**NWL132**

**Invitation to tender for
Provision of Dog Warden and Dog Kennelling Service for the collection of Stray Dogs for the District of North West Leicestershire**



**ITT Part B – Tender response**

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| **Supplier name** |
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# Section 1 – Supplier questionnaire

**Potential Supplier Information and Exclusion Grounds: Part 1 and 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[[1]](#footnote-1). 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.

**Supplier Selection Questions: Part 3**

The procurement document will provide instructions on the selection questions you need to respond to and how to submit those responses. If you are bidding on behalf of a group (consortium) or you intend to use sub-contractors, you should complete all of the selection questions on behalf of the consortium and/or any sub-contractors.

If the relevant documentary evidence referred to in the Selection Questionnaire is not provided upon request and without delay we reserve the right to amend the contract award decision and award to the next compliant bidder.

**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

**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 appendix.
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.

**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.

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| **Section 1** | **Potential supplier information** |
| Question number | Question | Response |
| 1.1(a) | Name of the potential supplier submitting the information |  |
| 1.1(b) – (i) | Full registered office address (if applicable) |  |
| 1.1(b) – (ii) | Registered website address (if applicable) |  |
| 1.1 (c) | Trading status | (please select) |
| 1.1 (d) | Date of registration of country of origin |  |
| 1.1 (e) | Company registration number (if applicable) |  |
| 1.1 (f) | Charity registration (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? | (please select) |
| 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? | (please select) |
| 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 | (please select) |
| 1.1 (m) | Are you a Small, Medium or Micro Enterprise (SME)[[2]](#footnote-2)? | (please select) |
| 1.1 (n) | Details of Persons of Significant Control (PSC), where appropriate: [[3]](#footnote-3) - 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. [[4]](#footnote-4) |  |
| 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) |  |
| **Section 2** | **Bidding model** |
| 1.2 (a) – (i) | Are you bidding as the lead contact for a group of economic operators?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. | (please select) |
| 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? | (please select) |
| 1.2 (b) – (ii) | If you responded yes to 1.2(b)-(i) please provide additional details for each sub-contractor; 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 organization:SME (yes/no):The role each subcontractor 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.

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| **Part 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.

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| **Section 2** | **Grounds for mandatory exclusion** |
| Question number | Question | Response |
| 2.1 (a) | **Regulations 57(1) and (2)** The detailed grounds for mandatory exclusion of an organisation are set out on this [webpage](https://assets.publishing.service.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). |
| Participation in a criminal organisation | (please select)If Yes please provide details at 2.1 (b) |
| Corruption | (please select)If Yes please provide details at 2.1 (b) |
| Fraud | (please select)If Yes please provide details at 2.1 (b) |
| Terrorist offences or offences linked to terrorist financing | (please select)If Yes please provide details at 2.1 (b) |
| Child labour and other forms of trafficking in human beings | (please select)If Yes please provide details at 2.1 (b) |
| 2.1 (b) | If you have answered yes to question 2.1(a), 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 convictedIf the relevant documentation is available electronically please provide the web address, issuing authority, precise reference of the documents. |  |
| 2.2 | 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) | (please select) |
| 2.3 (a) | **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? | (please select) |
| 2.3 (b) | 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. |  |

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.

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| **Section 2** | **Grounds for discretionary exclusion** |
| Question number | Question | Response |
| 3.1 | **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. |
| 3.1 (a) | Breach of environmental obligations? | (please select)If Yes please provide details at 3.2 |
| 3.1 (b) | Breach of social obligations?  | (please select)If Yes please provide details at 3.2) |
| 3.1 (c) | Breach of labour law obligations? | (please select)If Yes please provide details at 3.2 |
| 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? | (please select)If Yes please provide details at 3.2 |
| 3.1 (e) | Guilty of grave professional misconduct? | (please select)If Yes please provide details at 3.2 |
| 3.1 (f) | Entered into agreements with other economic operators aimed at distorting competition? | (please select)If Yes please provide details at 3.2 |
| 3.1 (g) | Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure? | (please select)If Yes please provide details at 3.2 |
| 3.1 (h) | Been involved in the preparation of the procurement procedure? | (please select)If Yes please provide details at 3.2 |
| 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? | (please select)If Yes please provide details at 3.2 |
| 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. | (please select)If Yes please provide details at 3.2 |
| 3.1 (j) – (ii) | The organisation has withheld such information. | (please select)If Yes please provide details at 3.2 |
| 3.1 (j) – (iii) | The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015. | (please select)If Yes please provide details at 3.2 |
| 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. | (please select)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**[[5]](#footnote-5)

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| **Section 4**  | **Economic and Financial Standing**To qualify your annual turnover should be at least twice as much as the value of the contract in order to satisfy the council that a bid is financially sustainable. |
| Question number | Question | Response |
| 4.1 | 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. | (please select) |
| (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. | (please select) |
| (b) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position. | (please select) |
| (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). | (please select) |
| 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. **This will automatically include a minimum annual turnover of twice the annual contract value.** | (please select) |
| **Section 4** | **Modern Slavery Act 2015:** **Requirements under Modern Slavery Act 2015** |
| 4.1 | Are you a relevant commercial organization as defined by section 54 (“Transparency in supply chains etc.”) of the Modern Slavery Act 2015 (“the Act”)? | (please select) |
| 4.2 | If you have answered Yes to question 4.1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015? | (please select) |
| **Section 5.** | **Insurance**The minimum levels of insurance required to deliver this project are stated below. Please enter the insurance levels you currently hold.If you do not hold the minimum level please confirm whether you can commit to obtaining, prior to commencement of the contract, the levels of insurance cover indicated.\*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 |
| 5.1 | \*Employers liability [minimum £5m] |  |
| 5.2 | Public liability [minimum £5m] |  |
| 5.3 | Professional indemnity [minimum £2m] |  |
| **6.** | **Business and professional conduct** |
| 6.1 | Has any officer of your organisation been employed by, or have a relative who is a councillor or employee of the council? | (please select) |
| If ‘yes’ please provide details. |  |
| 6.2 | Are there any officers / employees of your organisation who have any involvement with other organisations that provide services to North West Leicestershire District Council? | (please select) |
| If ‘yes’ please provide details. |  |
| 6.3 | Are there any outstanding claims / court action and / or employment tribunals against your organization and could they affect your ability to perform the contract for the contract period should you be successful? | (please select) |
| If ‘yes’ please provide details. |  |
| 6.4 | In the past three years has your organization had to pay any financial penalties or damages in respect of failure to perform any contract, successfully been sued for breach of contract, had a contract terminated or been refused the opportunity to re-tender for a contract?  | (please select) |
| If ‘yes’ please provide details. |  |
| 6.5 | In the past three years is there any part of your organization, director(s) / partners / proprietors(s):In a state of bankruptcy, insolvency, compulsory winding up, receivership, composition with creditors or subject to relevant proceedings?That has not fulfilled obligations related to the payment of taxes or social security contributions? | (please select) |
| If ‘yes’ please provide details. |  |
| **7.** | **Health and Safety** |
| 7.1 | Do you employ five or more people? | (please select) |
| 7.2 | Does your organisation have a written health and safety at work policy? | (please select) |
| 7.3 | In the last three years has your organisation been prosecuted been prosecuted or had a notice served for contravening any Health and Safety regulations or been formally investigated by the Health and Safety Executive or similar body? | (please select) |
| If ‘yes’ please provide details. |  |
| **8.** | **Environmental management** |
| 8.1 | Does your organisation have an environmental / sustainability policy? | (please select) |
| 8.2 | In the past three years has your organisation been taken to court for not complying with environmental legislation requirements? | (please select) |
| If ‘yes’ please provide details. |  |
| **9.** | **Equality** |
| 9.1 | Do you have a written equal opportunities policy? | (please select) |
| 9.2 | In the last three years has any finding of unlawful discrimination been made against your organisation by a court, industrial tribunal or Equality Commission, or has your organisation been formally investigated by the Equality Commission on grounds of alleged unlawful discrimination?  | (please select) |
| If ‘yes’ please provide details. |  |

**Mandatory Exclusion Grounds**

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

**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 as defined by the law of any jurisdiction outside England, Wales and Northern Ireland

Any other offence 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, national law, collective agreements or by the international environmental, social and labour law provisions 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 provide 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.**

**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).

# Section 2 – Tender specific questions

Please complete Appendix D ITTQ Quality Questionnaire

Please provide responses to all questions. Your responses will be marked in accordance with the marking methodology described in ITT Part A contract requirement.

If you are providing any separate attachments in support of any question response, please clearly state this in your response, and ensure the attachment is referenced to the question.

# Section 3 – Pricing Schedule

Please complete Appendix C Pricing Schedule, this must be completed as part of the tender response. Suppliers should read the instructions tab prior to completing the schedule.

The Tender Price is the sum of the prices of each schedule item multiplied by the assumed activity and will be regarded as the bidder’s quoted price for the benefit of the financial evaluation of this Tender. It should not be taken as an indication of the work to be commissioned by the council, which may be more or less than the Tender Price.

Prices must be fully inclusive of costs and associated expenses for the delivery of the contract.

All prices submitted will be exclusive of Value Added Tax and all prices are to be fixed for the contract period.

If there are factors that will allow a price increase during the contract period this will be detailed within the specification.

# Section 4 – Form of tender

Having examined carefully and understood the Conditions of Tender, Terms and Conditions of Contract, the Specification and all other documentation issued by the North West Leicestershire District Council in connection with this contract we hereby offer to supply the Goods / Services subject to the terms and conditions set out in such Conditions of Tender, Terms and Conditions of Contract, Specification and other documents (if any) at the prices and rates contained in the Pricing Schedule. We will keep our bid valid and open for acceptance by the Council until the expiry of 90 days from the last date for the receipt of tenders.

I/We understand you are not bound to accept the lowest or any tender you may receive and you will not pay any expenses incurred by us in connection with the preparation and submission of this tender.

I/We declare that to the best of my/our knowledge the responses submitted in this ITT are correct and a true representation. I/We understand that the information will be used in the process to assess my/our organisation’s ability to deliver the Authority’s requirement. I/We understand that the Contracting Authority may reject this ITT if there is a failure to answer all relevant questions fully or if I provide false/misleading information

Unless and until a formal Contract is prepared and executed this Tender together with your written acceptance thereof shall constitute a binding Contract between us.

I/We declare that:

1. This is a bona fide tender, intended to be competitive, and that I/we have not fixed or adjusted the amount of the tender by or in accordance with any agreement or arrangement with any other person.

2. I/We have not done and I/we undertake that I/we will not do at any time before the hour and date specified for the return of this tender any of the following acts:

a communicating to a person other than the person calling for those tenders the amount, or approximate amount of the proposed tender except where disclosure, in confidence, of the approximate amount of the tender was necessary to obtain premium quotations required for the preparation of the tender.

b entering into any agreement or arrangement with any other persons that they shall refrain from tendering or as to the amount of any tender to be submitted.

c offering or paying or giving or agreeing to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other tender or proposed tender for the said work any act or thing of the sort described above. We acknowledge that if we, or anyone who acts on our behalf behaves improperly or commits an offence under the Prevention of Corruption Acts 1889-1916, the Council may cancel the contract and recover all costs and losses.

The word ‘person’ includes any persons or anybody or associated, corporate or unincorporated, and ‘any agreement or arrangement’ includes any such transaction, formal or informal, and whether legally binding or not.

**Freedom of information**

The Council is committed to the principle of open government and may disclose, upon request, information that it considers to be in the public interest to disclose. The statutory presumption in favour of disclosure in the Freedom of Information Act 2000 also obliges the Council to disclose information following a valid request made to it under the Act.

Please state below any information that you specifically do not wish the Council to disclose together with any timescale relating to this non-disclosure e.g. for first 6 months, lifetime of the contract etc. Please also provide your detailed justifications for seeking the Council withholds disclosure and for the timescale identified.

Please note that the council may still need to disclose such information if necessary to comply with its obligations under the Act.

|  |  |  |
| --- | --- | --- |
| Information not for disclosure | Reason | Timescale |
|  |  |  |
|  |  |  |

|  |
| --- |
| **Tender return completed by** |
| Name |  |
| Position |  |
| Company |  |
| Date |  |
| Signed |  |

1. For the list of exclusion please see <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf> [↑](#footnote-ref-1)
2. See EU definition of SME <https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en> [↑](#footnote-ref-2)
3. 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](https://www.gov.uk/government/publications/guidance-to-the-people-with-significant-control-requirements-for-companies-and-limited-liability-partnerships). [↑](#footnote-ref-3)
4. Central Government contracting authorities should use this information to have the PSC information for the preferred supplier checked before award. [↑](#footnote-ref-4)
5. [See Action Note 8/16 Updated Standard Selection Questionnaire](https://www.gov.uk/government/collections/procurement-policy-notes) [↑](#footnote-ref-5)