Jetting 5. Routine and Environmental Works - Verge Maintenance 6. Emergency Service – Out of Hours and Civil Emergency Response 7. Programme Management and Delivery |  |  |  |
| S1-Q3 | **Staff Numbers**  Do you and/or your company have the necessary numbers of staff to deliver the activities or services that are the subject of this prequalification questionnaire?  **Scored Question** | A statement of the average annual number of managerial staff and workforce over the previous 3 years, covering each of the following headings:   1. Safety Defect Repairs 2. Winter Service 3. Routine and Environmental Works – Planned and Reactive Gully Maintenance 4. Routine and Environmental Works - Drainage Jetting 5. Routine and Environmental Works - Verge Maintenance 6. Emergency Service – Out of Hours and Civil Emergency Response 7. Programme Management and Delivery |  |  |  |
| S1-Q4 | **Decarbonisation**  Provide details of your organisations commitment to reduce carbon emissions from maintenance and new construction activities within current contracts, programmes, and projects.  **Scored Question** | Provide examples to support your commitments in managing and reducing carbon emissions during the past three years. Include within your response details of any:  i) Examples of use of new processes, materials or technology that has demonstrably reduced carbon emissions compared to previous approaches.  ii) Examples of any processes, materials or technology that have been developed by your organisation.  iii) Evidence of ongoing research and development by your organisation in new and further carbon emissions reduction. |  |  |  |
| S1-Q5 | **Remedial Notices**  Have you and/or your company been issued a Remedial Notice, any form of Improvement Notice, or any Notice in relation to Health & Safety in the last 5 years that are the subject of this prequalification questionnaire?  **For Information Only** | Describe the nature of the Notice and reasons for its implementation.  Describe the remedial actions that have been undertaken in response to each Notice. | **☐** | **☐** |  |

**Table 9 – Authority’s Additional Questions**

|  |  |  |
| --- | --- | --- |
| **9** | **Modern Slavery Act 2015: Requirements under Modern Slavery Act 2015** | |
| **9.1** | 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**  **N/A** |
| **9.2** | 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 |

|  |  |  |
| --- | --- | --- |
| **9.3** | **Cyber Essentials** | |
| This section is evaluated as PASS/FAIL.  Please confirm whether:  Your organisation has a current and valid Cyber Essentials certificate which has been awarded by one of the government approved Cyber Essentials accreditation bodies within the most recent 12 months; **or**  Your organisation has not got a current and valid Cyber Essentials certificate which has been awarded by one of the government approved Cyber Essentials accreditation bodies but is working towards gaining it, and will confirm that it has been awarded a current and valid Cyber Essentials certificate by one of the government approved accreditation bodies by the date of the Framework Agreement or a later date when Cyber Essentials Data are received by the Supplier; **or**  Your organisation has not got a current and valid Cyber Essentials certificate which has been awarded by one of the government approved Cyber Essentials accreditation bodies, but can demonstrate (or, will be able to demonstrate by the date of the Framework Agreement or a later date when Cyber Essentials Data are received by the Supplier) that its organisation meets the technical requirements prescribed by the Cyber Essentials Scheme as detailed in the following link:  <https://www.cyberstreetwise.com/cyberessentials/files/requirements.pdf>  and that the Supplier can provide evidence of verification by a technically competent and independent third party (which has taken place within the most recent 12 months) that its organisation demonstrates compliance with Cyber Essentials technical requirements.  Your organisation will be exempt from complying with the requirements where a Supplier conforms to the ISO27001 standard and the Cyber Essentials requirements have been included in the scope of that standard, and verified as such and the certification body carrying out this verification is approved to issue a Cyber Essentials certificate by one of the government approved Cyber Essentials accreditation bodies referred to above.  To achieve a PASS you must select YES. If you select NO then you will achieve a FAIL and your tender will be excluded from further consideration for the purposes of this procurement. | **Yes**  **No** |

|  |  |  |
| --- | --- | --- |
| **9.4** | **Data Protection** | |
| **Please answer the following questions in relation to your organisation or any partner organisation:** | |
| Does your organisation comply with the General Data Protection Regulations? | **Yes**  **No** |
| Please self-certify that your organisation or any partner organisation has a Data Protection policy that complies with current legislative requirements or are willing to comply with Somerset County Council’s current policy. | **Yes**  **No** |

|  |  |  |
| --- | --- | --- |
| **9.5** | **e-mail Security** | |
| The Authority currently uses Microsoft’s Azure Information Protection (AIP) and Outlook Message Encryption (OME) for secure email. Suppliers must confirm that they will agree to use AIP/OME (or a similar compatible system) for protection of personal/sensitive email and data. Further guidance on AIP/OME can be found here: <https://www.somerset.gov.uk/our-information/email-security/> | **Yes**  **No** |

|  |  |  |
| --- | --- | --- |
| **9.6** | **Compliance with Government Restrictions** | |
|  | Please self-certify that your organisation or any partner organisation complies with any Government embargoes, restrictions and/or sanctions against any individuals, organisations or countries that are either in place at the time of tender submission or that may be in place after award of contract? | **Yes**  **No** |

|  |  |  |
| --- | --- | --- |
| **9.7** | **IR35/Agency Legislation** | |
|  | This section is evaluated as PASS/FAIL at the Authority’s discretion.  SCC must ensure compliance with the IR35/agency legislation concerning the payment of tax and national insurance in relation to the use of temporary workers.  [ESM2001 - Agency and temporary workers: the agency legislation - HMRC internal manual - GOV.UK (www.gov.uk)](https://www.gov.uk/hmrc-internal-manuals/employment-status-manual/esm2001)  ESM2001 – Agency and temporary workers: the agency legislation: The services rendered by the worker are, for income tax purposes, treated as if they were the duties of an employment held by the worker. The remuneration receivable is treated as earnings and is therefore chargeable to tax under as employment income. Accordingly, all the employment income rules apply and PAYE must be operated by the payer.  Please self-certify that staff engaged via your organisation/agency are paid subject to PAYE for this service. | **Yes**  **No** |
| If **No** please provide details below: |

**Declaration**

I declare that to the best of my knowledge the answers submitted and information contained in this completed document (questionnaire) are correct and accurate, including Tables 1, 3A and 3B and where applicable Tables 2, 4, 5, 6, 7, 8, and 9.

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

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

I understand that the contracting 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.

**By completing this declaration you are agreeing with the statement above**

Details of person completing the Declaration.

|  |  |
| --- | --- |
| **Signature**  **(an electronic signature is acceptable)** |  |
| **Name** |  |
| **Position** |  |
| **For and on behalf of** |  |
| **Date** |  |