

**Estates Maintenance Services**

Standard Selection Questionnaire

**PROJECT REFERENCE: ND2019 028**

VERSION 1.8

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# Introduction & background

* 1. QTS LLP (the "**Authority**") is issuing this standard Selection Questionnaire ("**SQ**") in connection with the competitive procurement of Estates Maintenance Services under a Restricted procedure provided to the Central & North West London NHS Foundation Trust (**“CNWL”**) . The duration will be 4 years with further extensions up to 7 years which will be annually renewable.. This document contains important information about the procurement process and the contract that the Authority intends to award. The value for Estates Maintenance Services is circa £3.5m pa excluding any additional project works.
	2. The standard Selection Questionnaire is being used as directed by the Crown Commercial Service.
	3. The Authority will evaluate the SQ responses and select the highest ranking Applicants (the "**Potential Suppliers**") based on the selection criteria set out in section 5 of this document.
	4. The Authority will invite compliant companies who submit this Standard Questionnaire and meet the required criteria. For the avoidance of doubt the Authority is looking for comprehensive Estates Maintenance Services and there will be no lots.
	5. The contract will be based on the NHS Terms and Conditions for Services and these are attached along with the Specification, Performance Management and key supporting data.
	6. The Authority is using the Proactis Due North e-tendering portal to conduct the procurement process ("**the e-Tendering Portal**").
	7. All communications (including submission of SQ responses) should be carried out via the e-Tendering Portal.
	8. Contents of the SQ are:

|  |
| --- |
| **Instructions and information** |
| 1 | Introduction and background |
| 2 | Procurement timetable  |
| 3 | Potential Supplier Briefing |
| 4 | Instructions to Potential Suppliers  |
| 5 | SQ Selection criteria and weighting  |
| **Appendix A: SQ questions (to be returned by Potential Suppliers)** |
| Part 1 | Potential Supplier Information |
| Part 2 | Exclusions Grounds |
| Part 3 | Selection Questions |
| **Supporting information** |
| Appendix B | Mandatory Exclusion Grounds |
| Appendix C | Discretionary exclusions |
| Appendix D | Template for annexes |
| Appendix E | Selection criteria (for the bid as opposed to this SQ) |

* 1. As part of the SQ response, Potential Suppliers must complete all relevant sections in the Annex. All SQ responses must be returned no later than the deadline for receipt of SQ responses specified.

## Introduction to the procurement

**CNWL**

* 1. Central and North West London NHS Foundation Trust is one of the largest trusts in England, caring for people with a wide range of physical and mental health needs.
	2. CNWL provide a wide range of services to treat people with a variety of health needs. In broad terms, these include common physical health problems, long-term conditions, mental health, learning disabilities, eating disorders, addictions and sexual health. They are here to provide support for people through every stage of life.
	3. The majority of our services are provided in the community, which means treating people in their homes or from clinics close to home. Where community care is not possible there are a number of facilities to treat people in hospital or residential environments. CNWL also provide healthcare in prisons in London and the surrounding areas.
	4. CNWL is a large and diverse organisation, providing health care services for people with a wide range of physical and mental health needs. The Trust employs approximately 7,000 staff to provide more than 300 different health services across 150 sites and in many other community settings. Approximately 70 sites are in scope for this tender.

**QTS (Quality Trusted Solutions LLP)**

* 1. QTS is a multi-disciplinary practice which specialises in providing strategic estates and facilities advisory services, consulting, delivering and managing quality environments for its clients; with a long and successful pedigree in community and mental health accommodation, the team’s experience and skills are equally transferable across the public-sector landscape.
	2. CNWL’s Estates Maintenance services are currently provided by QTS through a sub-contractor. The aim is that service delivery has to be agile to meet the significant demands from a busy Mental Health provider. Further details can be found by clicking the following links:

<http://cnwl.nhs.uk>

<http://qts-llp.co.uk>

* 1. Please read this SQ document carefully as it provides details of the procurement of Estate Management Services for CNWL in order to provide Potential Suppliers with sufficient information to enable them to make an informed decision about whether they wish to register an interest.
	2. We have included a video link (in 1.18) which sets out the environment & culture that Bidders will be expected to be cognisant with. For the avoidance of doubt this was filmed prior to the Covid-19 pandemic and some of the procedures will have changed but in principle this should help you (without prejudice) as a potential bidder if this opportunity has a good fit for your company.
	3. The video link is: <https://youtu.be/bFMJW77lbFw>

## SMEs

* 1. The Authority is committed to supporting the Government’s small and medium-sized enterprise (SME) initiative; its aspiration is that 25% of spend, direct and through the supply chain, goes to SMEs.
	2. The link below to the Cabinet Office website provides information on the Government’s Crown Representative for SMEs, a link to the definition of an SME and details on the SME initiative <https://www.gov.uk/government/policies/buying-and-managing-government-goods-and-services-more-efficiently-and-effectively/supporting-pages/making-sure-government-gets-full-value-from-small-and-medium-sized-enterprises>

## Questions about this SQ

* 1. You may submit, by no later than the date shown in section 2.2 any queries that you have relating to this SQ. Please submit such queries via the Due North e-procurement portal. Any queries arising from this SQ document that may have a bearing on the responses to be made should be raised.
	2. Any specific queries should clearly reference the appropriate paragraph in the SQ documentation and, to the extent possible, should be aggregated rather than sent individually. The Authority may decline to answer queries received after the deadline set out in 2.2 below.
	3. Answers to the questions received by the Authority will be circulated to all Potential Suppliers via the e-Tendering Portal. Answers will not reveal the identity of the individual Potential Supplier that asked a particular question. The Authority may decide not to disclose answers, or parts of answers, which would reveal confidential or commercially sensitive information in relation to a particular Potential Supplier.

# Key dates

2.1 The procurement will follow a clear, structured and transparent process to ensure a fair and level playing field so that all Potential Suppliers are treated equally.

2.2 The key dates are:

| **Activity** | **Date** |
| --- | --- |
| Prior Information notice | 26/06/2020 – 10/08/2020 |
| Contract Notice/SQ period | 11/08/2020 – 14/09/2020 |
| SQ evaluation | 15/09/2020 – 25/09/2020 |
| SQ shortlist | 25/09/2020 |
| Tender period | 28/09/2020 – 30/10/2020 |
| Bidders meeting/Site visits | 05/10/2020 – 09/10/2020 |
| Q&A | 30/09/2020 – 20/10/2020 |
| Tender submission date | 30/10/2020 17:00 |
| Clarification, evaluation & moderation | 30/10/2020 – 26/11/2020 |
| Presentations | 30/11/2020 – 04/12/2020 |
| Decision/sign off | 04/12/2020 – 18/12/2020 |
| Standstill | 21/12/2020 – 30/12/2020 |
| Mobilisation | 04/01/2021 |
| Contract start date | 01/04/2021 |

2.3 Whilst the Authority does not intend to depart from the timetable but it reserves the right to do so at any stage.

## Deadline for receipt of SQ responses

2.4 Potential Suppliers must submit their SQ responses in the manner prescribed in section 4 below no later than the date and time specified in the above table (2.2).

2.5 Any SQ responses received after the deadline or by any other method than via the e-Tendering Portal may not be considered. The Authority may at its discretion extend the deadline and in such circumstances the Authority will notify all Potential Suppliers of any change.

# Potential Supplier briefing

3.1 The Authority will be holding a Potential Suppliers briefing session as identified in the table in section 2.2. This is a scene setting for the project and will allow Potential Suppliers to better understand the opportunities extending from the project.

3.2 The session will be conducted by QTS’ appointed Tender Project team.

3.3 The location of the briefing session will be advised to the Potential Suppliers selected to participate in this process.

3.4 To ensure that the room can accommodate all Potential Suppliers who wish to attend, please can Potential Suppliers limit attendees to no more than two (2) personnel per organisation. However, due to Covid-19 restrictions this may be held online and further guidance shall be provided to all Potential Suppliers via the e-procurement portal.

3.5 It is imperative that each member of the Potential Supplier’s teams attending the briefing session is conversant with the draft specification and any other supporting information.

# Instructions to Potential Suppliers

## Formalities for submission of SQ responses

4.1 Potential Suppliers must make their SQ responses by completing the Annex to this document. Responses must be submitted using the e-Tendering Portal.

4.2 Potential Suppliers should ensure that they allow plenty of time to upload their SQ response, particularly where there are large supporting documents. If Potential Suppliers have any problems with the e-Tendering Portal, they should contact the helpdesk via the links provided. As noted above, any SQ responses received after the deadline may not be considered.

4.3 There is a 20Mb limit per document uploaded. Note: the Authority does not guarantee that you will able to upload all file sizes, particularly at busy times. For this reason it is recommended that Potential Suppliers should allow plenty of time to upload, so they have opportunity to resolve any technical difficulties before the deadline.

4.4 Potential Suppliers must adhere to the following standard requirements when submitting their SQ response:

* Do not embed documents within other documents. Instead provide separate electronic copies of the documents, clearly labelled and referenced if necessary.
* The SQ response must be in English and drafted in accordance with the drafting guidance set out in this SQ.
* Electronic copies of the SQ response shall be in MS Word and/or PDF formats.
* When answering questions please use the questionnaire template provided and complete in Arial font (size 11). Potential Suppliers are to not use any company branding on the questionnaire. This will ensure parity between submissions.

4.5 Where a word count limit is specified, Potential Suppliers should state how many words their response contains. The Authority reserves the right not to consider any part of a response exceeding the word limit. Words included within diagrams or other graphic representations will count towards the word limit.

4.6 The SQ response must be clear, concise and complete. The Authority reserves the right to mark Potential Suppliers down or exclude them from the procurement if their SQ responses are ambiguous or lack clarity. Potential Suppliers should submit only such information as is necessary to respond effectively to this SQ. Unless specifically requested, do not include extraneous presentation materials.

4.7 SQ responses will be evaluated on the basis of information submitted by the deadline. Where information or documentation submitted appears to be incomplete or erroneous or specific documents are missing, the Authority reserves the right to request the Potential Supplier to submit, supplement, clarify or complete the information or documentation.

4.8 The SQ response must be signed by a duly authorised representative of the Potential Supplier.

## Warnings and disclaimers

4.9 Neither the issue of this SQ, nor any of the information presented in it, should be regarded as a commitment or representation on the part of the Authority (or any other person) to enter into a contractual arrangement.

## Freedom of Information Act 2000 and Environmental Information Regulations 2004

4.10 As a public body, the Authority is subject to, and must comply with, the Freedom of Information Act 2000 ("**FOIA**") and the Environmental Information Regulations 2004 ("**EIR**"). The Authority may therefore be required to disclose information submitted by the Potential Supplier.

4.11 If a request is made under FOIA or the EIR, the Authority will ask Potential Suppliers to make submissions if they consider that any information they have provided at the SQ stage is confidential or commercially sensitive.

4.12 Where a Potential Supplier identifies information as commercially sensitive, the Authority will take those views into account. Potential Suppliers should note, however, that, even where information is identified as commercially sensitive, the Authority may be required to disclose such information in accordance with the FOIA or the EIR. Accordingly, the Authority cannot guarantee that it will withhold information marked ‘confidential’, 'commercially sensitive' or otherwise exempt.

## Publicity

4.13 No publicity regarding the award of any contract will be permitted unless and until the Authority has given express written consent to the relevant communication. For example, no statements may be made to the media regarding the nature of any tender, its contents or any proposals relating to it without the prior written consent of the Authority.

## Potential Suppliers conduct and conflicts of interest

4.14 Any attempt by Potential Suppliers or their advisors to influence the contract award process in any way may result in the Potential Supplier being disqualified. Specifically, Potential Suppliers shall not directly or indirectly at any time:

1. devise or amend the content of their SQ response in accordance with any agreement or arrangement with any other person, other than in good faith with a person who is a proposed partner, supplier, consortium member or provider of finance;
2. enter into any agreement or arrangement with any other person as to the form or content of any other SQ response, or offer to pay any sum of money or valuable consideration to any person to effect changes to the form or content of any other SQ response;
3. enter into any agreement or arrangement with any other person that has the effect of prohibiting or excluding that person from submitting a SQ response;
4. canvass the Authority or CNWL or any employees or agents of the Authority or CNWL in relation to this procurement; and/or
5. attempt to obtain information from any of the employees or agents of the Authority or CNWL or their advisors concerning another Potential Supplier or SQ response (except for debrief information requests made through the e-Tendering Portal).

4.15 Potential Suppliers are responsible for ensuring that no conflicts of interest exist between the Potential Supplier and its advisers, and the Authority and its advisors. Potential Suppliers should notify the Authority promptly of any possible conflict and the proposed steps that the Potential Supplier believes can be taken to avoid the conflict. Any Potential Supplier who fails to comply with these requirements may be excluded from the procurement at the discretion of the Authority.

## Authority's rights

4.16 Subject to its obligations to act in a transparent, proportionate and non-discriminatory manner, the Authority reserves the right to:

1. waive or change the requirements of this SQ from time to time;
2. seek clarification or documents in respect of a Potential Supplier's submission;
3. disqualify any Potential Supplier that does not submit a compliant SQ response in accordance with the instructions in this SQ;
4. disqualify any Potential Supplier that is guilty of serious misrepresentation in relation to its expression of interest, the SQ response or the procurement process;
5. choose not to award any contract as a result of the current procurement process; and
6. make whatever changes it sees fit to the timetable, structure or content of the procurement process.

## Bid costs

4.17 The Authority will not be liable for any bid costs, expenditure, work or effort incurred by a Potential Supplier in proceeding with or participating in this procurement, including if the procurement process is terminated or amended by the Authority.

## Language

4.18 SQ responses, all documents and all correspondence relating to the SQ must be written in English.

## Transparency

4.19 In accordance with the Public Contracts Regulations 2015 and the Government’s policy on transparency, Potential Suppliers should be aware that the Authority intends to make the SQ and details of any subsequent contract publicly available, by publication on the Government's Contracts Finder portal.

## Governing Law and Jurisdiction

4.20 This SQ and any disputes concerning it (including non-contractual disputes or claims) shall be governed by English law and subject to the jurisdiction of the English courts.

# SQ selection criteria & weighting

## Overview

5.1 This section of the SQ sets out the criteria that the Authority will use to evaluate SQ responses. The questionnaire is located in Appendix A of this document.

5.2 Potential Suppliers are required to submit a SQ response strictly in accordance with the requirements set out in this SQ, to ensure the Authority has the correct information to make the evaluation. If a SQ response is equivocal or unclear, the Authority may deduct marks when scoring it or it may treat the SQ response as non-compliant and reject it.

## Selection criteria and weightings

5.3 The selection criteria for this SQ are set out below:

| **Section** | **Subject** | **Selection criteria** | **Weighting** |
| --- | --- | --- | --- |
|  | Potential Supplier information | For information only | N/A |
|  | Grounds for mandatory exclusion | Pass or Fail | Pass/Fail |
|  | Grounds for discretionary exclusion | Pass or Fail | Pass/Fail |
|  | Economic and Financial Standing | Pass or FailThe Authority has certain minimum requirements for this and anticipates that the annual turnover for the Potential Supplier will need to be a minimum 3 times the indicative annual value of the contract. (Estimated sales turnover is £2m pa and with acid test ratio of >1.1)In addition the Authority will complete a financial review and Potential Suppliers may also be rejected if key criteria is not met.Note that the Authority reserves the right to request forms of security if there are any concerns in relation to the financial standing. Potential Suppliers are to provide their last 2 years of accounts for review and current credit rating (within the last month). | Pass/Fail |
|  | Membership of wider group | For information only | N/A |
| 6.1 | Technical and Professional Ability (Relevant experience and contract examples) | Scoring system identified in 5.5 below and based on % proportion of total score of 15 max evaluation points | 50% |
| 6.2 | Sub-contracting | For information only  | N/A |
| 6.3 | Non-contract services | For information only | N/A |
| 7. | Modern slavery | Pass or Fail | Pass/Fail |
| 8.1 | Insurance | Pass or Fail (for all required) | Pass/Fail |
| 8.2 | Skills & apprentices | Pass or Fail | Pass/Fail |
| 8.3 | Quality Assurance | For information only | N/A |
| 8.4 | Memberships | For information only | N/A |
| 8.5 | Information Governance | Pass or Fail | Pass/Fail |
| 8.6 | Experiencea) Backgroundb) Approachc) Innovationd) Staff Managemente) Risk Managementf) Resilienceg) Sub-contractorsh) Staff turnover | Scoring system identified in section 5.5 below and based on % proportion of total score of 5 max evaluation points per question | N/A10%10%10%10%10%N/AN/A |
|  | **TOTAL** |  | **100%** |

Candidates will be shortlisted on achieving the best score from the totals of question s 6.1 and 8.6 (b – f) and that all other questions will be deemed to have been successfully passed. For the avoidance of doubt questions marked N/A do not count towards the score. Where there is a discretionary exclusion further information may be requested to support the application.

## Scoring System

5.5 Scored questions (which are not pass/fail) will be allocated a score out of a maximum of 5 using the following marking scheme:

| **Score** | **Term** | **Explanation** |
| --- | --- | --- |
| 0 | Unacceptable | The information is either omitted or fundamentally unacceptable to the Authority. |
| 1 | Poor | The information submitted has insufficient evidence that the specified requirements can be met and/or does not demonstrate an acceptable level of quality of the proposed solution. This may include significant omissions of relevant details. |
| 2 | Limited | The information shows limited evidence that the specified requirements can be met and/or demonstrates only limited level of quality of the proposed solution. |
| 3 | Good | The information submitted provides good evidence that the specified requirements can be met and/or demonstrates a satisfactory level of quality of the proposed solution. |
| 4 | Very Good | The information submitted provides very good or strong evidence that the specified requirements can be met and/or demonstrates a very good level of quality of the proposed solution. |
| 5 | Outstanding | The information submitted provides compelling and coherent evidence of best of sector capability to deliver the specified Requirements and which will provide additional benefits and/or exceed the performance requirements of the contract with a high degree of dependability and best of sector methodology. |

# Appendix A: 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.

*Alternatively you can submit the completed Exclusion Grounds of the* [*EU ESPD*](https://ec.europa.eu/tools/espd) *(Part III) as a downloaded XML file to the buyer contact point 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 Potential Supplier.

**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.

**RESTRICTED PROCEDURE**

**Notes for completion**

1. The “Authority” means the contracting Authority, or anyone acting on behalf of the contracting Authority, that is seeking to invite suitable candidates to participate in this procurement process.
2. “You” / “Your” refers to the potential supplier completing this standard Selection Questionnaire i.e. the legal entity responsible for the information provided. The term “potential supplier” is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 (referred to as the “regulations”) and could be a registered company; the lead contact for a group of economic operators; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.
3. Please ensure that all questions are completed in full, and in the format requested. If the question does not apply to you, please state ‘N/A’. Should you need to provide additional information in response to the questions, please submit a clearly identified annex.
4. The Authority recognises that arrangements set out in section 1.2 of the standard Selection Questionnaire, in relation to a group of economic operators (for example, a consortium) and/or use of sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the Authority immediately of any change in the proposed arrangements and ensure a completed Part 1 and Part 2 is submitted for any new organisation relied on to meet the selection criteria. The Authority will make a revised assessment of the submission based on the updated information.
5. For Part 1 and Part 2 every organisation that is being relied on to meet the selection must complete and submit the self-declaration.
6. 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.

The Authority confirms that it will keep confidential and will not disclose to any third parties any information obtained from a named Controller 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.

It should be noted that under a Restricted Procedure the Authority is not permitted to enter into any negotiation with the tenderers and a minimum of 5 (five) companies will be shortlisted from this selection process. If there are less than 5 the Authority will determine if there are sufficient bidders to ensure a fair competition.

# 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 Potential Supplier 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) | Phone number |  |
| 1.3(e) | E-mail address  |  |
| 1.3(f) | Postal address |  |
| 1.3(g) | Signature (electronic is acceptable) |  |
| 1.3(h) | Date |  |

# Part 2: Exclusion Grounds

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

|  |  |
| --- | --- |
| **Section 2** | **Grounds for mandatory exclusion** |
| Question number | Question | Response |
| 2.1(a) | **Regulations 57(1) and (2)** The detailed grounds for mandatory exclusion of an organisation are set out in Appendix B 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 in Appendix B. |
|  | 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 convictedIf 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 in Appendix C, 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? For example where the organisation has had a termination brought about by failure to meet service levels; an accumulation of default notices or where step-in has been used by an Authority  | ☐ 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 statementsThe 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** | 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** | Where we have specified a minimum level of economic and financial standing and/ or a minimum financial threshold within the evaluation criteria for this procurement, please self-certify by answering ‘Yes’ or ‘No’ that you meet the requirements set out. | ☐ Yes ☐ No  |

|  |  |
| --- | --- |
| **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? | ☐ Yes ☐ No  |
| **5.3** | If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)?  | ☐ Yes ☐ No  |

|  |  |
| --- | --- |
| **Section 6** | **Technical and Professional Ability**  |
| **6.1** | **Relevant experience and contract examples**Please provide details of three contracts, in any combination from either the public or private sector; voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. 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.A maximum of 5 points will be awarded to each reference site based on the criteria below.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** |  |  |  |

These are rated questions in relation to the services to be provided to QTS & CNWL with a maximum of 5 points per reference based on the following criteria which differ to those shown in 5.5 (in the main body text of this document) and are specific to this question only:

(5) Multi-site Mental Health Trust with a mix of planned & reactive services, works and with static & mobile coverage

(4) Single campus/site Mental Health Trust with a mix of planned & reactive services, works and with static & mobile coverage

 Or Multi-site NHS Community & Acute Trust or highly regulated environment (e.g. prison, probation centre etc) with a mix of planned & reactive services, works and with static & mobile coverage

(3) Single campus/site NHS Community, Acute Trust or highly regulated environment (e.g. prison, probation centre etc) with a mix of planned & reactive services, works and with static & mobile coverage

(2) Non-regulated multi-site organisation with multiplicity of residential, administrative and multi-functional buildings with a mix of planned & reactive services with static & mobile coverage

(1) FM contract in all other locations with a mix of planned & reactive services, works and with static & mobile coverage

(0) None of the above criteria

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

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

|  |  |
| --- | --- |
| **Section 7** | **Modern Slavery Act 2015:** **Requirements under Modern Slavery Act 2015** |
| **7.1** | Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")? | ☐ Yes ☐ No  |
| **7.2** | If you have answered yes to question 7.1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015? | ☐ Yes Please provide the relevant url ☐ 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. Those questions marked that they are rated are subject to scoring criteria set out in 5.5 of the main body document.

|  |  |
| --- | --- |
| **Section 8** | **Additional Questions**  |
| **8.1** | **Insurance** |
|  | Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below: Yes – We confirm that we already hold the levels of insurance cover indicated belowEmployer’s (Compulsory) Liability Insurance\* = £10mPublic Liability Insurance = £5mProfessional Indemnity Insurance = £5mProduct Liability Insurance = £5m\*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.Pass/fail criteria applies |

|  |  |
| --- | --- |
| **8.2** | **Skills and Apprentices[[6]](#footnote-6) – (please refer to supplier selection guidance)** |
| **a.** | Public procurement of contracts with a full life value of £10 million and above and duration of 12 months and above should be used to support skills development and delivery of the apprenticeship commitment. This policy is set out in detail in Procurement Policy Note 14/15.Please confirm if you will be supporting apprenticeships and skills development through this contract. | ☐ Yes ☐ No  |
| **b.** | If yes, can you provide at a later stage documentary evidence to support your commitment to developing and investing in skills, development and apprenticeships to build a more skilled and productive workforce and reducing the risks of supply constraints and increasing labour cost inflation? | ☐ Yes ☐ No  |
| **c.** | Do you have a process in place to ensure that your supply chain supports skills, development and apprenticeships in line with PPN 14/15 (see guidance) and can provide evidence if requested? | ☐ Yes ☐ No  |

|  |  |
| --- | --- |
| **8.3** | **Quality Assurance** |
|  | Does your organisation currently hold Quality Assurance Accreditation BS EN ISO 9001 or equivalent? | ☐ Yes ☐ No  |
| a) | If “Yes” please provide the supporting evidence below and go to question **5.2.**  |
| Registration No. Expiry date of your current Certification Please state the accreditation body of your Certification  |  |
| b) | If “No” please provide evidence of the quality procedures you have in place and any plans to obtain such accreditation | ☐ Yes attached☐ No  |

|  |  |
| --- | --- |
| **8.4** | **Membership of Professional Organisations** |
|  | Please provide the full names and details of all professional bodies, institutions, technical associations, employer or trade associations that your organisation is a fully registered member of and details of all trade licences held by your organisation. |
|  |  |

|  |  |
| --- | --- |
| **8.5** | **Information Governance** |
|  | Please confirm whether you already have, or can commit to obtain, prior to the commencement of the contract, registration under the Data Protection Act 2018 | ☐ Yes ☐ No  |
|  | If already registered please provide the supporting evidence below |
| Registration NoExpiry date of your current Certification  |  |

|  |  |
| --- | --- |
| **8.6** | **Experience and capabilities of the contractor (RATED QUESTIONS except where shown)** |
| (a) | **Background** – Please provide details and a brief description of your principal areas of business activity, main products and services. (in no more than 500 words) (for information only & not rated) |
|  |  |
| (b) | **Approach** – Provide 2 case studies of how you have developed, coached and mentored existing and new staff and management to deliver excellent maintenance service standards in similar contracts in mental healthcare with core critical needs in the UK and elsewhere where there is a strong cultural alignment with the UK.(in no more than 500 words per case study) (Maximum 5 points awarded overall) |
|  |  |
| (c) | **Innovation** – Describe your experiences in improving or introducing investment and innovation that have improved the patient and public facilities and have given the client additional income within a healthcare environment(in no more than 500 words) (Maximum 5 points awarded overall) |
|  |  |
| (d) | **Incentivisation & Collaboration** – Set out at least 2 examples where you have developed an incentivisation scheme and/or collaboration initiative with clients in healthcare or aligned sector(in no more than 500 words for each case study) (Maximum 5 points awarded overall) |
|  |  |
| (e) | **Staff Management** – Please detail your organisation’s approach to complex TUPE and staff transfers, and your approach to recruiting and retaining good quality staff.(in no more than 500 words) (Maximum 5 points awarded overall) |
|  |  |
| (f) | **Risk Management** – Describe your understanding of risk and how it should be managed, within public buildings and healthcare environments.(in no more than 500 words) (Maximum 5 points awarded overall) |
|  |  |
| (g) | **Resilience** – Please set out your approach to planning for the Covid-19 pandemic within your current contracts. (in no more than 500 words) (Maximum 5 points awarded overall) |
|  |  |
| (h) | If known, please provide the names of the Organisations, which will be responsible for the sub-contracted elements? Please note that any sub-contractor will be working to the same terms and conditions/specification as the appointed supplier and will also be subjected to the same scrutiny, checks and KPI/contract management as the successful Potential Supplier. (for information only & not rated) |
|  |  |  |

|  |  |
| --- | --- |
| (i) | Please complete the following tables providing details of full, part-time and staff turnover for your organisation and any other potential provider and any envisaged supply chain member (sub-contractor) (for information only & not rated) |

|  |  |  |  |
| --- | --- | --- | --- |
| Potential Provider | Number of full time staff | Number of part time staff | Staff turnover (last 3 years) |
|  |  |  |       % |
|  | Insert No. of full-time | insert No. of part-time |       % |
|  | Insert No. of full-time | insert No. of part-time |       % |

|  |  |  |  |
| --- | --- | --- | --- |
| Subcontractor (if relevant) | Number of full time staff | Number of part time staff | Staff turnover (last 3 years) |
|  | Insert No. of full-time | insert No. of part-time |       % |
|  | Insert No. of full-time | insert No. of part-time |       % |
|  | Insert No. of full-time | insert No. of part-time |       % |
|  | Insert No. of full-time | insert No. of part-time |       % |
|  | Insert No. of full-time | insert No. of part-time |       % |

# Appendix B: 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

# Appendix C: 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** (other than the soft market test exercises undertaken during the Prior Information Notice period where only general consensus information was provided by participants)

**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).

# Appendix D: Template for Annexes

|  |
| --- |
| **Annex Number -** |
| **SQ section -** |
| **Question number -** |
|  |

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 <https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en> [↑](#footnote-ref-2)
3. UK companies, Societates European (SEs) and limited liability partnerships (LLPs) will be required to identify and record the people who own or control their company. Companies, SEs and LLPs will need to keep a PSC register, and must file the PSC information with the central public register at Companies House. [See PSC guidance](https://www.gov.uk/government/publications/guidance-to-the-people-with-significant-control-requirements-for-companies-and-limited-liability-partnerships). [↑](#footnote-ref-3)
4. Central Government contracting authorities should use this information to have the PSC information for the preferred 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 14/15– Supporting Apprenticeships and Skills Through Public Procurement](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/456805/27_08_15_Skills__Apprenticeships_PPN_vfinal.pdf) [↑](#footnote-ref-6)