

**EU OPEN PROCEDURE**

**Appendix A**

**Suitability Questionnaire**

**Opportunity Title**

**OPPORTUNITY TO JOIN THE EXISTING FRAMEWORK OF APPROVED SUPPLIERS FOR THE PROVISION OF DOMICILIARY CARE SERVICES**

Bidders will be required to complete the Suitability Questionnaire of which the supplier must meet the minimum standards of the Authority.

The Authority will not accept any Questionnaire’s submitted after the deadline.

This Questionnaire sets out the information which is required by the Authority in order to assess the suitability of potential Suppliers to provide the Required Services in terms of their technical knowledge and experience, capability/capacity, organisational and financial standing within the parameters laid out in the Regulations.

In assessing the Responses, the Authority will be seeking evidence of Suppliers’ suitability to perform the Required Services in terms of economic and financial standing and technical and professional ability. Qualification criteria will be a combination of both financial and non-financial factors and will be in accordance with the Regulations as set out in the CCS Guidelines.

The criteria for the assessment of this section of the tender are as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| Part | Section | Question | Score / Status |
| Part One – Supplier Information | | | |
| 1 | 1 | Potential Supplier Information | For Information Only |
| 2 | Bidding Model |
| 3 | Contact Details |
| Part Two – Exclusion Grounds | | | |
| 2 | 1 | Grounds for Mandatory Exclusion | Pass / Fail |
| 2 | Grounds for Discretionary Exclusion |
| Part Three – Selection Questions | | | |
| 3 | 1.1 | Provide accounts and turnover Information | Pass / Fail |
|  | 1.2 | Minimum level of economic and financial standing |
|  | 2 | Part of a wider group |
|  | 3.3 | Technical and Professional Ability | |
|  | 3.3.1 | Reference 1 | Scored |
|  | Reference 2 |
|  | Reference 3 |
|  | 3.3.2 | Contract 1 | Scored |
|  | Contract 2 |
|  | Contract 3 |
|  | 3.3.3 | Information if you are a new start-up company | Scored |
|  | 3.3.4 | Subcontracting | Scored |
|  | 3.4 | Project specific questions to assess technical & professional ability | |
|  | 3.4.1 |  | NA |
|  | 3.5 | Insurance |  |
|  | 3.5.1 | Employer’s Liability Insurance | Pass/Fail |
|  | 3.5.2 | Public / Product Liability Insurance |
|  | 3.5.3 | Professional Indemnity Insurance |
|  | 3.6 | Health & Safety |  |
|  | 3.6.1 | Health & Safety Policy | Pass / Fail |
|  | 3.6.2 | Enforcement/remedial orders by Health & Safety Executive |
|  | 3.6.3 | Subcontractors |
|  | 3.7 | Compliance with Equality Legislation | |
|  | 3.7.1 | Unlawful Discrimination | Pass / Fail |
|  | 3.7.2 | Complaint by the Equality and Human Rights Commission |
|  | 3.7.3 | Subcontractors |
|  | 3.8 | Environmental Management | |
|  | 3.8.1 | Breach of Environmental Legislation | Pass / Fail |
|  | 3.8.2 | Subcontractors |
|  | 3.9 | Requirements under Modern Slavery Act 2015 | N/A |
|  | 3.10 | Skills and Apprentices | |
|  | 3.10.1 | Supporting Apprentices and Skills Development through this contract | NA |
|  | 3.10.2 | Able to provide documentary evidence |
|  | 3.10.3 | Evidence that supply chain supports skills, development and apprentices |
|  | 3.11 | Procuring Steel in major project | |
|  | 3.11.1 | Supply chain management systems | NA |
|  | 3.11.2 | Previous similar projects |
|  | 3.11.3 | Details of previous breaches of Health and Safety | NA |
|  | 3.12 | Suppliers Past Performance – Central Govt. Only | N/A |

**Pass/Fail criteria**

This question will be assessed on a PASS / FAIL basis. If an Applicant cannot confirm any of the statements/provide the required information, the Council reserves the right to disqualify the Applicant.

**FI (FOR INFORMATION)**

Is perceived as for information only (i.e. no impact). These questions are for information only to ensure the Council has the Applicants correct details.

**Part Three, Section 3 (Technical and Professional Ability)** requests information that demonstrates the Suppliers previous experience of projects of a similar nature and evidence of your technical capability in this market.

If references have been requested, it is the Suppliers responsibility to ensure that they are sent to their referees and returned with the Suitability Questionnaire

Any references received after the deadline will not be considered

**Part Three, Section 4 (Project Specific Questions)** may contain additional questions over and above those in the CCS Guidance and are there to establish the technical and professional ability of Suppliers to perform the Required Services and are in accordance with Regulation 60 of the Regulations.

**Part Three, Section 5 (Insurance)** of the CCS Guidance lists Public Liability Insurance and Product Liability Insurance as separate insurances. The Authority requires Suppliers to carry either a combined policy for Public & Product Liability Insurance of no less than £10m or to hold separate policies for Public and Product Liability Insurance each of which is for no less than £10million or to show that they can and will put provision in place if selected to perform the contract. The Authority has been advised that Public & Product Liability Insurance is a standard market product.

**Standardised Questionnaire**

**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 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.

Please return a completed version of this document via the Chest portal:

|  |  |
| --- | --- |
| Named procurement officer | Nick Fletcher |
| Name of contracting authority | St Helens Council, People’s Services |
| Date for return of documents: | 26th January 2018 by 14:00 |

The intended outcome of this Qualification document is to formulate a list of suitably qualified Suppliers to provide the required Services. All suppliers meeting the required minimum standard will proceed to the evaluation stage of the tender process.

Some questions in this Questionnaire (including the additional project specific questions relating to technical and professional ability) require the Supplier to self-certify the answer given. The Authority may seek evidence/proof from the successful tenderer prior to contract award in relation to the self-certified questions it has responded to in this document. If you are unable to provide such proof you may be disqualified.

**Selection Process**

All Questionnaires will be evaluated in the following way:

Step 1 - All responses will first be checked for completeness. Please ensure that you compile a complete response fully, as requested. Failure to do so may result in you being disqualified from the process, although the Authority reserves the right to request clarification where there is a clear error or omission in a supplier’s response.

Disqualified responses will not be considered further.

Step 2 - Responses which were not disqualified under Step 1 above will then be checked against the stated pass/fail tests. Responses which fail any of the pass/fail questions will not be considered further.

Step 3 - Responses which were not disqualified under Steps 1 or 2 above will then be evaluated in accordance with the marking scheme/evaluation guidance which is set out in full in the yellow boxes relevant to each section.

Tenderers should note that regardless of a responses overall merits, in the event that evaluating officers (acting reasonably) consider there to be a fundamental weakness likely to impact adversely upon the supply of products or services, then grounds will exist to exclude the bid from further consideration.

**Scored sections**

Part Three, Section 3 (Technical and Professional Ability) and Section 4 (Project Specific Questions) are scored elements. To pass and continue to tender evaluation stage, candidates must meet the minimum criteria as detailed in the relevant sections.

**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.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Part 1 - Section 1: Potential Supplier Information** | | | | | | | |
| **No.** | **Question** | **Response** | | | | | |
| 1.1.1 | Full name of the potential supplier submitting the information |  | | | | | |
| 1.1.2 | Registered office address (if applicable) |  | | | | | |
| 1.1.3 | Registered website address (if applicable) |  | | | | | |
| 1.1.4 | Trading Status: |  | | | **Type ‘X’ here** | |  |
| a) a public limited company | | |  | | **Yes** |
| b) a limited company | | |  | | **Yes** |
| c) a limited liability partnership | | |  | | **Yes** |
| d) other partnership | | |  | | **Yes** |
| e) sole trader | | |  | | **Yes** |
| f) third sector | | |  | | **Yes** |
| g) other (please specify) | | |  | | **Yes** |
| 1.1.5 | Date of registration in country of origin |  | | | | | |
| 1.1.6 | Company registration number  (if applicable) |  | | | | | |
| 1.1.7 | Charity registration number  (if applicable) |  | | | | | |
| 1.1.8 | Head office DUNS number  (if applicable) |  | | | | | |
| 1.1.9 | Registered VAT number |  | | | | | |
| 1.1.10 | If applicable, is your organisation registered with the appropriate professional or trade register(s) in the member state where it is established?  **Please mark ‘X’ in the relevant box to indicate your response** | **Yes** | **No** | | | **N/A** | |
|  |  | | |  | |
| 1.1.11 | If you responded yes to 1.10 please provide the relevant details, including the registration number(s). |  | | | | | |
| 1.1.12 | 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?  **Please mark ‘X’ in the relevant box to indicate your response** | **Yes** | **No** | | | **N/A** | |
|  |  | | |  | |
| 1.1.13 | Relevant classifications  Please state whether you fall within one of these, and if so which one. | **Classification** | | **Type ‘X’ here** | | | |
| Voluntary Community Social Enterprise (VCSE) | |  | | | |
| Sheltered Workshop | |  | | | |
| Public service mutual | |  | | | |
| Not applicable | |  | | | |
| 1.1.14 | Are you a Small, Medium or Micro Enterprise (SME)? | **Yes** | | **No** | | | |
|  | |  | | | |
| 1.1.15 | Details of Persons of Significant Control (PSC), where appropriate:  (Please enter N/A if not applicable) | Response: | | | | | |
| 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. |  | | | | | |
| 1.1.16 | Details of immediate parent company:  (Please enter N/A if not applicable) | Response: | | | | | |
| 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) |  | | | | | |
| 1.1.17 | Details of ultimate parent company:  (Please enter N/A if not applicable) | Response: | | | | | |
| 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 note: A criminal record check for relevant convictions may be undertaken for the preferred suppliers and the persons of significant in control of them.

| **Part 1 – Section 1**  **Marking Scheme** | **Evaluation Guidance** |
| --- | --- |
| **No Marks Allocated** | **FOR INFORMATION ONLY** |

|  |  |  |  |
| --- | --- | --- | --- |
| **Part 1 – Section 2: Bidding Model**  Please provide the following information about your approach to this procurement: | | | |
| No. | Question | Response | |
| 1.2.1 | Are you bidding as the lead contact for a group of economic operators? | **Yes** |  |
| ***If yes, please provide details listed in 1.2.2, to 1.2.5, Part 1 Section 3 and all of Part 2.*** | |
| **No** |  |
| ***If no, and you are a supporting bidder please provide the name of your group at 1.2.2,*  *Part 1 Section 3 and all of Part 2.*** | |
| 1.2.2 | Name of group of economic operators (if applicable) |  | |
| 1.2.3 | 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. |  | |
| 1.2.4 | Are you or, if applicable, the group of economic operators proposing to use sub-contractors? | **Yes** |  |
| **No** |  |
| 1.2.5 | If you responded yes to 1.2.4 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 |  |  |  |  |  |

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| **Part 1 - Section 3: 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.

|  |  |  |
| --- | --- | --- |
| 1.3.1 | Contact Name |  |
| 1.3.2 | Name of organisation |  |
| 1.3.3 | Role in organisation |  |
| 1.3.4 | Phone number |  |
| 1.3.5 | E-mail address |  |
| 1.3.6 | Postal address |  |
| 1.3.7 | Signature (electronic is acceptable) |  |
| 1.3.8 | Date |  |

**Part 2: Exclusion Grounds**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Part 2 - Section 1: Grounds for mandatory exclusion**  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. | | | | | |
| 2.1.1 | **Regulations 57(1) and (2)**  The detailed grounds for mandatory exclusion of an organisation are set out on this [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.  Please indicate if, within the past five years you, your organisation or any other person who has powers of representation, decision or control in the organisation been convicted anywhere in the world of any of the offences within the summary below and listed on the [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf). | | | | |
| If you answer ‘Yes’ to any of these questions – please provide details at 2.1.2 | **Type ‘X’ in the relevant box** | | **YES** | **NO** |
| Participation in a criminal organisation. | |  |  |
| Corruption. | |  |  |
| Fraud | |  |  |
| Terrorist offences or offences linked to terrorist activities | |  |  |
| Money laundering or terrorist financing | |  |  |
| Child labour and other forms of trafficking in human beings | |  |  |
| 2.1.2 | If you have answered yes to question 2.1.1 please provide further details.  Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction,  Identity of who has been convicted  If the relevant documentation is available electronically please provide the web address, issuing authority, precise reference of the documents. |  | | | |
| 2.1.3 | 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) |  | **Type ‘X’ here** | | |
| **Yes** |  | | |
| **No** |  | | |
| 2.1.4 | **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? |  | **Type ‘X’ here** | | |
| **Yes** |  | | |
| **No** |  | | |
| 2.1.5 | If you have answered yes to question 2.1.4 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.

|  |  |
| --- | --- |
| **Part 2 – Section 1**  **Marking Scheme** | **Evaluation Guidance** |
| **Pass** | You have answered NO to all questions; or  You have answered NO to some and YES to one or more and have included evidence of ‘self-cleaning’ which is acceptable to the Authority against the relevant ground for exclusion at 2.1.2 or 2.1.5 (those questions to which you have answered YES). |
| **Fail** | You have answered YES to some or all of the questions and failed to provide evidence of ‘self-cleaning’, which is acceptable to the Authority, against the relevant ground for exclusion at 2.1.2 or 2.1.5 applicable (those questions to which you have answered YES). |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Part 2 - Section 2: Grounds for discretionary exclusion** | | | | |
| 2.2.1 | **Regulation 57 (8)**  The detailed grounds for discretionary exclusion of an organisation are set out on this [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.  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. | | | |
| If you answer ‘Yes’ to any of these questions – please provide details at 2.2.2 | **Please indicate your answer by marking ‘X’ in the relevant box.** | **YES** | **NO** |
| Breach of environmental obligations? |  |  |
| Breach of social obligations? |  |  |
| Breach of labour law obligations? |  |  |
| 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? |  |  |
| Guilty of grave professional misconduct? |  |  |
| Entered into agreements with other economic operators aimed at distorting competition? |  |  |
| 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? |  |  |
| 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? |  |  |
|  | Please answer the following statements | The organisation is guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria. |  |  |
| The organisation has withheld such information. |  |  |
| The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015. |  |  |
| The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award. |  |  |
| 2.2.2 | 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 2 – Section 2**  **Marking Scheme** | **Evaluation Guidance** |
| **Pass** | You have answered NO to all questions; or  You have answered NO to some and YES to one or more and have included evidence of ‘self-cleaning’ which is acceptable to the Authority against the relevant ground for exclusion at 2.2.2 (those questions to which you have answered YES). |
| **Fail** | You have answered YES to some or all of the questions and failed to provide evidence of ‘self-cleaning’, which is acceptable to the Authority, against the relevant ground for exclusion at 2.2.2 as applicable (those questions to which you have answered YES). |

**Mandatory Exclusion Grounds**

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

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

**Participation in a criminal organisation**

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

Conspiracy within the meaning of

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

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

**Corruption**

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

The common law offence of bribery;

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

**Fraud**

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

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

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

Any offence:

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

**Money laundering or terrorist financing**

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

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

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

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

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

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

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

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

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

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

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

* HMRC successfully challenging the potential supplier under the General Anti – Abuse Rule (GAAR) or the “Halifax” abuse principle; or
* a tax authority in a jurisdiction in which the potential supplier is established successfully challenging it under any tax rules or legislation that have an effect equivalent or similar to the GAAR or “Halifax” abuse principle;
* a failure to notify, or failure of an avoidance scheme which the supplier is or was involved in, under the Disclosure of Tax Avoidance Scheme rules (DOTAS) or any equivalent or similar regime in a jurisdiction in which the supplier is established

**Other offences**

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

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

**Discretionary exclusions**

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

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

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

**Bankruptcy, insolvency**

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

**Grave professional misconduct**

Guilty of grave professional misconduct

**Distortion of competition**

Entered into agreements with other economic operators aimed at distorting competition

**Conflict of interest**

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

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

**Prior performance issues**

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

**Misrepresentation and undue influence**

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

Additional exclusion grounds

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

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

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

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

**Consequences of misrepresentation**

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

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

**Part 3: Selection Questions**

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| **Part 3 - Section 1: Economic and Financial Standing** | | | |
| 3.1.1 | a) Are you able to provide a copy of your audited accounts for the last two years, if requested?  If no, can you provide **one** of the following (b-d): answer with Yes / No | **Please indicate your answer by marking ‘X’ in the relevant box.** | |
| **Yes** | **No** |
|  |  |
| b) 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** |
|  |  |
| c) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position. | **Yes** | **No** |
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| d) 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** |
|  |  |
| 3.1.2 | 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** |
| NA | NA |

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| **Part 3 – Section 1**  **3.1.1 (a)**  **Marking Scheme** | **Evaluation Guidance -**  **If a candidate chooses to submit a copy of its audited accounts for the most recent two years** |
| **Pass** | 1. Positive cash flow from operations over both years of the audited accounts; and  2. Net reserves of at least 10% of turnover; and  3. A credit rating international score description of low risk or better from a company such as Dunn and Bradstreet (or the equivalent for the jurisdiction of the Company/Organisation). For the avoidance of doubt the Authority will obtain the credit report on all candidates during the Qualification evaluation period. Candidates are not asked to supply this. |
| **Part 3 – Section 1**  **3.1.1 (b)**  **Marking Scheme** | **Evaluation Guidance –**  **If a candidate chooses to submit a statement of the turnover, profit & loss account, current liabilities and assets, and cash flow for the most recent year of trading for this organisation** |
| **Pass** | 1. Positive cash flow from operations of at least 1% of turnover (i.e, £3m or more); and  2. Positive net current assets; and  3. Cash in bank equivalent to 30 days (or, e.g, £3.3m rounded at £0.25m turnover) at the end of the Supplier’s reporting period; and  4. A credit rating international score description of low risk or better from a company such as Dunn & Bradstreet (or the equivalent for the jurisdiction of the Company/Organisation). For the avoidance of doubt the Authority will obtain the credit report on all candidates during the Qualification evaluation period. Candidates are not asked to supply this.  5. The reporting period must be no more than 3 months before the deadline for the return of the Qualification response.  Supporting statements/endorsements required under 3.1.1(b):  1. The documents submitted in response to 3.1.1 (b) must be endorsed by an International Federation of Accountants qualified accountant/auditor; and  2. A statement from two Directors/Trustees should be included confirming that their organisation is a going concern with adequate resources to continue in operation for the foreseeable future. |

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| **Part 3 – Section 1**  **3.1.1 (c)**  **Marking Scheme** | **Evaluation Guidance –**  **If a candidate chooses to submit a statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position** |
| **Pass** | 1. Positive cash flow from operations of at least 1% of turnover (i.e, £3m or more); and  2. Cash in bank equivalent to 30 days (or, e.g, £0.25m rounded at £3m turnover) at the end of the Supplier’s reporting period; and  3. A credit rating international score description of low risk or better from a company such as Dunn & Bradtreet (or the equivalent for the jurisdiction of the Company/Organisation). For the avoidance of doubt the Authority will obtain the credit report on all candidates during the Qualification evaluation period. Candidates are not asked to supply this.  4. The reporting period must be no more than 3 months before the deadline for the return of the Qualification response.  Supporting statements/endorsements required under 3.1.1 (c):  1. The document must be endorsed by an International Federation of Accountants qualified accountant/auditor.  2. A statement from two Directors/Trustees should be included confirming that their organisation is a going concern with adequate resources to continue in operation for the foreseeable future |

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| **Part 3 – Section 1**  **3.1.1 (d)**  **Marking Scheme** | **Evaluation Guidance –**  **If a candidate decides to demonstrate financial standing using 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)** |
| **Pass** | 1. Positive cash flow from operations of at least 1% of turnover (i.e £3m or more).  2. Cash in bank equivalent to 30 days (or, e.g, £0.25m rounded at £3m turnover) at the end of the Supplier’s reporting period.  3. A credit rating international score description of low risk or better from a company such as Dunn & Bradstreet (or the equivalent for the jurisdiction of the Company/Organisation). For the avoidance of doubt the Authority will obtain the credit report on all candidates during the Qualification evaluation period. Candidates are not asked to supply this.  4. The reporting period must be no more than 3 months before the deadline for the return of the Qualification response.  Supporting statements/endorsements required under 3.1.1 (d):  1. The alternative means of demonstrating financial standing must be endorsed by an International Federation of Accountants qualified auditor.  2. A statement from two Directors/Trustees should be included confirming that their organisation is a going concern with adequate resources to continue in operation for the foreseeable future |

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| **Part 3 – Section 1**  **3.1.1 (a), (b), (c) & (d)**  **Marking Scheme** | **Evaluation Guidance** |
| **Fail** | Information not provided in accordance with one of 3.1.1 (a), (b), (c) or (d). |

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| **Part 3 – Section 1**  **3.1.2**  **Marking Scheme** | **Evaluation Guidance** |
| **Pass** | The stated minimum financial threshold has been met in relation to the relevant means of demonstrating your economic/financial standing (either 3.1.1 (a), (b), (c) or (d)). |
| **Fail** | The stated minimum financial threshold has not been met in relation to the relevant means of demonstrating your economic/financial standing (either 3.1.1 (a), (b), (c) or (d)). |

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| **Part 3 - Section 2: Part of a wider group** | | | |
| 3.2.1 | If you have indicated in the Selection Questionnaire, Part One Section 2 (1.2.1), that you are part of a wider group, please provide further details below: | | |
| Name of Organisation |  | |
| Relationship to the supplier completing these questions |  | |
| 3.2.2 | Are you able to provide parent company accounts if requested to at a later stage? |  | Type ‘X’ here |
| Yes |  |
| No |  |
| 3.2.3 | If yes, would the parent company be willing to provide a guarantee if necessary? | Yes |  |
| No |  |
| 3.2.4 | If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)? | Yes |  |
| No |  |

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| **Part 3 – Section 2**  **Marking Scheme** | **Evaluation Guidance** |
| **Pass** | You have answered YES to 3.2.2 and are prepared to provide a guarantee from your ultimate / parent company; or  You have answered YES to 3.2.2 and are not prepared to provide a guarantee from your ultimate / parent company but you are able and prepared to obtain a guarantee elsewhere; or  You have answered NO to 3.2.2 and are able and prepared to obtain a guarantee elsewhere. |
| **Fail** | You have answered YES to 3.2.2 but are not able and prepared to provide a guarantee from your ultimate / parent company or obtain a guarantee from elsewhere; or  You have answered NO to 3.2.2 and are not able to obtain a guarantee from elsewhere. |
| The Authority will require (at the point of contract award) the successful tenderer to enter into a guarantee or bond (depending upon availability) **on the terms set out in the contract documents**. | |

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| **Part 3 - Section 3: Technical and Professional Ability** | |
| 3.3.1 | **Relevant experience and contract examples**  Please provide details of up to three contracts, in any combination from either the public or private sector; voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. VCSEs may include samples of grant-funded work. Contracts for supplies or services should have been performed during the past three years. Works contracts may be from the past five years.  The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.  Consortia bids should provide relevant examples of where the consortium has delivered similar requirements. If this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle is to be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (three examples are not required from each member).  Where the Supplier is a Special Purpose Vehicle, or a managing agent not intending to be the main provider of the supplies or services, the information requested should be provided in respect of the main intended provider(s) or sub-contractor(s) who will deliver the contract.  If you cannot provide examples see question 3.3.4 |

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| 3.3.1 (continued) | Contract 1 | Contract 2 | Contract 3 |
| Name of customer organisation |  |  |  |
| Point of contact in the organisation |  |  |  |
| Position in the organisation |  |  |  |
| Email address |  |  |  |
| Contract start date |  |  |  |
| Contract completion date |  |  |  |
| Estimated contract value |  |  |  |

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| 3.3.2 | In no more than 500 words, please provide a brief description of the contract delivered including evidence as to your technical capability in this market. | |
|  | Contract 1 |  |
|  | Contract 2 |  |
|  | Contract 3 |  |

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| 3.3.3 | If you cannot provide at least one example for questions 3.3.1 – 3.3.2, 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. |  |

| **Part 3 – Section 3**  **Marking Scheme for Question (3.3.1 – if applicable)**  **3.3.2 - 3.3.3** | **Evaluation Guidance**  **This question is scored between 0 – 5.**  **3 is the minimum score required in order to progress to the evaluation stage.**  **A score of 2 and below means your submission will not be considered for evaluation** |
| --- | --- |
| **5 Marks** | A response that clearly details:  Specific skills and/or experience of your relevant staff that will enable you to fully meet and exceed the requirements of the specification within the ITT |
| **4 Marks** | A response that clearly details:  Specific skills and/or experience of your relevant staff that will enable you to meet the requirements of the specification within the ITT |
| **3 Marks** | A response that clearly details:  Specific skills and/or experience of your relevant staff that will enable you to mostly meet the requirements of the specification within the ITT |
| **2 Marks** | A response that details the specific skills and/or experience of your relevant staff, but that:   * does not clearly demonstrate your ability to meet the requirements of the specification within the ITT |
| **1 Marks** | A response that does not provide a clear answer to the question.  . |
| **0 Marks** | You have failed to provide a response to the Authority. |

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| 3.3.4 | 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) |  |

| **Part 3 – Section 3**  **Marking Scheme for Question 3.3.4** | **Evaluation Guidance**  **This question is scored, with a maximum of 5 marks.**  **Each set of criteria will be allocated 1 mark.**  **Criteria:**   * + - * Evidence of supply chain management tracking system \*       * Evidence of performance statistics \*       * Prompt payment declaration \*       * Evidence of previous supply chain management * Any other evidence not included in the above   *\* Denotes mandatory evidence required.*  **3 is the minimum score required in order to progress to the evaluation stage.**  **A score of 2 and below means your submission will not be considered for evaluation** |
| --- | --- |
| **0 Marks** | No evidence provided. |
| **1 Mark** | A response that only provides evidence of one of the above criteria. |
| **2 Marks** | A response that only provides evidence of two of the above criteria. |
| **3 Marks** | A response that provides evidence of the three mandatory criteria. |
| **4 Marks** | A response that provides evidence of the three mandatory criteria plus one additional set of evidence. |
| **5 Marks** | A response that provides evidence of the three mandatory criteria plus two additional sets of evidence. |

**Additional Questions**

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| **Part 3 - Section 4**  **Project Specific Questions** |
| Not applicable |

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| **Part 3 - Section 5:**  **Insurance** | | | | |
| 3.5.1 | 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 as follows:  **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.** |  | **Yes** | **No** |
| Employer’s (Compulsory) Liability Insurance  £10 million |  |  |
| Combined Public and Products Liability Insurance  £10 million |  |  |
| Professional Indemnity Insurance  £2 million |  |  |

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| **Part 3 – Section 5**  **3.5.1**  **Marking Scheme** | **Evaluation Guidance** |
| **Pass** | You have answered YES to the question and included Insurance certification providing evidence of the required cover; or  You have answered YES are to the question and are able to commit to obtaining the required Insurance cover |
| **Fail** | You have answered NO to the question and you are unable to commit to obtaining the required Insurance cover prior to commencement of the contract. |
| If the successful tenderer does not provide proof of the required insurance cover at contract award stage they may be disqualified. | | |

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| **Part 3 - Section 6:**  **Health and Safety** | | | | |
|  | | **Please indicate your answer by marking ‘X’ in the relevant box.** | **Yes** | **No** |
| 3.6.1 | Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements | |  |  |
| 3.6.2 | Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years?  If your answer to this question was “Yes”, please provide details in a separate Appendix of any enforcement/remedial orders served and give details of any remedial action or changes to procedures you have made as a result.  The authority will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to the authority’s satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches | |  |  |
| 3.6.3 | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | |  |  |

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| **Part 3 – Section 6**  **3.6.1**  **Marking Scheme** | **Evaluation Guidance** |
| **Pass** | You have answered YES to question 3.6.1 or;  You have answered NO to question 3.6.1 and have 5 or less employees and can commit to putting the required policy in place as and when you exceed 5 employees. |
| **Fail** | You have answered NO to question 3.6.1 and have more than 5 employees; or  You have answered NO to question 3.6.1 and cannot commit to putting the required policy in place as and when you exceed 5 employees. |
| If the successful tenderer does not provide your company’s Health & safety Policy at contract award stage they may be disqualified. | | |

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| **Part 3 – Section 6**  **3.6.2**  **Marking Scheme** | **Evaluation Guidance** |
| **Pass** | You have answered NO to Question 3.6.2; or  You have answered YES to Question 3.6.2 and have included sufficient evidence that remedial action has taken place subsequently, by collaborating with investigations/orders/findings, and taking concrete technical, organisational and personnel steps to prevent recurrence of the offence or misdeeds which is acceptable to the Authority. |
| **Fail** | You have answered YES to Question 3.6.2 but have not included evidence sufficient to the Authority that concrete technical, organisational and personnel steps have been taken to prevent recurrence. |

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| **Part 3 – Section 6**  **3.6.3**  **Marking Scheme** | **Evaluation Guidance** |
| **Pass** | You have answered YES or N/A to question 3.6.3 or;  You have answered NO and you have included evidence sufficient to the Authority that you will put in place such processes if you are successful in being awarded the contract |
| **Fail** | You have answered NO to question 3.6.3 |

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| **Part 3 - Section 7:**  **Compliance with equality legislation** | | | | |
| **For organisations working outside of the UK please refer to equivalent legislation in the country that you are located.** | | **Please indicate your answer by marking ‘X’ in the relevant box:** | **Yes** | **No** |
| 3.7.1 | 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)? | |  |  |
| 3.7.2 | In the last three years, has your organisation had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds of alleged unlawful discrimination?  If you have answered “yes” to one or both of the questions in this module, please provide, as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.  If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.  You may be excluded if you are unable to demonstrate to the authority’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring | |  |  |
| 3.7.3 | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | |  |  |

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| **Part 3 – Section 7**  **3.7.1**  **Marking Scheme** | **Evaluation Guidance** |
| **Pass** | You have answered NO to Question 3.7.1; or  You have answered YES to Question 3.7.1 and have included sufficient evidence that remedial action has taken place subsequently, by collaborating with investigations/orders/findings, and taking concrete technical, organisational and personnel steps to prevent recurrence of the offence or misdeeds which is acceptable to the Authority. |
| **Fail** | You have answered YES to Question 3.7.1 but have not included evidence sufficient to the Authority that concrete technical, organisational and personnel steps have been taken to prevent recurrence. |

| **Part 3 – Section 7**  **3.7.2**  **Marking Scheme** | **Evaluation Guidance** |
| --- | --- |
| **Pass** | You have answered NO to Question 3.7.2; or  You have answered YES to Question 3.7.2 and have included sufficient evidence that remedial action has taken place subsequently, by collaborating with investigations/orders/findings, and taking concrete technical, organisational and personnel steps to prevent recurrence of the offence or misdeeds which is acceptable to the Authority. |
| **Fail** | You have answered YES to Question 3.7.2 but have not included evidence sufficient to the Authority that concrete technical, organisational and personnel steps have been taken to prevent recurrence. |

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| **Part 3 – Section 7**  **3.7.3**  **Marking Scheme** | **Evaluation Guidance** |
| **Pass** | You have answered YES to Question 3.7.3; or  You have answered NO and you have included evidence sufficient to the Authority that you will put in place such processes if you are successful in being awarded the contract. |
| **Fail** | You have answered NO to question 3.7.2. |

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| **Part 3 - Section 8:**  **Environmental Management** | | | | |
|  | | **Please indicate your answer by marking ‘X’ in the relevant box:** | **Yes** | **No** |
| 3.8.1 | Has your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last three years by any environmental regulator or authority (including local authority)?  If your answer to this question is “Yes”, please provide details in a separate Appendix of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served.  The authority will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last 3 years, unless the authority is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches | |  |  |
| 3.8.2 | If you use sub-contractors, do you have processes in place to check whether any of these organisations have been convicted or had a notice served upon them for infringement of environmental legislation? | |  |  |

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| **Part 3 – Section 8**  **3.8.1**  **Marking Scheme** | **Evaluation Guidance** |
| **Pass** | You have answered NO to Question 3.8.1; or  You have answered YES to Question 3.8.1 and have included sufficient evidence that remedial action has taken place subsequently, by collaborating with investigations/orders/findings, and taking concrete technical, organisational and personnel steps to prevent recurrence of the offence or misdeeds which is acceptable to the Authority. |
| **Fail** | You have answered YES to Question 3.8.1 but have not included evidence sufficient to the Authority that concrete technical, organisational and personnel steps have been taken to prevent recurrence. |

| **Part 3 – Section 8**  **3.8.2**  **Marking Scheme** | **Evaluation Guidance** |
| --- | --- |
| **Pass** | You have answered YES to Question 3.8.2 OR;  You have answered NO and you have included evidence sufficient to the Authority that you will put in place such processes if you are successful in being awarded the contract |
| **Fail** | You have answered NO to question 3.8.2 |

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| **Part 3 - Section 9: Modern Slavery Act 2015: Requirements under Modern Slavery Act 2015** |
| Not applicable to Local Government |

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| **Part 3 - Section 10:**  **Skills and Apprentices** |
| Not applicable |

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| **Part 3 - Section 11:**  **Procuring Steel in major projects** | |
| Not applicable |  |

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| **Part 3 - Section 12:**  **Suppliers’ Past Performance** |
| Not applicable |

**Suitability Questionnaire – Template for Appendices**

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| **Appendix Number -** |
| **SQ Part and section -** |
| **Question number -** |
|  |