# Invitation to Tender (Open) Volume 2

# Response Document

**For the building works to No 57, No 67, No 69 and No 73 High Street, Weston, for LUF town centre projects.**

**Commencing:** August 2024

**Contract Term:** 24 Weeks

**Please submit by:** 13:00 on 3rd July 2024

**Bidder:** [insert Bidders name]

**Volume 2**

Invitation to Tender

Selection Questionnaire

Quality Submission

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**Invitation to Tender**

**Date:**

**Contact:**

**Email:**

Dear Sir, Madam

**TENDER INVITATION**

The council is aiming to seek tenders for the building works to No 57, No 67, No 69 and No 73 High Street, Weston, for LUF town centre projects, following an advertisement on The Portal, Contracts Finder.

I have pleasure in enclosing the following documents in order that you may submit a tender for the above contract:

1. A downloadable copy of the Invitation to Tender document Volumes 1 and 2. Volume 1 being the instructions and Volume 2 being the Form of Tender and Qualification sections.
2. A set of Appendices
* Instructions for Tendering Volume 1
* Invitation to Tender Volume 2
* The Specification of Works with Draft Preliminaries within Contract Document included
* All Appendices

Bidders are advised that a tender shall only be considered when;

1. all requirements of the tender documentation are completed and returned
2. it is submitted back to North Somerset Council using The Portal. All submissions must be received no later than **13:00pm on 3rd July 2024.**
3. it is accompanied by an undertaking which shall become a condition of the contract that the amount of the tender has not been calculated by agreement or arrangement with any other person other than the council and that the amount of the tender has not been communicated to any other person until after the closing date for the submission of tenders (see Certificate of Non-Collusion).

The successful bidder will have to comply with the terms and conditions of contract for the **works** contained within this document, signed and witnessed by both parties.

You are required to hold all information pertaining to this contract confidential and to limit the dissemination of information within your organisation on a need-to-know basis.

The correction of any tendering errors will be dealt in accordance with North Somerset Council’s Contract Standing Orders, a copy of which can be found in the council’s constitution which is available on the council’s internet page.

Yours faithfully

Jason Reading

Projects and Property

ON BEHALF OF NORTH SOMERSET COUNCIL

**Standard Selection Questionnaire Template**

**Potential Supplier Information and Exclusion Grounds: Part 1 and Part 2.**

The SQ includes a self-declaration, made by you (the potential supplier), that none of the grounds for exclusion apply, see [Annex D](#AnnexD). 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.

**Supplier Selection Questions: Part 3**

The procurement documents 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 subcontractors, you should complete all of the selection questions on behalf of the group/consortium and/or any subcontractors.

If the relevant documentary evidence referred to in the Selection Questionnaire is not provided upon request and without delay we reserve the right to exclude you from the procurement process, including where an award decision has already been notified, and award to another supplier.

In completing the submissions, bidders should not assume that the Council has any prior knowledge of the applicant, its practice, reputation or its involvement in existing services, projects or procurements.  In evaluating submissions, except as set out in the paragraph below, the Council will only consider information provided in response to this ITT (which may include customer references sought regarding the contracts included in Section 6 responses of the SQ). Bidders should note the need for such references and make sure that they inform their named customer contacts of this need as soon as possible after receipt of this SQ. The Council expects timely responses to any request for a reference from an applicant’s customer.

Notwithstanding the paragraph above, the Council may take account of any prior knowledge it has of the bidder, its practice, reputation or its involvement in existing services, projects or procurements to the extent that such knowledge indicates that information contained in the applicant’s SQ submission is false, misleading or inaccurate.

**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.

**Building works to No 57, No 67, No 69 and No 73 High Street, Weston, for LUF town centre projects.**

**DN723341**

**OPEN TENDER**

**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” or “Supplier” 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. Should you need to provide additional Appendices in response to the questions, these should be numbered clearly and listed as part of your declaration. A template for providing additional information is provided at the end of this document.

5. 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 subcontractors, 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.

6. For part 1 and part 2 every member of your bidding group/consortium, and any subcontractor that is being relied on to meet the selection criteria, must complete and submit the self-declaration.

7. 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.

**8.** All subcontractors are required to complete their own part 1 and part 2[[1]](#footnote-2).

**9. Note for Contracting Authorities: Number 8, above, may be amended to include the below wording, if separate part 3 answers are also requested from each member of the group. This may be required for example for frameworks.**

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.

10. 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](http://www.legislation.gov.uk/uksi/2015/102/schedule/1/made) of the Public Contracts Regulations 2015. To use the Public Procurement Review Service, [read the terms](https://www.gov.uk/government/publications/mystery-shopper-scope-and-remit) and email publicprocurementreview@cabinetoffice.gov.uk or phone 0345 010 3503.

11. Please upload a completed version of this document via the procurement portal [www.supplyingthesouthwest.org.uk](http://www.supplyingthesouthwest.org.uk)

**Sub-contracting arrangements**

12. Where the Supplier 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.

13. The authority recognises that arrangements in relation to sub-contracting may be subject to future change and may not be finalised until a later date. However, Suppliers should be aware that where information provided to the authority indicates that sub-contractors are to play a significant role in delivering key contract requirements, any changes to those sub-contracting arrangements may affect the ability of the Supplier to proceed with the procurement process or to provide the supplies and/or services required. Suppliers should therefore notify the authority immediately of any change in the proposed sub-contractor arrangements. The authority reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

14. Please note that the authority may require the consortium to assume a specific legal form if awarded the contract, to the extent that a specific legal form is deemed by the authority as being necessary for the satisfactory performance of the contract.

15. 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.

**‘Self-cleaning’**

16. Any Supplier that answers ‘Yes’ to questions within part 2 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 of the reasons for that decision.

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| **Part 1: Your information and the bidding model** |
| You must answer all questions in parts 1 and 2. If you are the supplier, you must answer all questions in part 3 as well.  |
| Please confirm that every organisation on which you will rely to meet the selection criteria completes and submits their own answers and declaration for part 1 and 2 as part of your overall submission:Yes [ ] No [ ]  N/A [ ]   |

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| **Section 1** | **Your 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 statusa) - public limited companyb) - private limited companyc) - limited liability partnershipd) - other partnershipe) - sole traderf) - third sectorg) - 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 for this procurement in the Member State where your organisation is established? | Yes [ ] No [ ]  N/A [ ]   |
| 1.1(g) - (ii) | 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- the website address,- issuing body- reference number. |  |
| 1.1(h) - (i) | For procurements for services only, is it a legal requirement in the country where you are established for you to:a) possess a particular authorisation, orb) be a member of a particular organisation,to provide the requirements specified in this procurement? | Yes [ ] No [ ]   |
| 1.1(h) - (ii) | 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. |  |
| 1.1(i) | Relevant classifications (state whether you fall within one of these, and if so which one)a) Voluntary Community Social Enterprise (VCSE).b) Sheltered Workshop.c) Public service mutual. |  |
| 1.1(j) | Are you a Small, Medium or Micro Enterprise (SME)[[2]](#footnote-3)? | Yes [ ] No [ ]   |
| 1.1 (k) | Details of Persons with Significant Control (PSC)[[3]](#footnote-4), where appropriate[[4]](#footnote-5):- 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:- Over 25% up to (and including) 50%- More than 50% and less than 75%- 75% or more(Please enter N/A if not applicable) |  |
| 1.1(l) | Details of your immediate parent company:- Full name of immediate parent company,- Registered or head office address,- Registration number (if applicable),- VAT number (if applicable),Please enter N/A if not applicable) |  |
| 1.1(m) | Details of ultimate parent company:- Full name of ultimate parent company,- Registered or head office address,- Registration number (if applicable),- VAT number (if applicable),(Please enter N/A if not applicable) |  |
| 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). |

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| **Please provide the following information about your approach to this procurement:** |
| **Section 1 (cont.)** | **Bidding model** |  |
| **Question number** | **Question** | **Response** |
| 1.2 | Please indicate if you are bidding as;A single supplier?or As part of a group or consortium?*If you are bidding as a single supplier please go to Q 1.3.*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:1. The name of the group/consortium.
2. The proposed structure of the group/consortium, including the legal structure where applicable.
3. The name of the lead member in the group/consortium.
4. Your role in the group/consortium (e.g. lead member, consortium member, subcontractor).
5. 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
 | Yes [ ] No [ ]  Yes [ ] No [ ]   |
| 1.3 | If you are proposing to use subcontractors, please provide the details for each subcontractor[[5]](#footnote-6).- Name- Registration number- Registered or head office address,- Trading status1. Public limited company
2. Private limited company
3. Limited liability partnership
4. Other partnership
5. Sole trader
6. Third sector
7. 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- 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? |  |

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| **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) | Within the past five years, anywhere in the world, have you or any person who:* is a member of the supplier’s administrative, management or supervisory body or
* has powers of representation, decision or control in the supplier[[6]](#footnote-7),
* been convicted of any of the offences within the summary below and listed in full in [Annex D](#AnnexD)
 |  |
|  | Participation in a criminal organisation. | Yes [ ] No [ ]   |
|  | Corruption.  | Yes [ ] No [ ]   |
|  | Terrorist offences or offences linked to terrorist activities. | Yes [ ] No [ ]   |
|  | Money laundering or terrorist financing. | Yes [ ] No [ ]   |
|  | Child labour and other forms of trafficking in human beings. | Yes [ ] No [ ]   |
|  | 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. | Yes [ ] No [ ]   |
|  | Any other offence within the meaning of Article 57(1) of the Directive created after 26th February 2015 in England, Wales or Northern Ireland. | Yes [ ] No [ ]   |
| 2.1(b) | **If you have answered yes to any part of question 2.1(a), please provide further details,** including:* date of conviction and the jurisdiction,
* which of the grounds listed the conviction was for,
* the reasons for conviction,
* the identity of who has been convicted.

If the relevant documentation is available electronically please provide:* the web address,
* issuing authority,
* precise reference of the documents.
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| 2.1(c) | 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). |  |

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| **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 below in [Annex D](#AnnexD), and should be referred to before completing these questions. |
| **Question number** | **Question** | **Declaration** |
| 3.2(a) | 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.If documentation is available electronically please provide:* the web address,
* issuing authority,
* precise reference of the documents
 | Yes [ ] No [ ]   |
| 3.2(b) | If you have answered no to 3.2(a) please provide further details including the following:* Country concerned,
* what is the amount concerned
* how the breach was established, i.e. through a judicial or administrative decision or by other means.
* if the breach has been established through a judicial or administrative decision please provide the date of the decision,
* if the breach has been established by other means please specify the means.
 |  |
| 3.3 | 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. | Yes [ ] No [ ]   |
| 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 |

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| **Section 4** | **Grounds for Discretionary Exclusion** |
| The detailed grounds for discretionary exclusion of an organisation are set out in [Annex D](#AnnexD) 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](#AnnexD) below applied to you? |  |
| 4.1(a) | Breach of environmental obligations?To note that environmental law obligations include Health and Safety obligations. Please see [Annex D](#AnnexD) below. | Yes [ ] No [ ]   |
| 4.1(b) | Breach of social law obligations?  | Yes [ ] No [ ]   |
| 4.1(c) | Breach of labour law obligations? | Yes [ ] No [ ]   |
| 4.1(d) | Bankruptcy or subject of insolvency? | Yes [ ] No [ ]   |
| 4.1(e) | Guilty of grave professional misconduct? | Yes [ ] No [ ]   |
| 4.1(f) | Distortion of competition? | Yes [ ] No [ ]   |
| 4.1(g) | Conflict of interest? | Yes [ ] No [ ]   |
| 4.1(h) | Been involved in the preparation of the procurement procedure? | Yes [ ] No [ ]   |
| 4.1(i) | Prior performance issues? | Yes [ ] No [ ]   |
| 4.1(j)4.1(j) - (i)4.1(j) - (ii)4.1(j) –(iii)4.1(j)-(iv) | Do any of the following statements apply to you?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.You have withheld such information.You are not able, without delay, to submit documents if/when required.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 influence on decisions concerning exclusion, selection or award. | Yes [ ] No [ ]  Yes [ ] No [ ]  Yes [ ] No [ ]  Yes [ ] No [ ]   |

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| **Part 3: Selection Questions** |
| **Section 5** | **Economic and Financial Standing** |
| **Question number** | **Question** | **Response** |
| 5.1  | Are you able to provide a copy of your accounts (audited if required by law) for the last two years, if requested? If no, can you provide one of the following: answer with Y/N in the relevant box.Also are you also able to provide, for any other person or entity on whom you are relying to meet the selection criteria relating to economic and financial standing, a copy of their detailed accounts for the last two years (audited if required by law).  | Yes [ ] No [ ]  Yes [ ] No [ ]   |
| (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. | Yes [ ] No [ ]   |
| (b) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position. | Yes [ ] No [ ]   |
|  | (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). | Yes [ ] No [ ]   |
| 5.2 | 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. | Yes [ ] No [ ]   |
| 5,3 | Where you are relying on another member of your bidding group/consortium or any subcontractors or other security in order to meet the selection criteria relating to economic and financial standing, please confirm that the relevant person or entity is willing to provide a guarantee or other security if required. | Yes [ ] No [ ]   |
| **5.4** | **If you have indicated in the Selection Questionnaire question 1.2 that you are part of a wider group, please provide further details below:** |
| **Name of organisation**  |  |
| **Relationship to the Supplier completing these questions** |  |
| 5.4 (a) | Are you able to provide parent company accounts if requested to at a later stage? | Yes [ ] No [ ]   |
| 5.4 (b) | If yes, would the parent company be willing to provide a guarantee if necessary? | Yes [ ] No [ ]   |
| 5.4 (c) | If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)? | Yes [ ] No [ ]   |

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|  **Section 6** | **Technical and Professional Ability** |
| **Question number** | **Question** |
| 6.1 | **Relevant experience and contract examples**Please provide details of up to three contracts, to meet the technical and professional ability criteria set out in the procurement documents in any combination from either the public or private sectors; voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. VCSEs may include samples of grant-funded work. Where this procurement is for supplies or services, the examples must be from the past three years. Where this procurement is for works, the examples may be from the past five years.The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.For consortium bids, or where you have indicated that you are relying on a subcontractor in order to meet the technical and professional ability, you should provide relevant examples of where the consortium/subcontractors have delivered similar requirements. If this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle is to be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or members of the Special Purpose Vehicle or subcontractors (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 main intended provider(s) or subcontractor(s) who will deliver the contract.**For each contract please provide the following information**If you cannot provide examples see question 6.2 |

|  |  |
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|  | Contract 1 |
| Name of customer organisation |  |
| Point of contact in the organisation |  |
| Position in the organisation |  |
| Email address |  |
| Description of contract |  |
| Contract start date |  |
| Contract completion date |  |
| Estimated contract value |  |
|  | Contract 2 |
| Name of customer organisation |  |
| Point of contact in the organisation |  |
| Position in the organisation |  |
| Email address |  |
| Description of contract |  |
| Contract start date |  |
| Contract completion date |  |
| Estimated contract value |  |
|  | Contract 3 |
| Name of customer organisation |  |
| Point of contact in the organisation |  |
| Position in the organisation |  |
| Email address |  |
| Description of contract |  |
| Contract start date |  |
| Contract completion date |  |
| Estimated contract value |  |

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| 6.2 | If you cannot provide at least one example for questions 6.1, in no more than 500 words please provide an explanation for this and how you meet the selection criteria relating to technical and professional ability e.g. your organisation is a new start-up or you have provided services in the past but not under a contract. |
| 6.3 | Where you intend to subcontract a proportion of the contract, please demonstrate how you have previously maintained healthy supply chains with your subcontractor(s).The description should include, but is not limited to, details of your supply chain management tracking systems to ensure performance of the contract and including prompt payment and whether you are a signatory of the UK Prompt Payment Code (or have given commitments under other equivalent schemes). |

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| **Section 7** | **Additional Questions including Project Specific Questions** |
| **Question number** | **Question** | **Response** |
| **7.1** | **Insurance**Please confirm whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:Employer’s Liability Insurance = £10 million Public Liability Insurance = £10 million Professional Indemnity Insurance = £10 million\*There is a legal requirement for certain employers to hold Employer’s (Compulsory) Liability Insurance of £5 million as a minimum. See the Health and Safety Executive website for more information: <http://www.hse.gov.uk/pubns/hse39.pdf> | Yes [ ] No [ ]  Yes [ ] No [ ]  Yes [ ] No [ ]   |
| 7.2 | **Data protection** |
| 7.2(a) | Please confirm that you have in place, or that you will have in place by contract award, the human and technical resources to perform the contract to ensure compliance with the General Data Protection Regulation and to ensure the protection of the rights of data subjects. | Yes [ ] No [ ]   |
| **PUBLIC SECTOR CONTRACTS Requirement under the Public Contracts Regulations 2015 (Regulation 113)** |
| 7.3 | Please confirm that for public sector contracts awarded under the Public Contract Regulations 2015 you have systems in place to include (as a minimum) 30 day payment terms in all of your supply chain contracts and require that such terms are passed down through your supply chain. | Yes [ ] No [ ]  PASS/FAIL |
| **7.4** | **Compliance with Government Restrictions**  |
|  | Please self-certify that your organisation or any partner organisation complies with any Government embargoes, restrictions and/or sanctions against any individuals, organisations or countries that are either in place at the time of tender submission or that may be in place after award of contract? | Yes [ ] No [ ]   |

|  |  |
| --- | --- |
| **7.5** | **IR35/Agency Legislation** |
|  | This section is evaluated as PASS/FAIL at the Authority’s discretion.NSC must ensure compliance with the IR35/agency legislation concerning the payment of tax and national insurance in relation to the use of temporary workers.[ESM2001 - Employment Status Manual - HMRC internal manual - GOV.UK (www.gov.uk)](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fhmrc-internal-manuals%2Femployment-status-manual%2Fesm2001&data=05%7C01%7CTBosher%40somerset.gov.uk%7C0dbe4a2e25134cf6c30908da3401953d%7Cb524f606f77a4aa28da2fe70343b0cce%7C0%7C0%7C637879478638929178%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=qOGMF0arp62uJqObrg3Z0feASgHhJjo7%2Bqg4bdwF3eU%3D&reserved=0)ESM2001 – Agency and temporary workers: the agency legislation: The services rendered by the worker are, for income tax purposes, treated as if they were the duties of an employment held by the worker. The remuneration receivable is treated as earnings and is therefore chargeable to tax under as employment income. Accordingly, all the employment income rules apply and PAYE must be operated by the payer.Please self-certify that staff engaged via your organisation/agency are paid subject to PAYE for this service.  | Yes [ ] No [ ]   |

|  |  |
| --- | --- |
| **Section 8** | **Project Specific Questions to Assess Technical and Professional Ability** |
|  | Further project specific questions relating to the technical and professional ability of the supplier with regards to the nature of the contract. |

|  |  |  |
| --- | --- | --- |
| 8.1  | **Health and Safety**Please self-certify that that you have accredited SSIP membership or hold ISO 45001. If you do not have this, you will be required to provide a copy of your Health and Safety Policy that complies with current legislative requirements. This will be only requested of the highest scoring tenderer during the evaluation process. If this policy is requested of you, please ensure that you include:1. A statement of intent 2. Responsibilities section which sets out who is responsible for specific actions3. The arrangements section containing the detail of what you are going to do in practice and information on how you are going to eliminate or reduce the risks of hazards in your work.If you have any other relevant policies/procedures connected with this work, please include these alongside your tender response. This includes your requirement to manage subcontracting partners should you be subcontracting any part of the provision. | Yes [ ]  No [ ]  |
| 8.2a | **Equality and Diversity** |
| *For the avoidance of doubt, should question C relating to subcontractors not be relevant to your organisation for this provision, please enter “N/A”* |
|  |  |
| a) 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)? | Yes [ ] No [ ]  |
| b) 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 or alleged unlawful discrimination?  | Yes [ ] No [ ]  |
| 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 |
| c) If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | Yes [ ] No [ ] N/A [ ]  |
| 8.2b | * 1. Please self-certify that you are able to provide a signed and dated copy of your most recent written Equality and Diversity Policy Statement.
	2. As an employer do you comply with your statutory obligations under the Equality Act 2010 which applies in Great Britain, or equivalent legislation in the countries in which your firm employs staff?
	3. If requested, your Equality & Diversity policy will be assessed in line with the guidance at 18.3 of ITT Volume 1, therefore please familiarise yourself with this guidance. The policy will be scored out of 5 and to pass the council’s requirements for this contract opportunity you must achieve a score of 3/5 or more.
 | Yes ☐ No ☐Yes ☐ No ☐ |
| 8.3 | **Climate Emergency Questionnaire A** |
|  | a) Do you, or will you, by the commencement date of this contract, have a named individual in your organisation who is responsible for delivering your Climate Change/Environmental policy and contractual commitments? | Yes [ ] No [ ]   |
|  | b) North Somerset Council has declared a Climate Emergency, with an ambitious aim to be carbon neutral by 2030 and has taken action to actively reduce its environmental impact, including creating working groups, environmental policy and a commitment to educating themselves about Climate Change. Any contractor who supplies the Council must work with us to support our policies and aims.Has your organisation put into place a policy on climate management that identified how you will actively reduce your organisation’s carbon footprint?This may be requested from you to be evaluated at a later stage in the evaluation process | Yes [ ] No [ ]   |
|  | c) If you have answered “No” to the question above, do you commit to putting a plan in place in line with the Council’s policy? *Any contractor who supplies the Council must work with us to support our policies and aims. As stated in 2a, the Council would expect bidders to show the same commitment to educating themselves about Climate Change and taking steps to reduce/mitigate their impact. If needed, the Council will provide support in creating a policy.* | Yes [ ] No [ ]   |
|  | d) Has your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last three years by any environmental regulator or authority (including local authority)? If your answer is “Yes”, please give information in a separate Appendix of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served.The Council will not select supplier(s) that have been prosecuted or served notice under environmental legislation in the last 3 years, unless the Council is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches. | Yes [ ] No [ ]   |
|  | e) If you use sub-contractors, do you have processes in place to check whether any of these organisations have been convicted or had a notice served upon them for infringement of environmental legislation? | Yes [ ] No [ ] N/A [ ]  |

|  |  |
| --- | --- |
| **Section 9** | **Quality Questions/Method Statements Assess Technical and Professional Ability** |
| **Key Section Question/s** | **Criteria** | **Outline** | **Weighting %** |
| Section 9 | **Project specific questions to assess technical and professional ability - 25%** |
| 9.1 | Project delivery approach and management  | **Question 1:**Please provide your method statement to carry out the works across various retail units to ensure the works are carried out regularly and diligently in accordance with the proposed JCT Intermediate form of Contract. This should also cover your intentions to manage deliveries and removal of waste given the High Street location. *(Maximum 2 sides of A4 in Arial 12 font size)***Question 2:**Please explain your proposed method for managing the works, ensuring quality standards are maintained by your supply chain and sub-contractors. Please advise how you intend to manage your sub-contractors to carry out the works in accordance with the programme. *(Maximum 2 sides of A4 in Arial 12 font size)* | 20%20% |
| 9.2 | Project Management and resourcing | The Council must have full confidence that the selected contractor has the necessary resources and project management skills to deliver the project.**Question 3:**Please provide details of the proposed structure and team who will deliver the project and their previous experience of delivering similar works to what is proposed.*(Maximum 2 sides of A4, plus 1 A4 Organogram in Arial 12 font size)* **Question 4:**Please provide CVs for each team member, identifying relevant skills and experience, these can be appended to the tender response. *(Maximum 2 sides of A4 for each CV in Arial 12 font size)* | 10%10% |
| 9.3 | Risks and Mitigations. | **Question 5:**Please describe what you perceive to be the greatest risks and challenges to this project including relevant mitigations. Please provide a risk register that as a minimum includes how change management, programme adherence and financial control will be managed. *(Maximum 2 sides of A4 font size 12, Risk Register can be attached separately in Excel format)* | 15% |
| 9.4 | Environmental Impact and Mitigations | **Question 6:**Please describe your approach to baselining and monitoring of carbon emissions throughout all stages of the Project. *(Maximum 1 side of A4 font size 12)* **Question 7:**Provide NSC with a Carbon Management Plan incorporating your innovative approach to sustainability.  This should include but not be limited to how you will reduce carbon e.g. reusing materials, your sustainable construction methods/materials, use of local supply chain, reduction in water usage, carbon sequestration etc. *(Maximum 2 sides of A4 in Arial 12 font size)* | 10%15% |
|  |  |  | Total: 100% |
| 9.5 | Social Value 10% | **Social Value**  North Somerset Council is utilising the TOMs model for this procurement. Please complete Appendix 3 North Somerset Contractors TOMs 2024 and include this with your submission.**Please note**: Any bidder who does not provide a social value submission by the submission deadline will be awarded a score of 0 for the social value part of their bid. No alternative social value submissions will be accepted. Further guidance on completing your Social Value response can be found within Appendix 2 included within the tender documents. | See “Appendix 3 – North Somerset – Contractors TOMs 2024.” |

**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 and part 3.

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 |  |

**Part Four: Pricing Schedule**

**Pricing Schedule**

4.1 All prices must be held open for a period of 90 days from the date of submission.

4.2 Prices must be inclusive of all expenses (including management costs, resources, travel time and mileage costs, preparation and activity costs) but exclusive of VAT.

4.3 Please complete the pricing schedule at **Appendix 4** in the format as shown.

4.4 You must provide all of the information requested in the table, failure to do so may disqualify your quotation.

4.5 All costs should be in pounds Sterling and exclusive of VAT.

Refer to Appendix 1 - Specification of Works, for clauses.

**Part Five – Additional council requirements/certificates**

**5.1 Anti-collusive Tendering**

TO: North Somerset Council

Having examined the contract documents for the above-mentioned service/works we offer to perform and complete the said service/works for such sum as may be ascertained in accordance with the said Conditions of Contract.

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

We understand that you are not bound to accept the lowest or any tender you may receive.

We certify that this is a bona fide tender, and that we have not fixed or adjusted the amount of the tender by or under or in accordance with any agreement or arrangement with any other person. We also certify that we have not done and we undertake that 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 these tenders the amount or approximate amount of the proposed tender, except where the disclosure, in confidence, of the approximate amount of the tender was necessary to obtain insurance premium quotations required for the preparation of the tender.

b) Entering into any agreement or arrangement with any other person that he 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 short described above.

In this Certificate, the word `person’ includes any persons and any body or association, corporate or unincorporated; and `any agreement or arrangement’ includes any such transaction, formal or informal, and whether legally binding or not.

Signed: ………………………………………… Date: ………………….. in the

capacity of ………………………………………. ………duly authorised to sign tenders

and give such Certificates on behalf of ………………………………………Address:

**5.2 Certificate as to Canvassing**

I/We hereby certify that I/We have not canvassed or solicited any Member, Officer or Employee of the Client in connection with the acceptance of this tender or any other tender or proposed tender for the service and that no person employed by me/us or acting on my/our behalf has so acted.

I/We further hereby undertake that I/We will not in future canvass or solicit any member, officer or employee of the Client in connection with the award of this tender or any other tender or proposed tender for the service and that no person employed by me/us or acting on my/our behalf will so act.

Signed:

Designation:

(Duly authorised to sign tenders and give such certificate for and on behalf of :)

Tenderer

Date: Address:

**5.3 Form of Tender Letter**

**Form of Quotation**

**Invitation to tender for: Building works to No 57, No 67, No 69 and No 73 High Street, Weston, for LUF town centre projects.**

To: North Somerset Council

I/We the undersigned, having read the Conditions of Contract and Specifications do hereby offer to complete the supply of goods/services required to be performed in the carrying out of the above contract in accordance with the above documents, to the criteria as appended to this form of quotation.

I/We, hereby undertake to enter into a Contract incorporating such Conditions of Contract, Specification, drawings and this Quotation, and I/We hereby agree that in the event of my/our Quotation being accepted, until such Contract be executed, the said Conditions of Contract, Specification, and Quotation, together with the acceptance thereof in writing, shall constitute a Contract. I/We agree that my/our offer shall remain open for acceptance for a period of twelve weeks from the date fixed for return of quotations.

I/We agree that my/our quotation remains open for consideration for a period of 90 days from the date fixed for lodgement of quotes. I/We declare that insurance, Contract Particulars is currently maintained by me/us and shall be maintained in accordance with the Contract Particulars.

I/We confirm that I/we have the capability and resources to meet all requirements of the brief in terms of quality, cost and time.

**SIGNED………………………………………………………………………………………………………………**

**DATE…………………………………………………………**

**PERSONS, FIRM OR COMPANY**:

**ADDRESS:**

**Invitation to Tender Open – Volume 1**

**Invitation to Tender Open – Volume 2**

**Appendix 1 – Specification of Works including draft contract (preliminaries)**

**Appendix 1A – Additional specification requirements**

**Appendix 2 – Social Value Appendix**

**Appendix 3 –North Somerset - Contractors TOMs 2024**

**Appendix 4 – High St Works – Pricing Schedule**

**Appendix 5 – not used**

**Non Contractual Information includes:**

**Appendix 6 – 57, 67,69 and 73 High St, WSM - Pre-Construction Information**

# Annex D - Exclusion Grounds: Public Procurement

## Mandatory Exclusion Grounds

Listed in Public Contract Regulations 2015 (as amended) R57(1), (2) and (3) and the Public Contract Directives 2014/24/EU Article 57(1).

#### 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.

**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 1, 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 within the meaning of Article 57(1) of the Directive as defined by the law of any jurisdiction outside England, Wales and Northern Ireland.
* Any other offence within the meaning of Article 57(1) of the Directive created after 26th February 2015 in England, Wales or Northern Ireland.

**Discretionary Exclusions Grounds**

Listed in Public Contract Regulations 2015 (as amended) R57(8) and the Public Contract Directives 2014/24/EU Article 57(4).

**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 EU law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex D to the Directive (see copy below) as amended from time to time; including, but not limited to, the following:-
* In the last 3 years, 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 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 the organisation has been convicted of a breach of the Health and Safety legislation.
* 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.**

* Advised the contracting authority or contracting entity or otherwise 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 negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award, or withheld such information or is not able to submit supporting documents required under regulation 59.

**Breach of obligations relating to the payment of taxes or social security contributions.**

* The contracting 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.

**Additional grounds**

ANNEX X Extract from Public Procurement Directive 2014/24/EU

LIST OF INTERNATIONAL SOCIAL AND ENVIRONMENTAL CONVENTIONS REFERRED TO IN ARTICLE 18(2) —

* ILO Convention 87 on Freedom of Association and the Protection of the Right to Organise;
* ILO Convention 98 on the Right to Organise and Collective Bargaining;
* ILO Convention 29 on Forced Labour;
* ILO Convention 105 on the Abolition of Forced Labour;
* ILO Convention 138 on Minimum Age;
* ILO Convention 111 on Discrimination (Employment and Occupation);
* ILO Convention 100 on Equal Remuneration;
* ILO Convention 182 on Worst Forms of Child Labour;
* Vienna Convention for the protection of the Ozone Layer and its Montreal Protocol on substances that deplete the Ozone Layer;
* Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention);
* Stockholm Convention on Persistent Organic Pollutants (Stockholm POPs Convention)
* Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (UNEP/FAO) (The PIC Convention) Rotterdam, 10 September 1998, and its 3 regional Protocols.

**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).
1. See [PCR 2015 regulations 71 (8)-(9)](http://www.legislation.gov.uk/uksi/2015/102/pdfs/uksi_20150102_en.pdf) (<http://www.legislation.gov.uk/uksi/2015/102/pdfs/uksi_20150102_en.pdf>) [↑](#footnote-ref-2)
2. See definition of SME <https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en> [↑](#footnote-ref-3)
3. 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](https://www.gov.uk/government/publications/guidance-to-the-people-with-significant-control-requirements-for-companies-and-limited-liability-partnerships). Overseas bidders are required to provide equivalent information. [↑](#footnote-ref-4)
4. 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. [↑](#footnote-ref-5)
5. 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. [↑](#footnote-ref-6)
6. see Notes for Completion [↑](#footnote-ref-7)