

Managed Service Procurement

INVITATION TO TENDER

Volume 2

Selection Questionnaire

Table of Contents

[Part 1: Potential Supplier Information 4](#_Toc118472389)

[Section 1 - Supplier Information 4](#_Toc118472390)

[Part 2: Exclusion Grounds 7](#_Toc118472391)

[Section 2 - Grounds for Mandatory Exclusion – Pass/Fail 7](#_Toc118472392)

[Section 3 - Grounds for Discretionary Exclusion – Part 1 – Pass/Fail 10](#_Toc118472393)

[Section 4 - Grounds for Discretionary Exclusion – Part 2 – Pass/Fail 13](#_Toc118472394)

[Part 3: Selection Questions 15](#_Toc118472395)

[Section 5 - Economic and Financial Standing 15](#_Toc118472396)

[Section 6 – Technical and Professional Ability 16](#_Toc118472397)

[Part 4: Additional Questions 17](#_Toc118472398)

[Part 5: Declarations to be signed 19](#_Toc118472399)

[Appendix 1a Consortium Acknowledgment Form 21](#_Toc118472400)

[Appendix 1b Consortium Arrangements 23](#_Toc118472401)

**Notes for completion**

1. The “authority” means The Trust, or anyone acting on behalf of The Trust, that is seeking to invite suitable candidates to participate in this procurement process.
2. “You”/ “Your”, “Supplier”, “Provider”, “Bidder” or “Tenderer” means the body completing these questions, i.e. the legal entity seeking to be invited to the next stage of the procurement process and responsible for the information provided. The ‘Supplier’ is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 and could be a registered company; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.
3. The Invitation to Tender (ITT) Selection and Award Questionnaires are the documents to be completed in response to the Invitation to Tender (Volumes 2 & 3) and have been designed to assess the suitability of a supplier to deliver The Trust’s contract requirement(s).
4. Please ensure that all questions are completed in full, and in the format requested. Failure to do so may result in your submission being disqualified. If the question does not apply to you, please state clearly ‘N/A’.

**Verification of Information Provided**

1. Whilst reserving the right to request information at any time throughout the procurement process, The Trust may enable the supplier to self-certify that there are no mandatory/discretionary grounds for excluding their organisation. When requesting evidence that the supplier can meet the specified requirements The Trust may only obtain such evidence after the final tender evaluation decision and standstill period.

**Consortia Arrangements\***

1. If the supplier completing this questionnaire is doing so as part of a proposed consortium, the following information must be provided:

* Names of all consortium members.
* The lead member of the consortium who will be contractually responsible for delivery of the contract (if a separate legal entity is not being created).
* Full details of proposed arrangements if the consortium is not proposing to form a legal entity.

1. Volume 2 part 1, part 2, and Appendix 1a of this questionnaire must be completed by each member of the consortium. The Lead Party, on behalf of the consortium, must complete Volume 2 part 3, part 4, and Appendix 1b.
2. Please note that The Trust 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 Trust as being necessary for the satisfactory performance of the contract.
3. 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 Appendix 1b.
4. You must make it clear in your responses if your consortium is relying on one or more of its members to provide the services. For example, relying on their technical or professional ability. In your response, you must explain the consortium member’s role, capability, and experience in the context of the question.
5. The Trust recognises that arrangements in relation to a consortium bid may be subject to future change. Suppliers should therefore respond based on the arrangements as currently envisaged. Suppliers are reminded that The Trust must be immediately notified of any changes, or proposed changes, in relation to the bidding model so that a further assessment can be carried out by applying the selection criteria to the new information provided. The Trust reserves the right to deselect the supplier prior to any award of contract, based on an assessment of the updated information.

\* See government website for guidelines on how to bid as a consortium: <https://www.gov.uk/guidance/how-to-bid-for-government-contracts-as-a-consortium>

**Confidentiality**

1. The Trust 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.
2. The Trust reserves the right to contact the named customer contact regarding the contracts included in [Section 6](#_Section_6_–). The named customer contact does not owe The Trust any duty of care or have any legal liability, except for any deceitful or maliciously false statements of fact.

**Award Criteria**

1. Suppliers are advised that all relevant questions must be answered. Failure to respond to all questions or to provide incomplete or inadequate evidence, supporting documentation, or details where requested may result in your submission not being considered. If a question is believed to be not applicable to your organisation, this should be clearly stated, and an explanation provided.
2. Part 2 and part 3 of the selection questionnaire are subject to a pass/fail assessment. Suppliers must pass all the sections and questions to satisfy the award criteria.
3. Suppliers who self-certify that they meet the requirements outlined in parts 1 to 3 will be required to provide evidence of this if they are successful at contract award stage.

# Part 1: Potential Supplier Information

## Section 1 - Supplier Information

Please answer the following questions in full.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 1.1 Supplier Details | Answer | | | | | |
| Full name of the supplier completing the questionnaire |  | | | | | |
| Registered office address |  | | | | | |
| Registered website address |  | | | | | |
| Date of registration |  | | | | | |
| Registered company number |  | | | | | |
| Registered charity number |  | | | | | |
| Registered VAT number |  | | | | | |
| **Details of immediate parent company:**  Full name of immediate parent company |  | | | | | |
| Registered office address (if applicable) |  | | | | | |
| Registration number (if applicable) |  | | | | | |
| Head office DUNS number (if applicable) |  | | | | | |
| Head office VAT number (if applicable)  (Please enter N/A if not applicable) |  | | | | | |
| **Details of ultimate parent company:**  Full name of ultimate parent company |  | | | | | |
| Registered office address (if applicable) |  | | | | | |
| Registration number (if applicable) |  | | | | | |
| Head office DUNS number (if applicable) |  | | | | | |
| Head office VAT number (if applicable)  (Please enter N/A if not applicable) |  | | | | | |
| If applicable, is your organisation registered with the appropriate professional or trade register(s) in the member state where it is established?  If you responded “yes” please provide relevant details, including registration number(s) | | | | Yes |  | |
| No |  | |
| N/A |  | |
| **Registration Number**: | | | | | | |
| Is it a legal requirement in the state where you are established for you to possess a particular authorisation, or be a member of a particular organisation to provide the services specified in this procurement?  If you responded “yes” please provide relevant details, including registration number(s) | | | | Yes |  | |
| No |  | |
| N/A |  | |
| **Registration Number**: | | | | | | |
| Please mark ‘X’ in the relevant box to indicate your trading status | i) | A public limited company | Yes | | |  |
| ii) | A limited company | Yes | | |  |
| iii) | A limited liability partnership | Yes | | |  |
| iv) | Other partnership | Yes | | |  |
| v) | Sole trader | Yes | | |  |
| vi) | Other (please specify) | Yes | | |  |
|  | | | | | |
| Please mark ‘X’ in the relevant boxes to indicate whether any of the following classifications apply to you | i) | Voluntary, community and social enterprise (VCSE) | Yes | | |  |
| ii) | Small or medium enterprise SME)\* | Yes | | |  |
| iii) | Sheltered workshop | Yes | | |  |
| iv) | Public service mutual | Yes | | |  |
| **Details of Persons of Significant Control (PSC), where appropriate: \*\***  Name: |  | | | | | |
| Date of birth: |  | | | | | |
| Nationality: |  | | | | | |
| Country, county, 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) |  | | | | | |

\* See the government’s definition of small businesses (Section 382 of the Companies Act 2006 - <https://www.legislation.gov.uk/ukpga/2006/46/section/382>) and medium businesses (Section 465 of the Companies Act 2006 - <https://www.legislation.gov.uk/ukpga/2006/46/section/465>), and the EU definition of SME: <https://ec.europa.eu/growth/smes_en>

\*\* Companies and limited liability partnerships (LLPs) are required to identify and record the people who own or control their company (Persons of Significant Control or PSCs), maintain a PSC register, and 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).

**Please note:** A criminal record check for relevant convictions may be undertaken for the preferred suppliers and their Persons of Significant Control.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 1.2 Bidding Model | | | | Answers | |
| (a) | (i) | Are you bidding as the Lead Party for a group of economic operators?  If you selected “no”, please continue to **Contact details and declaration** | | Yes |  |
| No |  |
|  | (ii) | Name of group of economic operators (if applicable) |  | | |
| (iii) | Proposed legal structure if the group of economic operators intends to form a named single legal entity prior to signing a contract, if awarded. If you do not propose to form a single legal entity, please explain the legal structure. | | | |
|  |  | | | |

**Contact details and declaration**

I declare that to the best of my knowledge the answers submitted, and information contained in this document are correct and accurate.

I declare that, upon request and without, delay I will provide the certificates or documentary evidence referred to in this document.

I understand that the information will be used in the selection process to assess my organisation’s suitability to be invited to participate further in this procurement.

I understand that The Trust 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.

|  |  |
| --- | --- |
| 1.3 Contact Details | |
| Supplier Contact Details for enquiries about this questionnaire | |
| Contact name |  |
| Name of organisation |  |
| Role in organisation |  |
| Postal address |  |
| Country |  |
| Phone |  |
| Mobile |  |
| Email |  |
| Signature (electronic is acceptable) |  |
| Date |  |

If you are part of a consortium, the Lead Party should complete this section. Non-lead Parties should complete [Appendix 1a](#_Appendix_1a_Consortium) and [Appendix 1b](#_Appendix_1b_Consortium).

# Part 2: Exclusion Grounds

## Section 2 - 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).

**Regulations 57(1) and (2)**

The detailed grounds for mandatory exclusion of an organisation are set out on by the government on this [website](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 2 Grounds for Mandatory Exclusion | | | Yes | No |
| Within the past five years, has your organisation (or any member of your proposed consortium, if applicable), directors or partners or any other person who has powers of representation, decision or control been convicted of any of the offences listed below or on this government [website](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf)? Please indicate your answer by marking ‘X’ in the relevant ‘Yes/No’ box | | | | |
| **2.1** | **Participation in a criminal organisation** | | | |
| (a) | Participation in an offence as defined by Section 45 of the Serious Crime Act 2015 | |  |  |
| (b) | 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 | |  |  |
| **2.2** | **Corruption** | | | |
| (a) | 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 | |  |  |
| (b) | The common law offence of bribery | |  |  |
| (c) | 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 | |  |  |
| **2.3** | **Terrorist offences or offences linked to terrorist activities** | | | |
| (a) | Any offence listed in Section 41 of the Counter Terrorism Act 2008 | |  |  |
| (b) | Any offence listed in Schedule 2 to that act where the court has determined that there is a terrorist connection | |  |  |
| (c) | Any offence under Sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by the previous two points | |  |  |
| **2.4** | **Money laundering or terrorist financing** | | | |
| (a) | Money laundering within the meaning of Sections 340(11) and 415 of the Proceeds of Crime Act 2002 | |  |  |
| (b) | 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 | |  |  |
| **2.5** | **Child labour and other forms of trafficking human beings** | | | |
| (a) | An offence under Section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004 | |  |  |
| (b) | An offence under Section 59A of the Sexual Offences Act 2003 | |  |  |
| (c) | An offence under Section 71 of the Coroners and Justice Act 2009 | |  |  |
| (d) | 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 | |  |  |
| (e) | An offence under Section 2 or Section 4 of the Modern Slavery Act 2015 | |  |  |
| **2.6** | **Non-payment of tax and social security contributions** | | | |
| (a) | Breach of obligations relating to the payment of taxes or social security contributions that has been established by a judicial or administrative decision | |  |  |
| (b) | Where any tax returns submitted on or after 1 October 2012 have been found to be incorrect because of: | | | |
| (i) | | HMRC successfully challenging the potential supplier under the General Anti – Abuse Rule (GAAR) or the “Halifax” abuse principle |  |  |
| (ii) | | 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 |  |  |
| (iii) | | 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 |  |  |
| **2.7** | **Other offences** | | | |
| (a) | 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 | |  |  |
| (b) | Any other offence within the meaning of Article 57(1) of the Directive created after 26th February 2015 in England, Wales, or Northern Ireland | |  |  |
| **2.8** | **Fraud** | | | |
| (a) | Any of the following offences, where the offence relates to fraud affecting the European Communities’ financial interests as defined by Article 1 of the Convention on the Protection of the Financial Interests of the European Communities: | | | |
| (i) | | The offence of cheating the Revenue |  |  |
| (ii) | | The offence of conspiracy to defraud |  |  |
| (iii) | | Fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978 |  |  |
| (iv) | | Fraudulent trading within the meaning of Section 458 of the Companies Act 1985, Article 451 of the Companies (Northern Ireland) Order 1986 or Section 993 of the Companies Act 2006 |  |  |
| (v) | | Fraudulent evasion within the meaning of Section 170 of the Customs and Excise Management Act 1979 or Section 72 of the Value Added Tax Act 1994 |  |  |
| (vi) | | An offence in connection with taxation in the European Union within the meaning of Section 71 of the Criminal Justice Act 1993 |  |  |
| (vii) | | Destroying, defacing, or concealing of documents or procuring the execution of a valuable security within the meaning of Section 20 of the Theft Act 1968 or Section 19 of the Theft Act (Northern Ireland) 1969 |  |  |
| (viii) | | Fraud within the meaning of Section 2, 3 or 4 of the Fraud Act 2006 |  |  |
| (ix) | | The possession of articles for use in frauds within the meaning of Section 6 of the Fraud Act 2006, or the making, adapting, supplying, or offering to supply articles for use in frauds within the meaning of Section 7 of that Act |  |  |

If you have answered ‘Yes’ to any part of Section 2, please provide details using a separate appendix, that will enable The Trust to determine whether it is required to exclude you under the mandatory grounds for exclusion laid out in Regulation 57 of the Public Contracts Regulations 2015.

## Section 3 - Grounds for Discretionary Exclusion – Part 1 – Pass/Fail

The Trust may exclude any supplier who answers ‘yes’ in any of the following situations set out in Section 3.

**Regulation 57 (8)**

The detailed grounds for discretionary exclusion of an organisation are set out on this [website](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.

|  |  |  |  |
| --- | --- | --- | --- |
| 3 Grounds for Discretionary Exclusion | | Yes | No |
| Within the past three years, please indicate if anywhere in the world, any of the situations listed below and or on this [website](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), have applied, or currently apply, to your organisation (please indicate your answer by marking ‘X’ in the relevant ‘Yes/No’ box) | | | |
| **3.1** | **Obligations in the field of environment, social and labour law** | | |
| (a) | Your organisation or any of its directors or executive officers have been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body). |  |  |
| (b) | Your 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. |  |  |
| (c) | Any finding of unlawful discrimination has been made against your organisation by an employment tribunal, an employment appeal tribunal, or any other court (or incomparable proceedings in any jurisdiction other than the UK) |  |  |
| (d) | Your organisation has been in breach of Section 15 of the Immigration, Asylum, and Nationality Act 2006 |  |  |
| (e) | Your organisation has a conviction under Section 21 of the Immigration, Asylum, and Nationality Act 2006 |  |  |
| (f) | Your organisation has been in breach of the National Minimum Wage Act 1998 |  |  |
| **3.2** | **Bankruptcy, insolvency** | | |
| (a) | Your organisation is 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 |  |  |
| **3.3** | **Grave professional misconduct** | | |
| (a) | Your organisation is/was guilty of grave professional misconduct |  |  |
| **3.4** | **Distortion of competition** | | |
| (a) | Your organisation has entered into agreements with other economic operators aimed at distorting competition |  |  |
| **3.5** | **Conflict of interest** | | |
| (a) | You are aware of any conflict of interest within the meaning of Regulation 24 due to the participation in the procurement procedure |  |  |
| **3.6** | **Been involved in the preparation of the procurement procedure** | | |
| (a) | Your organisation has advised the contracting authority or contracting entity or otherwise been involved in the preparation of the procurement procedure​ |  |  |
| **3.7** | **Prior performance issues** | | |
| (a) | Your organisation has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages, or other comparable sanctions |  |  |
| **3.8** | **Misrepresentation and undue influence** | | |
| (a) | The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection, or award |  |  |
| **3.9** | **Breach of obligations relating to the payment of taxes or social security contributions** | | |
| (a) | Your organisation is in breach of its obligations relating to the non-payment of taxes or social security contributions |  |  |

**Conflicts of Interest**

In accordance with Question 3.5, The Trust may exclude the supplier 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 supplier to inform The Trust, 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 Trust should not represent a conflict of interest for the supplier.

**Taking account of bidders’ past performance**

In accordance with Question 3.7, The Trust may assess the past performance of a supplier (through a Certificate of Performance provided by a customer or other means of evidence). The Trust may consider any failure to discharge obligations under the previous principal relevant contracts of the supplier completing this questionnaire. The Trust may also assess whether specified minimum standards for reliability for such contracts are met. In addition, The Trust may re-assess reliability based on past performance at key stages in the procurement process (i.e. supplier selection, tender evaluation, contract award stage etc.). Suppliers 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).

**‘Self-cleaning’**

Any Supplier that answers “yes” to the questions in Sections 2 & 3 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 must demonstrate it has taken such remedial action, to the satisfaction of The Trust in each case. If such evidence is considered by The Trust (whose decision will be final) as sufficient, the economic operator concerned shall be allowed to continue in the procurement process. For the evidence referred to above to be sufficient, the supplier must, 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 considering the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by The Trust to be insufficient, the supplier shall be given a statement of the reasons for that decision.

## Section 4 - Grounds for Discretionary Exclusion – Part 2 – Pass/Fail

The Trust reserves the right to use its discretion to exclude a supplier where it can demonstrate the supplier’s non-payment of taxes/social security contributions where no binding legal decision has been taken.

“Occasion of tax non-compliance” means:

1. any tax return of the supplier submitted to a relevant tax authority on or after 1 October 2012 is found to be incorrect because of:
   * a relevant tax authority successfully challenging the supplier under the General Anti-Abuse Rule or the Halifax Abuse Principle or under any tax rules or legislation that have an effect equivalent or like the General Anti-Abuse Rule or the “Halifax” abuse principle,
   * the failure of an avoidance scheme which the supplier was involved in, and which was, or should have been, notified to a relevant tax authority under the DOTAS or any equivalent or similar regime, and/or
2. the supplier’s tax affairs give rise on or after 1 April 2013 to a criminal conviction in any jurisdiction for tax related offences which is not spent at the effective date or to a penalty for civil fraud or evasion.

|  |  |  |  |
| --- | --- | --- | --- |
| 4 Grounds for Discretionary Exclusion – Part 2 | | Yes | No |
| From 1st April 2013 onwards, have any of your company’s tax returns submitted on or after 1st October 2012; (please indicate your answer by marking ‘X’ in the relevant ‘Yes/No’ box) | | | |
| 4.1 | Given rise to a criminal conviction for tax related offences which is unspent, or to a civil penalty for fraud or evasion |  |  |
| 4.2 | Been found to be incorrect because of: | | |
| (a) | HMRC successfully challenging it under the General Anti-Abuse Rule (GAAR) or the “Halifax” abuse principle |  |  |
| (b) | A tax authority in a jurisdiction in which the legal entity is established successfully challenging it under any tax rules or legislation that have an effect equivalent or like the GAAR or the "Halifax" abuse principle |  |  |
| (c) | The failure of an avoidance scheme which the supplier was involved in, and which was, or should have been, notified under the Disclosure of Tax Avoidance Scheme (DOTAS) or any equivalent or similar regime in a jurisdiction in which the supplier is established |  |  |

If answering “yes” to either 4.1 or 4.2 above, the supplier may provide details of any mitigating factors that it considers relevant and that it wishes The Trust to take into consideration. This could include, for example:

* Corrective action undertaken by the supplier to date.
* Planned corrective action to be taken.
* Changes in personnel or ownership since the Occasion of Non-Compliance (OONC).
* Changes in financial, accounting, audit, or management procedures since the OONC.

In order that The Trust can consider any factors raised by the supplier, the following information should be provided:

* A brief description of the occasion, the tax to which it applied, and the type of “non-compliance” e.g. whether HMRC or the foreign Tax Authority has challenged pursuant to the GAAR, the “Halifax” abuse principle etc.
* Where the OONC relates to a DOTAS, the number of the relevant scheme.
* The date of the original “non-compliance” and the date of any judgement against the supplier, or date when the return was amended.
* The level of any penalty or criminal conviction applied.

# Part 3: Selection Questions

## Section 5 - Economic and Financial Standing

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 5 Financial Information | | | PASS/FAIL | |
| 5.1 | Please provide a copy of your audited accounts for the most recent two years or if you are unable to provide these please explain why and provide one of the following to demonstrate your economic/financial standing.  Please indicate which of the following you have provided with an ‘X’ in the relevant box | | | |
| (a) | A copy of the audited accounts for the most recent two years | |  |
|  | If you are unable to provide your audited account for the most recent two years, please provide an explanation here: | | |
|  |  | | |
| (b) | A statement of the turnover, profit & loss account, current liabilities and assets, and cash flow for the most recent year of trading for this organisation | |  |
| (c) | A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position | |  |
| (d) | Alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status). | |  |
| 5.2 | Are you part of a wider group (e.g. a subsidiary of a holding/parent company)?  If yes, please provide the name below, provide ultimate/parent company accounts if available: | | Yes |  |
| No |  |
| **Name of the organisation**:  Relationship to the supplier completing the questionnaire: | | | |
| If yes, would the ultimate/parent company be willing to provide a guarantee if necessary? | | Yes |  |
| No |  |
| If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank?) | | Yes |  |
| No |  |
| 5.3 | Liquidity – using your latest balance sheet please provide the values of your current assets and your current liabilities below:  Ideally your assets must be equal to or more than your liabilities, if they are not the Authority reserves the right to request further information and possible guarantees. | | | |
| (a) | Date figures recorded |  | |
| (b) | Currency used |  | |
| (c) | Assets - (stock + debtors + prepayments + cash in bank) |  | |
| (d) | Liabilities - (creditors + bank overdraft + VAT owed + tax owed + accruals) |  | |

## Section 6 – Technical and Professional Ability

Suppliers who self-certify that they meet the requirements outlined in this section will be required to provide evidence of this if they are successful at Contract Award stage. Please indicate your answer by marking ‘X’ in the relevant boxes.

|  |  |  |  |
| --- | --- | --- | --- |
| 6.1 Technical and Professional Ability, Experience and References | | | PASS/FAIL |
| 6.1 (a) | Please provide details of three similar contracts (with at least one contract example from the public sector), that are relevant to the Contracting Authority’s requirement to determine your suitability for delivering the required services. Contracts should have been performed in the past **five** years.  The named customer contact provided should be prepared to provide written evidence to confirm the accuracy of the information provided below.  To achieve a pass in this section, tenderers should have either completed 6.1 (a) or 6.1 (b). | | |
| **Contract 1** | | | |
|  | Name of customer organisation |  | |
| Point of contact in customer organisation  Position in the organisation  E-mail address |  | |
| Contract start date  Contract completion date  Estimated contract value |  | |
| Description of contract |  | |
| **Contract 2** | | | |
|  | Name of customer organisation |  | |
| Point of contact in customer organisation  Position in the organisation  E-mail address |  | |
| Contract start date  Contract completion date  Estimated contract value |  | |
| Description of contract |  | |
| **Contract 3** | | | |
|  | Name of customer organisation |  | |
| Point of contact in customer organisation  Position in the organisation  E-mail address |  | |
| Contract start date  Contract completion date  Estimated contract value |  | |
| Description of contract |  | |
| 6.1 (b) | If you cannot provide examples for questions 6.1 (a), in no more than 500 words, please provide an explanation for this, e.g. your organisation is a new start-up. | | |
|  | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 6.2 Modern Slavery Act 2015: Requirements under Modern Slavery Act 2015 | | PASS/FAIL | | |
| If tenderers have answered ‘Yes’ to (a), they must answer ‘Yes’ or provide a reasonable explanation in (b) and answer ‘Yes’ to (c) to achieve a ‘Pass’ for this section. | | | | |
| (a) | Are you a relevant commercial organisation as defined by Section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")? | | Yes |  |
| No |  |
| N/A |  |
| (b) | If you have answered yes to question 6.2(a), are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015? | | Yes |  |
| No |  |
|  | If you have answered no to question 6.1 (b), please provide an explanation | | | |
|  | | | |
| (c) | If you have answered yes to question 6.2(b) and if awarded on this procurement, will you provide your most recent Modern Slavery report, as defined in Section 54 of the Modern Slavery Act 2015? | | Yes |  |
| No |  |

# Part 4: Additional Questions

|  |  |  |
| --- | --- | --- |
| 7 Insurance | PASS/FAIL | |
| Tenderers must answer ‘Yes’ to achieve a ‘Pass’ for this section. | | |
| Please self-certify whether you already have, or will commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:  Employer’s (Compulsory) Liability Insurance\* = £5,000,000  Public Liability Insurance = £5,000,000  Product Liability insurance = £5,000,000  Professional Indemnity = £2,000,000 | Yes |  |
| No |  |

\* It is a legal requirement that all companies hold Employer’s (Compulsory) Liability Insurance of £5 million as a minimum. Please note this requirement is not applicable to sole traders.

|  |  |  |  |
| --- | --- | --- | --- |
| 8 Business Continuity | | PASS/FAIL | |
| The Civil Contingencies Act 2004 requires Public Sector Bodies to ensure through their procurement activities that all suppliers have business continuity plans in place to enable them to deliver essential and critical services and products in the event of an emergency or business continuity incident.  In the case of a consortium/partnership, the supplier must also describe, in separate appendix, the procedure for ensuring business continuity across the membership.  Details of how the consortium/partnership will manage changes to the membership to fulfil their contractual obligations should be provided.  Tenderers must answer ‘Yes’ to achieve a ‘Pass’ for this section. | | | |
| (a) | Please self-certify that your organisation has a Business Continuity Plan | Yes |  |
| No |  |

|  |  |  |  |
| --- | --- | --- | --- |
| 9 DBS Clearance, Right to Work and Safeguarding Processes | | PASS/FAIL/NA | |
| If there is a requirement for your staff members to carry out duties at customer sites, tenderers must answer ‘Yes’ to (a), (b), and (d) and provided an answer in (c) and (e) to achieve a ‘Pass’ for this section. | | | |
| (a) | Do you have a process to ensure that all staff who will be carrying out duties on site will have enhanced DBS clearance, that Right to Work checks have been completed and, where applicable, a Certificate of Good Conduct is provided, before commencement of their duties? | Yes |  |
| No |  |
| N/A |  |
| (b) | Do you have a process to ensure that all staff who will be carrying out duties on site are made aware of the Child Protection and Safeguarding Policy requirements when on site? | Yes |  |
| No |  |
| N/A |  |
| (c) | If yes, please briefly explain what this process entails, and how this will be managed during the contract if successful. | | |
|  | | |

|  |  |  |  |
| --- | --- | --- | --- |
| 10 Compliance with the Data Protection Act 2018 | | PASS/FAIL | |
| Tenderers must answer ‘Yes’ to achieve a ‘Pass’ for this section. | | | |
| (a) | Please confirm that your organisation complies with the UK Data Protection Act 2018 and all other applicable legislation with respect to the processing of personal data | Yes |  |
| No |  |

# Part 5: Declarations to be signed

|  |  |  |
| --- | --- | --- |
| 11 Declaration of Compliance | | (PASS/FAIL) |
| This section must be completed and signed to achieve a “Pass”. | | |
| I declare that to the best of my knowledge the answers submitted to these questions are correct. I understand that the information will be used in the selection process to assess my organisation’s suitability to be invited to participate further in this procurement, and I am signing on behalf of:  ............................................................................. (**Insert name of Supplier**).  I understand that The Trust may reject my submission if there is a failure to answer all relevant questions fully or if I provide false/misleading information.  **Certificate as to Bona Fide Tender / Collusive Tendering**  The essence of selective competition is that The Trust shall receive bona fide competitive offers from all persons biding for the contract. In recognition of this principle:  Suppliers certify that this is a bona fide bid, intended to be competitive and that they have not fixed or adjusted the amount of the bid, or the rates and prices quoted by or under or in accordance with any agreement or arrangement with any other person.  I also certify that I have not done and undertake that I will not do at any time any of the following acts:   1. communicate to a person other than The Trust the amount or approximate amount of my proposed tender (other than in confidence to obtain quotations necessary for the preparation of the tender for insurance); 2. enter into any agreement or arrangement with any other person that he shall refrain from bidding or as to the amount of any bid to be submitted;   (c) offer or agree to pay or give any sum of money, inducement, 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 service any act or omission. | | |
| Name: |  | |
| Role in Organisation: |  | |
| Date: |  | |
| Signature: |  | |

|  |  |
| --- | --- |
| 12 Declaration of Conflict/No Conflict of Interest | (PASS/FAIL) |
| This section must be completed and signed to achieve a “Pass”. | |
| I / We warrant that:   1. There would be no conflict or perceived conflict of interest in relation to the personnel or type of work involved in this contract.  |  |  | | --- | --- | | Signed: |  | | Position/Status: |  | | Company Name: |  | | Address: |  | | Date Signed: |  |   I / We warrant that:   1. There could be a possible conflict or perceived conflict of interest in relation to the personnel or type of work involved in this contract.   Please explain what the possible conflict or perceived conflict of interest may be and who it relates to and how it could have an adverse effect on this contract   |  |  | | --- | --- | |  | | | Signed: |  | | Position/Status: |  | | Company Name: |  | | Address: |  | | Date Signed: |  | | |

# Appendix 1a Consortium Acknowledgment Form

This acknowledgement form must be completed where the applicant expresses interest as a consortium. The form must be signed and completed by an authorised representative of the Lead Party and each consortium member.

**Declaration**

We the undersigned confirm that we are the actual/proposed members of the Consortium arrangement referred to in the Application.

We confirm that the Lead Party referred to below is authorised to act as our representative in all matters relating to this pre-qualification process and as such can provide undertakings and enter into legally binding obligations on our behalf.

|  |  |
| --- | --- |
| Consortium Details | |
| Consortium name |  |
| **Lead Party of the consortium** | |
| Name of organisation |  |
| Signed by |  |
| Position |  |
| Signature (electronic is acceptable) |  |
| Date |  |
| **Non-lead Party of the consortium** | |
| Name of organisation |  |
| Signed by |  |
| Position |  |
| Signature (electronic is acceptable) |  |
| Date |  |
| **Non-lead Party of the consortium** | |
| Name of organisation |  |
| Signed by |  |
| Position |  |
| Signature (electronic is acceptable) |  |
| Date |  |
| **Non-lead Party of the consortium** | |
| Name of organisation |  |
| Signed by |  |
| Position |  |
| Signature (electronic is acceptable) |  |
| Date |  |
| **Non-lead Party of the consortium** | |
| Name of organisation |  |
| Signed by |  |
| Position |  |
| Signature (electronic is acceptable) |  |
| Date |  |

Please complete for each member of the consortium.

# Appendix 1b Consortium Arrangements

|  |  |
| --- | --- |
| 1b Consortium Arrangements | Answers |
| **Lead Party** | |
| Name of organisation |  |
| Obligations within consortium |  |
| % of obligations assigned |  |
| **Non-lead Party of the consortium** | |
| Name of organisation |  |
| Address |  |
| Main contact – Name |  |
| Main Contact – Role |  |
| Main Contact – Email |  |
| Main Contact – Phone |  |
| Obligations within consortium |  |
| % of obligations assigned |  |
| **Non-lead Party of the consortium** | |
| Name of organisation |  |
| Address |  |
| Main contact – Name |  |
| Main Contact – Role |  |
| Main Contact – Email |  |
| Main Contact – Phone |  |
| Obligations within consortium |  |
| % of obligations assigned |  |
| **Non-lead Party of the consortium** | |
| Name of organisation |  |
| Address |  |
| Main contact – Name |  |
| Main Contact – Role |  |
| Main Contact – Email |  |
| Main Contact – Phone |  |
| Obligations within consortium |  |
| % of obligations assigned |  |
| **Non-lead Party of the consortium** | |
| Name of organisation |  |
| Address |  |
| Main contact – Name |  |
| Main Contact – Role |  |
| Main Contact – Email |  |
| Main Contact – Phone |  |
| Obligations within consortium |  |
| % of obligations assigned |  |
| **Non-lead Party of the consortium** | |
| Name of organisation |  |
| Address |  |
| Main contact – Name |  |
| Main Contact – Role |  |
| Main Contact – Email |  |
| Main Contact – Phone |  |
| Obligations within consortium |  |
| % of obligations assigned |  |