

**Selection Questionnaire Response Guidance, Evaluation and Marking Scheme**

**Provision of a Framework for Carers Support Services– Short Breaks(Carers of Children and Young People with Disabilities 0 – 17 years)**

**Reference DN309600**

**Attachment 3**

# INTRODUCTION

* 1. The defined terms used in the ITT document (Attachment 1) shall apply to this document.

# OVERVIEW

* 1. The Selection Questionnaire is broken down into the following sections:

**SECTION 1 – TENDERER INFORMATION**

**SECTION 2 – GROUNDS FOR MANDATORY EXCLUSION**

**SECTION 3– GROUNDS FOR DISCRETIONARY EXCLUSION**

**SECTION 4 – ECONOMIC AND FINANCIAL STANDING**

**SECTION 5 – TECHNICAL AND PROFESSIONAL ABILITY**

**SECTION 6 – INSURANCE**

**SECTION 7 – COMPLIANCE WITH EQUALITY**

**SECTION 8 – HEALTH AND SAFETY**

* 1. If you fail to provide a response to any question of the Selection Questionnaire, your Tender may be deemed to be non-compliant. If a Tender is deemed to be non-compliant, the Tender will be rejected and excluded from further participation in this Procurement.

**NOTE: This document is for reference only. All responses must be entered on London Tenders Portal.**

**Section 1 - Tenderer information**

Please complete the following information:

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| --- | --- |
| **Question**  **Number** | **Question** |
| SQ1.1(a) | Full name of the Tenderer |
| SQ1.1(b) | Registered company address |
| SQ1.1(c) | Registered company number |
| SQ1.1 (d) | Registered charity number |
| SQ1.1 (e) | Registered VAT number |
| SQ 1.1(f) | Please mark ‘X’ in the relevant box to indicate your trading status | i) a public limited company |
| ii) a limited company |
| iii) a limited liability partnership |
| iv) other partnership |
| v) sole trader |
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|
| SQ1.1(g) | Please mark ‘X’ in the relevant boxes to indicate whether any of the following classifications apply to you | i)Voluntary, Community and Social Enterprise (VCSE) |
| ii) Small or Medium Enterprise (SME) 1 |
| iii) Sheltered workshop |
| iv) Public service mutual |

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

**Bidding Model**

Please complete the following information

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| --- | --- |
| **Question**  **Number** | **Question** |
| SQ1.2(a) | Bidding as a Prime Contractor and will deliver 100% of the key contract deliverables yourself |
| SQ1.2(b) | Bidding as a Prime Contractor and will use third parties to deliver some of the services  If yes, please provide details of your proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for using a separate Appendix. |
| SQ1.2(c) | Bidding as Prime Contractor but will operate as a Managing Agent and will use third parties to deliver all of the services  If yes, please provide details of your proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for using a separate Appendix. |
| SQ1.2(d) | Bidding as a consortium but not proposing to create a new legal entity.  If yes, please include details of the Consortium members and the Lead Member using a separate Appendix to explain the alternative arrangements  i.e. why a new legal entity is not being created.  Please note that the authority may require the consortium to assume a specific legal form if awarded the contract, to the extent that it is necessary for the satisfactory performance of the contract.  If yes, please include details of the Consortium members and the Lead Member using a separate Appendix to explain the alternative arrangements  i.e. why a new legal entity is not being created.  Please note that the authority may require the consortium to assume a specific legal form if awarded the contract, to the extent that it is necessary for the satisfactory performance of the contract. |
| SQ1.2(e) | Bidding as a consortium and intend to create a Special Purpose Vehicle (SPV).  If yes, please include details of your consortium, current lead member and intended SPV in the next column and provide full details of the bidding model using a separate Appendix. |

**Licensing and Registration**

Please complete the following information:

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| **Question**  **Number** | **Question** |
| SQ1.3(a) | Registration with a professional body  If applicable, is your business registered with the appropriate trade or professional register(s) in the EU member state where it is established (as set out in Annex XI of directive 2014/24/EU) under the conditions laid down by that member state). |
| SQ1.3(b) | Is it a legal requirement in the state where you are established for you to be licensed or a member of a relevant organisation in order to provide the requirement in this procurement? |

**Section 2 - Grounds for Mandatory Exclusion**

You will be excluded from the procurement process if there is evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if you have been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations (except where this is disproportionate e.g. only minor amounts involved).

If you have answered “yes” to question 2.2 on the non-payment of taxes or social security contributions, and have not paid or entered into a binding arrangement to pay the full amount, you may still avoid exclusion if only minor tax or social security contributions are unpaid or if you have not yet had time to fulfil your obligations since learning of the exact amount due. If your organisation is in that position please provide details using a separate Appendix. You may contact the authority for advice before completing this form.

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| SQ2.1 | 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? |
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| SQ2.1(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; |
| SQ2.1(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; |
| SQ2.1(c) | the common law offence of bribery; |
| SQ2.1(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; |
| SQ2.1(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 the European Communities: |
| SQ2.1(i) | the offence of cheating the Revenue; |
| SQ2.1(ii) | the offence of conspiracy to defraud; |
| SQ2.1(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; |
| SQ2.1(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; |
| SQ2.1(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; |
| SQ2.1(vi) | an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993; |
| SQ2.1(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; |
| SQ2.1(viii) | fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or |
| SQ2.1(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; |
| SQ2.1(f) | any offence listed— |
| SQ2.1(i) | in section 41 of the Counter Terrorism Act 2008; or |
| SQ2.1(ii) | in Schedule 2 to that Act where the court has determined that there is a terrorist  connection; |
| SQ2.1(g) | any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subparagraph (f); |
| SQ2.1(h) | money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002; |
| SQ2.1(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; |
| SQ2.1(j) | an offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004; |
| SQ2.1(k) | an offence under section 59A of the Sexual Offences Act 2003; |
| SQ2.1(l) | an offence under section 71 of the Coroners and Justice Act 2009 |
| SQ2.1(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 |
| SQ2.1(n) | any other offence within the meaning of Article 57(1) of the Public Contracts Directive— |
| SQ2.1(i) | as defined by the law of any jurisdiction outside England and Wales and Northern Ireland; or |
| SQ2.1(ii) | created, after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland. |
| SQ2.2 | Non-payment of taxes  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?  If you have answered Yes to this question, please use a separate Appendix to provide further details. Please also use this Appendix to confirm whether you have paid, or have entered into a binding arrangement with a view to paying, including, where applicable, any accrued interest and/or fines? |

**Section 3 - Grounds for Discretionary Exclusion**

The authority may exclude any Supplier who answers ‘Yes’ in any of the following situations set out in paragraphs (a) to (i);

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| SQ3.1 | Within the past three years, please indicate if any of the following  Situations have applied, or currently apply, to your organisation. |
|
| SQ3.1(a) | your organisation has violated applicable obligations referred to in regulation 56 (2) of the Public Contracts 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; |
| SQ3.1(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; |
| SQ3.1(c) | your organisation is guilty of grave professional misconduct, which renders its integrity questionable; |
| SQ3.1(d) | your organisation has entered into agreements with other economic operators aimed at distorting competition; |
| SQ3.1(e) | your organisation has a conflict of interest within the meaning of regulation 24  of the Public Contracts Regulations 2015 that cannot be effectively remedied by other, less intrusive, measures; |
| SQ3.1(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; |
| SQ3.1(g) | your organisation has 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; |
| SQ3.1(h)(i) | your organisation—  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 |
| SQ3.1(h)(ii) | has withheld such information or is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015; or |
| SQ3.1(i) | your organisation has undertaken to |
| SQ3.1(i)(aa) | unduly influence the decision-making process of the contracting authority, or |
| SQSQ3.1(i)(bb) | obtain confidential information that may confer upon your organisation undue advantages in the procurement procedure; or |
| SQ3.1(J) | your organisation has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award. |

**‘Self-cleaning’**

Any Supplier that answers ‘Yes’ to questions SQ2.1, SQ2.2 and SQ3.1 should provide sufficient evidence, in a separate Appendix, that provides a summary of the circumstances and any remedial action that has taken place subsequently and

effectively “self cleans” the situation referred to in that question. The Supplier has to demonstrate it has taken such remedial action, to the satisfaction of the authority in each case.

If such evidence is considered by the authority (whose decision will be final) as sufficient, the economic operator concerned shall be allowed to continue in the procurement process.

In order for the evidence referred to above to be sufficient, the Supplier shall, as a minimum, prove that it has;

* paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
* clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and
* taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

The measures taken by the Supplier shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the authority to be insufficient, the Supplier shall be given a statement, the authority reserves the right to use its discretion to exclude a Supplier where it can demonstrate the Supplier’s non-payment of taxes/social security contributions where no binding legal decision has been taken.

**Section 4 - Economic and Financial Standing**

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| **Question Number** | **Question** |
| SQ4.1 | Please provide one of the following to demonstrate your economic/financial standing; |
| SQ4.1(a) | A copy of the audited accounts for the most recent two years |
| SQ4.1(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 |
| SQ4.1(c) | A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position |
| SQ4.1(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). |
| SQ4.2 | Where the council has specified a minimum level of economic and financial standing and/ or a minimum financial threshold within the evaluation criteria for this selection questionnaire, please self-certify by answering ‘Yes’ or ‘No’ that you meet the requirements set out here.  self-certify by answering ‘Yes’ or ‘No’ that you meet the requirements set out here.  self-certify by answering ‘Yes’ or ‘No’ that you meet the requirements set out here. |
| SQ4.3 | (a) Are you are part of a wider group (e.g. a subsidiary of a holding/parent company)?  If yes, please provide the name below:   |  |  | | --- | --- | | Name of the organisation |  | | Relationship to the Supplier completing the tender |  |   If yes, please provide Ultimate / parent company accounts if available.  If yes, would the Ultimate / parent company be willing to provide a guarantee if necessary?  If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank?) |

**Section 5 - Technical and Professional Ability**

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| **Relevant experience and contract examples** | | |
| SQ5.1 | Please provide details of up to three contracts, in any combination from either the public or private  sector, that are relevant to the authority’s requirement. Contracts for supplies or services should have been performed during the past three years. Works contracts may be from the past five years, and VCSEs may include samples of grant funded work.  The named customer contact provided should be prepared to provide written evidence to the authority 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 will 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 principal intended provider(s) or sub-contractor(s) who will deliver the supplies and services. | |
|  |  |
| SQ5.1(a) | Name of customer organisation |
| SQ5.1(b) | Point of contact in customer organisation Position in the organisation  E-mail address |
| SQ5.2(c) | Contract start date Contract completion date Estimated Contract Value |
| SQ5.3(d) | In no more than 500 words, please provide a brief description of the contract delivered including evidence as to your technical capability in this market. |
| SQ5.3(e) | If you cannot provide at least one example for questions 5.1(a) to (e), in no more than 500 words please provide an explanation for this e.g. your organisation is a new start-up. | |
| SQ5.4 | Please confirm your organisation can has produced a statement in compliance with section 54 of the Modern Slavery Act 2015 | |

Suppliers who self-certify that they meet the requirements for sections 6, 7 and 8 will be required to provide evidence of this if they are successful at contract award stage. Please indicate your answer by marking ‘X’ in the relevant boxes.

**Section 6 - Insurance**

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| --- | --- |
| SQ6.1 | Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated in the attachment within the London Tenders Portal.  \**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.* |

**Section 7- Compliance with Equality Legislation**

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| For organisations working outside of the UK please refer to equivalent legislation in the country that you are located. | | |
| SQ7.1 | In the last three years, has any finding of unlawful discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)? |
| SQ7.2 | In the last three years, has your organisation had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds of alleged unlawful discrimination?  If you have answered “yes” to one or both of the questions in this module, please provide,  as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.  If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.  You may be excluded if you are unable to demonstrate to the authority’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring. |
| SQ7.3 | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? |

**Section 8 - Health and Safety**

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| SQ8.1 | Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements. |
| SQ8.2 | Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years?  If your answer to this question was “Yes”, please provide details in a separate Appendix of any enforcement/remedial orders served and give details of any remedial action or changes to procedures you have made as a result.  The authority will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to the authority’s satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches. |
| SQ8.3 | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? |