London Borough of Southwark

PAS 91(2017)

Applicant Selection Guidance

|  |  |
| --- | --- |
| **Project Title** | Land adjacent to Woodville House, Maltby Street, London SE1 3EQ and Former garages site Fendall Street, London SE1 3EA |
| **Project Reference** | DN509800 |
| **SQ submission deadline** | **14/04/2021 at 17:00** |
| **Contact** | Ms Demmi Russell,  Email:[Demmi.Russell@southwark.gov.uk](mailto:Demmi.Russell@southwark.gov.uk) |

Introduction

* 1. The London Borough of Southwark would like to thank you for expressing an interest in this procurement. This document provides you with general information about Southwark, the Works and specific information regarding the evaluation process for the attached Selection Questionnaire (SQ).

# About Southwark

## With an approximate population of 285,000, Southwark represents a thriving community, which has shown itself more than capable of adapting to its changing fortunes, [the most recent of which is a bold vision of urban regeneration and innovative approaches to land use and partnership which have brought about a re-birth within the area. 40% of Southwark is currently under a regeneration programme with an estimated value of £4billion.

## Modern Southwark is an area of contrasts. In the north around London Bridge is a thriving business district, home to financial institutions, services companies and an emerging arts and media sector. Highly desirable riverside residential districts embody high quality design and lifestyle. Further south in Peckham is one of the biggest regeneration initiatives in the country. Heralded as best practice by visitors from all over the world, it has replaced high rise flats with houses and gardens for local families. For more information about Southwark, please go to [www.southwark.gov.uk](http://www.southwark.gov.uk).

## Southwark’s Housing Strategy to 2043 identifies that the supply of affordable housing in the borough outstrips demand. The housing strategy includes the principle to use every tool at our disposal to increase the supply of all kinds of homes across Southwark.

## This includes increasing the supply of affordable, good quality homes will benefit households in need from all Southwark communities, and increasing the housing options available.

## The Authority has embarked on an ambitious programme to build 11,000 new council homes by 2043.

## Southwark is looking for contractors that will work with the council to deliver on its promises to Southwark’s residents and deliver homes that are:

## Built to a good technical specification, delivering a high quality homes

## Delivered on time, helping the council meet its future demand for housing

## Delivered on budget, offering excellent value for money

## The council looks forward to working and developing good, strong relationships with a number of contractors and house builders to deliver homes that we are proud of and homes that make Southwark a great place to live

* 1. The Authority strongly supports and implements its Fairer Future programme, details of which can be found on its website at www.southwark.gov.uk. Further details about the Authority’s requirements for the contract, which are linked to the Fairer Future programme and other corporate policy will be set out in the tender and contract documentation.
  2. Under the Public Services (Social Value) Act 2012 the Authority must consider how what is proposed to be procured might improve the economic, social and environmental well-being of the area where it exercises its functions, and how, in conducting the process of procurement, it might act with a view to securing that improvement. Accordingly, the subject matter of the contract has been scoped to take into account the priorities of the Authority relating to economic, social and environmental well-being. These priorities are described in the invitation to tender and are reflected in environmental and social characteristics in the evaluation criteria for the award of the contract.
  3. The Authority attaches considerable importance to appointing a Contractor who can work on a site constrained by others that has regard to the needs and quiet enjoyment of adjoining residents and user groups; and a construction company that is proactive and solution focused for a project that is part of the wider regeneration
  4. The successful Contractor must be prepared to deliver an excellent service for residents and stakeholders.

# Current and future requirements

## The Authority is seeking to procure one JCT DB 2016 contract for the specification in Section 7 and the scheme’s details provided in Section 8 for the following New Build schemes:

* Project Name: Land adjacent to Woodville House Maltby Street, London SE1 3EQ and former garages site Fendall Street, London SE1 3EA
* Project Address: Maltby Street, London SE1 3EQ and Fendall Street, London SE1 3EA
* No. of Units: 21 + 16 = total 37 dwellings
* Tenure: Social rent
* Anticipated Contract Period: 72 Weeks
* Anticipated Construction Period: 52 Weeks
* Novation of Architects: NO

## TUPE: Applicants should note that the view of the Authority is that the provisions of the European Council Directive 2001/23/EC of 12 March 2001 (TUPE) are unlikely to apply to the award of this contract, although Applicants should seek their own independent advice in that regard and the Authority offers no assurance in respect of the operation, effect or impact of TUPE on the contract.

# Procurement Route and Timetable

## The Public Contracts Regulations 2015 (as amended) apply to this procurement (the “Regulations”). The Authority is using the restricted procedure in accordance with Regulation 28 of the Regulations.

## Allowing for the completion of the various formalities and Authority approvals, it is envisaged that the Contractor will be appointed by the date identified in Table 1.

## A summary of the procurement timetable is set out below in Table 1.

**Table 1: Procurement Timetable**

|  |  |
| --- | --- |
| **Activity** | **Date** |
| Publication of public advertisement | 16/03/2021 |
| SQ clarification requests deadline | 06/04/2021 |
| SQ submission deadline | 14/04/2021 |
| ITT issued | 03/05/2021 |
| Bidder clarification and site visits | 31/05/2021 |
| ITT submission deadline | 18/06/2021 |
| ITT evaluation and clarification completed | 16/07/2021 |
| Authority decision making process | 19/07/2021 |
| Notice of contract award decision | 30/07/2021 |
| Stand still period | 02/08/2021 |
| Mobilisation Period | 04/10/2021 |
| Start of contract | 18/02/2022 |
| Contract End Date (initial term) | 19/05/2023 |

# Instructions to Applicants

## 

## **SQ submissions – specific requirements**

## 

## The procurement process will commence with a selection phase. A Selection Questionnaire (SQ) based on PAS91 (2017) is set out at Appendix A to this Applicant Selection Guidance.

## The SQ sets out the information to be provided by organisations wishing to express an interest. It is structured so that the Authority obtains information on the Applicant’s experience, ability and history to assess their suitability to deliver the Authority’s contract requirements. The Authority will select the shortlist to tender based on our evaluation of the responses and information made available to it. Following evaluation of responses to the SQ a short list of the top five highest ranked applicants will be drawn up. The shortlisted applicants will be selected to participate in the Invitation to Tender (ITT) phase. In the event that the sixth ranked Applicant obtains a score that is within 5% of the fifth ranked Applicant’s score, the Authority reserves the right to invite the sixth ranked Applicant to tender as well.

## Applicants must complete the attached SQ in full – cross referencing to other applications is not sufficient. Failure to include information requested in mandatory fields may lead to the application being discounted. Responses must be explicit and comprehensive as this will be the single source of information on which Applicants will be scored and ranked. Applicants are advised not to make any assumptions about their past nor current relationships with the Authority, nor to assume that such prior business relationships will be taken into account in the selection procedure other than where such information is required in completing the SQ

## **Supporting documents:** Please include, where appropriate, any supporting documents marking clearly on all enclosures the name of your firm and the number of the question to which they refer. You should provide an index of all documents referred to in the completed SQ.

## **Table 1 – Supplier Identity. Key roles and contact information**

## C1-Q10: Size of business: See EU definition of SME

## <https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en>

## C1–Q11: Sheltered workshop/”social business”: i.e. your main aim is the social and professional integration of disabled or disadvantaged persons.

## C1–Q12-4: Official Lists/national pre-qualification system: the reference, if any, are set out on the certification.

## C1–Q13-1: Form of Participation: Notably as part of a group, consortium, joint venture or other type of group. Where you are proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV), you should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity in a separate appendix.

## C1–Q13-2: Where the Applicant is participating in the procurement with others the organizational roles should be understood, as follows:

## Sole supplier/ Lead entity: Sole entity or, in case of consortium, joint venture or other types of groups, the leader of the group.

## Group member: Member (not leader) of the consortium, joint venture or other type of group.

## Other entity (relied upon): Entity on which the main supplier, the group or other subcontractor, relies in order to meet the selection criteria. This includes subcontractors that the Applicant relies on in the application and other organizations that the group relies on in the application (Regulation 63 of the Public Contracts Regulations 2015)

## Other entity (not relied upon): Entity on which the main supplier, the group or other subcontractor, does not rely in order to meet the selection criteria. For subcontractors that are not relied on by the Applicant in the application.

## **Table 2 – Financial Information**

## See paragraph 9.4: **Stage 2 – Economic and Financial standing below.**

## C2– Q2: Insurance statements and certificates: where an Insurance type is claimed to be ‘not in scope’, it is essential that explanation supporting that claim be provided e.g. the explanation could support the fact that a particular type of insurance was not required for the work undertaken. Minimum levels of insurance required are £10 million.

## **Tables 9 and 10 – Business and Professional Standing (replaces table 3)**

## The questions provided in Tables 9 and 10 are used in place of those in Table 3 as this is a public sector procurement in the scope of the Public Contracts Regulations 2015.

## Applicants who have already completed a European Single Procurement Document (ESPD) template can submit that completed ESPD in lieu of Tables 9 and 10.

## Tables 9 and 10 need to be completed by each organization being relied on to meet the selection criteria. A completed Table 1 and self-declaration is also required from each organization.

## The Authority reserves the right to use our discretion to exclude an Applicant’s bid where we can demonstrate by any appropriate means that the Applicant is in breach of its obligations relating to the mandatory and discretionary grounds for exclusion.

## **Table 4 - Health and safety: policy and capability**

## C4–Q1: Additional information to that relevant to the exemption(s) claimed will be required to demonstrate satisfactory organization and arrangements appropriate to the categories/roles not covered by such exemption(s).

## C4–Q1-1c: “.accredited” means having undergone third-party attestation by an organization that is a signatory to either or both of the European Accreditation or International Accreditation Forum, multi-lateral agreements.

## C4-Q2, Q3, Q11: If an Applicant has fewer than five employees it is not legally required to write down its general policy, organization or arrangements. However, it does need to be able to show that its arrangements are adequate in relation to the type of activity likely to be undertaken.

## C4-Q4: Access to competent in-house advice, in whole or part, is usually preferred. It is essential that H&S advisor(s) are able to provide general H&S advice and that, for CDM duty holders (from the same source or elsewhere) advice on relevant construction H&S issues is accessible as required.

## C4-Q5: Relevant and proportionate CPPs are required for ‘construction work’ covered by CDM 2015. CPPs need only be proportionate to the nature of the activity likely to be undertaken.

## C4-Q9: RIDDOR: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.

## C4-Q11: Risk assessments should focus on, and be proportionate to, the risks arising from the type of work to be undertaken.

## C4-Q12: The questions refer to duty holders under the Construction (Design and Management) Regulations 2015, which defines the scope of “construction” activity. If your organization potentially fills more than one role (e.g. “Design and Build”), please provide responses to the questions applying to all relevant duty holder roles (e.g. Designer and Principal Contractor). If none of the duty holder roles identified are relevant, you do not need to respond to any of questions C4-Q13 to C4-Q22. Principal contractors will also need to respond to questions applicable to contractors, and principal designers will also need to respond to questions applicable to designers.

## C4-Q18: Emphasis should be on practical, proportionate measures that address significant risks arising from designs for relevant construction, not on lengthy documentation about generic risks.

## C4-Q21: Examples include a member of the registers administered by the Association for Project Safety or the Institution of Construction Safety (formerly known as the CDM co-ordinator’s register), or the ICE construction health and safety register.

## **Table 13 – Supplementary/additional questions including in respect of organizational technical and/or professional capability**

S1-Q8: Sub-contracting arrangements: Where an Applicant proposes to use one or more sub-contractors to deliver some or all of the contract requirements, a separate appendix should be used to provide details of the 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 and those subcontractors must also complete a self-declaration against the exclusion grounds (Regulation 71(1) and (8) Public Contracts Regulations 2015).

## Responses to Section 13 have an indicated page/word limit for each question and must be answered in English and submitted Arial, size 11, black font. The page/word limit set should not be exceeded, and any additional wording may be disregarded. All additional pages and all supporting information should be presented in the same order as, and should be referenced, to the relevant question.

## All responses must be in English, and any electronic submissions must be MS Word compatible.

## The Authority will accept a self-assessment of compliance with the exclusion and selection criteria at this early stage of procurement. The evidence is only required when the winning bidder(s) have been identified, or at an earlier stage if that is necessary to ensure the proper conduct of the procedure.

## The Authority will also accept the self-certification of the exclusion grounds via an EU ESPD template, including ones in different formats from other Member States, if an Applicant submits one as part of this selection process.

# Enquiries and Clarifications

## If you have any queries in relation to this document and the SQ they should be made via the portal as soon as possible and in any case not later than **17:00 on 06/04/2021**. Responses to any queries raised by Applicants regarding this procurement will be responded to in writing within 5 working days by the Authority. All exchanges must be kept strictly confidential by Applicants, their advisers and their consultants. Applicants will be asked to enter into confidentiality agreements should it become appropriate to release confidential information. Where responses to enquiries provide further information or clarification in relation to the project, the Authority will also communicate such information to other Applicants. The confidentiality of prospective proposals will be respected.

## **The deadline for receipt of completed SQs is 17:00 on 14/04/2021.** Completed SQs must be uploaded to the Authority’s tender portal (<https://procontract.due-north.com/>) before the deadline. SQs submitted after this deadline may not be considered.

## If you do not wish to proceed, in order to help the Authority ensure continuous improvement in its services, we would be grateful if you would advise us of your reasons for withdrawing.

# SQ – General requirements

## If at any time during the tender period there are any material changes to the information provided by an Applicant in their response to the SQ, they must advise the Authority promptly in writing.

## The Authority will not reimburse any expense incurred by the Applicant in preparing responses to the SQ.

## Right to cancel or vary the process: the Authority reserves the right to:

## cancel the selection and evaluation process at any stage; and/or

## require an Applicant to clarify its submission in writing and/or provide additional information; and/or

## amend the terms and conditions of the tendering process.

## and shall not be liable for any third-party costs, disbursements or otherwise arising as a direct or indirect result of such cancellation, withdrawal or non-consideration.

## **Disclaimer:** this document does not constitute the whole or any part of an offer or contract. This document is supplied entirely without prejudice. The information contained within and supplied with this SQ has been prepared by the Authority in good faith but does not purport to be accurate, complete and exhaustive or to have been independently verified or to contain all of the information that an Applicant may require. Nothing in the SQ is warranted by the Authority or its advisors nor shall it be deemed a promise or representation as to the future nor incur any liability arising out of any reliance being placed on it Applicants shall further be deemed to have carried out all necessary research, investigations and due diligence and all necessary enquiries in order to have satisfied themselves as to the nature, extent, volume and requirements of the Contract, their obligations described in the SQ, the extent of the personnel, equipment, assets, plant and machinery which may be required, the suitability or correctness of any statement and any other matter which may affect their bids.

## **Contact with the Authority:** all contact with the Authority shall only be made through methods identified in this document. No contact shall be made with other Councillors, officers or employees of the Authority or any other Authorities or statutory bodies in relation to these proposed contracts without the prior written consent of the Authority.

## **Canvassing, collusion and corruption**: any Applicant who directly or indirectly:

## canvasses any member or official of the Authority, or their legal, financial or technical advisors, concerning the award of the contract,

## engages in any corrupt practice involving councillors or officials of the Authority or their advisers;

## discusses any aspect of their response to this SQ with any other Applicant, or otherwise exchanges information or colludes in respect of the contract;

## commits any offence under the Bribery Act 2010 or gives any fee or reward the receipt of which is an offence under s17(2) of the Local Government Act 1972;

will be disqualified from further participation in this procurement process.

## **Freedom of Information Requests:** In accordance with the obligations and duties placed upon public authorities by the Freedom of Information Act 2000 (the ‘FoIA’), all information submitted to the Authority may be disclosed in response to a request made pursuant to the FoIA. In respect of any information submitted by a Applicant that it considers being commercially sensitive the Applicant should:

## Clearly identify such information as commercially sensitive;

## Explain the potential implications of disclosure of such information; and

## Provide an estimate of the period of time during which the Applicant believes that such information will remain commercially sensitive

## Where an Applicant identifies information as commercially sensitive, the Authority will endeavour to maintain confidentiality. Applicants should note however, that even where information is identified as commercially sensitive, the Authority might be required to disclose such information in accordance with the FoIA. Accordingly, the Authority cannot guarantee that any information marked ‘commercially sensitive’ will not be disclosed.

## Applicants should note that the Authority may disclose the names of any/all Applicants pursuant to an FoIA request and by expressing interest in this procurement, Applicants are deemed to give their consent to the disclosure of its name by the Authority.

## **Confidentiality:** Applicants should treat all information and documents issued by the Authority and their advisors as private and confidential and the express written consent of the Authority must be obtained prior to the release of information or documents to any third party other than their own funders, advisors or proposed sub-contractors who should be made aware of the requirements of confidentiality before information or documents are released to them. If you are unable or unwilling to comply with this requirement, you are required to destroy this SQ and all associated documents immediately and not retain any electronic or paper copies.

# Evaluation of the Selection Questionnaire

## The evaluation of the SQ will cover three areas:

**Stage 1** - compliance checks will establish that all of the information requested has been provided and all questions answered. The Authority shall check each SQ response upon receipt to verify a complete and Authority compliant submission. The Authority reserves the right to reject/disqualify any Applicant that submits an incomplete SQ. The Authority will then check responses to the mandatory and discretionary criteria.

**Stage 2** - compliant SQ responses will then be assessed on a pass/fail basis against the Minimum Standards set out in Table 2

**Stage 3** - SQ responses to Section 13 (specific questions to assess Technical and Professional Ability will then be scored and weighted in accordance with the methodology set out below.

**Table 2 – SQ Evaluation Criteria**

|  |  |  |  |
| --- | --- | --- | --- |
|  | Table | **Maximum Score Achievable** | **Weighting** |
| Table 1 C1 | Supplier identity, key roles and contact information | Info only | n/a |
| Table 2 C2 | Financial information | Pass/Fail | n/a |
| Table 9 C3 | Mandatory exclusion | Pass/Fail | n/a |
| Table 10 C3 | Discretionary exclusion | Pass/Fail | n/a |
| Table 4 C4 | Health and safety policy and capability | Pass/Fail | n/a |
| Table 13 | Supplementary/additional questions including in respect of organizational technical and/or professional capability (see table 4 of this guidance) | Pass/Fail  (Financial Capacity)  Scored (Questions) |  |

## 

## **Table 1 – Supplier identity, key roles and contact information – Information only**

## Applicants are required to complete Table 1 (Supplier identity, key roles and contact information) of the SQ. Any Applicant who fails to provide all of the information required may, at the discretion of the Authority, be deemed non-compliant and excluded from the procurement process.

## **Table 2 – Financial Information – Pass/Fail**

## Applicants must be in a sound financial position to participate in a procurement of this size as set out in regulation 58 of the Regulations.

## The financial assessment will be carried out in three parts. No one part or element thereof will be decisive in the final decisions. All parts covered below will be assessed “in the round” and not on an individual basis. Any “fail” will be considered and may lead to further clarification/assurances being obtained or to the exclusion from the next stage of the process, depending on the severity of the financial risk to the Authority identified.

## Using the information contained in the last two years’ audited accounts (or other information supplied under the SQ) a review will be undertaken using the factors listed below. The financial assessment will consist of the following:

## Ratio analysis including:

## Liquidity i.e. working capital ratios

## Efficiency tests i.e. debtor and creditor collection period

## Profitability tests i.e. return on capital employed

## % of the contract value annually as % of turnover.

## Assessment of movements of liquidity and funds between group companies; information on mergers and acquisitions and ownership tree.

## Review of audited published accounts, and interpretation of any notes that may affect wellbeing of company. Review to include:

## Charges, judgements, injunctions due to prior failings or other adverse legal findings

## Going concern

## Audit qualifications.

## Assessment of general background information including:

## The companies and directors.

## Business type in each of the set of accounts.

## Prior experience/ current activities.

## To achieve an overall pass in the financial assessment, Applicants will need to demonstrate the following:

## Turnover greater than £20,000,000.00 (achievement of this threshold will be reviewed in the wider context of an Applicant’s full SQ response and evaluation)

## A credit score and credit rating of 41 or higher as developed and maintained by CRIF Decision Solutions Limited in conjunction with Jordans

## An acceptable level of financial risk for the Authority

## It should be noted that the Authority reserves the right to reassess any Applicant’s financial position at any time up to contract award to confirm that it meets with the requirements of this SQ.

## 

## **Table 9 - ESPD option, Grounds for mandatory exclusion and non-payment of tax and social security contributions – pass/fail**

## Applicants must complete Table 9 in the SQ.

## Table 9 is assessed on a pass/fail basis. Applicants are required to pass Table 9 in order for their SQ Response to be considered further by the Authority.

## In order to pass Table 9, Applicants must provide all of the information required in Table 9 of the SQ and pass the Minimum Standard for Table 9 described in the table below. Any Applicant who fails to satisfy the Minimum Standard will be rejected.

|  |  |
| --- | --- |
| **Criteria** | **Minimum Standard and method of assessment** |
| **Grounds for Mandatory Exclusion** | **Pass/Fail**  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 “no” to question C3-QP3-1 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.  Any Applicant that answers “yes” to question C3-QP2-1 to C3-QP2-8 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 Applicant 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 Applicant 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 Applicant 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 Applicant shall be given a statement of the reasons for that decision. |

## **Table 10 – Grounds for discretionary exclusion – pass/fail**

## Table 10 - grounds for discretionary exclusion – is also scored on a pass/fail basis. Applicants are required to pass every question in Table 10 of the SQ in order for their responses to be considered further by the Authority. The Authority may exclude an Applicant from the procurement if the Applicant answers yes to any of the questions in Table 10 and the rejection event has occurred in the last three years but may decide, having considered all the relevant circumstances, to allow the Applicant to proceed further.

## If an Applicant answers ‘yes’ to any question, Applicants should set out (in a separate appendix) full details of the relevant incident and any remedial action taken subsequently. The Authority will evaluate this evidence before making a decision on whether to exclude the Applicant.

## Applicants answering “yes” to any question have the opportunity to provide evidence of “self-cleaning”. Should an Applicant provide sufficient evidence that robust remedial action has taken place subsequently which prevents a re-occurrence of the offence or misdeed, then the Authority will evaluate this evidence before making a decision on whether to exclude the Applicant.

## The Authority is also entitled to exclude an Applicant in the event that the Applicant is guilty of serious misrepresentation in providing any information referred to within the Regulations or if the Applicant fails to provide any such information requested by the Authority.

## **Conflicts of interest**

## In accordance with question C3-QP4-5 of Table 10 of the SQ the Authority may exclude the Applicant if there is a conflict of interest which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.

## Where there is any indication that a conflict of interest exists or may arise then it is the responsibility of the Applicant to inform the Authority, detailing the conflict in a separate appendix. Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by the Authority should not represent a conflict of interest for the Applicant.

## **Taking account of Applicants’ past performance**

## In accordance with question C3-QP4-7 of Table 10 of the SQ the Authority may assess the past performance of an Applicant (through a certificate of performance provided by a customer or other means of evidence). The Authority may take into account any failure to discharge obligations under the previous principal relevant contracts of the Applicant completing the SQ. The Authority may also assess whether specified Minimum Standards for reliability for such contracts are met.

## In addition, the Authority may re-assess reliability based on past performance at key stages in the procurement process (i.e. Applicant selection, Tender evaluation, contract award stage etc.). Applicants may also be asked to update the evidence they provide in this section to reflect more recent performance on new or existing contracts (or to confirm that nothing has changed).

## Minimum Standards for Table 10 of the SQ are set out in the table below.

|  |  |
| --- | --- |
| **Criteria** | **Minimum Standard and method of assessment** |
| **Grounds for Discretionary Exclusion** | **Pass/Fail**  The Authority may exclude you from the procurement exercise if you answer “yes” to any of the questions in this table but may decide, having considered all the relevant circumstances, to allow you to proceed further. If you answer ‘yes’ to any question, please set out (in a separate appendix) full details of the relevant incident and any remedial action taken subsequently. The Authority will evaluate this evidence before making a decision on whether to exclude you.  The Authority is also entitled to exclude you in the event that you are guilty of serious misrepresentation in providing any information referred to within the Public Contracts Regulations 2015 or you fail to provide any such information requested by us.  Any Applicant that answers ‘yes’ to question C3-QP4-1 to C3-QP4-8 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 Applicant 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 Applicant 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 Applicant 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 Applicant shall be given a statement of the reasons for that decision. |

## **Stage 3 – Technical - Pass/Fail and Scored criteria**

* 1. The Authority will assess the quality of the responses from Applicants to questions referred to in questions C2, C3, and C4 on a pass / fail basis. For question C4, Applicants need to demonstrate that they have the appropriate policies, procedures and processes in place and that these are effective. Any “fail” will be considered and may lead to further clarification/assurances being obtained or to the exclusion from the next stage of the process, depending on the severity of the risk to the authority identified.
  2. In Table 13 Applicants need to fill out the level of ‘un-invoiced’ contract sum with Southwark Council on all contracts currently awarded and confirms whether this under or over the average turnover for the last 2 years.
  3. It should be noted that the council reserves the right to exclude a tenderer from the tender process where the total value of ‘un-invoiced’ contract sum (on all awarded contracts, including contracts in the process of being awarded and this potential contract) is higher than the average turnover for the last 2 years.
  4. Responses from Applicants to questions referred to in Table 13 (Section 4) will be assessed using the methodology in Table 3 – Scoring Methodology below.
  5. For each of the scored criteria in questions responses will be awarded a score of between 0 and 5 points, using the methodology in Table 3 – Scoring Methodology below:

**Table 3 – Scoring Methodology**

|  |  |  |
| --- | --- | --- |
| **Technical and Professional Ability** | | |
| **Score** | **Rating** | **Basis for Awarding Score** |
| 0 | Unacceptable | The information is omitted/no details provided. |
| 1. 1   1 | Poor | The response addresses some parts of the question but contains insufficient detail or explanation to evidence the Applicant’s achievements and technical capability in this market and relevance to the Authority’s requirements. |
| 2 | Fair | The response addresses most parts of the question and lacks details in some aspects but provides some evidence of the Applicant’s achievements and technical capability in this market and relevance to the Authority’s requirements. |
| 3 | Satisfactory | The response addresses all aspects of the question in sufficient detail and shows relevant evidence of the Applicant’s achievements and technical capability in this market and relevance to the Authority’s requirements. |
| 4 | Good | The response addresses all aspects of the question very well and shows considerable relevant evidence of the Applicant’s achievements and technical capability in this market and relevance to the Authority’s requirements. |
| 5 | Excellent | The response addresses all aspects of the question extremely well and in detail and shows extensive relevant evidence of the Applicant’s achievements and technical capability in this market and relevance to the Authority’s requirements. |

### 

* 1. The minimum score to be achieved against each scored question is set out in Table 4 below.
  2. Where an Applicant does not achieve the minimum score with weighting against any of the questions (or part thereof), the authority may reject the submission and will not continue to assess the SQ further.
  3. **Clarification of Responses:** the authority’s approach to clarification will be consistent to ensure that one Applicant does not receive an unfair advantage over the rest. In addition, there will be a clear audit trail documenting the reasoning behind any attempt to seek clarification in writing from any Applicant. Applicants should be aware that the authority is under no obligation to seek clarification and it is the responsibility of each Applicant to ensure that their responses are unambiguous and complete and to seek clarification if necessary of the authority’s requirements.
  4. **Consensus scoring:** The authority will conduct a ‘consensus scoring process’ where moderation of the scores awarded during the exercise will take place. The moderation shall give regard to any variance in the scores between the evaluators. A consensus score will be agreed by the evaluators for each of the scored criteria.
  5. **Ranking sub-stage:** Applicants will then be ranked in numerical order against their cumulative weighted score. Following this evaluation exercise and providing it results in an adequate number of suitable Applicants, the authority will draw up shortlist to invite to tender. It is currently expected that the shortlist will contain up to 5 bidders subject to paragraph 6.3.
  6. **Invitation to Tender:** the evaluation of the shortlisted Applicants ITT submissions will be scored and weighted on a 60:40 price/quality basis. Further detailed information is provided in the ITT Documents issued at the same time as this Supplier Selection Guidance. Applicants should be aware that although the ITT Documents have been uploaded to the Authority’s portal as required by law, these are provided for information purposes only and may be subject to change. Applicants are not required to complete any part of the ITT Documents at this stage of the procurement and only the SQ application should be completed now and submitted to the Authority.

**Table 4: Scoring Methodology for Part 6**

|  |  |  |  |
| --- | --- | --- | --- |
| **Question** |  | Available Range of Points and Basis of Scoring | Minimum / Maximum Score with Weighting |
| **Financial Capacity** | |  |  | | --- | --- | | **Please confirm the following:** |  | | The level of ‘un-invoiced’ contract sum with Southwark Council on all contracts currently awarded is: |  | | Please confirm whether this is over or under our average turnover for the last 2 years: |  |   It should be noted that the council reserves the right to exclude a tenderer from the tender process where the total value of ‘un-invoiced’ contract sum (on all awarded contracts, including contracts in the process of being awarded and this potential contract) is higher than the average turnover for the last 2 years. | | |
| **Method Statement 1:**  **Experience** | Provide details of your organisation (company structure, CV’s etc) for the project team that you propose working on this scheme.  **Word limit: 500 Ariel Font size 11  (approx. 1 A4 page excluding images)**  Please give us two case study examples of similar design, size and type build projects for a Local Authority or registered provider, completed within the last three years, highlighting the following:   1. Details of the project (to score maximum points this must include: the number of units, the contracted and final costs, the contract period, the dates the project started and completed, and images). 2. Two constraints and challenges of each project and how these were addressed and how lessons learnt were fed back into your process. 3. What value you added to the project through value engineering.   **Word limit: 1,000 Ariel Font size 11  (approx. 1 A4 page excluding images)** | **0 to 5 / Min of 2**  **See table 3 above** | **30%** |
| **Method Statement 2:**  **Delivery, Quality & Compliance** | Outline how you have ensured the delivery of quality, compliance, and zero defects, during the following stages on previous projects:   1. Construction process, highlighting the management of subcontractors 2. Handover process 3. Defects Liability Period   **Word limit: 3,000 Ariel Font size 11  (approx. 3 A4 page excluding images** | **0 to 5 / Min of 2**  **See table 3 above** | **40%** |
| **Method Statement 3:**  **Living Wage, Apprenticeships & Local Labour** | Please tell us:   1. How you have administered, monitored and reported the LLW. The submission should specifically address its application to directly employed staff and those of its sub-contractors. 2. What you felt are the productivity gains and other benefits you have experienced from the payment of the London Living Wage and how you have reported these.   Southwark Council has a policy where contractors/developers involved on works contracts should employ apprentices, please explain how you have attracted, retained and trained apprenticeships for previous projects.  Please explain how you have offered/advertised jobs to local residents on previous project?  **Word limit: 1,000 Ariel Font size 11  (Approx. 1 A4 page excluding images)** | **0 to 5 / Min of 2**  **See table 3 above** | **30%** |