

Pre-Qualification Questionnaire

Question	Guidance notes
Do you fully accept the terms and conditions as attached?	
Do your Directors, Partners or the Company Secretary have any relatives who are currently employed by Somerset County Council at a senior level or who are currently employed as an elected Member of the Authority?	Information Only. Full disclosure is required as failure to notify Somerset County Council of any such relationships may result in Suspension from the DPS and/or termination of any Call-Off Contracts or Accelerated Call-Off Contracts let under this Agreement. Please select 'Yes' if it is appropriate to do so and a member of the team will be in touch to record the required information
<p>Within the past five years, has your organisation (or any member of your proposed consortium, if applicable), Directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?</p> <p>(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;</p> <p>(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;</p> <p>(c) the common law offence of bribery;</p> <p>(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;</p> <p>(e) 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</p>	<p>If the answer to this question, as relates to your company, is 'Yes' we will not be able to quality you onto the Dynamic Purchasing System at this time. The default answer has been set to 'No' but this must be changed to 'Yes' if any of the following statements are true, as per the terms and conditions of the DPS.</p>

the European Communities:

- (i) the offence of cheating the Revenue;
- (ii) the offence of conspiracy to defraud;
- (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;
- (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;
- (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;
- (vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
- (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;
- (viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or
- (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;
- (f) any offence listed—
 - (i) in section 41 of the Counter Terrorism Act 2008; or
 - (ii) in Schedule 2 to that Act where the court has determined that there is a terrorist connection;
- (g) any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subparagraph (f);
- (h) money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002;
- (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;

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

(k) an offence under section 59A of the Sexual Offences Act 2003;

(l) an offence under section 71 of the Coroners and Justice Act 2009

(m) 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

(n) any other offence within the meaning of Article 57(1) of the Public Contracts Directive—

(i) as defined by the law of any jurisdiction outside England and Wales and Northern Ireland; or

(ii) created, after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland.

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 obligations related to the payment of tax or social security contributions?

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Within the past three years, please indicate if any of the following situations have applied, or currently apply, to your organisation.

(a) Your organisation has violated applicable obligations referred to in regulation 56 (2) of the Public Contract Regulations 2015 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 Public Contracts Directive as amended from time to time;

(b) your organisation is bankrupt or is the subject of insolvency or winding-up proceedings, where your 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;

(c) your organisation is guilty of grave professional misconduct, which renders its integrity questionable;

(d) your organisation has entered into agreements with other economic operators aimed at distorting competition;

(e) your organisation has a conflict of interest within the meaning of regulation 24 of the Public Contract Regulations 2015 that cannot be effectively remedied by other, less intrusive, measures;

(f) the prior involvement of your organisation in the preparation of the procurement procedure has resulted in a distortion of competition, as referred to in regulation 41, that cannot be remedied by other, less intrusive, measures;

(g) your organisation has shown significant or persistent deficiencies in the

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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;

(h) your organisation—

(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; or

(ii) has withheld such information or is not able to submit supporting documents required under regulation 59 of the Public Contract Regulations 2015; or

(i) your organisation has undertaken to (aa) unduly influence the decision-making process of the contracting authority, or

(bb) obtain confidential information that may confer upon your organisation undue advantages in the procurement procedure; or

(j) your organisation has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.

From 1 April 2013 onwards, have any of your company's tax returns submitted on or after 1 October 2012.

a) Given rise to a criminal conviction for tax related offences which is unspent, or to a civil penalty for fraud or evasion;

b) Been found to be incorrect as a result of: —HMRC successfully challenging it under the General Anti-Abuse Rule (GAAR) or the "Halifax" abuse principle; or —a tax authority in a jurisdiction in which the legal entity is established successfully challenging it under any tax rules or legislation that have an effect equivalent or similar to the GAAR or the "Halifax" abuse principle; or —the failure of an avoidance scheme which the Supplier was involved in

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and which was, or should have been, notified under the Disclosure of Tax Avoidance Scheme (DOTAS) or any equivalent or similar regime in a jurisdiction in which the Supplier is established.

Please provide one of the following to demonstrate your economic/financial standing;

(a) A copy of the audited accounts for the most recent two years

Or where this is not available;

(b) 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.

(c) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position

(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).

Are you are part of a wider group (e.g. a subsidiary of a holding/parent company)?
If yes further information may be required

Further information may be required

Please self-certify whether you already have, or can commit to obtain, prior to the commencement any call off, the levels of insurance cover indicated below:

Employer's (Compulsory) Liability Insurance = £5M

You are not required to provide an upload of the documents at this stage. This is a self-validation exercise. As per the terms and conditions, Somerset County Council reserves the right to see evidence of the required levels of insurance at any time

<p>Public Liability Insurance = £5M Professional Indemnity Insurance = At an appropriate level</p>	
<p>Has your organisation been convicted or had notice served upon it for infringement of environmental legislation in the last three years</p>	<p>Please state Yes or No as appropriate. If you have selected 'Yes' a member of the team at Somerset County Council will be in touch for further information.</p>
<p>Please self-validate that your organisation has a Health and Safety Policy that complies with current legislative requirements or are willing to accept Somerset County Councils current policy.</p>	<p>Please select 'Yes' to state whether your company has the required Health and Safety Policy and that this is up to date with current legislative requirements. If your company does not have a policy in place please select 'Yes' to accept use of the Council's equivalent policy</p> <p>If you select 'No', Somerset County Council will not be able to include your company as part of the DPS</p>
<p>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?</p> <p>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.</p>	<p>Please select Yes or No as appropriate. If the answer is 'Yes' someone from the team at Somerset County Council will be in touch to gather further information</p>
<p>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)?</p>	<p>Please select Yes or No as appropriate. If the answer is 'Yes' someone from the team at Somerset County Council will be in touch to gather further information</p>

<p>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?</p>	<p>Please select Yes or No as appropriate. If the answer is 'Yes' someone from the team at Somerset County Council will be in touch to gather further information</p>
<p>Has your company had a contract terminated or your employment terminated under the terms of a contract within the last three years?</p>	<p>Please select Yes or No as appropriate. If the answer is 'Yes' someone from the team at Somerset County Council will be in touch to gather further information</p>
<p>Has your company had a contract not renewed or extended for failure to perform to the terms of a contract within the last three years?</p>	<p>Please select Yes or No as appropriate. If the answer is 'Yes' someone from the team at Somerset County Council will be in touch to gather further information</p>
<p>Have any of your contracts within the last three years ended early by mutual agreement following allegations of default on your company's part or for any other reasons?</p>	<p>Please select Yes or No as appropriate. If the answer is 'Yes' someone from the team at Somerset County Council will be in touch to gather further information</p>
<p>Has your company been issued any form of default notice for a failure to deliver service in respect of any contract within the last three years?</p>	<p>Please select Yes or No as appropriate. If the answer is 'Yes' someone from the team at Somerset County Council will be in touch to gather further information</p>
<p>Has your company received a 'Notice to Improve' in the last three years?</p>	<p>Please select Yes or No as appropriate. If the answer is 'Yes' someone from the team at Somerset County Council will be in touch to gather further information</p>
<p>I declare that to the best of my knowledge the answers submitted to these questions are correct. 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.</p> <p>I understand that the Authority may reject my submission if there is a failure to answer all relevant questions fully or if I provide false/misleading information.</p>	<p>All responses provided are subject to further investigation or audit as per the terms and conditions of the Agreement</p>

I also declare that there is no conflict of interest in relation to the Authority's requirement.

Declaration of Provision(s)

Please complete the attached spreadsheet for each care provision in Somerset. Please complete all details and indicate which service area(s)(stated below) you would like to register for each provision.

Once completed please upload here as an attachment.

Please see attached document 'Guidance for Registering' for more details.

Service Area 1 – Supported Living

Service Area 2 – Domiciliary Care

Service Area 3 – Employment Support

Service Area 4 – Residential Care including Short Breaks

Service Area 5 – Daytime Support