SUPPLIER RESPONSE – PART A – QUESTIONNAIRE FOR WHITECLIFF PAVILION CAFÉ CONCESSION

Strategic Procurement

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Potential Concessionaire Information and Exclusion Grounds: Part 1 and Part 2.

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

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

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

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. If a contract has been entered into you may be sued for damages and the contract may be rescinded.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.

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 concessionaire completing this Selection Questionnaire i.e. the legal entity responsible for the information provided. The term “potential concessionaire” is intended to cover any economic operator as defined by the Concession Contracts Regulations 2016 (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 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.

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.

Part 1: Potential Concessionaire Information

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

Section 1	**Potential concessionaire information**	
Question number	**Question**	**Response**
1.1(a)	Full name of the potential concessionaire submitting the information	
1.1(b) – (i)	Registered office address (if applicable)	
1.1(b) – (ii)	Registered website address (if applicable)	
1.1(c)	Trading status a. public limited company b. 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 in country of origin	
1.1(e)	Company registration number (if applicable)	
1.1(f)	Charity registration number (if applicable)	
1.1(g)	Head office DUNS number (if applicable)	
1.1(h)	Registered VAT number	
1.1(i) - (i)	If applicable, is your organisation registered with the appropriate professional or trade register(s) in the member state where it is established?	Yes / No / N/A
1.1(i) - (ii)	If you responded yes to 1.1(i) - (i), please provide the relevant details, including the registration number(s).	

1.1(j) - (i)	Is it a legal requirement in the state where you are established for you to possess a particular authorisation, or be a member of a particular organisation in order to provide the services specified in this procurement?	Yes / No
1.1(j) - (ii)	If you responded yes to 1.1(j) - (i), please provide additional details of what is required and confirmation that you have complied with this.	
1.1(k)	Trading name(s) that will be used if successful in this procurement	
1.1(l)	Relevant classifications (state whether you fall within one of these, and if so which one) a. Voluntary Community Social Enterprise (VCSE) b. Sheltered Workshop c. Public service mutual	
1.1(m)	Are you a Small, Medium or Micro Enterprise (SME)[1]?	Yes / No
1.1(n)	Details of Persons of Significant Control (PSC), where appropriate: [2] - 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;	

[1] See EU definition of SME https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en

[2] UK companies, Societates European (SEs) and limited liability partnerships (LLPs) will be required to identify and record the people who own or control their company. Companies, SEs and LLPs will need to keep a PSC register, and must file the PSC information with the central public register at Companies House. See PSC guidance.

	- Over 25% up to (and including) 50%, - More than 50% and less than 75%, - 75% or more. [3] (Please enter N/A if not applicable)	
1.1(o)	Details of immediate parent company: - Full name of the immediate parent company - Registered office address (if applicable) - Registration number (if applicable) - Head office DUNS number (if applicable) - Head office VAT number (if applicable) (Please enter N/A if not applicable)	
1.1(p)	Details of ultimate parent company: - Full name of the ultimate parent company - Registered office address (if applicable) - Registration number (if applicable) - Head office DUNS number (if applicable) - Head office VAT number (if applicable) (Please enter N/A if not applicable)	

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

[3] Central Government contracting authorities should use this information to have the PSC information for the preferred supplier checked before award.

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

Section 1	**Bidding model**	
Question number	**Question**	**Response**
1.2(a) - (i)	Are you bidding as the lead contact for a group of economic operators?	Yes / No If yes, please provide details listed in questions 1.2(a) (ii), (a) (iii) and to 1.2(b) (i), (b) (ii), 1.3, Section 2 and 3. If no, and you are a supporting bidder please provide the name of your group at 1.2(a) (ii) for reference purposes, and complete 1.3, Section 2 and 3.
1.2(a) - (ii)	Name of group of economic operators (if applicable)	
1.2(a) - (iii)	Proposed legal structure if the group of economic operators intends to form a named single legal entity prior to signing a contract, if awarded. If you do not propose to form a single legal entity, please explain the legal structure.	
1.2(b) - (i)	Are you or, if applicable, the group of economic operators proposing to use sub-contractors?	Yes / No
1.2(b) - (ii)	If you responded yes to 1.2(b)-(i) please provide additional details for each sub-contractor in the following table: we may ask them to complete this form as well.	

	Name					
	Registered address					

	Trading status					
	Company registration number					
	Head Office DUNS number (if applicable)					
	Registered VAT number					
	Type of organisation					
	SME (Yes/No)					
	The role each sub-contractor will take in providing the works and /or supplies e.g. key deliverables					
	The approximate % of contractual obligations assigned to each sub-contractor					

Contact details and declaration

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

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

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

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

I am aware of the consequences of serious misrepresentation.

Section 1	**Contact details and declaration**	
Question number	**Question**	**Response**
1.3(a)	Contact name	
1.3(b)	Name of organisation	
1.3(c)	Role in organisation	
1.3(d)	Phone number	
1.3(e)	E-mail address	
1.3(f)	Postal address	
1.3(g)	Signature (electronic is acceptable)	
1.3(h)	Date	

Part 2: Exclusion Grounds

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

Section 2	**Grounds for mandatory exclusion**	
Question number	**Question**	**Response**
2.1	**Regulation 38 (8)** The detailed grounds for mandatory exclusion of an organisation are set out online in the Concession Contracts Regulations 2016 (CCR16), 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 online in CCR16.	
(a)	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;	Yes / No If Yes please provide details at 2.2
(b)	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;	Yes / No If Yes please provide details at 2.2
(c)	the common law offence of bribery;	Yes / No If Yes please provide details at 2.2
(d)	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;	Yes / No If Yes please provide details at 2.2
(e)	where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of	Yes / No

	the Convention on the protection of the financial interests of the European Communities—	If Yes please provide details at 2.2
(i)	the common law offence of cheating the Revenue;	Yes / No If Yes please provide details at 2.2
(ii)	the common law offence of conspiracy to defraud;	Yes / No If Yes please provide details at 2.2
(iii)	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;	Yes / No If Yes please provide details at 2.2
(iv)	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;	Yes / No If Yes please provide details at 2.2
(v)	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;	Yes / No If Yes please provide details at 2.2
(vi)	an offence in connection with taxation in the EU within the meaning of section 71 of the Criminal Justice Act 1993;	Yes / No If Yes please provide details at 2.2
(vii)	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;	Yes / No If Yes please provide details at 2.2
(viii)	fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or	Yes / No If Yes please provide details at 2.2

(ix)	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;	Yes / No If Yes please provide details at 2.2
(f)	any offence listed—	Yes / No If Yes please provide details at 2.2
(i)	in section 41 of the Counter Terrorism Act 2008; or	Yes / No If Yes please provide details at 2.2
(ii)	in Schedule 2 to that Act where the court has determined that there is a terrorist connection;	Yes / No If Yes please provide details at 2.2
(g)	any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by sub-paragraph (f);	Yes / No If Yes please provide details at 2.2
(h)	money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002;	Yes / No If Yes please provide details at 2.2
(i)	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;	Yes / No If Yes please provide details at 2.2
(j)	an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004;	Yes / No If Yes please provide details at 2.2
(k)	an offence under section 59A of the Sexual Offences Act 2003;	Yes / No

		If Yes please provide details at 2.2
(l)	an offence under section 71 of the Coroners and Justice Act 2009;	Yes / No If Yes please provide details at 2.2
(m)	an offence under section 2 or 4 of the Modern Slavery Act 2015;	Yes / No If Yes please provide details at 2.2
(n)	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; or	Yes / No If Yes please provide details at 2.2
(o)	any other offence within the meaning of Article 38(4) of the Concessions Directive—	Yes / No If Yes please provide details at 2.2
(i)	as defined by the law of any jurisdiction outside England and Wales and Northern Ireland, or	Yes / No If Yes please provide details at 2.2
(ii)	created, after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland	Yes / No If Yes please provide details at 2.2
2.2	If you have answered yes to question 2.1, 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.	

2.3	If you have answered Yes to any of 2.1 have measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion ? (Self Cleaning)	Yes / No
2.4(a)	**Regulation 38 (10)** Has it been established 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 your organisation is established (if outside the UK), that your organisation is in breach of its obligations related to the payment of taxes or social security contributions?	Yes / No
2.4(b)	If you have answered yes to question 2.4(a), please provide further details. Please also confirm you have paid, or have entered into a binding arrangement with a view to paying the outstanding sum including where applicable any accrued interest and/or fines?	

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

Section 3	Grounds for discretionary exclusion	
Question number	**Question**	**Response**
3.1	**Regulation 38 (16)** The detailed grounds for discretionary exclusion of an organisation are set out online in the Concession Contracts Regulations 2016 (CCR16), 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.	
(a)	your 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 Concessions Directive as amended from time to time;	Yes / No If Yes please provide details at 3.2
(b)	your organisation is bankrupt or is the subject of insolvency or winding-up proceedings, where its assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State;	Yes / No If Yes please provide details at 3.2
(c)	your organisation is guilty of grave professional misconduct, which renders its integrity questionable;	Yes / No If Yes please provide details at 3.2
(d)	your organisation has a conflict of interests within the meaning of regulation 35 cannot be effectively remedied by any other, less intrusive, measures;	Yes / No If Yes please provide details at 3.2
(e)	your organisation has entered into agreements with other economic operators aimed at distorting competition;	Yes / No If Yes please provide

		details at 3.2
(f)	your organisation has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior concession contract or a prior contract with a contracting authority or a utility as defined under these Regulations or under the Public Contracts Regulations 2015 or the Utilities Contracts Regulations 2016 which led to early termination of that prior contract, damages or other comparable sanctions;	Yes / No If Yes please provide details at 3.2
(g)	your organisation—	Yes / No If Yes please provide details at 3.2
(i)	has 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 set out by the contracting authority or utility in accordance with paragraphs (1) to (3); or	Yes / No If Yes please provide details at 3.2
(ii)	has withheld such information or is unable to submit the required documents supporting such information;	Yes / No If Yes please provide details at 3.2
(h)	your organisation has-	Yes / No If Yes please provide details at 3.2
(i)	undertaken to-	Yes / No If Yes please provide details at 3.2
(aa)	unduly influence the decision-making process of the contracting authority or utility, or	Yes / No If Yes please provide details at 3.2

(bb)	obtain confidential information that may confer upon it undue advantages in the concession contract award procedure; or	Yes / No If Yes please provide details at 3.2
(ii)	Negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award;	Yes / No If Yes please provide details at 3.2
3.2	If you have answered Yes to any of the above, explain what measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self Cleaning)	

Part 3: Selection Questions

Section 4	Economic and Financial Standing	
Question Number	**Question**	**Response**
4.1	Please indicate which of the following you have provided to demonstrate your economic/financial standing: Are you able to provide a copy of your audited accounts for the last two years, if requested? If no, can you provide **one** of the following: answer with Y/N in the relevant box.	Yes or No
	(a) A statement of the turnover, Profit and Loss Account/Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year of trading for this organisation.	Yes or No
	(b) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position.	Yes or No
	(c) Alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).	Yes or No
4.2	Where we have specified a minimum level of economic and financial standing and/ or a minimum financial threshold within the evaluation criteria for this procurement, please self-certify by answering 'Yes' or 'No' that you meet the requirements set out.	Yes or No

Section 5	If you have indicated in the Selection Questionnaire question 1.2 that you are part of a wider group, please provide further details below:	
Name of Organisation:		
Relationship to the Supplier completing these questions:		
5.1	Are you able to provide parent company accounts if requested to at a later stage?	Yes or No
5.2	If yes, would the parent company be willing to provide a guarantee if necessary?	Yes or No
5.3	If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)?	Yes or No

Section 6	Technical and Professional Ability

6.1 **Relevant experience and contract examples**

Please provide details of up to three contracts, in any combination from either the public or private sector; voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. VCSEs may include samples of grant-funded work. Contracts for supplies or services should have been performed during the past three years. Works contracts may be from the past five years.

The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.

Consortia bids should provide relevant examples of where the consortium has delivered similar requirements. If this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle is to be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (three examples are not required from each member).

Where the Supplier is a Special Purpose Vehicle, or a managing agent not intending to be the main provider of the supplies or services, the information requested should be provided in respect of the main intended provider(s) or sub-contractor(s) who will deliver the contract.

If you cannot provide examples see question 6.3

Contract 1	
Name of Customer Organisation:	
Point of contact in the organisation:	
Position in the organisation:	
E-mail address:	
Description of contract:	
Contract Start date:	
Contract completion date:	
Estimated contract value:	
Contract 2	
Name of Customer Organisation:	
Point of contact in the organisation:	

	Position in the organisation:	
	E-mail address:	
	Description of contract:	
	Contract Start date:	
	Contract completion date:	
	Estimated contract value:	
	Contract 3	
	Name of Customer Organisation:	
	Point of contact in the organisation:	
	Position in the organisation:	
	E-mail address:	
	Description of contract:	
	Contract Start date:	
	Contract completion date:	
	Estimated contract value:	
6.2	Where you intend to sub-contract a proportion of the contract, please demonstrate how you have previously maintained healthy supply chains with your sub-contractor(s) Evidence should include, but is not limited to, details of your supply chain management tracking systems to ensure performance of the contract and including prompt payment or membership of the UK Prompt Payment Code (or equivalent schemes in other countries)	
6.3	If you cannot provide at least one example for questions 6.1, in no more than 500 words please provide an explanation for this e.g. your organisation is a new start-up or you have provided services in the past but not under a contract.	

Section 7	**Modern Slavery Act 2015: Requirements under Modern Slavery Act 2015**

7.1	Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")?	Yes or No
7.2	If you have answered yes to question 7.1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015?	Yes or No

8. Additional Questions

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

Section 8	**Additional Questions**	
8.1	**Insurance**	
a.	Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:	
	Employers (Compulsory) Liability Insurance (Minimum £10M)	Yes or No
	Public Liability Insurance (Minimum £10M)	
	Professional Indemnity Insurance (Minimum £nil)	
	Product Liability Insurance (Minimum £10M)	
	***It is a legal requirement that all companies hold Employer's (Compulsory) Liability Insurance of £5million as a minimum. Please note that this requirement is not applicable to Sole Traders.**	