

# Selection Questionnaire (SQ) for the supply of:

**Repair and Maintenance of Household Waste Recycling Centre Compactors**

Issue date: 9th February 2021

**Return date: 15th March 2021, 12:00 noon**

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**HELP**

The Authority is utilising an electronic tendering tool to manage this procurement and communicate with Potential Providers.

There will be no hard copy documents issued to Potential Providers and all communications with The Authority including, submission of Potential Providers' responses, will be conducted via The Authority's 'ProContract eSourcing Portal'.

The portal is powered by ProActis and is located at <https://procontract.due-north.com/Login>

Any issues with using the system should be queried with ProActis by clicking the following link <http://www.proactis.com/Support>

Procurement Lincolnshire is an additional source of information where step-by-step videos are provided to help suppliers throughout the tender process. Access by clicking below <https://www.lincolnshire.gov.uk/procurement/supply-procurement-lincolnshire/how-to-complete-a-tender/130783.article>

1. Information for Applicants

**Glossary**

Words defined in the Terms and Conditions of Contract shall have the same meaning throughout the Selection Questionnaire document.

|  |  |
| --- | --- |
| Applicant(s) | Means the organisation submitting the Selection Questionnaire |
| Conditions of Contract | Means the conditions by which the Contract is governed |
| Contract | Means the formal written agreement entered into between the Supplier and the Customer for the provision of goods and/or services |
| Contract & Procurement Procedure Rules | Means the rules that sit within the constitution of the Council that provide the legal framework for procurement activity |
| Contracting Authority | Means the organisation that is seeking to award a contract |
| Compactor(s) | Means any Compactor at the Customer Household Waste Recycling Centre (Customer Sites); this will also include any additional compactors added to the Customer sites during the contract period.  Should the Customer need to procure new or additional Compactors and any existing or new HWRC then the makes and models of the compactors may be subject to change. |
| Compactor Maintenance Service | Means the 6 monthly and yearly Services undertaken at the Customer Sites by the Supplier. Each compactors initial 6 monthly service must be completed within 6 months of the Service Commencement Date. Each subsequent service (either yearly or 6 month) shall be completed not sooner than 5 months or more than 7 months after the last service on that compactor. |
| Council | Means the organisation that is seeking to award a contract |
| Customer | Means the organisation that is seeking to award a contract |
| Customer Contract Manager | Means the officer responsible for managing the Contract on behalf of the Customer |
| Customer Sites | Means the Customer Household Waste recycling Centres at Boston, Bourne, Gainsborough, Grantham, Lincoln, Louth, Kirby on Bain, Skegness, Spalding, Sleaford and Market Rasen.  And additional sites introduced by the Customer during the Contract Period. |
| FOIA | Means the Freedom of Information Act |
| ITT (Invitation to Tender) | Means the process by which the Council will obtain Tenders |
| Lincolnshire County Council | Means the organisation that is seeking to award a contract |
| Procurement Lincolnshire | Means the shared service partnership between several local authorities within Lincolnshire |
| Quotation | Means the completed submission returned to the Council by the Bidder |
| SQ | Means the Selection Questionnaire and the means by which the Council will assess the Bidders suitability to enter into a Contract |
| Specification | Means the description of the goods and/or services to be supplied under the Contract as set out in Sections 3a and 3b of the Invitation to Tender document |
| Suitability Criteria | The criteria by which the Council will assess the Bidders responses to the Business Information in respect of whether or not they are a suitable organisation to enter into a Contract |
| Supplier | Means the organisation with whom the Council proposes to enter a contract with |

* 1. Introduction
     1. This is a competitive procurement falling within Part 2 of the Public Contract Regulations 2015.
     2. A Prior Information Notice (“PIN”) **2020/S 100-243233** has been published in the Official Journal of the European Union in respect of this contract.
  2. The Requirement
     1. This overview is provided to assist Applicants in deciding whether to proceed with their application, and to assist them in completing the SQ. Please note, however, that although provided in good faith, the information does not represent a formal contract specification. For the avoidance of any doubt, this document is not an invitation to tender (ITT) and competitive bids are not yet sought.
     2. Lincolnshire County Council in its capacity of Waste Disposal Authority is looking for a Supplier who is able to provide the Repair and Maintenance of Household Waste Recycling centre Compactors for the Lincolnshire area.
     3. The Supplier will be required to Provide both 6 monthly and Yearly Maintenance Services and Ad—hoc and/or Emergency and scheduled repair work for all Customer Compactors based at the following 10 Customer Household Waste Recycling Centres around Lincolnshire (Boston, Bourne, Gainsborough, Grantham, Lincoln, Louth, Market Rasen, Skegness, Sleaford and Spalding). The HWRC Compactors are all Thetford Compactors.
     4. The Contract will be let for an initial period of two (2) years intended to commence on 1st July 2021 with the option to extend for two (2) further period(s) of 12 months up to a maximum contract period four (4) years.
  3. Indicative Procurement Timetable
     1. It is intended that the procurement exercise follows the time-line detailed below:

**Table 1**

|  |  |  |
| --- | --- | --- |
| **Stage/Activity** | | **Target Dates** |
| **1** | Publication of Procurement Documents | 09th February 2021 |
| **2** | Deadline for Questions | 5th March 2021 14:00 |
| **3** | Deadline for receipt of SQ | 15th March 2021 12:00noon |
| **4** | Evaluation of SQ | 15th March – 5th April |
| **5** | Selected Applicants invited to tender | 6th April 2021 |
| **6** | Invitation to Tender Issued | 6th April 2021 |
| **7** | Deadlines for Questions | 26th April 2021 14:00 |
| **8** | Deadline for Bids | 3rd May 2021 12:00 noon |
| **9** | Evaluation | 3rd May – 24th May 2021 |
| **10** | Standstill Period | 24th May – 3rd June 2021 |
| **11** | Contract Award | 4th June 2021 |
| **12** | Initial Project Meeting | 17th June 2021 |
| **13** | Contract Start | 1st July 2021 |

* + 1. Please note the Council reserves the right to amend this time-table and steps 3 – 12 are provided for indicative purposes only.
  1. Overview of the Process
     1. The purpose of this questionnaire is to assist Lincolnshire County Council in deciding which Applicant to short-list to invite to tender for Repair and Maintenance of Household Waste Recycling Centre (HWRC) Compactors. The questionnaire will establish the Applicant scope of business and enable Lincolnshire County Council to satisfy itself that the Applicant has the resources and ability to perform satisfactorily.
     2. A two stage procurement process is being used. Stage one of this process comprises this standard selection process, designed as an initial assessment to identify and shortlist suitable potential Applicant. Stage two will be the award process of the procurement, involving those organisations identified and selected from stage one. The shortlist will include a maximum of 5 organisations, although this may need to be increased to ensure contract coverage.
  2. Evaluation of the Standard Selection Questionnaire
     1. An initial examination will be made to establish the completeness of submitted questionnaires.
     2. All completed SQ's received will be evaluated by appropriate officers in order to compile and agree a list of Applicants who will be invited to submit an offer. The SQ is designed to select Applicants on a range of criteria. The evaluation will be based upon two elements:
* Pass / Fail Criteria
* Scored Criteria

**Pass / Fail Criteria**

* + 1. A range of pass / fail assessment criteria will be applied to the responses given by Applicants to Section 3 – Selection Questionnaire – Applicant Responses. The assessment criteria are the minimum standards which the Council require its Applicants to meet or exceed, including the Eligibility for public contracts in regard to the grounds specified in regulation 57(1) and (2) of the Public Contract Regulations 2015.
    2. Whilst it is unlikely that any organisation which fails on any of the assessment criteria below will proceed to the next round of evaluation, Lincolnshire County Council reserves the right to seek explanation from an organisation as to the incomplete nature of its application and ask for clarification and / or submission of additional or missing information. This does not create a legal obligation for Lincolnshire County Council to make such a request and each case will be considered on its own merits and with regard to the risks and implications involved should Lincolnshire County Council decide to proceed.

**Table 2**

| **Section of the SQ / Criteria** | | **Assessment** |
| --- | --- | --- |
| **Fully Complete SQ** | Applicants must submit a fully complete SQ document signed where applicable.  Any SQ that is not fully complete or without the appropriate signatures may fail. | Pass / Fail |
| **Part 1 Section 1: Potential Supplier Information and Bidding Model** | Applicants must submit full company information and details of the proposed bidding model.  Any Applicant may be excluded on the grounds of providing insufficient or false information. | Pass / Fail |
| **Part 2 Section 2: Grounds for mandatory exclusion** | Applicants may be failed if any of the mandatory grounds for exclusion apply and if the Applicant has failed to provide sufficient evidence of remedial action having taken place subsequently. | Pass / Fail |
| **Part 2 Section 3: Grounds for discretionary exclusion** | Applicants may be failed if any of the discretionary grounds for exclusion apply but the Council may at its discretion allow an Applicant to proceed | Pass / Fail |
| **Part 3 Section 4 and 5: Economic and Financial Standing** | Financial standing will be considered as part of the overall selection criteria and a potential Applicant will not be deselected on the basis of turnover alone.  Any Applicant who does not demonstrate they can meet these criteria may fail. | Pass / Fail |
| **Part 3 Section 6: Technical and Professional Ability** | Organisations must demonstrate relevant contract experience by providing details of up to three relevant contracts. | Scored |
| **Part 3 Section 7: Modern Slavery Act 2015** | Since 1 October 2015, commercial organisations that carry on a business or part of business in the UK, supply goods or services and have an annual turnover of £36 million or more ("relevant commercial organisations") have been required under Section 54 of the Act to prepare a slavery and human trafficking statement as defined by section 54 of the Act. | Pass / Fail |
| **Part 3 Section 8: Additional Questions** | | |
| **Question 8.1: Insurance** | For insurance cover, Applicants to self- certify that they have or will undertake to secure the stipulated levels of insurance. Any Applicant that does not have, or will not undertake to secure the stipulated levels of insurance may fail. | Pass / Fail |
| **Question 8.2: Skills and Apprentices** | **NOT USED** | |
| **Question 8.3: Compliance with equality legislation** | Applicants must self-certify that they demonstrate a sound Equality and Diversity track record. Any remedial action taken to address any declared breaches will be assessed and taken in to consideration.  Any Applicant who does not demonstrate this may fail. | Pass / Fail |
| **Question 8.4: Environmental Management** | Applicants must self-certify that they comply with environmental legislation. Any remedial action taken to address any declared breaches will be assessed and taken in to consideration  Any Applicant who does not demonstrate this may fail. | Pass / Fail |
| **Question 8.5: Health & Safety** | All Applicants with more than 5 employees must self-certify that they have a health and safety policy in place. The Applicant must also demonstrate that their directors and/or executive officers have not received enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last three years. Any remedial action taken to address any declared breaches will be assessed and taken in to consideration.  Any Applicant who does not demonstrate this may fail. | Pass / Fail |
| **Question 8.6: Data Protection** | Bidders must demonstrate their ability to carry out the contract in accordance with the General Data Protection Regulation.  Any Bidder who does not demonstrate this may fail. | Pass / Fail |

* + 1. If the situation arises where no Applicants meets the minimum requirements, the Council reserve the right to cancel or restart the tender process.
    2. Only Applicants who achieve an overall pass will be assessed against the scored criteria elements as detailed above.

**Scored Criteria**

* + 1. The scored criteria will be assessed on a using the following scale of awarding marks between 0 and 4 as detailed in sections 6 – Technical and Professional Ability and 8.7 - Scored Questions (of this SQ) each scored questions criteria is laid out following the question:
    2. If the Council determines that an Applicant is wholly incapable of meeting the Council’s requirements in regard to any scored question within the SQ they will receive a score of 0 or 1 for that scored question. Lincolnshire County Council reserve the right to remove any Applicant from the procurement process that they believe are not capable of meeting the requirements of the contract – **any score of 0 or 1 for a scored question may involve the Applicant being removed from the process.**
    3. Applicants will be scored on their responses to the scored questions in relation to their suitability to deliver the contract. The weighting applied to each of the scored questions is shown in the table below;

|  |  |  |  |
| --- | --- | --- | --- |
| **Scored Questions** | | **Assessment** | **Weighting** |
| **SQ1 - A: Technical and Professional** | Applicants will be assessed against the scoring criteria detailed below the question. | Scored | **10%** |
| **SQ1 - B: Technical and Professional** | Applicants will be assessed by pass/fail.  Pass will be awarded for a "Yes" response and Fail will be awarded for a "No" response to the question. | Pass/Fail | **N/A** |
| **SQ1 – C: Technical and Professional** | Applicants will be assessed against the scoring criteria detailed below the question. | Scored | **15%** |
| **SQ1 - D: Technical and Professional** | Applicants will be assessed against the scoring criteria detailed below the question. | Scored | **15%** |
| **SQ1 - E: Technical and Professional** | Applicants will be assessed against the scoring criteria detailed below the question. | Scored | **20%** |
| **SQ2: Health and Safety** | Applicants will be assessed against the scoring criteria detailed below the question. | Scored | **40%** |

* + 1. If the situation arises where no Applicants meet the minimum requirements, the Council reserve the right to cancel or restart the tender process.

1. Instructions to Applicants
   1. Notes for Completion
      1. Please ensure that all questions are completed in full, and in the format requested. Failure to do so may result in your submission being disqualified. If the question does not apply to you, please state clearly 'N/A'. Should you need to provide additional information in response to the questions, please submit a clearly identified Appendix.
      2. Should you need to provide additional Appendices in response to the questions, these should be numbered clearly and listed as part of your declaration. A template for providing additional information is provided at the end of this document.
      3. The Council recognises that arrangements set out in section 1.2 of the standard Selection Questionnaire, in relation to a group of economic operators (for example, a consortium) and/or use of sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the Council immediately of any change in the proposed arrangements and ensure a completed Part 1 and Part 2 is submitted for any new organisation relied on to meet the selection criteria. The Council will make a revised assessment of the submission based on the updated information.
      4. For Part 1 and Part 2 every organisation that is being relied on to meet the selection must complete and submit the self-declaration.
      5. For answers to Part 3 -If you are bidding on behalf of a group, for example, a consortium, or you intend to use sub-contractors, you should complete all of the questions on behalf of the consortium and/ or any sub-contractors, providing one composite response and declaration.
      6. The Council confirms that it will keep confidential and will not disclose to any third parties any information obtained from a named customer contact, other than to the Cabinet Office and/or contracting authorities defined by the regulations, or pursuant to an order of the court or demand made by any competent authority or body where the authority is under a legal or regulatory obligation to make such a disclosure.
      7. This standard Selection Questionnaire (SQ) has been designed to assess the suitability of an Applicant to deliver the Council’s contract requirement(s). If you are successful at this stage of the procurement process, you will be selected for the subsequent award stage of the process.
      8. Words defined in the Terms and Conditions of Contract of this procurement exercise shall have the same meaning throughout all of the Tender documentation.
      9. Questionnaires must be submitted in accordance with the following instructions and conditions. Any Applicant that does not comply with these instructions or conditions may have their application disqualified.
      10. The Council reserves the right to disqualify any submission which is incomplete or not in accordance with paragraph 2.1.4 and 2.1.5 above.
      11. The Applicant should be aware that canvassing (i.e. seeking the support of influential persons within the purchasing organisation) may lead to disqualification.
      12. The information that the Applicant give in response to the standard Selection Questionnaire forms part of the legal representations of the Applicants organisation during the procurement process. Any findings of misrepresentation may result in any subsequent contract being terminated.
      13. The Applicant written response to any information required by the Council will be taken into account in the evaluation and if approved, will be binding but will not detract from the Specification nor Conditions of Contract.
      14. The Applicant should note that wherever reference is made to any external assessment body or external accreditation standard, such reference shall be deemed to include reference to any equivalent body or standard established in other member states of the European Union.
      15. The Applicant is advised that any contract(s) resulting from this procurement exercise will be subject to conditions which require the Applicant, as an employer, to comply with all statutory obligations to staff (and to applicants for employment) under all equality and non-discrimination laws (and amendments thereto) and with any statutory instruments, orders, guidance and codes of practice made thereunder.
      16. The Council does not bind itself to accept any offer resulting from the procurement process and reserves the right not to award any contract.

**Self- Declarations**

* + 1. The Council permits potential suppliers to self-declare that they meet the relevant criteria in the supplier selection stage. Only the winning Supplier (and any organisations relied upon to meet the winning supplier selection criteria) will be required to submit evidence. This reduces the need for potential suppliers to submit supporting documents every time they wish to bid for a public contract.
    2. If the winning supplier fails to provide the required evidence within set timeframes stipulated by the Council, or the evidence proves unsatisfactory, the award of the contract will not proceed. The Council will then choose to amend the contract award decision and award to the second-placed supplier, provided that they have submitted a satisfactory bid, or continue in relative position order until a satisfactory submission is found. Alternatively, the procurement process may be terminated.
    3. The Council reserves the right to request information from any supplier at any stage if it is necessary to ensure proper conduct of the procurement procedure and it might be necessary to ask for the information before the award stage.

**‘Self-Cleaning’**

* + 1. Any Applicant that answers ‘Yes’ to questions 2.1(a) and 2.2 in relation to the mandatory exclusions should provide details in a separate Appendix, of any remedial action that has taken place subsequently and effectively “self-cleans” the situation referred to in the question. Any Applicant that answers ‘Yes’ to questions 3.1(a) to 3.1(j) in relation to the discretionary exclusions should explain in 3.2 or a separate Appendix if necessary, what measures have been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion.
    2. If such evidence is considered by the Council (whose decision will be final) as sufficient, the Applicant concerned shall be allowed to continue in the procurement process.
    3. In order for the evidence referred to above to be sufficient, the Applicant shall, as a minimum, prove that it has;
* paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
* clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and
* taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.
  + 1. The measures taken by the Applicant shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the Council to be insufficient, the Applicant shall be given a statement of the reasons for that decision.

**Sub-contracting arrangements**

* + 1. Sub-contractors that the Applicant relies on to meet the selection criteria are required to complete and submit the Part 1 and Part 2 self-declaration.
    2. The Council recognises that arrangements in relation to sub-contracting may be subject to future change, and may not be finalised until a later date. However, Applicants should be aware that where information provided to the Council indicates that sub-contractors are to play a significant role in delivering key contract requirements, any changes to those sub-contracting arrangements may affect the ability of the Applicant to proceed with the procurement process or to provide the supplies and/or services required. Applicants should therefore notify the Council immediately of any change in the proposed sub-contractor arrangements. The Council reserves the right to deselect the Applicant prior to any award of contract, based on an assessment of the updated information.

**Consortia arrangements**

* + 1. If the Applicant completing this SQ is doing so as part of a proposed consortium, the following information must be provided:
* names of all consortium members;
* the lead member of the consortium who will be contractually responsible for delivery of the contract (if a separate legal entity is not being created); and
* if the consortium is not proposing to form a legal entity, full details of proposed arrangements.
  + 1. Please note that the Council may require the consortium to assume a specific legal form if awarded the contract, to the extent that a specific legal form is deemed by the Council as being necessary for the satisfactory performance of the contract.
    2. All members of the consortium will be required to complete and submit the Part 1 and Part 2 self-declaration.
    3. Where you are proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV), you should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity.
    4. The Council recognises that arrangements in relation to a consortium bid may be subject to future change. Applicants should therefore respond on the basis of the arrangements as currently envisaged. Applicants are reminded that the Council must be immediately notified of any changes, or proposed changes, in relation to the bidding model so that a further assessment can be carried out by applying the selection criteria to the new information provided. The Council reserves the right to deselect the Applicant prior to any award of contract, based on an assessment of the updated information.
    5. Unless instructed otherwise, please give details that specifically relate to your organisation and not to the whole of the group where your organisation forms part of a group. Any information submitted in response to this document must relate to the applicant only, the applicant being the organisation who it is proposed will enter into formal contract with the Council if awarded the contract.

**The Council`s Right to Reject Solutions**

* + 1. The Council reserve the right to reject or disqualify a Bidder and/or the members of the Bidder's Team where:-

a) there is a change in identity, control, financial standing, previous bid position, structure or other factor impacting on the selection and/or evaluation process affecting the Bidder and/or the members of the Bidder's Team (including but not limited to a change in the Bidder's Team from the members who completed the Selection Questionnaire and/or a failure to comply with the Council's requirements set out in paragraphs 2.1.33 to 2.1.41  (Confidentiality) below;

b) where a Bidder is in receipt of confidential information belonging to another the Council reserves the right to reject or disqualify the Bidder and/or the members of the Bidder's Team which disclosed the information **and** the Bidder and/or the members of the Bidder's Team which received it.

**Confidentiality**

* + 1. When providing details of previous contracts in answering Part 3 Section 6 of this SQ (Technical and Professional Ability), the Applicant agrees to waive any contractual or other confidentiality rights and obligations associated with these contracts.
    2. The Council reserves the right to contact the named customer contact in Part 3 Section 6 regarding the contracts included. The named customer does not owe the Council any duty of care or have any legal liability, except for any deceitful or maliciously false statements of fact.
    3. The Council confirms it will keep confidential and will not disclose to any third parties any information obtained from a named customer contact, other than to the Cabinet Office and/or contracting authorities defined by the Public Contracts Regulations.
    4. All documentation and information issued by the Council relating to the procurement process shall be treated by the Applicant as private and confidential for use only in connection with the procurement process and any resulting contract and shall not be disclosed in whole or in part to any third party without the prior written consent of the Council.
    5. All documentation and information issued to a Bidder by the Council relating to the procurement process shall be treated by the Bidder as private and confidential for use only in connection with the procurement process and any resulting contract and shall not be disclosed in whole or in part to any third party without the prior written consent of the Council.
    6. All bidding documentation and information which an organisation may have as a result of it being a member of a bidding consortium (whether information of the Council or that consortium) must and shall be treated by that organisation as private and confidential to that consortium and must not and shall not be shared outside of that consortium, in particular in circumstances where an organisation is a member of more than  one consortium that organisation  must not and shall  not share confidential information with competing Bidders.
* The Selection Questionnaire and the associated documents are being made available by the Council on condition that:-
* Bidders shall at all times treat them as confidential;
* Bidders shall not disclose, copy, reproduce, distribute or pass them to any other person at any time;
  + 1. Bidders shall not use this Procurement Pack and the associated documents for any purpose other than for the purposes of preparing (or deciding whether to prepare) a response to the Selection Questionnaire
    2. Bidders shall ensure that each member of the Bidder's Team who receives any of the information is made aware of, and complies with, the provisions of this section as if they were a Bidder.
    3. All information provided to the Applicant by the Council shall be regarded as confidential and used only to prepare a response to any clarification questions. The questionnaire remains the property of the Council and must be returned upon demand.

**Freedom of Information**

* + 1. The Applicant acknowledges that the Council is obliged under the Freedom of Information Act (FOIA) to disclose information to third parties subject to certain exemptions. This includes the information given in relation to this procurement process. The Applicant therefore accepts and acknowledges that the decision to disclose information and the application of any exemptions will be at the Councils sole discretion. The Council will act reasonably and proportionately in exercising its obligations under the FOIA as to whether any exemptions under section 43 of the FOIA may be applied to protect the Applicant’s legitimate commercial and trade secrets.
    2. It is not guaranteed that any information submitted throughout the tender process will not be disclosed but will be examined in the light of the exemptions provided in the Act.

**Information, Costs and Expenses**

* + 1. The Applicant is responsible for obtaining all information necessary for the preparation of its submission and all costs expenses and liabilities incurred by the Applicant in connection with the preparation and submission of the application will be borne by the Applicant.
  1. Instructions for completing the form
     1. As described in the notes above, please ensure that all questions are completed in full, and in the format requested. **Failure to do so may result in your submission being disqualified**. If the question does not apply to you, please state clearly ‘N/A’. When posed with Yes / No questions please edit your answer as appropriate. All figures should be in full, i.e. £3,500,000, not £3.5 million and in GBP.
     2. Applications must be submitted on this standard Selection Questionnaire, in Word format (unless otherwise specified), which must be duly completed and signed where appropriate.
     3. When completing this document you may enlarge the answer boxes to ensure you have sufficient space to respond. **Please do not alter or amend the form in any other way**.
     4. **Please answer every question as instructed to do so**. Do not assume that the officers evaluating the form will know about your organisation or the work that you do, and answer the questions as fully as possible within any given constraints.

**Signatures**

* + 1. Where required, the standard Selection Questionnaire must be signed in accordance with the options below:

(a) where the Applicant is an individual, by that individual; OR

(b) where the Applicant is a partnership, by two duly authorised partners; OR

(c) where the Applicant is a limited company, by a director duly authorised for such purposes.

* + 1. You may submit electronic or typed signatures. However, should you be successful, you will be required to resign all declarations that form part of the contract with an original signature.

**Supporting Documents**

* + 1. In order to simplify this process, you do not need to provide supporting documents, for example, accounts, certificates, statements or policies with this questionnaire, unless specifically requested to do so. Instead, we may ask you to provide a statement regarding your approach to various aspects or a summary of your policies. This is because we do not have the resources or time available to read every document submitted by every Applicant. However, the purchasing organisation may ask to see these documents at a later stage so it is advisable that you ensure they can be made available upon request. You may also be asked to further clarify your answers or provide more details
  1. Submitting the Form
     1. This questionnaire must be submitted electronically no later than **12noon** on **15th March 2021** through the Proactis ProContract Tender portal which is a secure exchange module of the ProContract e-sourcing suite. Submissions via the electronic tender portal cannot be accessed or opened by the contracting authority until after the deadline has expired. No documents can be uploaded to the tender portal after the deadline has expired; therefore there is no penalty for returning a submission early! It is strongly recommended that your submission is uploaded well before the deadline to ensure that failure of ICT/Servers/PC/laptop or similar does not result in your submission failing to be placed in the tender portal.
     2. Any queries regarding this opportunity should be submitted electronically no later than **14:00** on **5th March 2021** through the Proactis ProContract tender portal.
     3. The Applicant’s attention is specifically drawn to the date and time for receipt of submissions and the Council reserves the right to reject any late submissions.
     4. We will contact you again by **6th April 2021** to let you know whether you have been successful. If so, you will then be invited to tender for the contract.
  2. Rejection of the Selection Questionnaire
     1. Any application submitted by an Applicant in respect of which the Applicant:

(a) has directly or indirectly canvassed any member or official of the Council concerning the acceptance of any application or who has directly or indirectly obtained or attempted to obtain information from any such member or official concerning any other Applicant or application submitted by any other Applicant;

(b) submits an application which is not in accordance with the Instructions and Conditions;

(c) does not provide all the information required by the Council;

(d) fails to pass any of the mandatory Business Information requirements;

shall be rejected by the Council provided always that such non-acceptance or rejection shall be without prejudice to any other civil remedies available to the Council or any criminal liability which such conduct by an Applicant may attract.

**Applicant’s Warranties**

* + 1. In submitting an application, the Applicant warrants and represents that:

(a) it has complied in all respects with the Instructions and Conditions;

(b) all information, representations and other matters of fact communicated (whether in writing or otherwise) to the Council by the Applicant or its employees in connection with, or arising out of the application are true, complete and accurate in all respects;

(c) it has full power and authority to enter into a Contract and will if requested produce evidence of such to the Council; and

(d) it is of sound financial standing and the Applicant and its partners, officers and employees are not aware of any circumstances (other than such circumstances as may be disclosed in the accounts or other financial statements of the Applicant which may adversely affect such financial standing in the future.

1. Selection Questionnarie – Applicant's responses

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

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

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

**STANDARD SELECTION QUESTIONNAIRE**

**Potential Supplier Information and Exclusion Grounds: Part 1 and Part 2.**

The standard Selection Questionnaire is a self-declaration, made by you (the potential supplier), that you do not meet any of the grounds for exclusion[[1]](#footnote-1). If there are grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (we call this self-cleaning).

A completed declaration of Part 1 and Part 2 provides a formal statement that the organisation making the declaration has not breached any of the exclusions grounds. Consequently we require all the organisations that you will rely on to meet the selection criteria to provide a completed Part 1 and Part 2. For example these could be parent companies, affiliates, associates, or essential sub-contractors, if they are relied upon to meet the selection criteria. This means that where you are joining in a group of organisations, including joint ventures and partnerships, each organisation in that group must complete one of these self-declarations. Sub-contractors that you rely on to meet the selection criteria must also complete a self-declaration (although sub-contractors that are not relied upon do not need to complete the self-declaration).

When completed, this form is to be sent back to the contact point given in the procurement documents along with the selection information requested in the procurement documentation.

**Supplier Selection Questions: Part 3**

The procurement document will provide instructions on the selection questions you need to respond to and how to submit those responses. If you are bidding on behalf of a group (consortium) or you intend to use sub-contractors, you should complete all of the selection questions on behalf of the consortium and/or any sub-contractors.

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

**Consequences of misrepresentation**

If you seriously misrepresent any factual information in filling in the Selection Questionnaire, and so induce 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.

**Part 1: POTENTIAL SUPPLIER INFORMATION**

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

|  |  |  |
| --- | --- | --- |
| **SECTION 1** | **POTENTIAL SUPPLIER INFORMATION** | |
| Question number | Question | Response |
| 1.1(a) | Full name of the potential supplier submitting the information |  |
| 1.1(b) – (i) | Registered office address (if applicable) |  |
| 1.1(b) – (ii) | Registered website address (if applicable) |  |
| 1.1(c) | Trading status   1. public limited company 2. limited company 3. limited liability partnership 4. other partnership 5. sole trader 6. third sector 7. other (please specify your trading status) |  |
| 1.1(d) | Date of registration in country of origin |  |
| 1.1(e) | Company registration number (if applicable) |  |
| 1.1(f) | Charity registration number (if applicable) |  |
| 1.1(g) | Head office DUNS number (if applicable) |  |
| 1.1(h) | Registered VAT number |  |
| 1.1(i) - (i) | If applicable, is your organisation registered with the appropriate professional or trade register(s) in the member state where it is established? | Yes ☐  No ☐  N/A ☐ |
| 1.1(i) - (ii) | If you responded yes to 1.1(i) - (i), please provide the relevant details, including the registration number(s). |  |
| 1.1(j) - (i) | Is it a legal requirement in the state where you are established for you to possess a particular authorisation, or be a member of a particular organisation in order to provide the services specified in this procurement? | Yes ☐  No ☐ |
| 1.1(j) - (ii) | If you responded yes to 1.1(j) - (i), please provide additional details of what is required and confirmation that you have complied with this. |  |
| 1.1(k) | Trading name(s) that will be used if successful in this procurement |  |
| 1.1(l) | Relevant classifications (state whether you fall within one of these, and if so which one)   1. Voluntary Community Social Enterprise (VCSE) 2. Sheltered Workshop 3. Public service mutual |  |
| 1.1(m) | Are you a Small, Medium or Micro Enterprise (SME)[[2]](#footnote-2)? | Yes ☐  No ☐ |
| 1.1(n) | Details of Persons of Significant Control (PSC), where appropriate: [[3]](#footnote-3)  - Name;  - Date of birth;  - Nationality;  - Country, state or part of the UK where the PSC usually lives;  - Service address;  - The date he or she became a PSC in relation to the company (for existing companies the 6 April 2016 should be used);  - Which conditions for being a PSC are met;  - Over 25% up to (and including) 50%,  - More than 50% and less than 75%,  - 75% or more. [[4]](#footnote-4)  (Please enter N/A if not applicable) |  |
| 1.1(o) | Details of immediate parent company:    - Full name of the immediate parent company  - Registered office address (if applicable)  - Registration number (if applicable)  - Head office DUNS number (if applicable)  - Head office VAT number (if applicable)  (Please enter N/A if not applicable) |  |
| 1.1(p) | Details of ultimate parent company:  - Full name of the ultimate parent company  - Registered office address (if applicable)  - Registration number (if applicable)  - Head office DUNS number (if applicable)  - Head office VAT number (if applicable)  (Please enter N/A if not applicable) |  |

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

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

|  |  |  |
| --- | --- | --- |
| **SECTION 1** | **BIDDING MODEL** | |
| Question number | Question | Response |
| 1.2(a) - (i) | Are you bidding as the lead contact for a group of economic operators? | Yes ☐  No ☐  If yes, please provide details listed in questions 1.2(a) (ii), (a) (iii) and to 1.2(b) (i), (b) (ii), 1.3, Section 2 and 3.  If no, and you are a supporting bidder please provide the name of your group at 1.2(a) (ii) for reference purposes, and complete 1.3, Section 2 and 3. |
| 1.2(a) - (ii) | Name of group of economic operators (if applicable) |  |
| 1.2(a) - (iii) | Proposed legal structure if the group of economic operators intends to form a named single legal entity prior to signing a contract, if awarded. If you do not propose to form a single legal entity, please explain the legal structure. |  |
| 1.2(b) - (i) | Are you or, if applicable, the group of economic operators proposing to use sub-contractors? | Yes ☐  No ☐ |
| 1.2(b) - (ii) | If you responded yes to 1.2(b)-(i) please provide additional details for each sub-contractor in the following table: we may ask them to complete this form as well.   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | Name |  |  |  |  |  | | Registered address |  |  |  |  |  | | Trading status |  |  |  |  |  | | Company registration number |  |  |  |  |  | | Head Office DUNS number (if applicable) |  |  |  |  |  | | Registered VAT number |  |  |  |  |  | | Type of organisation |  |  |  |  |  | | SME (Yes/No) |  |  |  |  |  | | The role each sub-contractor will take in providing the works and /or supplies e.g. key deliverables |  |  |  |  |  | | The approximate % of contractual obligations assigned to each sub-contractor |  |  |  |  |  | | |

**Contact details and declaration**

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

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

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

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

I am aware of the consequences of serious misrepresentation.

|  |  |  |
| --- | --- | --- |
| **SECTION 1** | **CONTACT DETAILS AND DECLARATION** | |
| Question number | Question | Response |
| 1.3(a) | Contact name |  |
| 1.3(b) | Name of organisation |  |
| 1.3(c) | Role in organisation |  |
| 1.3(d) | Signature (electronic is acceptable) |  |
| 1.3(e) | Date |  |

**Part 2: EXCLUSION GROUNDS**

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

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

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

|  |  |  |
| --- | --- | --- |
| **SECTION 3** | **GROUNDS FOR DISCRETIONARY EXCLUSION** | |
|  | Question | Response |
| 3.1 | **Regulation 57 (8)**  The detailed grounds for discretionary exclusion of an organisation are set out on this [web page](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.  Please indicate if, within the past three years, anywhere in the world any of the following situations have applied to you, your organisation or any other person who has powers of representation, decision or control in the organisation. | |
| 3.1(a) | Breach of environmental obligations? | Yes ☐  No ☐  If yes, please provide details at 3.2 |
| 3.1 (b) | Breach of social obligations? | Yes ☐  No ☐  If yes, please provide details at 3.2 |
| 3.1 (c) | Breach of labour law obligations? | Yes ☐  No ☐  If yes, please provide details at 3.2 |
| 3.1(d) | Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation’s assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State? | Yes ☐  No ☐  If yes, please provide details at 3.2 |
| 3.1(e) | Guilty of grave professional misconduct? | Yes ☐  No ☐  If yes, please provide details at 3.2 |
| 3.1(f) | Entered into agreements with other economic operators aimed at distorting competition? | Yes ☐  No ☐  If yes, please provide details at 3.2 |
| 3.1(g) | Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure? | Yes ☐  No ☐  If yes, please provide details at 3.2 |
| 3.1(h) | Been involved in the preparation of the procurement procedure? | Yes ☐  No ☐  If yes, please provide details at 3.2 |
| 3.1(i) | Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions? | Yes ☐  No ☐  If yes, please provide details at 3.2 |
| 3.1(j)  3.1(j) - (i)  3.1(j) - (ii)  3.1(j) –(iii)  3.1(j)-(iv) | Please answer the following statements  The organisation is guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria.  The organisation has withheld such information.  The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015.  The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award. | Yes ☐  No ☐  If Yes, please provide details at 3.2  Yes ☐  No ☐  If Yes, please provide details at 3.2  Yes ☐  No ☐  If Yes, please provide details at 3.2  Yes ☐  No ☐  If Yes, please provide details at 3.2 |

|  |  |  |
| --- | --- | --- |
| 3.2 | If you have answered Yes to any of the above, explain what measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self-Cleaning) |  |

**Part 3: SELECTION QUESTIONS**[[5]](#footnote-5)

|  |  |  |
| --- | --- | --- |
| **SECTION 4** | **ECONOMIC AND FINANCIAL STANDING** | |
|  | Question | Response |
| **4.1** | Are you able to provide a copy of your audited accounts for the last two years, if requested?  If no, can you provide **one** of the following: answer with Y/N in the relevant box. | Yes ☐  No ☐ |
| (a) A statement of the turnover, Profit and Loss Account/Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year of trading for this organisation. | Yes ☐  No ☐ |
| (b) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position. | Yes ☐  No ☐ |
|  | (c) Alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status). | Yes ☐  No ☐ |
| **4.2** | **Not Used** |  |

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| --- | --- | --- |
| **SECTION 5** | **If you have indicated in the Selection Questionnaire question 1.2 that you are part of a wider group, please provide further details below:** | |
| **Name of organisation** | |  |
| **Relationship to the Supplier completing these questions** | |  |

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

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

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

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| **6.2** | Where you intend to sub-contract a proportion of the contract, please demonstrate how you have previously maintained healthy supply chains with your sub-contractor(s)  Evidence should include, but is not limited to, details of your supply chain management tracking systems to ensure performance of the contract and including prompt payment or membership of the UK Prompt Payment Code (or equivalent schemes in other countries) |
|  |  |

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| --- | --- |
| **6.3** | If you cannot provide at least one example for questions 6.1, in no more than 500 words please provide an explanation for this e.g. your organisation is a new start-up or you have provided services in the past but not under a contract. |
|  |  |

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| **SCORING CRITERIA FOR SECTION 6** | | |
| **ASSESSMENT** | **SCORE** | **INTERPRETATION** |
| **Completely unsatisfactory/ unacceptable response** | 0 | No response provided.  The lack of response to the question completely fails to demonstrate relevant experience to satisfy the Customer that the Supplier has the relevant Technical and Professional ability to undertake a contract of this nature and/or Price.  The risk to the Council is very high. |
| **Poor** | 1 | The Supplier has provided some/all references but some/all of the reference provided are not related to a contract of this or a similar nature and/or price.  The response to the question fails to demonstrate sufficient relevant experience to satisfy that the Supplier has the relevant Technical and Professional ability to undertake a contract of this nature and/or Price.  The risk to the Council is high. |
| **Acceptable** | 2 | The Supplier has provided some/all references of which some/all are relevant to a contract of this or a similar nature and price.  The response to the question lacks material details/omissions but still satisfactorily demonstrates that the Supplier has the relevant Technical and Professional ability to undertake a contract of this nature and/or Price or less than 3 Contracts supplied.  The risk to the Council is Medium. |
| **Good** | 3 | The response to the question is satisfactorily detailed and clearly demonstrates with only minor details being excluded to satisfy that the Supplier has the relevant Technical and Professional ability to undertake a contract of this nature and/or Price.  The risk to the Council is low. |
| **Excellent** | 4 | The response to the question is detailed, clear and fully demonstrates with no omissions that the Supplier has the relevant Technical and Professional ability to undertake a contract of this nature and/or Price.  The risk to the Council is very low. |

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| **SECTION 7** | **MODERN SLAVERY ACT 2015:** **Requirements under Modern Slavery Act 2015[[6]](#footnote-6)** | |
| **7.1** | Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")? | Yes ☐  N/A ☐ |
| **7.2** | If you have answered yes to question 1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015? | Yes ☐  Please provide relevant the url …  No ☐  Please provide an explanation |

**8. ADDITIONAL QUESTIONS**

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

|  |  |
| --- | --- |
| **SECTION 8** | **ADDITIONAL QUESTIONS** |
| **8.1** | **Insurance** |
| a. | Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:  Y/N  Employer’s (Compulsory) Liability Insurance = £5,000,000  Public Liability Insurance = £10,000,000  \*It is a legal requirement that all companies hold Employer’s (Compulsory) Liability Insurance of £5 million as a minimum. Please note this requirement is not applicable to Sole Traders. |

**8.2 NOT USED**

|  |  |  |
| --- | --- | --- |
| **8.3** | **Compliance with Equality Legislation** | |
| For organisations working outside of the UK please refer to equivalent legislation in the country that you are located. | | |
| a. | In the last three years, has any finding of unlawful discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)? | Yes ☐  No ☐ |
| b. | In the last three years, has your organisation had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds of alleged unlawful discrimination? | Yes ☐  No ☐ |
|  | If you have answered “yes” to one or both of the questions in this module, please provide, as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.  If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.  You may be excluded if you are unable to demonstrate to the authority’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring. |  |
| c. | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | Yes ☐  No ☐ |

|  |  |  |
| --- | --- | --- |
| **8.4** | **Environmental Management** | |
| a. | Has your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last three years by any environmental regulator or authority (including local authority)?  If your answer to this question is “Yes”, please provide details in a separate Appendix of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served.  The authority will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last 3 years, unless the authority is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches. | Yes ☐  No ☐ |
| b. | If you use sub-contractors, do you have processes in place to check whether any of these organisations have been convicted or had a notice served upon them for infringement of environmental legislation? | Yes ☐  No ☐ |

|  |  |  |
| --- | --- | --- |
| **8.5** | **Health and Safety** | |
| a. | Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements. | Yes ☐  No ☐ |
| b. | Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years?  If your answer to this question was “Yes”, please provide details in a separate Appendix of any enforcement/remedial orders served and give details of any remedial action or changes to procedures you have made as a result.    The authority will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to the authority’s satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches. | Yes ☐  No ☐ |
| c. | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | Yes ☐  No ☐ |

|  |  |  |
| --- | --- | --- |
| **8.6  –Data Protection** | | |
| a. | You must have in place, or have in place by contract award, the organisational and technical measures to perform the contract in compliance with current data protection legislation.  Please **confirm** in the box provided that you: | **Please answer:**  **Yes, No or N/A** |
| * are registered with the Information Commissioners Office (ICO).  Please provide the ICO Registration Number;   Registration No: |  |
| * have a data protection policy in place that sets out your organisations commitment to processing personal data in a manner consistent with the requirements of data protection legislation; |  |
| * have appropriate measures in place to ensure that data subjects are able to exercise their individual rights, for example receiving privacy information, access, rectification, deletion and portability of personal data; |  |
| * ensure all necessary controls are in place to legitimise transfers of personal data outside the EU (if such transfers will take place); |  |
| * maintain records of all activities involving the processing of personal data or special categories of personal data (if you are required by law to do so); |  |
| * ensure the ongoing confidentiality, integrity and availability of personal data and the resilience of processing systems and services in line with the applicable security controls listed in the [Specifications document (Para 9.2 – 9.6)] and regularly test, assess and evaluate the effectiveness of the above measures. |  |

Specifications can be found at Annex A of the document at the following link: <https://www.lincolnshire.gov.uk/downloads/file/1912/minimum-security-controls-third-party-information-sharing-and-processing>

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| --- |
| **8.7 – Scored Questions** |

Please provide responses to SQ1 to SQ2 below on separate sheets, clearly referenced. Please ensure your submissions are in Microsoft Word (.doc) or an equivalent word processing format. Submission must not be in PDF format, your submission must not exceed the word limit indicated for each question, and any part of the submission exceeding the word limit shall be disregarded.

The Scoring Criteria can be found after each of the following questions.

Applicants should note that regardless of a submitted SQs other merits, in the event that evaluating officers consider there to be a fundamental weakness in the SQ (i.e. that a score of 0 or 1 is achieved on one or more occasion for any scored question) then the Council may exclude the SQ from further consideration.

|  |  |  |  |
| --- | --- | --- | --- |
| **QUESTION NUMBER** | **SCORED QUESTIONS** | | **MAXIMUM SCORE AVAILABLE** |
| **SQ1 - TECHNICAL AND PROFESSIONAL** | | | |
| From the Contracts identified in Section 6.1 please demonstrate that your organisation has the necessary technical and professional capacity and capability to operate, manage and deliver a contract of this scope.  Please addresses each of the following: | | | |
| **SQ1-A** | Details of whether the contract performance levels were met throughout the duration of the contract.  Please include your response as an attachment with filename **'SQ1-A'.**  **Maximum 1500 words.** | | **10%** |
| **SQ1 – B** | Does your Organisation have a written Quality Management System? | | **Yes ☐**  **No ☐**  If you have answered "no" this will automatically constitute a failure - as such your organisations bid will progress no further. |
| **SQ1 - C** | Please provide details of your organisations quality management system and how these are implemented, monitored and updated throughout your organisation.  Please include your response as an attachment with filename **'SQ1-C'.**  **Maximum 1500 words.** | | **15%** |
| **SQ1-D** | Please include details of relevant qualifications acquired and provide examples of training certificates that staff have achieved. Please provide details of your training matrix and how this is implemented throughout your organisation.  Please include your response as an attachment with filename **'SQ1-D'.**  **Maximum 1000 words.** | | **15%** |
| **SQ1-E** | How your organisation used its staffing resources to ensure that work was managed and organised to ensure you have suitably trained deployable resources to adhere to strict timescales/response times.  Please also outline the number of deployable resource and vehicles available.  Please include your response as an attachment with filename **'SQ1-E'.**  **Maximum 1500 words.** | | **20%** |
| **SCORING CRITERIA FOR SQ1 – TECHINICAL AND PROFESSIONAL** | | | | |
| **ASSESSMENT** | **SCORE** | **INTERPRETATION** | | |
| **Completely unsatisfactory/ unacceptable response** | **0** | The applicant has not provided a response or has provided a response which is of limited relevance to the question and sub criteria and contains major deficiencies/omissions.  Or:  There are more than minor concerns to the Customer and the risk to the Customer is very high. | | |
| **Poor** | **1** | A generally poor response provided.  The response has not addressed all of the sub-criteria and does not provide an acceptable account due to serious material deficiencies/omission of the experience, capacity and capability of the applicant to operate and manage a contract of this scope, scale and type.  Or:  The response has not provided acceptable confidence due to serious material deficiencies/ omission that they have the professional and technical resources to operate and manage a contract of this scope, scale and type.  Or:  There are more than minor concerns to the Client and the risk to the Client is high. | | |
| **Acceptable** | **2** | A generally acceptable but limited response provided.  The response has addressed some/all of the sub-criteria but with some material deficiencies/omissions and provides a limited but acceptable account of the experience, capacity and capability of the applicant to operate and manage a contract of this scope, scale and type.  And:  The response has provided limited but acceptable levels of confidence with some material deficiencies/omissions that they have the professional and technical resources to operate and manage a contract of this scope, scale and type.  And:  There are some concerns that are more than minor to the Client and the risk to the Client is medium. | | |
| **Good** | **3** | A generally good response provided.  The applicant's response addresses all of the sub-criteria with only very minor deficiencies/omissions and provides a  A generally good response provided.  The response address all of the sub-criteria with only very minor deficiencies/omissions and provide a comprehensive account of the experience, capacity and capability of the applicant to operate and manage a contract of this scope.  And:  The response gives good confidence with only very minor deficiencies/omissions that the applicant has the professional and technical resources to operate and manage a contract of this scope.  And:  There are no more than minor concerns to the Client and the risk to the Client is low. | | |
| **Excellent** | **4** | An excellent very detailed and strong response provided.  The applicant's response addresses all of the sub-criteria and provides a very detailed and comprehensive account of the experience, capacity and capability of the applicant to operate and manage a contract of this scope, scale and type.  And:  The response gives strong confidence that the applicant has the professional and technical resources to operate and manage a contract of this scope, scale and type.  There are no concerns to the Customer and the risk to the Customer is very low. | | |

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| **SQ2 - HEALTH AND SAFETY** | | |
| **SQ2** | From the Contracts identified in Section 6.1, please demonstrate that your organisation has the necessary Health and Safety experience and resources to operate, manage and deliver a contract of this scope.  Please ensure that your response addresses each of the following, which are of equal importance to the Customer:   1. How your organisation's governance structure for health and safety achieved a high level of health and safety, including the details of any designated personnel, their roles and responsibilities. Please detail the health and safety training of your employees and subcontractors. Please also outline your procedures for the reporting of incidents and accidents, including RIDDOR. 2. Experience of undertaking work on an Operational Site. 3. Please provide details of accident rates and frequency for the last three years. Please explain the process your organisation has in place for reviewing significant incidents, recording action taken as a result and action taken in response to any enforcement. Please also provide your total number and the nature of all RIDDOR for the last 3 years. 4. Please indicate your Accident (AIR) and Accident Frequency Rates (AFR) for the last three years and this year to date:  |  |  |  |  |  | | --- | --- | --- | --- | --- | | **Outcome** | **Year:** | **Year:** | **Year:** | **This Year (to date)** | | A.I.R. |  |  |  |  | | A.F.R. |  |  |  |  |   Please include your response as an attachment with filename **'SQ2'.**  **Maximum 2000 words.**  ***Points will be awarded equally between all element*** | **40%** |

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| **SCORING CRITERIA FOR SQ2 – HEALTH AND SAFETY** | | |
| **ASSESSMENT** | **SCORE** | **INTERPRETATION** |
| **Completely unsatisfactory/ unacceptable response** | **0** | The applicant has not provided a response or has provided a response which is of limited relevance to the question and sub criteria and contains major deficiencies/omissions.  Or:  There are more than minor concerns to the Customer and the risk to the Customer is very high. |
| **Poor** | **1** | A generally poor response provided.  The applicant's response does not address all of the sub-criteria and provides an unacceptable account with serious material deficiencies/omissions of the experience, capacity and capability of the applicant to maintain high levels of health and safety compliance and practise for a contract of this scope and the scale of the contract as determined by the Lots you have indicated your intention to tender for.  Or:  The applicant's response gives unacceptable that the applicant has the professional and technical resources and procedures to maintain high levels of health and safety compliance and practise for a contract of this scope and the scale of the contract as determined by Lots you have indicated your intention to tender for.  Or  There are more than minor concerns to the Customer and the risk to the Customer is high. |
| **Acceptable** | **2** | A generally acceptable response provided.  The applicant's response addresses some or all of the sub-criteria with some material deficiencies/omissions but provides acceptable account of the experience, capacity and capability of the applicant to maintain high levels of health and safety compliance and practise for a contract of this scope and the scale of the contract as determined by the Lots you have indicated your intention to tender for.  And/or:  The applicant's response gives some acceptable confidence with some material deficiencies/omissions that the applicant has the professional and technical resources and procedures to maintain high levels of health and safety compliance and practise for a contract of this scope and the scale of the contract as determined by the Lots you have indicated your intention to tender for.  And/or  There are some concerns that are more than minor to the Customer and the risk to the Customer is medium. |
| **Good** | **3** | A generally good response provided.  The applicant's response addresses all of the sub-criteria with only very minor deficiencies/omissions and provides a good account of the experience, capacity and capability of the applicant to maintain high levels of health and safety compliance and practise for a contract of this scope and the scale of the contract as determined by the Lots you have indicated your intention to tender for.  And:  The applicant's response gives good confidence with only very minor deficiencies/omissions that the applicant has the professional and technical resources and procedures to maintain high levels of health and safety compliance and practise for a contract of this scope and the scale of the contract as determined by the Lots you have indicated your intention to tender for.  And:  The accident statistics provided by the applicant show a low frequency of incidents and accidents, or show an improving trend in the frequency of incidents and accidents.  And  There are no concerns to the Customer and the risk to the Customer is low. |
| **Excellent** | **4** | An excellent very detailed and strong response provided.  The applicant's response addresses all of the sub-criteria in detail and provides a comprehensive account of the experience, capacity and capability of the applicant to maintain high levels of health and safety knowledge, compliance and practise for a contract of this scope and the scale of the contract as determined by the Lots you have indicated your intention to tender for.  And:  The applicant's response gives strong confidence that the applicant has the professional and technical resources and procedures to maintain high levels of health and safety compliance and practise for a contract of this scope and the scale of the contract as determined by the Lots you have indicated your intention to tender for.  And:  The accident statistics provided by the applicant show a low frequency of incidents and accidents, or show an improving trend in the frequency of incidents and accidents.  And  There are no concerns to the Customer and the risk to the Customer is very low. |

1. Appendices

Appendix One SQ Template for Appendices

Appendix Two Mandatory and Discretionary Exclusions

* 1. Appendix 1 – SQ Template for Appendices

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| **Appendix Number -** |
| **SQ section -** |
| **Question number -** |
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* 1. Appendix 2 – Mandatory and Discretionary Exclusions

**Mandatory Exclusion Grounds**

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

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

**Participation in a criminal organisation**

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

Conspiracy within the meaning of

* section 1 or 1A of the Criminal Law Act 1977 or
* article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983

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

**Corruption**

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

The common law offence of bribery;

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

**Fraud**

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

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

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

Any offence:

* listed in section 41 of the Counter Terrorism Act 2008;
* listed in schedule 2 to that Act where the court has determined that there is a terrorist connection;
* under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by the previous two points;

**Money laundering or terrorist financing**

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

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

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

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

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

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

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

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

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

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

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

* HMRC successfully challenging the potential supplier under the General Anti – Abuse Rule (GAAR) or the “Halifax” abuse principle; or
* 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;
* 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) or any equivalent or similar regime in a jurisdiction in which the supplier is established

**Other offences**

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

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

**Discretionary exclusions**

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

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

* Where the organisation or any of its Directors or Executive Officers has been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years.
* In the last three years, where the organisation has had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds of alleged unlawful discrimination.
* In the last three years, where any finding of unlawful discrimination has been made against the organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or incomparable proceedings in any jurisdiction other than the UK).
* Where the organisation has been in breach of section 15 of the Immigration, Asylum, and Nationality Act 2006;
* Where the organisation has a conviction under section 21 of the Immigration, Asylum, and Nationality Act 2006;
* Where the organisation has been in breach of the National Minimum Wage Act 1998.

**Bankruptcy, insolvency**

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

**Grave professional misconduct**

Guilty of grave professional misconduct

**Distortion of competition**

Entered into agreements with other economic operators aimed at distorting competition

**Conflict of interest**

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

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

**Prior performance issues**

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

**Misrepresentation and undue influence**

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

Additional exclusion grounds

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

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

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

* ILO Convention 87 on Freedom of Association and the Protection of the Right to Organise;
* ILO Convention 98 on the Right to Organise and Collective Bargaining;
* ILO Convention 29 on Forced Labour;
* ILO Convention 105 on the Abolition of Forced Labour;
* ILO Convention 138 on Minimum Age;
* ILO Convention 111 on Discrimination (Employment and Occupation);
* ILO Convention 100 on Equal Remuneration;
* ILO Convention 182 on Worst Forms of Child Labour;
* Vienna Convention for the protection of the Ozone Layer and its Montreal Protocol on substances that deplete the Ozone Layer;
* Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention);
* Stockholm Convention on Persistent Organic Pollutants (Stockholm POPs Convention)
* Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (UNEP/FAO) (The PIC Convention) Rotterdam, 10 September 1998, and its 3 regional Protocols.

**Consequences of misrepresentation**

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

* The potential supplier may be excluded from bidding for contracts for three years, under regulation 57(8)(h)(i) of the PCR 2015;
* The contracting authority may sue the supplier for damages and may rescind the contract under the Misrepresentation Act 1967.
* If fraud, or fraudulent intent, can be proved, the potential supplier or the responsible officers of the potential supplier may be prosecuted and convicted of the offence of fraud by false representation under s.2 of the Fraud Act 2006, which can carry a sentence of up to 10 years or a fine (or both).
* If there is a conviction, then the company must be excluded from procurement for five years under reg. 57(1) of the PCR (subject to self-cleaning).

1. For the list of exclusion please see https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/551130/List\_of\_Mandatory\_and\_Discretionary\_Exclusions.pdf [↑](#footnote-ref-1)
2. See EU definition of SME: http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/ [↑](#footnote-ref-2)
3. UK companies, Societates European (SEs) and limited liability partnerships (LLPs) will be required to identify and record the people who own or control their company. Companies, SEs and LLPs will need to keep a PSC register, and must file the PSC information with the central public register at Companies House. [See PSC guidance](https://www.gov.uk/government/publications/guidance-to-the-people-with-significant-control-requirements-for-companies-and-limited-liability-partnerships). [↑](#footnote-ref-3)
4. Central Government contracting authorities should use this information to have the PSC information for the preferred supplier checked before award. [↑](#footnote-ref-4)
5. [See Action Note 8/16 Updated Standard Selection Questionnaire](https://www.gov.uk/government/collections/procurement-policy-notes) [↑](#footnote-ref-5)
6. [Procurement Policy Note 8/16 (Para.53) Modern Slavery Act 2015](https://www.gov.uk/government/collections/procurement-policy-notes) [↑](#footnote-ref-6)