

## **TORBAY COUNCIL**

### **Part 4 Selection Questionnaire (Parts 1 and 2)**

**To be completed by organisations that form part of the bidding group/consortium or subcontractor being relied on.**

#### **Contract Reference**

**TCS4623**

#### **Contract Title**

**Torbay Council Framework Agreements for:  
Lot 1 – Approved Temporary Agency Staff Providers,  
Lot 2 – Social Worker Agency Staff Providers  
and  
Lot 3 – Approved Sole Temporary Agency Staff Provider  
for services required by SWISCo  
2024-2028**

#### **Procurement Procedure**

**Open**

#### **Maximum Period of Contract**

**4 years**

#### **Return Date**

**Thursday 28 September 2023**

#### **Return Time**

**No later than 12:00 Noon**

#### **Return To**

**[www.supplyingthesouthwest.org.uk](http://www.supplyingthesouthwest.org.uk) (ProContract)**

#### **Organisation Name**

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# Stage One – Standardised Selection Questionnaire

## A. Information for Potential Suppliers

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

The standard Selection Questionnaire is a self-declaration, made by you (the potential supplier), that none of the grounds for exclusion apply<sup>1</sup>. If any of the grounds for exclusion do apply, there is an opportunity to explain any measures you have taken to demonstrate your reliability notwithstanding the existence of a ground for exclusion (we call this self-cleaning).

We require all the organisations that form part of your bidding group/consortium and each subcontractor that you are relying on to meet the selection criteria to provide a completed part 1 and part 2. This means that where you are joining a group of organisations, including joint ventures and partnerships, each organisation in that group must complete one of these self-declarations. Subcontractors that you rely on to meet the selection criteria, must also complete a self-declaration (although subcontractors 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.

### 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.

## B. Notes for Completion

1. The “authority” means the contracting authority, or anyone acting on behalf of the contracting authority, that is seeking to invite suitable candidates to participate in this procurement process.

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<sup>1</sup>For the list of exclusions please see

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

2. “You” / “Your” refers to the potential supplier completing this standard Selection Questionnaire i.e. the legal entity responsible for the information provided. The term “potential supplier” is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 (referred to as the “regulations”) and could be a registered company; the lead contact for a group of economic operators; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.
3. Please ensure that all questions are completed in full, and in the format requested. If the question does not apply to you, please state ‘N/A’. Should you need to provide additional information in response to the questions, please submit a clearly identified annex.
4. The authority recognises that arrangements set out in section 1.2 of the standard Selection Questionnaire, in relation to a group of economic operators (for example, a consortium) and/or use of sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the authority immediately of any change in the proposed arrangements and ensure a completed Part 1 and Part 2 is submitted for any new organisation relied on to meet the selection criteria. The authority will make a revised assessment of the submission based on the updated information.
5. For Part 1 and Part 2 every organisation that is being relied on to meet the selection criteria must complete and submit the self-declaration.
6. For the mandatory exclusion grounds only (Q2.1(a)), you must complete the declaration for all relevant persons and entities. There are two categories of persons and entities:
  - members of your administrative, management or supervisory board; secondly, entities and persons who have powers of representation, decision or control. You must decide, depending on the nature and structure of the entity or person who is bidding, which entities and persons this applies to in your particular circumstances. Clearly, members of your administrative, management or supervisory board should be easily identifiable and will cover company directors (or equivalent for other types of corporate entities) and members of an executive board.
  - the second category of those with powers of representation, decision or control, is likely to be more complicated. As an illustration, entities or persons with 25% or more shareholding (or equivalent for other types of corporate entities) are likely to have powers or representation, decision or control, although those with a lower shareholding may still have the relevant powers depending on their particular rights. Similarly, your ultimate parent company (or equivalent for other types of corporate entities) is likely to have powers of representation, decision or control. Depending on your particular structure, intermediate parent companies who do not have a direct shareholding, directors or members of an executive board of your immediate parent company (for example in the case of an SPV set up specifically to bid for a particular contract), and holders of mortgages or liens may be covered. It isn’t necessary to identify which entities and persons you think are covered but you must be satisfied that your declaration is made in respect of all of those that are covered.

7. All sub-contractors are required to complete Part 1 and Part 2<sup>2</sup>.
8. The Public Procurement Review Service allows government suppliers and potential government suppliers to raise concerns anonymously about unfair public sector procurement practice. The government can then investigate and resolve these concerns for contracting authorities as listed in [Schedule 1](#) of the Public Contracts Regulations 2015. To use the Public Procurement Review Service, [read the terms](#) and email [publicprocurementreview@cabinetoffice.gov.uk](mailto:publicprocurementreview@cabinetoffice.gov.uk) or phone 0345 010 3503.

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<sup>2</sup> See PCR 2015 regulations 71 (8)-(9)

## C. Questionnaire

You must answer all questions in parts 1 and 2. Bidders must ensure that every organisation on which they will rely to meet the selection criteria completes and submits their own answers and declaration for part 1 and 2.

Part 1. Potential Supplier Information		
Section 1. Potential Supplier Information		
Question Number	Question	Response
1.1(a)	Name (if registered, please give the registered name)	
1.1(b) – (i)	Registered address (if applicable) or head office address	
1.1(b) – (ii)	Registered website address (if applicable)	
1.1(c)	Trading status:	
	a) Public Limited Company	
	b) Limited Company	
	c) Limited Liability Partnership	
	d) Other Partnership	
	e) Sole Trader	
	f) Third Sector	
	g) Other (please specify your trading status)	
1.1(d)	Date of registration (if applicable) or date of formation.	
1.1(e)	Registration number (company, partnership, charity, etc if applicable).	
1.1(f)	Registered VAT number	
1.1(g) - (i)	Are you registered with the appropriate professional or trade register(s) specified	Choose an item.

	for this procurement in the Member State where your organisation is established?	
1.1(g) - (ii)	<p>If you responded yes to 1.1(g) - (i), please provide the relevant details, including the name of the register and registration number(s), and if evidence of registration is available electronically, please provide</p> <ul style="list-style-type: none"> <li>- the website address,</li> <li>- issuing body</li> <li>- reference number.</li> </ul>	
1.1(h) - (i)	<p>For procurements for services only, is it a legal requirement in the country where you are established for you to:</p> <ul style="list-style-type: none"> <li>a) possess a particular authorisation, or</li> <li>b) be a member of a particular organisation,</li> </ul> <p>to provide the requirements specified in this procurement?</p>	Choose an item.
1.1(h) - (ii)	<p>If you responded yes to 1.1(h) - (i), please provide additional details of what is required, confirmation that you have complied with this and, if evidence of compliance is available electronically, please give the website address, issuing body and reference number.</p>	
1.1(i)	<p>Relevant classifications (state whether you fall within one of these, and if so which one):</p> <ul style="list-style-type: none"> <li>a) Voluntary Community Social Enterprise (VCSE)</li> <li>b) Sheltered Workshop</li> <li>c) Public Service Mutual</li> </ul>	
1.1(j)	<p>Are you a Small, Medium or Micro Enterprise (SME) <sup>3</sup>?</p>	Choose an item.

<sup>3</sup> See definition of SME: [https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition\\_en/](https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en/)

1.1(k)	Details of Persons of Significant Control (PSC) <sup>4</sup> where appropriate <sup>5</sup> :	
	Name:	
	Date of birth:	
	Nationality:	
	Country, state or part of the UK where the PSC usually lives:	
	Service address:	
	The date he or she became a PSC in relation to the company	
	– Which conditions for being a PSC are met (Please enter N/A if not applicable):	
	– Over 25% up to (and including) 50%	
	– More than 50% and less than 75%	
– 75% or more		
1.1(l)	Details of immediate parent company (please enter N/A if not applicable):	
	– Full name of the immediate parent company	
	– Registered office address (if applicable)	
	– Registration number (if applicable)	
– VAT number (if applicable)		
1.1(m)	Details of ultimate parent company (please enter N/A if not applicable):	
	– Full name of the ultimate parent company	
	– Registered office address (if applicable)	
	– Registration number (if applicable)	
– Head office VAT number (if applicable)		

<sup>4</sup> UK companies, Societates European (SEs) and limited liability partnerships (LLPs) are required to identify and record the people who own or control their company. Companies, SEs and LLPs are required to keep a PSC register and must file the PSC information with the central public register at Companies House. See [PSC guidance](#). Overseas bidders are required to provide equivalent information.

<sup>5</sup> Only information that relates to the persons with powers of representation, decision or control within the meaning of regulation 57(2) can be considered in relation to the mandatory exclusion grounds and other details are requested for information only.



For Submission

Please note: A criminal record check for relevant convictions may be undertaken for the preferred supplier and all relevant persons and entities (as described above).

Please provide the following information about your approach to this procurement:

Section 1. Bidding Model		
Question Number	Question	Response
1.2	<p>Please indicate if you are bidding as a single supplier or as part of a group or consortium?</p> <p><i>If you are bidding as a single supplier, please go to Q 1.3.</i></p> <p>If you are bidding as part of a group or consortium (including where you intend to establish a legal entity to deliver the contract, or you are a subcontractor), please tell us:</p> <p>a) The name of the group/consortium.</p> <p>b) The proposed structure of the group/consortium, including the legal structure where applicable.</p> <p>c) The name of the lead member in the group/consortium.</p> <p>d) Your role in the group/consortium (e.g. lead member, consortium member, subcontractor).</p> <p>e) If you are the lead member in the group/consortium, whether you are relying on other consortium members to meet the selection criteria (i.e. are you relying on other consortium members for economic and technical standing and/or technical and professional ability?) and, if so, which criteria you are relying on them for</p>	Choose an item.

1.3	If you are proposing to use subcontractors, please provide the details for each subcontractor: <sup>6</sup>				
	Name				
	Registration Number				
	Registered or head office address				
	Trading status: a. Public limited company a. Private limited company b. Limited liability partnership c. Other partnership d. Sole trader e. Third sector f. Other (please specify your trading status)				
	Registered VAT number				
	SME (Yes/No)				
	The role each subcontractor will take in providing the works and /or supplies e.g. key deliverables - if known				
	The approximate % of contractual obligations assigned to each subcontractor, if known				

<sup>6</sup>This applies to all supply chain members and/or subcontractors, where their identity is known at this stage, irrespective of whether you are relying on them to meet the selection criteria. Where a supply chain member and/or subcontractor has been identified in response to this question, any resulting subcontract entered into with that subcontractor for that part of the works, services or supplies identified in response to that question will not be subject to the requirement for contracts to advertise the subcontracting opportunity, as set out in PPN 01/18.

	<p>Is the subcontractor being relied upon to meet the selection criteria (i.e. are you relying on the subcontractor for economic and technical standing and/or technical and professional ability?) and, if so, which criteria are you relying on them for?</p>				
<p>1.4</p>	<p><b>Lots</b></p> <p>Where applicable, please tell us which lot(s) you wish to bid for?</p> <ul style="list-style-type: none"> <li>• Lot 1 - Approved Temporary Agency Staff Providers.</li> <li>• Lot 2 – Childrens Services (Social Work) and Education – Approved Social Worker Agency Staff Providers.</li> <li>• Lot 3 – Approved Sole Temporary Agency Staff Provider for services required by SWISCo</li> </ul>	<p><b>Answer</b></p>			

## Part 2. Exclusion Grounds

Please answer the following questions in full. Note that every organisation that forms part of your bidding group/consortium, as well as every organisation that is being relied on (including subcontractors being relied on) to meet the selection criteria must complete and submit responses to part 1 and the declarations in part 2.

### Section 2. Grounds for Mandatory Exclusion

Question Number	Question	Declaration
2.1(a)	<p>Within the past five years, anywhere in the world, have you or any person who:</p> <ul style="list-style-type: none"> <li>is a member of the supplier's administrative, management or supervisory body or</li> <li>has powers of representation, decision or control in the supplier, been convicted of any of the offences within the summary below and listed in full in Annex D.</li> </ul>	
	Participation in a criminal organisation:	Choose an item.
	Corruption:	Choose an item.
	Terrorist offences, or offences linked to terrorist activities:	Choose an item.
	Money laundering or terrorist financing:	Choose an item.
	Child labour and other forms of trafficking in human beings:	Choose an item.
	Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any jurisdiction outside England, Wales or Northern Ireland.	Choose an item.
	Any other offence within the meaning of Article 57(1) of the Directive created after 26th February 2015 in England, Wales or Northern Ireland.	Choose an item.

2.1(b)	<p>If you have answered yes to question 2.1(a), please provide further details, including:</p> <ul style="list-style-type: none"><li>• date of conviction and the jurisdiction,</li><li>• which of the grounds listed the conviction was for,</li><li>• the reasons for conviction,</li><li>• the identity of who has been convicted.</li></ul> <p>If the relevant documentation is available electronically, please provide:</p> <ul style="list-style-type: none"><li>• the web address,</li><li>• issuing authority,</li><li>• precise reference of the documents.</li></ul>
	<p><b>Answer</b></p>
2.1(c)	<p>If you have answered yes to any part of the question above, please explain what measures have been taken to demonstrate your reliability despite the existence of relevant grounds for exclusion. (Self-cleaning).</p>
	<p><b>Answer</b></p>

### Section 3. Mandatory and discretionary grounds relating to the payment of taxes and social security contributions

The detailed grounds for mandatory and discretionary exclusion of a supplier for non-payment of taxes and social security contributions, are set out in Annex D and should be referred to before completing these questions.

Question Number	Question	Declaration
3.2(a)	<p>Please confirm that you have met all your obligations relating to the payment of taxes and social security contributions, both in the country in which you are established and in the UK.</p> <p>If documentation is available electronically, please provide:</p> <ul style="list-style-type: none"> <li>● the web address,</li> <li>● issuing authority,</li> <li>● precise reference of the documents</li> </ul>	<p>Choose an item.</p>
3.2(b)	<p>If you have answered no to 3.2(a) please provide further details including the following:</p> <ul style="list-style-type: none"> <li>● Country concerned,</li> <li>● what is the amount concerned</li> <li>● how the breach was established, i.e. through a judicial or administrative decision or by other means.</li> <li>● if the breach has been established through a judicial or administrative decision please provide the date of the decision,</li> <li>● if the breach has been established by other means please specify the means.</li> </ul> <p><b>Answer</b></p>	
3.3	<p>Please also confirm whether you have paid or have entered into a binding arrangement with a view to paying, the outstanding sum including, where applicable, any accrued interest and/or fines.</p>	<p>Choose an item.</p>

Please Note: We reserve our right to use our discretion to exclude your bid where we can demonstrate by any appropriate means that you are in breach of your obligations relating to the payment of taxes or social security contributions



## Section 4. Grounds for Discretionary Exclusion

The detailed grounds for discretionary exclusion of an organisation are set out in Annex D and should be referred to before completing these questions.

Question Number	Question	Declaration
4.1	Within the past three years, anywhere in the world, have any of the situations summarised below and listed in full in Annex D applied to you?	
4.1(a)	Breach of environmental obligations? To note that environmental law obligations include Health and Safety obligations. See Annex D.	Choose an item.
4.1(b)	Breach of social law obligations?	Choose an item.
4.1(c)	Breach of labour law obligations?	Choose an item.
4.1(d)	Bankruptcy or subject of insolvency?	Choose an item.
4.1(e)	Guilty of grave professional misconduct?	Choose an item.
4.1(f)	Distortion of competition?	Choose an item.
4.1(g)	Conflict of interest?	Choose an item.
4.1(h)	Been involved in the preparation of the procurement procedure?	Choose an item.
4.1(i)	Prior performance issues?	Choose an item.
4.1(j)	Do any of the following statements apply to you?	

4.1(j) - (i)	You have 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.	Choose an item.
4.1(j) - (ii)	You have withheld such information.	Choose an item.
4.1(j) - (iii)	You are not able, without delay, to submit documents if/when required under Regulation 59.	Choose an item.
4.1(j) - (iv)	You have undertaken to unduly influence the decision-making process of the contracting authority to obtain confidential information that may confer upon you undue advantages in the procurement procedure, or to negligently provide misleading information that may have a material	Choose an item.
4.2	<p>You are a relevant commercial organisation subject to Section 54 of the Modern Slavery Act 2015 if you carry on your business, or part of your business in the UK, supplying goods or services and you have an annual turnover of at least £36 million.</p> <p>If you are a relevant commercial organisation please -</p> <ul style="list-style-type: none"> <li>● confirm that you have published a statement as required by Section 54 of the Modern Slavery Act.</li> <li>● confirm that the statement complies with the requirements of Section 54</li> </ul>	
		Choose an item.
		Choose an item.

4.3	If you have answered YES to any of the questions in 4.1, or NO to question 4.2, please explain what measures have been taken to demonstrate your reliability despite the existence of a relevant ground for exclusion. (Self cleaning)
	<b>Answer</b>

## Contact Details and Declaration

I declare that to the best of my knowledge the answers submitted and information contained in this complete document are correct and accurate, including parts 1 & 2.

I declare that, upon request and without delay I will provide the certificates and/or documentary evidence referred to in this document except where this documentation can be accessed by the contracting authority via a national database free of charge or the contracting authority already possesses the documentation.

I understand that the information will be used in the selection process to assess my suitability 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.

**Signature (electronic is acceptable)**

**Date**

### Contact details of those making the declaration

	Response
Contact Name:	
Name of Organisation:	
Role in Organisation:	
Phone number:	
E-mail Address:	
Postal Address:	