

**TORBAY COUNCIL**

**SQ Part 1 and 2 Declaration**

**This document is for completion by organisations the Applicant is relying on to meet the selection criteria (Including Parent Company, Affiliates, Associates or Essential Sub-Contractors)**

**Applicants who have completed Part 3 Selection Questionnaire are not required to complete this document**

**Contract Reference**

**TPL0321**

**Contract Title**

**Highway Surface Dressing 2021**

**Name of Applicant Completing this Questionnaire**

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# Standardised Selection Questionnaire – Part 1 and Part 2

## A. Information for Potential Suppliers

### Potential Supplier Information and Exclusion Grounds: Part 1 & Part 2

The standard Selection Questionnaire is a self-declaration, made by you (the potential supplier), that you do not meet any of the grounds for exclusion<sup>1</sup>. If there are grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (we call this self-cleaning).

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

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

Alternatively you can submit the completed Exclusion Grounds of the [EU ESPD \(Part III\)](#) as a downloaded XML file to the buyer contact point 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, and from bidding for other contracts for three years. If a contract has been entered into you may be sued for damages and the contract may be rescinded. If fraud, or fraudulent intent, can be proved, you or your responsible officers may be prosecuted and convicted of the offence of fraud by false representation, and you must be excluded from further procurements for five years

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<sup>1</sup> For the list of exclusion please see:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/551130/List\\_of\\_Mandatory\\_and\\_Discretionary\\_Exclusions.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf)

## B. 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.

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.

## c. Questionnaire

### Part 1. Potential Supplier Information

Section 1. Potential Supplier Information			
Question Number	Question	Response	
1.1(a)	Full name of the potential supplier submitting the information		
1.1(b) – (i)	Registered office address (if applicable)		
1.1(b) – (ii)	Registered website address (if applicable)		
1.1(c)	Trading status:		
	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	Yes	
		No	

	professional or trade register(s) in the member state where it is established?	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) <sup>2</sup> ?	Yes		
		No		
1.1(n)	Details of Persons of Significant Control (PSC) where appropriate <sup>3</sup> :			
	– 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			

<sup>2</sup> See EU definition of SME: <http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/>

<sup>3</sup> UK companies, Societas 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.](#)

	existing companies the 6 April 2016 should be used):	
	– Which conditions for being a PSC are met (Please enter N/A if not applicable):	
	– Over 25% up to (and including) 50%	
	– More than 50% and less than 75%	
	– 75% or more <sup>4</sup>	
1.1(o)	Details of immediate parent company (please enter N/A if not applicable):	
	– 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(o)	Details of ultimate parent company (please enter N/A if not applicable):	
	– 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 significance in control of them.

<sup>4</sup> 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:

<b>Section 1. Bidding Model</b>					
<b>Question Number</b>	<b>Question</b>			<b>Response</b>	
1.2(a) – (i)	Are you bidding as the lead contact for a group of economic operators?			Yes	
				No	
				<p>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.</p> <p>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</p>	
1.2(a) – (ii)	Name of group of economic operators (if applicable)				
1.2(a) – (iii)	<p>Proposed legal structure if the group of economic operators intends to form a named single legal entity prior to signing a contract, if awarded.</p> <p>If you do not propose to form a single legal entity, please explain the legal structure.</p>				
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:					



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

## Contact Details and Declaration

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

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

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

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

I am aware of the consequences of serious misrepresentation.

### Section 1. Contact Details and Declaration

Question Number	Question	Response
1.3(a)	Contact Name:	
1.3(b)	Name of Organisation:	
1.3(c)	Role in Organisation:	
1.3(d)	Phone number:	
1.3(e)	E-mail Address:	
1.3(f)	Postal Address:	
1.3(g)	Signature (electronic is acceptable):	
1.3(h)	Date:	

## Part 2. Exclusion Grounds

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

### Section 2. Grounds for Mandatory Exclusion

Question Number	Question	Response	
2.1(a)	<p><b>Regulation 57(1) and (2)</b></p> <p>The detailed grounds for mandatory exclusion of an organisation are set out on this <a href="#">web page</a>, which should be referred to before completing these questions.</p> <p>Please indicate if, within the past five years you, your organisation or any other person who has the powers of representation, decision or control in the organisation who has been convicted anywhere in the world of any of the offences within the summary below and listed on the <a href="#">web page</a>.</p>		
	Participation in a criminal organisation: If yes please provide details at 2.1(b)	Yes	
		No	
	Corruption: If yes please provide details at 2.1(b)	Yes	
		No	
	Fraud: If yes please provide details at 2.1(b)	Yes	
		No	
	Terrorist offences, or offences linked to terrorist activities: If yes please provide details at 2.1(b)	Yes	
		No	
	Money laundering or terrorist financing: If yes please provide details at 2.1(b)	Yes	
		No	
	Child labour and other forms of trafficking in human beings: If yes please provide details at 2.1(b)	Yes	
		No	
	2.1(b)	If you have answered yes to question 2.1(a), please provide further details.	

	<p>Date of conviction, specify which of the grounds listed the conviction was for and the reasons for conviction;</p> <p>Identity of who has been convicted:</p> <p>If the relevant documentation is available electronically please provide the web address, issuing authority and precise reference of the documents.</p>		
2.2	<p>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)</p>	Yes	
		No	
2.3(a)	<p><b>Regulation 57(3)</b></p> <p>Has it been established, for your by a judicial or administrative decision having final and binding effect in accordance with the legal provisions 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?</p>	Yes	
		No	
2.3(b)	<p>If you have answered yes to question 2.3(a), please provide further details. Please also confirm you have paid, or have entered into a binding arrangement with a view to paying, the outstanding sum including where applicable any accrued interest and/or fines.</p>		

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.

<b>Section 3. Grounds for Discretionary Exclusion</b>			
<b>Question Number</b>	<b>Question</b>	<b>Response</b>	
3.1	<p><b>Regulation 57(8)</b></p> <p>The detailed grounds for discretionary exclusion of an organisation are set out on this <a href="#">web page</a>, which should be referred to before completing these questions.</p> <p>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.</p>		
3.1(a)	Breach of environmental obligations? If yes please provide details at 3.2	Yes	
		No	
3.1(b)	Breach of social obligations? If yes please provide details at 3.2	Yes	
		No	
3.1(c)	Breach of labour law obligations? If yes please provide details at 3.2	Yes	
		No	
3.1(d)	Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation's assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State? If yes please provide details at 3.2	Yes	
		No	
3.1(e)	Guilty of grave professional misconduct? If yes please provide details at 3.2	Yes	
		No	
3.1(f)	Entered into agreements with other economic operators aimed at distorting competition? If yes please provide details at 3.2	Yes	
		No	
3.1(g)		Yes	
		No	

	Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure? If yes please provide details at 3.2		
3.1(h)	Been involved in the preparation of the procurement procedure? If yes please provide details at 3.2	Yes	
		No	
3.1(i)	Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions? If yes please provide details at 3.2	Yes	
		No	
3.1(j)	Please answer the following statements:		
3.1(j) – (i)	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. If yes please provide details at 3.2	Yes	
		No	
3.1(j) – (ii)	The organisation has withheld such information. If yes please provide details at 3.2	Yes	
		No	
3.1(j) – (iii)	The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015. If yes please provide details at 3.2	Yes	
		No	
3.1(j) – (iv)	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 provide misleading information that may have a material influence on decisions concerning exclusion, selection or award. If yes please provide details at 3.2	Yes	
		No	
3.2	If you have answered Yes to any of the above, explain what measures been taken to demonstrate the		

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	reliability of the organisation despite the existence of a relevant ground for exclusion? (Self Cleaning)	
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