**Cheshire East Borough Council**

**INVITATION TO TENDER**

### OPEN PROCEDURE RESPONSE DOCUMENT

**CONTRACT FOR THE PROVISION OF WOODLAND PLANTING AND MAINTENANCE**

**(LONG LANE, PEOVER)**

**PERIOD: FEB 2024 – JAN 2027**

**With 2 x 12 months option to extend**

**CHEST REF: DN682294**

|  |  |
| --- | --- |
| Name of Tenderer: |  |

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**of the Council**

**Version 35**

**CHECKLIST FOR TENDERERS**

Failure to provide all of the items in the checklist may cause your Tender to be non-compliant and not considered.

|  |  |  |
| --- | --- | --- |
| **Schedule** | **Item** | **Included in Tender?** |
|  | Form of Tender |  |
|  | Certificate of Non-Collusion and Non-Canvassing |  |
|  | SQ - Selection Questionnaire |  |
|  | ITT Pricing Schedule |  |
|  | ITT Qualitative Evaluation Questions |  |
|  | Compliance with Specification & Scope of Requirements |  |
|  | Exclusion Grounds: Public Procurement |  |

**Cheshire East Borough Council**

Provision of Woodland Planting and Maintenance

**Period: Feb 2024 – Jan 2027 with 2 x 12 months option to extend**

**SCHEDULE 1 - FORM OF TENDER**

To: Cheshire East Borough Council

(Via ‘The Chest’)

For the Attention of **Emma Harris**

Date:

Dear Sir/Madam,

I/We the undersigned, hereby tender and offer to provide the Contract as listed below which is more particularly referred to in the Invitation to Tender supplied to me/us for the purpose of tendering for the provision of the Contract and upon the terms thereof.

Attached to this Form of Tender are the following:

1. My/our response to the requirements ofthe ITT.
2. The completed Pricing Schedule.
3. A signed Certificate of Non-Collusive Tendering and non-Canvassing.

I/We confirm that I/we can supply the Contract as specified in the Invitation to Tender at the total costs of …... (excluding VAT) submitted within the Pricing Schedule herein.

I/We confirm that we accept the Contract as issued with the Invitation to Tender.

I/We undertake in the event of acceptance of our Tender to execute the Contract within the timescales stipulated.

I/We understand that the Council reserves the right to accept or refuse this Tender whether it is lower, the same, or higher than any other Tender.

I/We confirm that the information supplied to you and forming part of this Tender including (for the avoidance of doubt) any information supplied to you as part of my/our initial expression of interest in tendering, was true when made and remains true and accurate in all respects.

I/We confirm that this Tender will remain valid for 90 days from the date of this Form of Tender.

I/We confirm and undertake that if any of such information becomes untrue or misleading that I/we shall notify you immediately and update such information as required.

I/We confirm that the undersigned are authorised to commit the Tenderer to the contractual obligations contained in the Invitation to Tender and the Contract.

Signed by

Name(s)

Position

for and on behalf of [ Insert Company Name ]

Full registered business / name and registered company address of the Tenderer

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**Cheshire East Borough Council**

Provision of Woodland Planting and Maintenance

**Period: Feb 2024 – Jan 2027 with 2 x 12 months option to extend**

**SCHEDULE 2 - CERTIFICATE OF NON-COLLUSION AND**

**NON-CANVASSING**

**Provision of Woodland Planting and Maintenance (the “Contract”)**

To: Cheshire East Borough Council

(Via ‘The Chest’)

Date:

For the Attention of: **Emma Harris**

Statement of non-canvassing

I/we hereby certify that I/we have not canvassed any member, Director, employee, representative or adviser of the Council in connection with the proposed award of the Contract by the Council, and that no person employed by me/us or acting on my/our behalf, or advising me/us, has done any such act.

I/we further hereby undertake that I/we will not canvass any member, Director, employee, representative or adviser of the Council in connection with the award of the Contract and that no person employed by me/us or acting on my/our behalf, or advising me/us, will do any such act.

**Statement of non-collusion**

The essence of selective tendering for the Contract is that the Council shall receive bona fide competitive Tenders from all Tenderers.

In recognition of this principle, I/we certify that this is a bona fide offer, intended to be competitive and that I/we have not fixed or adjusted the amount of the offer in accordance with any agreement or arrangement with any other person (except any sub-contractor identified in this offer).

I/we also certify that I/we have not done, and undertake that I/we will not do, at any time any of the following acts:

* + - * 1. communicate to a person other than the Council, the amount or approximate amount of my/our proposed offer except where the disclosure in confidence of the approximate value of the Tender was essential to obtain insurance premium quotations required for the preparation of the Tender; or
        2. enter into any agreement or agreements with any other person that they shall refrain from tendering or as to the amount of any offer submitted by them; or
        3. offer or agree to pay or give or actually pay or give any sum of money, inducement or valuable consideration, directly or indirectly, to any person for doing or having done or having caused to be done in relation to any other offer or proposed offer, any act or omission; or
        4. committing any offence under the Bribery Act 2010 or any subordinate legislation made under that Act from time to time.

<http://www.legislation.gov.uk/ukpga/2010/23/contents>

I/we agree that there is a requirement to disclose and declare any direct or indirect financial or non-financial interest in an organisation, company, or other body that is doing business with, or has dealings with, the council and where this may affect and/or could bring about a conflict with the Council’s interest.

I/we should notify this to the Council and that failure to disclose or declare such an interest could result in the contract being terminated.

I/we agree that the Council may, in its consideration of the offer and in any subsequent actions, rely upon the statements made in this Certificate.

Signed

Name:

Position

For and on behalf of **[Tenderer]**

*(End of Schedule 2)*

**Cheshire East Borough Council**

Provision of Woodland Planting and Maintenance

**Period: Feb 2024 – Jan 2027 with 2 x 12 months option to extend**

# Schedule 3 - Standard Selection Questionnaire

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| **NOTE TO ORGANISATION:**  Schedule **3** (Standard Selection Questionnaire) will be scored on a pass/fail basis.  Applicants will fail on incomplete responses**.** Tenders that fail Schedule 3 will not be evaluated any further.  Questions marked ‘for information only’ will not be assessed however they must still be answered in full.  Tenderers are therefore strongly advised to ensure they answer all questions within each section.  **Cross Referencing an answer; from a questions response to another, will not be taken into consideration and will result in a score of zero for that question.**  **Failure to answer a question which is scored will result in a score of zero for that question.**  Failure to provide an **acceptable explanation** with any **Fail** Questions answered will fail on Schedule **3** as a result.  **Consortia Bids**  If the potential supplier is bidding on behalf of a group, for example, a consortium, or intends to use sub-contractors, there are different actions required for completion of Part 3 of the standard Selection Questionnaire compared to Part 1 and Part 2.  The consortium lead should complete all of the questions on behalf of the consortium and/or any sub-contractors. The consortium lead should make it clear who the lead member of the group is, and who will be contractually responsible for delivery of the contract.  All members of the group are required to provide the information required in Part 3 of the standard Selection Questionnaire or procurement documents, as part of a single composite response (unless the question specifically directs otherwise). We may require members of the group to assume a specific legal form if awarded the contract, if considered necessary for the satisfactory performance of the contract. Where the group is proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV) or consortium, they should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity. They should also provide the name for the new entity and details of its legal and operational structure. An SPV is a legal entity that is formed to perform a specific contract.  Consortium arrangements may be subject to future changes and any updates to the bidding model should be provided to the authority so that a further  assessment can be carried out (by applying the selection criteria to the new  information provided). The authority reserves the right to deselect the  Supplier prior to any award of contract, based on an assessment of the updated  information. |

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

The SQ template includes a self-declaration, made by you (the potential supplier), that none of the grounds for exclusion apply[[1]](#footnote-2). If any of the grounds for exclusion do apply, there is an opportunity to explain any measures you have taken to demonstrate your reliability notwithstanding the existence of a ground for exclusion (we call this self-cleaning).

**We require all the organisations that form part of your bidding group/consortium and each subcontractor that you are relying on to meet the selection criteria to provide a completed part 1 and part 2.** This means that where you are joining a group of organisations, including joint ventures and partnerships, each organisation in that group must complete one of these self-declarations. Subcontractors that you rely on to meet the selection criteria, must also complete a self-declaration (although subcontractors 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 documents 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 subcontractors, you should complete all of the selection questions on behalf of the group/consortium and/or any subcontractors.

If the relevant documentary evidence referred to in the Selection Questionnaire is not provided upon request and without delay, we reserve the right to exclude you from the procurement process, including where an award decision has already been notified, and award to another 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.

**Cheshire East Borough Council**

Provision of Woodland Planting and Maintenance

**Period: Feb 2024 – Jan 2027 with 2 x 12 months option to extend**

**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 subcontractors, 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 member of your bidding group/consortium, and any subcontractor that is being relied on to meet the selection criteria, must complete and submit the self-declaration.
6. For the mandatory exclusion grounds only (Q2.1(a)), you must complete the declaration for all relevant persons and entities. There are two categories of persons and entities:

* members of your administrative, management or supervisory board; secondly, entities and persons who have powers of representation, decision or control. You must decide, depending on the nature and structure of the entity or person who is bidding, which entities and persons this applies to in your particular circumstances. Clearly, members of your administrative, management or supervisory board should be easily identifiable and will cover company directors (or equivalent for other types of corporate entities) and members of an executive board.
* the second category of those with powers of representation, decision or control, is likely to be more complicated. As an illustration, entities or persons with 25% or more shareholding (or equivalent for other types of corporate entities) are likely to have powers or representation, decision or control, although those with a lower shareholding may still have the relevant powers depending on their particular rights. Similarly, your ultimate parent company (or equivalent for other types of corporate entities) is likely to have powers of representation, decision or control. Depending on your particular structure, intermediate parent companies who do not have a direct shareholding, directors or members of an executive board of your immediate parent company (for example in the case of an SPV set up specifically to bid for a particular contract), and holders of mortgages or liens may be covered. It isn’t necessary to identify which entities and persons you think are covered but you must be satisfied that your declaration is made in respect of all of those that are covered.

*For answers to part 3 – If you are bidding on behalf of a group, for example, a consortium, or you intend to use subcontractors, you should complete all of the questions on behalf of the consortium and/ or any subcontractors, 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 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.

1. The Public Procurement Review Service allows government suppliers and potential government suppliers to raise concerns anonymously about unfair public sector procurement practice. The government can then investigate and resolve these concerns for contracting authorities as listed in [Schedule 1](http://www.legislation.gov.uk/uksi/2015/102/schedule/1/made) of the Public Contracts Regulations 2015. To use the Public Procurement Review Service, [read the terms](https://www.gov.uk/government/publications/mystery-shopper-scope-and-remit) and email [publicprocurementreview@cabinetoffice.gov.uk](mailto:publicprocurementreview@cabinetoffice.gov.uk) or phone 0345 010 3503.

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| **Part 1: Your information and the bidding model** |
| You must answer all questions in parts 1 and 2. If you are the supplier, you must answer all questions in part 3 as well. |
| Bidders must ensure that every organisation on which they will rely to meet the selection criteria completes and submits their own answers and declaration for part 1 and 2. |

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| **Section 1** | **Your information** | |
| **Question**  **number** | **Question** | **Response** |
| 1.1(a) | Name (if registered, please give the registered name) |  |
| 1.1(b) – (i) | Registered address (if applicable) or head office address |  |
| 1.1(b) – (ii) | Registered website address (if applicable) |  |
| 1.1(c) | Trading status  a) - public limited company  b) - private limited company  c) - limited liability partnership  d) - other partnership  e) - sole trader  f) - third sector  g) - other (please specify your trading status) |  |
| 1.1(d) | Date of registration (if applicable) or date of formation. |  |
| 1.1(e) | Registration number (company, partnership, charity, etc if applicable). |  |
| 1.1(f) | Registered VAT number. |  |
| 1.1(g) - (i) | Are you registered with the appropriate professional or trade register(s) specified for this procurement in the Member State where your organisation is established? | Yes  No  N/A |
| 1.1(g) - (ii) | If you responded yes to 1.1(h) - (i), please provide the relevant details, including the name of the register and registration number(s), and if evidence of registration is available electronically, please provide  - the website address,  - issuing body  - reference number. |  |
| 1.1(h) - (i) | For procurements for services only, is it a legal requirement in the country where you are established for you to:  a) possess a particular authorisation, or  b) be a member of a particular organisation,  to provide the requirements specified in this procurement? | Yes  No |
| 1.1(h) - (ii) | If you responded yes to 1.1(h) - (i), please provide additional details of what is required, confirmation that you have complied with this and, if evidence of compliance is available electronically, please give the website address, issuing body and reference number. |  |
| 1.1(i) | Relevant classifications (state whether you fall within one of these, and if so which one)  a) Voluntary Community Social Enterprise (VCSE).  b) Sheltered Workshop.  c) Public Service Mutual. |  |
| 1.1(j) | Are you a Small, Medium or Micro Enterprise (SME)[[2]](#footnote-3)? | Yes  No |
| 1.1 (k) | Details of Persons with Significant Control (PSC)[[3]](#footnote-4), where appropriate[[4]](#footnote-5):  - 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;  - 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  (Please enter N/A if not applicable) |  |
| 1.1(l) | Details of your immediate parent company:  - Full name of immediate parent company,  - Registered or head office address,  - Registration number (if applicable),  - VAT number (if applicable),  Please enter N/A if not applicable) |  |
| 1.1(m) | Details of ultimate parent company:  - Full name of ultimate parent company,  - Registered or head office address,  - Registration number (if applicable),  - 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 supplier and all relevant persons and entities (as described above). | | |

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| **Please provide the following information about your approach to this procurement:** | | |
| **Section 1 (cont.)** | **Bidding model** |  |
| **Question**  **number** | **Question** | **Response** |
| 1.2 | Please indicate if you are bidding as a single supplier or as part of a group or consortium?  *If you are bidding as a single supplier, please go to Q 1.3.*  If you are bidding as part of a group or consortium (including where you intend to establish a legal entity to deliver the contract, or you are a subcontractor), please tell us:   1. The name of the group/consortium. 2. The proposed structure of the group/consortium, including the legal structure where applicable. 3. The name of the lead member in the group/consortium. 4. Your role in the group/consortium (e.g. lead member, consortium member, subcontractor). 5. If you are the lead member in the group/consortium, whether you are relying on other consortium members to meet the selection criteria (i.e. are you relying on other consortium members for economic and technical standing and/or technical and professional ability?) and, if so, which criteria you are relying on them for |  |
| 1.3 | If you are proposing to use subcontractors / a supply chain, please provide the details for each one[[5]](#footnote-6).  - Name  - Registration number  - Registered or head office address,  - Trading status   1. Public limited company 2. Private limited company 3. Limited liability partnership 4. Other partnership 5. Sole trader 6. Third sector 7. Other (please specify your trading status)   - Registered VAT number  - SME (Yes/No)  - The role each subcontractor will take in providing the works and /or supplies e.g. key deliverables - if known  - The approximate % of contractual obligations assigned to each subcontractor, if known  - Is the subcontractor being relied upon to meet the selection criteria (i.e. are you relying on the subcontractor for economic and technical standing and/or technical and professional ability?) and, if so, which criteria are you relying on them for? |  |

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| **Part 2: Exclusion Grounds** | | |
| Please answer the following questions in full. Note that every organisation that forms part of your bidding group/consortium, as well as every organisation that is being relied on (including subcontractors being relied on) to meet the selection criteria must complete and submit responses to part 1 and the declarations in part 2. | | |
| **Section 2** | **Grounds for Mandatory Exclusion**  (This question is to be scored on a pass/fail basis.) | |
| **Question number** | **Question** | **Declaration** |
| 2.1 (a) | Within the past five years, anywhere in the world, have you or any person who:   * is a member of the supplier’s administrative, management or supervisory body or * has powers of representation, decision or control in the supplier[[6]](#footnote-7), * been convicted of any of the offences within the summary below and listed in full in Schedule 7? |  |
|  | Participation in a criminal organisation. | Yes  No |
|  | Corruption. | Yes  No |
|  | Terrorist offences or offences linked to terrorist activities. | Yes  No |
|  | Money laundering or terrorist financing. | Yes  No |
|  | Child labour and other forms of trafficking in human beings. | Yes  No |
|  | Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any jurisdiction outside England, Wales or Northern Ireland. | Yes  No |
|  | Any other offence within the meaning of Article 57(1) of the Directive created after 26th February 2015 in England, Wales or Northern Ireland. | Yes  No |
| 2.1(b) | **If you have answered yes to any part of question 2.1(a), please provide further details,** including:   * date of conviction and the jurisdiction, * which of the grounds listed the conviction was for, * the reasons for conviction, * the identity of who has been convicted.   If the relevant documentation is available electronically, please provide:   * the web address, * issuing authority, * precise reference of the documents. |  |
| 2.1(c) | If you have answered yes to any part of the question above, please explain what measures have been taken to demonstrate your reliability despite the existence of relevant grounds for exclusion. (Self-cleaning). |  |

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| **Section 3** | **Mandatory and discretionary grounds relating to the payment of taxes and social security contributions**  (This question is to be scored on a pass/fail basis.) | |
| The detailed grounds for mandatory and discretionary exclusion of a supplier for non-payment of taxes and social security contributions, are set out in Schedule 7, and should be referred to before completing these questions. | | |
| **Question number** | **Question** | **Declaration** |
| 3.1(a) | Please confirm that you have met all your obligations relating to the payment of taxes and social security contributions, both in the country in which you are established and in the UK.  If documentation is available electronically, please provide:   * the web address, * issuing authority, * precise reference of the documents | Yes  No |
| 3.1(b) | If you have answered no to 3.1(a) please provide further details including the following:   * Country concerned, * what is the amount concerned * how the breach was established, i.e. through a judicial or administrative decision or by other means. * if the breach has been established through a judicial or administrative decision please provide the date of the decision, * if the breach has been established by other means please specify the means. |  |
| 3.2 | Please also confirm whether 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. | Yes  No  N/a |
| Please Note: We reserve our right to use our discretion to exclude your bid where we can demonstrate by any appropriate means that you are in breach of your obligations relating to the payment of taxes or social security contributions | | |

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| **Section 4** | **Grounds for Discretionary Exclusion**  (This question is to be scored on a pass/fail basis.) | |
| The detailed grounds for discretionary exclusion of an organisation are set out in Schedule 7 and should be referred to before completing these questions. | | |
| **Question number** | **Question** | **Declaration** |
| 4.1 | Within the past three years, anywhere in the world, have any of the situations summarised below and listed in full in Schedule 7 applied to you? |  |
| 4.1(a) | Breach of environmental obligations?  To note that environmental law obligations include Health and Safety obligations. See Schedule 7. | Yes  No |
| 4.1(b) | Breach of social law obligations? | Yes  No |
| 4.1(c) | Breach of labour law obligations? | Yes  No |
| 4.1(d) | Bankruptcy or subject of insolvency? | Yes  No |
| 4.1(e) | Guilty of grave professional misconduct? | Yes  No |
| 4.1(f) | Distortion of competition? | Yes  No |
| 4.1(g) | Conflict of interest? | Yes  No |
| 4.1(h) | Been involved in the preparation of the procurement procedure? | Yes  No |
| 4.1(i) | Prior performance issues? | Yes  No |
| 4.1(j)  4.1(j) - (i)  4.1(j) - (ii)  4.1(j) –(iii)  4.1(j)-(iv) | Do any of the following statements apply to you?  You have been 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.  You have withheld such information.  You are not able, without delay, to submit documents if/when required under Regulation 59.  You have undertaken to unduly influence the decision-making process of the contracting authority to obtain confidential information that may confer upon you undue advantages in the procurement procedure, or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award. | Yes  No  Yes  No  Yes  No  Yes  No |
| 4.2 | You are a relevant commercial organisation subject to Section 54 of the Modern Slavery Act 2015 if you carry on your business, or part of your business in the UK, supplying goods or services and you have an annual turnover of at least £36 million.  If you are a relevant commercial organisation, please -   * confirm that you have published a statement as required by Section 54 of the Modern Slavery Act. * confirm that the statement complies with the requirements of Section 54. | Yes  No  N/a  Yes  No  N/a |
| 4.3 | If you have answered YES to any of the questions in 4.1, or NO to question 4.2, please explain what measures have been taken to demonstrate your reliability despite the existence of a relevant ground for exclusion. (Self-cleaning) |  |

**Part 3: Selection Questions**

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| **Section 5** | **Technical and Professional Ability**  *(This section will be scored on a pass/fail basis)* | | | | |
| **Question number** | **Question**  **Relevant experience and contract examples** | | | | |
| 5.1 | Please provide details of up to three contracts, to meet the technical and professional ability criteria set out in the procurement documents in any combination from either the public or private sectors; voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. VCSEs may include samples of grant-funded work. Where this procurement is for supplies or services, the examples must be from the past three years. Where this procurement is for works, the examples 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.  For consortium bids, or where you have indicated that you are relying on a subcontractor in order to meet the technical and professional ability, you should provide relevant examples of where the consortium/subcontractors have 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 members of the Special Purpose Vehicle or subcontractors (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 subcontractor(s) who will deliver the contract.  **For each contract, please provide the following information**  If you cannot provide examples, see question 5.2 | | | | |
|  | | **Contract 1** | **Contract 2** | **Contract 3** |
| Name of customer organisation who signed the contract | |  |  |  |
| Name of supplier who signed the contract | |  |  |  |
| Point of contact in the customer’s organisation | |  |  |  |
| Position in the customer’s organisation | |  |  |  |
| E-mail address | |  |  |  |
| Description of contract | |  |  |  |
| Contract Start date | |  |  |  |
| Contract completion date | |  |  |  |
| Estimated contract value | |  |  |  |

|  |  |
| --- | --- |
| 5.2 | If you cannot provide at least one example for questions 5.1, in no more than 500 words please provide an explanation for this and how you meet the selection criteria relating to technical and professional ability e.g. your organisation is a new start-up or you have provided services in the past but not under a contract. |
| Response: | |
| **Evaluation Methodology of Question 5.1**  Question 5.1 is a Pass/Fail test in relation to demonstrating minimum standards of Technical and Professional Ability for:  Large scale woodland planting  The council reserves the right to reject Tenderers which fail to satisfy the minimum relevant experience requirements.  In order to pass, the Tenderer must demonstrate:   * Up to three contracts performed in the past three years for woodland planting which each include all of the following characteristics:   + Delivery of a mixed species woodland planting scheme   + Minimum of 5ha in size   + Maintained for a minimum of twelve months.   Or demonstrate equivalent experience of capability within your organisation in your response to Question 5.2 | |

**6 Additional SQ modules**

**Project specific questions to assess Technical and Professional Ability**

*Section* ***6*** *will be marked on* ***pass/fail*** *basis.*

**Introduction**

Cross Referencing is not deemed a valid response by the Council.

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

Please indicate your answer by marking ‘X’ in the relevant boxes where necessary and enter responses to questions in the fields provided.

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| **Section 6** | **Additional Questions** | | |
| **6.1** | **Insurance**  *(This question is to be scored on a pass/fail basis.)* | | |
| **6.1.(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:   1. **Employer’s Liability Insurance\*** = £10million.  Is required in respect of each and every claim. 2. **Public Liability Insurance** = £5 million. Is required in respect of each and every claim.   *\* It is a legal requirement that all companies hold Employer’s Liability Insurance of £5 million as a minimum. Please note this requirement is not applicable to Sole Traders* | **Yes**  **No** | |
| **6.2** | **Compliance with Equality Legislation**  (This question is to be scored on a pass/fail basis.) | | |
| **For organisations working outside of the UK please refer to equivalent legislation in the country that you are located.** | | | |
| **6.2(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** |
| **6.2(b)** | In the last three years, has your organisation had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds or alleged unlawful discrimination? | | **Yes**  **No** |
| If you have answered “YES” to one or both of the questions in this module, please provide a summary using the field below to confirm 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, again, please use the field below 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, in relation to this section. | | | |
| *If answered YES to question 7.2(a) or 7.2(b) please detail.*  Response: | | | |
| **6.2(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**  **N/A** |

|  |  |
| --- | --- |
| **6.3** | **Section 1 – Health and safety policy and capability**  **(EACH individual question is to be scored on a Pass/Fail basis.)** |
| **Section 1 – General health and safety: policy and capability; questions C4-Q1, Q2, Q3, Q4, Q8 and Q9**  These general health and safety questions are replicated from PAS 91:2013+A1:2017 questions for Core Question Module C4.  Question numbers in the left-hand column are the PAS 91 question numbers.  If you are claiming an exemption under C4-Q1 then you do not need to answer the remaining questions in Section 1. For clarity you only need to provide evidence for one of either C4-Q1-1a), b) or c) to gain an exemption.  Where you have not claimed an exemption under C4-Q1 your response to each question will need to demonstrate that you have the required processes and procedures embedded within your organisation and provide evidence that these processes and procedures are followed. The expected evidence for each question is listed under the heading “Evidence expected to be uploaded”. | |

|  | **Section 1 – General health and safety: policy and capability; questions C4-Q1, Q2, Q3, Q4, Q8 and Q9** | | | |
| --- | --- | --- | --- | --- |
| **Q Ref** | **Exemptions and pertinent question selection** | **Exemption(s) claimed: Please confirm “Yes” for C4-Q1-1a, b and/or c, as appropriate, and reference your uploaded evidence to support this in your response below.** | | |
| **C4-Q1** | In the circumstances set out in **C4-Q1-1a)** to **C4- Q1-1c)**, if your organization meets the relevant criteria in respect of general health and safety: policy and capability; and you can provide the supporting information to evidence this, then questions **C4-Q2, Q3, Q4, Q8 and Q9** need not be completed.  If you are not claiming an exemption, please move to question **C4-Q2**. | | | |
| **Circumstances of exemption** | | | |
|  | **C4-Q1-1a)** You have, within the last twelve months, successfully completed a prequalification application undertaken by an assessment provider able to demonstrate that its information gathering process is equivalent to that of PAS 91. | | Exemption claimed: ….. |
|  | **C4-Q1-1b)** You have, within the last twelve months, successfully met the assessment requirements of a construction-related scheme in registered membership of the Safety Schemes in Procurement (SSIP) forum. | | Exemption claimed: ….. |
|  | **C4-Q1-1c)** You hold a certificate of compliance with BS OHSAS 18001 (or equivalent) issued by a Conformity Assessment Body accredited to provide conformity assessment services to that standard, e.g. accredited by UKAS.\* | | Exemption claimed: ….. |
|  | \* In C4-Q1-1c), accredited means having undergone third-party attestation by an organization that is a signatory to either or both of the European Accreditation or International Accreditation Forum, multi-lateral agreements. | | |
|  | **Response and reference to uploaded documents where applicable:** | | |

| **Q Ref** | **Question** | **Yes** | **No** |
| --- | --- | --- | --- |
| **C4-Q2** | **Are you able to show that you have a general policy and an organization which is responsible for ensuring effective health and safety (H&S) management?** |  |  |
|  | **Example of the type of information in support of responses, which will be taken into account in assessment:** Evidence of periodically reviewed general H&S policy, signed and dated by a senior person within the organization. The H&S policy should also contain the organization and arrangements. These should be relevant to the anticipated nature and scale of activity to be undertaken, and set out responsibilities for H&S management at all levels in the organization. (NOTE: If a supplier has fewer than five employees it is not legally required to write down its general policy, organization or arrangements. However, it does need to be able to show that its arrangements are adequate in relation to the type of activity likely to be undertaken.) | | |
|  | **Evidence expected to be uploaded:**  1. H&S Policy (periodically reviewed and signed and dated by a senior person within the organization)  2. Organisation for Health and Safety | | |
|  | **Response and reference to uploaded documents:** | | |
| **C4-Q3** | **Are you able to show your arrangements for ensuring that your H&S measures are effective in reducing/ preventing work-related incidents, occupational ill-health and accidents?** |  |  |
|  | **Example of the type of information in support of responses, which will be taken into account in assessment:** Details of the arrangements for H&S management that are relevant to the anticipated nature and scale of activity to be undertaken, and how these arrangements are communicated to workers. (NOTE: If a supplier has fewer than five employees it is not legally required to write down its general policy, organization or arrangements. However, it does need to be able to show that its arrangements are adequate in relation to the type of activity likely to be undertaken.) | | |
|  | **Evidence expected to be uploaded:**  1. Index of arrangements/procedures.  2. One arrangement/procedure for health  3. One arrangement/procedure for safety  4. Your means of communicating this information to the workforce | | |
|  | **Response and reference to uploaded documents:** | | |
| **C4-Q4** | **Do you have ready access to competent H&S advice/assistance?** |  |  |
|  | **Example of the type of information in support of responses, which will be taken into account in assessment:** Evidence of how your organization has ready access to competent H&S advice, for both general health and safety and, for CDM duty holders, construction-related health and safety. (Access to competent inhouse advice, in whole or part, is usually preferred. It is essential that H&S advisor(s) are able to provide general H&S advice and that, for CDM duty holders (from the same source or elsewhere) advice on relevant construction H&S issues is accessible as required.) | | |
|  | **Evidence expected to be uploaded:**  1. Either details of competence of H&S advisor(s) including CV or details of trade body providing advice  2. Two examples of advice received | | |
|  | **Response and reference to uploaded documents:** | | |
| **C4-Q8** | **Do you have procedures for involving your employees/other workforce in the planning and implementation of H&S measures?** |  |  |
|  | **Example of the type of information in support of responses, which will be taken into account in assessment:** Evidence that your organization implements a means of consulting with its employees/other workforce on H&S matters and how comments, concerns or complaints submitted by employees/other workforce are taken into account. | | |
|  | **Evidence expected to be uploaded:**  1. Procedures/Arrangements  2. Evidence of implementation - two examples | | |
|  | **Response and reference to uploaded documents:** | | |
| **C4-Q9** | **Do you routinely record and review accidents/incidents and undertake follow-up action?** |  |  |
|  | **Example of the type of information in support of responses, which will be taken into account in assessment:** Evidence that your organization maintains records of all RIDDOR reportable (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013) and other incidents for at least the last three years. Evidence that your organization has an effective system for reviewing significant incidents, and recording any resulting action taken (including your response to any H&S enforcement activity). | | |
|  | **Evidence expected to be uploaded:**  1. RIDDOR statistics  2. Keeping accident records  3. Two examples of accident investigation (or details of procedures if no investigations)  4. Enforcement action - details - your action (if applicable) | | |
|  | **Response and reference to uploaded documents:** | | |

|  |  |
| --- | --- |
| **6.3** | **Section 2 – CDM Duty Holder Roles; Client Duties**  **(to be scored on a Pass/Fail basis)** |
| **Section 2 – CDM Duty Holder Roles; Client Duties**  This question is designed to demonstrate understanding of your duties as Client under the CDM Regulations. Your response to this question will need to demonstrate that you have the required processes and procedures embedded within your organisation and provide evidence that these processes and procedures are followed. | |
| **Section 2 – CDM Duty Holder Roles; Client Duties** | |

|  |  |  |
| --- | --- | --- |
| Under this contract you will be acting as the Client under the CDM Regulations 2015. Please confirm you accept this role by ticking the ‘Yes’ check box. | **Yes** | **No** |
|  |  |
| Please also describe in the response box below your understanding of the Client duties under the CDM Regulations 2015 and how you discharge those duties when appointed as ‘The Client’ when taking on a contract of this size and nature. | | |
| **Evidence expected to be uploaded:**  1. Appointing of principal contractor and principal designer  2. Carrying out checks on skills, knowledge and experience of designers and contractors  3. Ensuring adequate time for the design, planning and construction.  4. Providing client briefs with information about the project including existing structures and hazards.  5. Ensuring everyone involved in the work communicates, cooperates and coordinates with each other.  6. Ensuring arrangements for adequate welfare facilities are in place.  7. Ensuring a construction phase plan is in place.  8. Ensuring health and safety files are retained and accessible.  9. Notifications sent to the HSE. | | |
| **Response** **and reference to uploaded documents:** | | |

|  |  |  |
| --- | --- | --- |
| **6.4** | **Safe Use of Pesticides**  (This question is to be scored on a pass/fail basis.) | |
| **6.4** | Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract signature, the accreditation indicated below:    City & Guilds Land Based Services (formerly National Proficiency Test Council) Level 2 Award in the Safe Use of Pesticides (aka PA1 and PA6). | **Yes**  **No** |
| **6.5** | ***NOTE TO ORGANISATION:***  ***This question is to be scored on a pass/fail basis.*** | | |
| Please confirm that any sub-contractors will comply with the standards set throughout the SQ? | | **Yes**  **No** | |
| *If* ***‘NO’*** *please give details* | | | |

**DECLARATION**

I declare that to the best of my knowledge the answers submitted, and information contained in this complete document are correct and accurate, including parts 1, 2 and part 3.

I declare that, upon request and without delay I will provide the certificates and/or documentary evidence referred to in this document except where this documentation can be accessed by the contracting authority via a national database free of charge or the contracting authority already possesses the documentation.

I understand that the information will be used in the selection process to assess my suitability 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.

Signature (electronic is acceptable):

Date:

|  |  |
| --- | --- |
| **Contact details of those making the declaration** | |
|  | **Response** |
| Contact name |  |
| Name of organisation |  |
| Role in organisation |  |
| Phone number |  |
| E-mail address |  |
| Postal address |  |

*(End of Schedule 3 SQ)*

**Cheshire East Borough Council**

Provision of Woodland Planting and Maintenance

**Period: Feb 2024 – Jan 2027 with 2 x 12 months option to extend**

**SCHEDULE 4 – PRICING SCHEDULE**

**Pricing Schedule – 50% of total evaluation score**

Please complete the pricing schedule at Appendix C for your proposed charges for the provision of **Woodland Planting and Maintenance.**

The Tenderer shall submit a fixed price (even if that price is nil) for each item as set out in the Pricing Schedule which shall remain fixed for the duration of the Contract. The price submitted shall be deemed inclusive of all costs and expenses relating to the provision of the Services. Unless identified and specified in the Pricing Schedule, no further amounts shall be payable by the Council.

The majority of items advised within the Pricing Schedule will remain a fixed quantity, however there is inclusion of provisional items for replacement trees & sundries for the purposes of evaluation only, the actual volume of these provisional items may vary within the contract period. The Council gives no guarantee or warranty or makes any representation as to the accuracy of any provisional item volumes.

Please note that the evaluated price will be the **Financial** **Evaluation Total** (Excluding VAT), over the full contract term, inclusive of optional extensions.

Failure to quote for all aspects listed will result in a score of zero for this section. If no separate charge is made for any of the items included, please indicate the charge is “nil” rather than leave the box blank.

*(End of Schedule 4)*

**Cheshire East Borough Council**

Provision of Woodland Planting and Maintenance

**Period: Feb 2024 – Jan 2027 with 2 x 12 months option to extend**

**SCHEDULE 5**

**ITT QUALITATIVE EVALUATION QUESTIONS**

**Quality Questions – 50% of total evaluation score**

**Introduction**

These are the ITT Qualitative questions, which are contract specific and relate to the technical and professional ability of the supplier.

Please ensure you responses are in line with the questions word/page limits and are in 12pt Arial. Anything beyond the word/page limits will not be taken into consideration by the Councils.

Diagrams/images can be included but words within them **will** contribute towards the word count for that question.

Cross Referencing information is not deemed a valid form of response by the Councils.

For any Tenderer who fails to answer one of these questions or whose answer scores less than 2, the Council reserves the right to reject that Supplier from participating any further in this procurement.

|  |  |
| --- | --- |
| **Question 1 – Project Management and Communication** | **Weighting** |
| Please describe the project management procedures you will employ to deliver this contract; outlining provisions for client update meetings and key milestones for the delivery of the service.  Please also attach a timeline plan/Gantt chart for the service delivery with key milestones/dates in excel format that clearly shows all stages of operation with start dates and end dates included – this will not count towards the word count.  Maximum Word Count: 300 font Arial 12 | 12% |
| Response:  Word Count ……………… | |
| **Question 2 – Site Activities (Project Implementation)** | **Weighting** |
| Please provide a Risk Assessment Method Statement (RAMS) you would use to ensure minimal disruption and impact to the site.  Maximum Word Count: 500 font Arial 12 | 12% |
| Response:  Word Count……………. | |
| **Question 3 – Environmental Impact** | **Weighting** |
| Describe how you intend to manage and deliver works to minimise your carbon footprint? Whilst complying with all the specification requirements.  This could include, but is not limited to:   * Outlining any sustainability policies and procedures * Supply chain selection * Energy usage * Transportation * Monitoring and tracking of environmental impact * Detail if you are accredited to ISO 14001 - environmental management system. * Details of any activities undertaken to offset your GHG Emissions * Demonstrate an overall understanding by linking your responses to the requirements of the Cheshire East Contract   Maximum Word Count: 500 font Arial 12 | 4% |
| Response:  Word Count…………. | |
| **Question 4 – Maintenance Operations** | **Weighting** |
| Please describe how you intend to manage and deliver the maintenance works in line with the specification?  Please consider, (but not be limited to) the following points in your response:   * Herbicides - selection of product, application methodology and equipment and storage. * Staff training and proficiency. * Communication strategy with Supervising Officer. * A Risk Assessment Method Statement (RAMS).   Maximum Word Count: 500 font Arial 12 | 12% |
| Response:  Word Count…………. | |
| **Question 5A– Social Value Commitments** | **Weighting** |
| Please describe the social value commitments you will make through the delivery of this contract.  This could include, but is not limited to:   * Create/Improve a Sustainable Environment (Now or in the Future) (Direct or Indirect) * Community Litter picking * Tree planting (aside from this contract) * Employment and training opportunities * Workforce development including apprenticeships * Encourage and promote environmental practices * Community Projects   Maximum Word Count: 500 font Arial 12 | 8% |
| Response:  Word Count……………. | |
| **Question 5B– Social Value Award** | **Weighting** |
| The Social Value Award has been launched through the Cheshire and Merseyside Social Value Network, and can be accessed via the Social Value Business:  <https://socialvaluebusiness.com>  Cheshire East Council anticipates that all key suppliers should obtain (or should be willing to obtain within 12 months) this award.  Please confirm that your organisation has been awarded the Social Value Award (quality mark).  If your organisations has not yet been awarded the Social Value Award for Cheshire East, will there be an application and anticipated award within 12 months of being successful in this tender? | 2%  Yes  No  Yes  No |

*End of Schedule 5 ITT Response*

**Cheshire East Borough Council**

Provision of Woodland Planting and Maintenance

**Period: Jan 2024 – Jan 2027 with 2 x 12 months option to extend**

**SCHEDULE 6**

**COMPLIANCE WITH SPECIFICATION & SCOPE OF REQUIREMENTS**

**This section will be evaluated on a pass / fail basis**

|  |  |
| --- | --- |
| **Compliance with Specification & Scope** | |
| Please confirm you have complied with the stated specification included within this ITT document, by entering yes in the field - | Yes |
| Please also confirm that you accept and will comply with the terms and conditions of the contract that has been supplied with the tender documentation, as they will not be open to negotiation post award. | Yes |

*End of Schedule 6 ITT Response*

## SCHEDULE 7 - Exclusion Grounds: Public Procurement

**Mandatory Exclusion Grounds**

Listed in Public Contract Regulations 2015 (as amended) R57(1), (2) and (3) and the 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.

**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 1, 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 Grounds**

Listed in Public Contract Regulations 2015 (as amended) R57(8) and the Public Contract Directives 2014/24/EU Article 57(4).

**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, but not limited to, the following:-
* In the last 3 years, 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 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 the organisation has been convicted of a breach of the Health and Safety legislation.
* 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.**

* Advised the contracting authority or contracting entity or otherwise 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 negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award, or withheld such information or is not able to submit supporting documents required under regulation 59.

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

* The contracting 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.

**Additional grounds**

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).

***End of ITT Response Document***

1. 1 See Schedule 7 for full list of exclusions [↑](#footnote-ref-2)
2. 3See definition of SME <https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en> [↑](#footnote-ref-3)
3. 4UK companies, Societates European (SEs) and limited liability partnerships (LLPs) are required to identify and record the people who own or control their company. Companies, SEs and LLPs are required 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). Overseas bidders are required to provide equivalent information. [↑](#footnote-ref-4)
4. 5Only information that relates to the persons with powers of representation, decision or control within the meaning of regulation 57(2) can be considered in relation to the mandatory exclusion grounds and other details are requested for information only. [↑](#footnote-ref-5)
5. 6This applies to all supply chain members and/or subcontractors, where their identity is known at this stage, irrespective of whether you are relying on them to meet the selection criteria. Where a supply chain member and/or subcontractor has been identified in response to this question, any resulting subcontract entered into with that subcontractor for that part of the works, services or supplies identified in response to that question will not be subject to the requirement for contracts to advertise the subcontracting opportunity, as set out in PPN 01/18. [↑](#footnote-ref-6)
6. 7see Notes for Completion [↑](#footnote-ref-7)