



**Highways England Company
Limited**

**Stopped Vehicle Detection (SVD)
Framework**

Volume 1.0

Instructions for Tenderers

**Annex A: Selection
Questionnaire – Lot 1**

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1 GUIDANCE ON COMPLETION OF SELECTION QUESTIONNAIRE

1.1 General

- 1.1.1 The “authority” means Highways England, or anyone acting on behalf of Highways England, that is seeking to invite suitable candidates to participate in this procurement process.
- 1.1.2 “You”/ “Your” refers to the potential Contractor completing this standard Selection Questionnaire i.e. the legal entity responsible for the information provided. The term “potential Contractor” 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.
- 1.1.3 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’ where the Selection Questionnaire has that option. Should you need to provide additional information in response to the questions, please submit a clearly identified annex only where the questions instruct you to do so.
- 1.1.4 The authority recognises that arrangements set out in section 1.2 of the standard Selection Questionnaire, in relation to a group of economic operators (for example, a consortium) and/or use of sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the authority immediately of any change in the proposed arrangements and ensure a completed Part 1 and Part 2 is submitted for any new organisation relied on to meet the selection criteria. The authority will make a revised assessment of the submission and reserves the right to deselect the potential Contractor based on the updated information.
- 1.1.5 For Part 1 and Part 2 every organisation that is being relied on to meet the selection criteria must complete and submit the self-declaration.
- 1.1.6 For answers to Part 3 - If you are bidding on behalf of a group, for example, a consortium, or you intend to rely on sub-contractors for delivery of the Contract, you should complete all of the questions on behalf of the consortium and/ or any sub-contractors, providing one composite response and declaration.
- 1.1.7 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.

1.2 Potential Contractor Information and Exclusion Grounds: Parts 1 and 2.

- 1.2.1 The standard Selection Questionnaire is a self-declaration, made by you (the potential Contractor), that you do not meet any of the grounds for exclusion. If there are grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (we call this self-cleaning).
- 1.2.2 A completed declaration of Part 1 and Part 2 provides a formal statement that the organisation making the declaration has not breached any of the exclusions grounds. Consequently, we require all the organisations that you will rely on to meet the selection criteria to provide a completed Part 1 and Part 2. For example, these could be parent companies, affiliates, associates, or essential sub-contractors, if they are relied upon to meet the selection criteria. This means that where you are joining in a group of organisations, including joint ventures and partnerships, each organisation in that group must complete one of these self-declarations. Sub-contractors that you rely on to meet the selection criteria must also complete a self-declaration (although sub-contractors that are not relied upon do not need to complete the self-declaration).
- 1.2.3 When completed, this form is to be returned in accordance with the instructions in section 6.4.1 of the Invitation to Tender.
- 1.2.4 Alternatively you can submit the completed ESPD template as a downloaded XML file to Highways England along with a completed Selection Questionnaire template part 3, in accordance with the instructions in the Invitation to Tender.

1.3 Tenderer Selection Questions: Part 3

- 1.3.1 This document provides 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 sub-contractors, you should complete all of the selection questions on behalf of the consortium and/or any sub-contractors, and indicate the name of the entity being relied upon to meet the selection criteria.
- 1.3.2 If the relevant documentary evidence referred to in the Selection Questionnaire is not provided upon request and without delay, we reserve the right to amend the contract award decision and award to the next compliant bidder.

1.4 Consequences of misrepresentation

- 1.4.1 If you seriously misrepresent any factual information in filling in the Selection Questionnaire, and so induce Highways England 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.

PART 1: POTENTIAL CONTRACTOR INFORMATION

Please answer the following questions in full. Note that every organisation that is being relied on to meet the selection must complete and submit the Part 1 and Part 2 self-declaration. Where the potential Contractor is actually a group of suppliers, including joint ventures and partnerships, each potential supplier in that group must complete and submit Part 1 and Part 2

Section 1 - Potential Contractor Information		
Question number	Question	Response
1.1(a)	Full name of the potential Contractor submitting the information	
1.1(b) – (i)	Registered office address (if applicable)	
1.1(b) – (ii)	Registered website address (if applicable)	
1.1(c)	Trading status a) public limited company b) limited company c) limited liability partnership d) other partnership e) sole trader f) third sector g) other (please specify your trading status)	
1.1(d)	Date of registration in country of origin	
1.1(e)	Company registration number (if applicable)	
1.1(f)	Charity registration number (if applicable)	
1.1(g)	Head office DUNS number (if applicable)	
1.1(h)	Registered VAT number	
1.1(i) - (i)	If applicable, is your organisation registered with the appropriate professional or trade register(s) in the member state where it is established?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
1.1(i) - (ii)	If you responded yes to 1.1(i) - (i), please provide the relevant details, including the registration number(s).	
1.1(j) - (i)	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 in order to provide the services specified in this procurement?	Yes <input type="checkbox"/> No <input type="checkbox"/>
1.1(j) - (ii)	If you responded yes to 1.1(j) - (i), please provide additional details of what is required and confirmation that you have complied with this.	
1.1(k)	What trading name(s) will be used if successful in this procurement (if applicable).	

Section 1 - Potential Contractor Information		
Question number	Question	Response
1.1(l)	<p>Relevant classifications: state whether you fall within one of these, and if so which one</p> <ul style="list-style-type: none"> a) Voluntary Community Social Enterprise (VCSE) b) Sheltered Workshop c) Public service mutual 	
1.1(m)	Are you a Small, Medium or Micro Enterprise (SME) ¹ ?	Yes <input type="checkbox"/> No <input type="checkbox"/>
1.1(n)	<p>Provide details of Persons of Significant Control (PSC), where appropriate: ²</p> <ul style="list-style-type: none"> - 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 (for existing companies the 6 April 2016 should be used); - Which conditions for being a PSC are met; <ul style="list-style-type: none"> - Over 25% up to (and including) 50%, - More than 50% and less than 75%, - 75% or more. ³ <p>(Please enter N/A if not applicable)</p>	
1.1(o)	<p>Details of immediate parent company:</p> <ul style="list-style-type: none"> - Full name of the immediate parent company - Registered office address (if applicable) - Registration number (if applicable) - Head office DUNS number (if applicable) - Head office VAT number (if applicable) <p>(Please enter N/A if not applicable)</p>	

¹ See EU definition of SME https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en

² UK companies, Societates European (SEs) and limited liability partnerships (LLPs) will be required to identify and record the people who own or control their company. Companies, SEs and LLPs will need to keep a PSC register, and must file the PSC information with the central public register at Companies House. [See PSC guidance.](#)

³ Central Government contracting authorities should use this information to have the PSC information for the preferred supplier checked before award.

Section 1 - Potential Contractor Information		
Question number	Question	Response
1.1(p)	Details of ultimate parent company: - Full name of the 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)	

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

Section 1 - Bidding Model		
Question number	Question	Response
1.2(a) - (i)	Are you bidding as the lead contact for a group of economic operators?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide details listed in questions 1.2(a) (ii), (a) (iii) and to 1.2(b) (i), (b) (ii), 1.3, Section 2 and 3. If no, and you are a supporting bidder please provide the name of your group at 1.2(a) (ii) for reference purposes, and complete 1.3, Section 2 and 3.
1.2(a) - (ii)	Name of group of economic operators (if applicable)	
1.2(a) - (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.	
1.2(b) - (i)	Are you or, if applicable, the group of economic operators proposing to use sub-contractors?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Section 1 - Bidding Model

Question number	Question	Response				
1.2(b) - (ii)	If you responded yes to 1.2(b)-(i) please provide additional details for each sub-contractor in the following table: we may ask them to complete this form as well.					
	Name					
	Registered address					
	Trading status					
	Company registration number					
	Head Office DUNS number (if applicable)					
	Registered VAT number					
	Type of organisation					
	SME (Yes/No)					
	The role each sub-contractor will take in providing the works and /or supplies e.g. key deliverables					
	The approximate % of contractual obligations assigned to each sub-contractor					

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 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.

Section 1 - Contact Details and Declaration		
Question number	Question	Response
1.3(a)	Contact name	
1.3(b)	Name of organisation	
1.3(c)	Role in organisation	
1.3(d)	Phone number	
1.3(e)	E-mail address	
1.3(f)	Postal address	
1.3(g)	Signature (electronic is acceptable)	
1.3(h)	Date	

PART 2: EXCLUSION GROUNDS

Please answer the following questions in full. Note that every organisation that is being relied on to meet the selection must complete and submit the Part 1 and Part 2 self-declaration. Where the potential Contractor is actually a group of suppliers, including joint ventures and partnerships, each potential supplier in that group must complete and submit Part 1 and Part 2,

Section 2 - Grounds for Mandatory Exclusion		
Question number	Question	Response
2.1(a)	<p>Regulations 57(1) and (2)</p> <p>The detailed grounds for mandatory exclusion of an organisation are set out in Appendix A, which should be referred to before completing these questions.</p> <p>Please indicate if, within the past five years you, your organisation, any person who is a member of its administrative, management or supervisory body or any other person who has powers of representation, decision or control in the organisation been convicted anywhere in the world of any of the offences within the summary below and listed in Appendix A.</p>	
	Participation in a criminal organisation.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Corruption.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Fraud.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Terrorist offences or offences linked to terrorist activities	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Money laundering or terrorist financing	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Child labour and other forms of trafficking in human beings	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
2.1(b)	If you have answered yes to question 2.1(a), please provide further details. Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction, Identity of who has been convicted	

Section 2 - Grounds for Mandatory Exclusion		
Question number	Question	Response
	If the relevant documentation is available electronically please provide the web address, issuing authority, precise reference of the documents.	
2.2	If you have answered Yes to any of the points above, have measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self Cleaning)	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.3(a)	Regulation 57(3) Has it been established, for your organisation by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which the organisation is established (if outside the UK), that the organisation is in breach of obligations related to the payment of tax or social security contributions?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.3(b)	If you have answered yes to question 2.3(a), please provide further details. Please also confirm if 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.	Further details provided Yes <input type="checkbox"/> No <input type="checkbox"/> Confirmation Yes <input type="checkbox"/> No <input type="checkbox"/>

Please note: A criminal record check for relevant convictions may be undertaken for the preferred suppliers and the persons of significant in control of them.

Please Note: The 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.

Section 3 - Grounds for Discretionary Exclusion		
Question number	Question	Response
3.1	<p>Regulation 57 (8)</p> <p>The detailed grounds for discretionary exclusion of an organisation are set out in Appendix B, which should be referred to before completing these questions. Please indicate if, within the past three years, anywhere in the world any of the following situations have applied to your organisation.</p>	
3.1(a)	Breach of environmental obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1 (b)	Breach of social obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1 (c)	Breach of labour law obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(d)	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?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(e)	Guilty of grave professional misconduct?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(f)	Entered into agreements with other economic operators aimed at distorting competition?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(g)	Aware of any conflict of interest within the meaning of Regulation 24 due to the participation in the procurement procedure?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(h)	Been involved in the preparation of the procurement procedure?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2

3.1(i)	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?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(j)	Please answer the following statements	
3.1(j) - (i)	The organisation is 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.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 3.2
3.1(j) - (ii)	The organisation has withheld such information.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 3.2
3.1(j) –(iii)	The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 3.2
3.1(j)-(iv)	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 have provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 3.2
3.2	If you have answered Yes to any of the above, explain what measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self Cleaning)	Measures taken Yes <input type="checkbox"/> No <input type="checkbox"/> Details.....

PART 3: SELECTION QUESTIONS⁴

If bidding as a group, the consortium lead should complete all of the questions in this Part 3 on behalf of the consortium and/or any sub-contractors. However, the name of the relevant entity being relied upon should be confirmed where indicated.

Section 4 - Economic and Financial Standing		
Question number	Question	Response
4.1	Are you able to provide a copy of your audited accounts for the last three years, if requested? If no, can you provide one of the following: answer with Y/N in the relevant box.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	(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 <input type="checkbox"/> No <input type="checkbox"/>
	(b) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	(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 <input type="checkbox"/> No <input type="checkbox"/>
4.2	Where we have specified a minimum level of economic and financial standing and/ or a minimum financial threshold within the evaluation criteria for Lot 1 of this procurement, please self-certify by answering 'Yes' or 'No' that you meet the requirements set out.	Yes <input type="checkbox"/> No <input type="checkbox"/>

Section 5 - Group of Economic Operators?		
	If you have indicated in the Selection Questionnaire question 1.2 that you are part of a wider group, or relying on a third party to meet the financial standing tests above please provide further details below:	
	Name of organisation	
	Relationship to the Tenderer completing these questions	
5.1	Are you able to provide parent company accounts and/or account from the third party entity you are relying on if requested to at a later stage?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>

⁴ [See Action Note 8/16 Updated Standard Selection Questionnaire](#)

Section 5 - Group of Economic Operators?		
5.2	If yes, would the parent/third party company be willing to provide a guarantee in the form set out in Schedule 7 to the Framework Agreement if necessary?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5.3	If no, would you be able to obtain a guarantee in the form set out in Schedule 7 to the Framework Agreement elsewhere (e.g. from a bank) or in an alternative form that gives equivalent protection?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Section 6 - Technical and Professional Ability		
6.1	Please confirm you hold a UKAS or equivalent, accredited independent third-party certificate of compliance with, or will obtain by time of award, the following accreditations and provide the name of the entity(s) being relied upon to meet this criteria.	
	ISO 45001 (replacing OHSAS 18001)	Yes <input type="checkbox"/> Name of Entity: No <input type="checkbox"/>
	ISO 9001 and BSPD/CEN/TS 16880	Yes <input type="checkbox"/> Name of Entity: No <input type="checkbox"/>
	ISO 14001	Yes <input type="checkbox"/> Name of Entity: No <input type="checkbox"/>
	ISO 27001	Yes <input type="checkbox"/> Name of Entity: No <input type="checkbox"/>
	BS ISO/IEC 20000	Yes <input type="checkbox"/> Name of Entity: No <input type="checkbox"/>
6.2	<p>Relevant experience and contract examples</p> <p>Relevant experience and contract examples</p> <p>Please provide details of up to three contracts, in any combination from either the public or private sector; that demonstrate your experience in the supply and commissioning of a radar scanning system solution on road networks.. Contracts should have been performed during the past three years. Contracts examples do not have to be completed but would need to have been ongoing for a minimum of 1 year at the date the Contract Notice was sent to the OJEU.</p>	

	<p>The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.</p> <p>Contract examples must not be provided in relation to contracts with entities listed in section 1.1 and 1.2 above.</p> <p>Consortia bids should provide relevant examples of where the consortium has delivered similar requirements together. 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 the examples provided must evidence where the proposed consortium members (whose capacity is being relied upon to meet the selection criteria relating to technical and professional ability) have individually delivered similar requirements. (three examples are not required from each member).</p> <p>Where the Supplier proposes utilising a sub-contractor as a key provider of the supplies or services, the information requested may be provided in respect of the main intended sub-contractor(s) who will deliver the contract.</p> <p>Please self-certify whether you have provided adequate relevant contract examples below:</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
6.3	<p>If you cannot provide at least one example for questions 6.2, in no more than 500 words please provide an explanation for this e.g. your organisation is a new start-up or you have provided services in the past but not under a contract.</p>

Contract Information	Contract Example 1	Contract Information	Contract Example 2	Contract Information	Contract Example 3
Name of customer organisation		Name of customer organisation		Name of customer organisation	
Point of contact in the organisation		Point of contact in the organisation		Point of contact in the organisation	
Position in the organisation		Position in the organisation		Position in the organisation	
E-mail address		E-mail address		E-mail address	
Description of contract setting out how the contract demonstrates your experience relevant to radar scanning system solutions on road networks		Description of contract setting out how the contract demonstrates your experience relevant to radar scanning system solutions on road networks		Description of contract setting out how the contract demonstrates your experience relevant to radar scanning system solutions on road networks	
Contract Start date		Contract Start date		Contract Start date	
Contract completion date		Contract completion date		Contract completion date	
Estimated contract value		Estimated contract value		Estimated contract value	

<p>Confirmation that the contract has been performed in accordance with the contract specification.</p>		<p>Confirmation that the contract has been performed in accordance with the contract specification.</p>		<p>Confirmation that the contract has been performed in accordance with the contract specification.</p>	
--	--	--	--	--	--

Section 7 - Modern Slavery Act 2015		
	Requirements under Modern Slavery Act 2015	
7.1	<p>Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")?</p> <p>Note: A relevant commercial organisation is one that carries on a business in the UK with a total annual turnover of £36m or more.</p>	<p>Yes <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>
7.2	<p>If you have answered yes to question 7.1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015?</p> <p style="text-align: center;">○</p>	<p>Yes <input type="checkbox"/></p> <p>Please provide the relevant url ...</p> <p>No <input type="checkbox"/></p> <p>Please provide an explanation</p>
<p>Section 54 of the Act is available at http://www.legislation.gov.uk/ukpga/2015/30/section/54/enacted#section-54-2</p> <p>Further guidance is available at https://www.gov.uk/government/publications/transparency-in-supply-chains-a-practical-guide</p>		

8. Additional Questions

Tenderers who self-certify that they meet the requirements to these additional questions will be required to provide evidence of this if they are successful at contract award stage.

Section 8 - Additional Questions		
8.1 – Insurance		
8.1.1	<p>Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:</p> <ul style="list-style-type: none"> • Third Party Public and Products Liability Insurance to indemnify the insured in respect of all sums which the insured may become legally liable to pay as damages, including claimant's costs and expenses, in respect of accidental death or bodily injury to or sickness, illness or disease contracted by any person and / or loss of or damage to property 	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>

	<p>happening during the period of insurance and arising out of or in connection with the contract;</p> <ul style="list-style-type: none"> • Limit of indemnity £10,000,000 in respect of any one occurrence without limit to the number of occurrences being unlimited, but £10,000,000 in the aggregate per annum in respect of liability arising out of products and pollution or contamination liability 	
8.1.2	<p>Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:</p> <ul style="list-style-type: none"> • Professional Indemnity Insurance to indemnify the insured for all sums which the insured may become legally liable to pay (including claimants costs and expenses) as a result of any claim or claims first made against the insured during the period of insurance by reason of any act, error and/or omission arising from or in connection with the provision of professional services, advice, design and or specification in connection with the contract; • Limit of indemnity £5,000,000 respect of any one claim and in the aggregate per annum 	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
8.1.3	<p>Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the insurances indicated in Part C of Annex A of Framework Schedule 9 (Insurance Requirements):</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>

8.2 - Skills and Apprentices ⁵		Response
a.	<p>Public procurement of contracts with a full life value of £10 million and above and duration of 12 months and above should be used to support skills development and delivery of the apprenticeship commitment. This policy is set out in detail in Procurement Policy Note 14/15.</p> <p>Please confirm if you will be supporting apprenticeships and skills development through this contract.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
b.	<p>If yes, can you provide at a later stage documentary evidence to support your commitment to developing and investing in skills, development and apprenticeships to build a more skilled and productive workforce and reducing the risks of supply constraints and increasing labour cost inflation?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
c.	<p>Do you have a process in place to ensure that your supply chain supports skills, development and apprenticeships in line with PPN 14/15 (see guidance) and can provide evidence?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>

8.3 Suppliers past performance ⁶		
8.3.1	<p>Can you supply a list of your relevant principal contracts for goods and/or services provided in the last three years upon request?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
8.3.2	<p>On request can you provide a certificate</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>

⁵ [Procurement Policy Note 14/15– Supporting Apprenticeships and Skills Through Public Procurement](#)

⁶ <https://www.gov.uk/government/publications/procurement-policy-note-0415-taking-account-of-suppliers-past-performance>

	<p>from those customers on the list or if not, can you explain the reasons why you cannot obtain a certificate from one or more customers?</p>	
8.3.3	<p>If the certificate states that goods and/or services supplied were not satisfactory are you able to supply information which shows why this will not recur in this contract if you are awarded it?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
8.3.4	<p>Can you supply the information in 8.3.1 to 8.3.2 for any sub-contractors or consortium members who you are relying upon to perform</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>

	this contract upon request?	
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8.4 Approach to payment ⁷		
8.4.1	Please confirm if you intend to use a supply chain for this contract	Yes <input type="checkbox"/> No <input type="checkbox"/>
8.4.2	If you have answered “Yes” to 8.4.1, please confirm that you have systems in place to pay those in your supply chain promptly and effectively, i.e. within your agreed contractual terms	Yes <input type="checkbox"/> No <input type="checkbox"/>
8.4.3	If you have answered “Yes” to 8.4.1, please confirm you have procedures for resolving disputed invoices with those in your supply chain promptly and effectively	Yes <input type="checkbox"/> No <input type="checkbox"/>
8.4.4	If you have answered “Yes” to 8.4.1, 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 <input type="checkbox"/> No <input type="checkbox"/>

⁷ <https://www.gov.uk/government/publications/procurement-policy-note-0419-taking-account-of-a-suppliers-approach-to-payment-in-the-procurement-of-major-contracts--2>

8.4.5	<p>If you have answered “Yes” to 8.4.1, in 8.4.8 to 8.4.15, please provide the percentage of invoices paid by you to those in your immediate supply chain on all contracts for each of the two previous six month reporting periods. This should include the percentage of invoices paid within the categories within the tables.</p> <p>It is acceptable to cross refer to information that has previously been submitted to Government or other bodies or is publicly available (provided it covers the required reporting periods), including data published in accordance with the Reporting on Payment Practices and Performance Regulations 2017. If you do wish to cross refer, please provide details and/or insert link(s)</p>	
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8.4.6	<p>If you have answered “Yes” to 8.4.1 and if you are unable to demonstrate in 8.4.8 to 8.4.15 that all invoices have been paid within the agreed contractual terms, please explain why</p>	
8.4.7	<p>If you have answered “Yes” to 8.4.1 and if you are unable to demonstrate in 8.4.8 to 8.4.15 that ≥95% of invoices payable to your supply chain on all contracts have been paid within 60 days of the receipt of the invoice in at least one of the last two six months reporting periods please provide an action plan for improvement which includes (as a minimum) the following:</p> <ul style="list-style-type: none"> • Identification of the primary causes of failure to pay: <ul style="list-style-type: none"> ○ 95% of all supply chain invoices within 60 days; and 	

	<ul style="list-style-type: none"> ○ if relevant under question 8.4.6, all invoices within agreed terms. • Actions to address each of these causes. • A mechanism for and commitment to regular reporting on progress to your audit committee (or equivalent). • Plan signed off by a director. • Plan published on its website (this can be a shorter, summary plan). <p>If you have an existing action plan prepared for a different purpose, it is acceptable to attach this but it should contain the above features</p>	
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	Category	Volume of invoices in first six month period	Percentage paid in first six month period
8.4.8	Within 30 days		
8.4.9	In 31 to 60 days		
8.4.10	In 61 days or more		

8.4.11	Due but not paid by the last date for payment under agreed contractual terms		
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	Category	Volume of invoices in second six month period	Percentage paid in second six month period
8.4.12	Within 30 days		
8.4.13	In 31 to 60 days		
8.4.14	In 61 days or more		
8.4.15	Due but not paid by the last date for payment under agreed contractual terms		

2 SELECTION QUESTIONNAIRE EVALUATION PROCESS

2.1 General

- 2.1.1 The economic and financial standing of the Tenderer will be assessed by the Selection Questionnaire Assessment Panel using the information supplied in the Selection Questionnaire and information supplied by Dun and Bradstreet. The assessment will be completed on a pass/fail basis against the financial tests outlined in the Selection Questionnaire. If the Tenderer provisionally fails a test and cannot provide a guarantee in line with these instructions, then the tender will be rejected.
- 2.1.2 The Selection Questionnaire Assessment Panel will do an initial assessment as part of Stage 1 Compliance check (referred to the Invitation to Tender) that the responses to the mandatory and discretionary rejection criteria entered in the Bravo Qualification Envelope are all self-certified as a pass. Further details are provided below of how a response is adequately self-certified as a pass.

Important Notice

- 2.1.3 Highways England will exclude a Tenderer who is guilty of serious misrepresentation in providing any information referred to within the Public Contracts Regulations 2015 or who fails to provide any such information requested by Highways England.

3 SELECTION QUESTIONNAIRE SELF-COMPLIANCE CHECK AND VERIFICATION

3.1 In this Stage 1 check, Highways England will:

- 3.1.1 undertake an initial check for completeness of the Selection Questionnaire response confirming that the correct documents and submissions have been made in accordance with the requirements of the Selection Questionnaire.
- 3.1.2 review sections 1 to 8 of the Selection Questionnaire to ensure that all sections are self-certified to the degree required to Pass (see table in section 1.3 below).

3.2 Highways England may reject a Selection Questionnaire in its entirety if a FAIL is recorded against any section.

Part	Section	Assessment type	Self-certify Pass/Fail Check Instructions	Stage 5 Verification Check Instructions
1	1 – Potential Contractor Information and Bidding Model	N/A	For information only	
2	2 - Mandatory Exclusions	PASS / FAIL	<p>If an Economic Operator has answered “No” to all the questions in sections 2.1 and 2.3 this will be marked as a PASS.</p> <p>If an Economic Operator has answered “Yes” to a question in section 2.1 and “Yes” to 2.2 this will be marked as a PASS</p> <p>If an Economic Operator has answered “Yes” to a question in section 2.1 and “No” to 2.2 this will be marked as a FAIL</p> <p>If an Economic Operator has answered “Yes” to a question in section 2.3(a) and “Yes” to both questions in 2.3(b) this will be marked as a PASS</p> <p>If an Economic Operator has answered “Yes” to a question in section 2.3(a) and “No” to either question in 2.3(b) this will be marked as a FAIL</p>	<p>If an Economic Operator has answered Yes to 2.2 and/or 2.3b Highways England will verify:</p> <ul style="list-style-type: none"> • If evidence provided by the Economic Operator is sufficient to establish its reliability, despite the existence of a relevant ground for exclusion, in accordance with regulations 57(13) to 57(17) of the Public Contracts Regulations 2015 (this relates to section 2.1) or • If only minor tax or social security contributions are unpaid or if an Economic Operator has not yet had time to fulfil its obligations since learning of the exact amount due (this relates to section 2.3). <p>If either of the above points are not verified then this will be marked as a FAIL and the Economic Operator will be excluded from this procurement exercise unless Highways England exercises its sole discretion, to disregard the prohibition, on an exceptional basis, for overriding reasons relating to the public interest such as public health or protection of the environment.</p>

Part	Section	Assessment type	Self-certify Pass/Fail Check Instructions	Stage 5 Verification Check Instructions
2	3 – Discretionary Exclusions	PASS / FAIL	<p>If an Economic Operator has answered “No” to all the questions in section 3.1 then this will be marked as a PASS.</p> <p>If an Economic Operator has answered “Yes” to a question in section 3.1 and “Yes” to question 3.2 this will be marked as a PASS.</p> <p>If an Economic Operator has answered “Yes” to a question in section 3.1 and “No” to question 3.2 this will be marked as a FAIL.</p>	<p>If an Economic Operator has answered “Yes” to a question in section 3.1 and “Yes” to question 3.2, Highways England will verify if there is sufficient evidence to establish its reliability, despite the existence of a relevant ground for exclusion, in accordance with regulation 57(13) to (17) of the Public Contracts Regulations 2015.</p> <p>If there is not sufficient evidence then this will be marked as a FAIL and the Economic Operator will be excluded from this procurement exercise.</p>
3	4 – Economic and Financial Standing	PASS / FAIL	N/A	See 1.1 for Economic and Financial Standing Verification Check Instructions
3	5 – Group of Economic Operators	PASS / FAIL	<p>If an Economic Operator has answered “Yes” to the questions in section 5.1 and 5.2 then this will be marked as a PASS.</p> <p>If an Economic Operator has answered “N/A” to the question in section 5.1 then this will be marked as a PASS.</p> <p>If an Economic Operator has answered “No” to the question in section 5.1 then this will be marked as a FAIL.</p>	<p>If an Economic Operator has answered “Yes” to a question in section 5.1 and “Yes” to question 5.2, Highways England will verify if there is sufficient evidence to establish its reliability.</p> <p>Note, there is a broad range of potential mitigations and assurances and the Economic Operator may be required to present their case further if required.</p> <p>If evidence is insufficient then this will be marked as a FAIL and the Economic Operator will be excluded from this procurement exercise.</p>

Part	Section	Assessment type	Self-certify Pass/Fail Check Instructions	Stage 5 Verification Check Instructions
			<p>If an Economic Operator has answered “Yes” to the question in section 5.1 and “No” to the questions in section 5.2 and 5.3 then this will be marked as a FAIL.</p> <p>If an Economic Operator has answered “Yes” to the question in section 5.1 and “No” to the questions in section 5.2 and “Yes” to the question in section 5.3 then this will be marked as a PASS.</p>	
3	6.1 - Accreditation	PASS/ FAIL	<p>If an Economic Operator has answered “Yes” to all the questions in section 6.1 then this will be marked as a PASS.</p> <p>If an Economic Operator has answered “No” to any of the questions in section 6.1 then this will be marked as a FAIL.</p>	<p>Highways England will verify that the Economic Operator holds accreditations.</p> <p>If there is not sufficient evidence, then this will be marked as a FAIL and the Economic Operator will be excluded from this procurement exercise.</p>
3	6.2 – Contract examples and 6.3 – No Contract examples	PASS/ FAIL	<p>If an Economic Operator has answered “Yes” to the question in section 6.2 then this will be marked as a PASS.</p> <p>If an Economic Operator has answered “No” to the question in section 6.2 then Highways England will consider if the response in 6.3 provides adequate evidence of sufficient level of experience relevant to radar scanning system solutions on road networks to obtain a PASS. If not this will be marked as a FAIL.</p>	<p>Highways England will verify that the examples provided contain evidence of sufficient level of experience of the Economic Operator relevant to radar scanning system solutions on road networks supported by the references provided</p>

Part	Section	Assessment type	Self-certify Pass/Fail Check Instructions	Stage 5 Verification Check Instructions
3	7 – Modern Slavery	PASS / FAIL	<p>If an Economic Operator has answered “N/a” to question 7.1.1 or “Yes” to all questions and provided an internet link this will be marked as a PASS.</p> <p>If an Economic Operator has answered “No” to any question and/or has not provided an internet link with adequate explanation this will be marked as a FAIL and the Economic Operator will be excluded from this procurement exercise.</p>	<p>Highways England will review the internet link provided by the Economic Operator.</p> <p>If information provided is not sufficient, then this will be marked as a FAIL and the Economic Operator will be excluded from this procurement exercise.</p>
3	8.1 - Insurance	PASS / FAIL	<p>If an Economic Operator has answered “Yes” to all questions this will be marked as a PASS.</p> <p>If an Economic Operator has answered “No” to any question this will be marked as a FAIL and the Economic Operator will be excluded from this procurement exercise.</p>	<p>Highways England will verify the Economic Operator’s certification</p> <p>If certification cannot be verified, then this will be marked as a FAIL and the Economic Operator will be excluded from this procurement exercise.</p>
3	8.2 – Skills and Apprenticeships	PASS / FAIL	<p>If an Economic Operator has answered “Yes” to all questions this will be marked as a PASS.</p> <p>If an Economic Operator has answered “No” to any question this will be marked as a FAIL and the Economic Operator will be excluded from this procurement exercise.</p>	<p>Highways England will review the documentation provided by the Economic Operator. If documentation cannot be verified, then this will be marked as a FAIL and the Economic Operator will be excluded from this procurement exercise.</p>
3	8.3 – Suppliers past performance	PASS / FAIL	<p>If an Economic Operator has answered “Yes” to all questions this will be marked as a PASS.</p>	<p>Highways England will review the evidence provided by the Economic Operator. If evidence cannot be verified, then this will be marked as a FAIL and the Economic</p>

Part	Section	Assessment type	Self-certify Pass/Fail Check Instructions	Stage 5 Verification Check Instructions
			<p>If an Economic Operator has answered “No” to any question this will be marked as a FAIL and the Economic Operator will be excluded from this procurement exercise.</p>	<p>Operator will be excluded from this procurement exercise</p>
3	8.4 – Approach to payment	PASS / FAIL	<p>If an Economic Operator has answered “No” to questions 8.4.1 or “Yes” to questions 8.4.1 to 8.4.4 and provides evidence that:</p> <ul style="list-style-type: none"> • the Economic Operator pays ≥95% of all supply chain invoices in 60 days in at least one of the previous two six month reporting periods; and/or • the Economic Operator pays ≥95% of all supply chain invoices in 60 days in at least one of the two previous six month reporting periods after removing intercompany payments; and/or • the Economic Operator pays ≥75% < 95% of all supply chain invoices in 60 days in at least one of the two previous six month reporting periods after removing intercompany payments (if relevant) and provides an action plan to address these issues <p>then this will be marked as a PASS.</p> <p>If an Economic Operator has answered “Yes” to question 8.4.1 and fails to demonstrate that they pay ≥75% of all supply chain invoices in 60 days in at least one of the two previous six month reporting periods</p>	<p>Highways England will review the evidence provided by the Economic Operator. If evidence cannot be verified, then this will be marked as a FAIL and the Economic Operator will be excluded from this procurement exercise.</p>

Part	Section	Assessment type	Self-certify Pass/Fail Check Instructions	Stage 5 Verification Check Instructions
			<p>after removing intercompany payments (if relevant) and/or has not included an action plan (or an action plan that meets the requirements in 8.4.7), or answers "Yes" to question 8.4.1 and "No" to questions 8.4.2, 8.4.3, or 8.4.4 this will be marked as a FAIL and the Economic Operator will be excluded from this procurement exercise.</p>	

3.3 Section 4 – Economic and Financial Standing Stage 5 Verification Check Instructions

3.3.1 General

- (a) The economic and financial standing assessment is designed to take an informed view of your financial status. The assessment methodology comprises three steps:
- (b) Step 1 is a pass/fail assessment using a Dun & Bradstreet (D&B) comprehensive report;
- (c) Step 2 is a pass/fail assessment using turnover;
- (d) Step 3 is a pass/fail assessment of four (4) calculated ratio analyses using information from your audited financial statements, conducted as follows:
 - i. an economic and financial assessment of the information that has been provided against the indicated thresholds;
 - ii. an assessment of any mitigating information or explanations provided where the thresholds have not been met in the economic and financial assessment; and
 - iii. an assessment of any financial information that you have made publicly available since your last published audited financial statements, such as official profit warnings.

3.3.2 Financial Information

- (a) For the economic and financial standing assessment, you are required to provide:
 - i. the information in section 4 of the SQ; and
 - ii. any mitigating information / explanations that you wish Highways England to take into consideration for the economic and financial standing assessment. Highways England reserves the right at its discretion to request further information to explain the financial information you provide.

3.3.3 Step 1: D&B information

- (a) D&B Comprehensive report: D&B Scores and Ratings are produced using a combination of mathematical modelling, expert rules, skilled business analysis and many years of experience of insolvency trends. D&B carefully analyse all business failures, and compare them with the normal population of actively trading companies, to

identify those events which are most significant and predictive in nature, and which could affect the status of a business.

- (b) D&B Risk Indicator: The indicator is based on daily monitoring of both the company's financial and other key strategic activities, and is therefore reflective of the company's current financial status. The D&B Risk indicator is the Failure Score (see below), combined with expert rules to generate a Risk Indicator from 1 to 4, where 1 is minimum risk and 4 is High Risk. A D&B risk indicator of 4 is a PROVISIONAL FAIL.

3.3.4 Highways England reserves the right, at its sole discretion, to determine whether to change a provisional fail of Step 1 into a pass using any mitigating information that you have provided.

3.3.5 Step 2: Assessment Methodology

- (a) Step 2 is a pass/fail assessment, evidenced by your audited financial statements and based on turnover (revenue).
- (b) You shall pass Step 2 where your turnover (for the most recent year of financial statements) is at least equal to two times the estimated (average) annualised contract value as set out in Table 3.3.5 below.

Table 3.3.5 Step 2 Turnover Thresholds

Estimated (average) annualised contract value	Turnover Threshold
£3.125m	£6.25m

- (c) A turnover of less than the turnover threshold is a PROVISIONAL FAIL.

3.3.6 Parent Company Guarantee

- (a) If you have failed Step 2 and you are a subsidiary as defined in the Companies Act 2013, the provisional fail of step 2 shall be changed to a pass if you are able to provide a parent company guarantee ("PCG") in accordance with the following paragraph.
- (b) If your ultimate or intermediate parent company passes the economic and financial standing tests stated above, and confirms that it will provide a parent company guarantee in the form set out in Framework Agreement Schedule 7 Guarantee, then the provisional fail of the Step 2 assessment shall be converted to a pass.
- (c) In the following cases:

- i. organisations without a parent company, or
- ii. organisations whose parent company is unwilling to provide a parent company guarantee or whose parent company does not pass the economic and financial standing tests stated above,
- iii. Highways England reserves the right, at its sole discretion, to determine whether to change a provisional fail of Step 2 into a pass if you are able to provide an alternative form of guarantee or security. If you propose to provide an alternative form of guarantee or security you must contact the Procurement Officer via the e-procurement portal to discuss your proposal.

3.3.7 Step 3: Turnover Assessment

- (a) Step 3 is a provisional pass/fail assessment of your financial standing, using information from your audited financial statements, to calculate the following ratio analysis:
 - i. Current ratio;
 - ii. Total Liabilities/Shareholder Funds ratio;
 - iii. Profit/Loss before tax; and
 - iv. Interest cover ratio.
- (b) You shall provisionally pass Step 3 where your calculated ratios meet the required thresholds in each of paragraphs A, B, C and D below.
- (c) Highways England reserves the right, at its sole discretion, to determine whether to change a provisional fail of Step 3 into a pass using any mitigating information that you have provided.
- (d) Highways England reserves the right, at its sole discretion, to determine whether to change a provisional pass of Step 3 into a fail using any information that you have made publicly available since your last published financial statements, such as official profit warnings.

Information taken from accounts:

- (a) The Current Ratio (Current Assets/Current Liabilities).
 - i. This indicates whether or not a business has sufficient liquid assets e.g. cash, short term debtors and stock to meet its

outstanding current liabilities e.g. trade creditors, bank overdraft, lease payments, interest due.

ii. The test is applied to each of the last 3 years audited financial statements

iii. A current ratio of less than 0.8 is a PROVISIONAL FAIL

(b) Total Liabilities/Shareholder Funds ratio

i. This is a basic test of a company's solvency.

ii. The test is applied to each of the last 3 years audited financial statements.

iii. A total liabilities/shareholder funds ratio more than 4 is a PROVISIONAL FAIL.

(c) Profit/Loss before tax

i. The test is applied to each of the last 3 years audited financial statements.

i. Pre-tax loss of more than 50% of net assets is a PROVISIONAL FAIL

ii. A pre-tax loss of more than 5% turnover in any one year is a PROVISIONAL FAIL.

iii. Pre tax loss in all 3 years is a PROVISIONAL FAIL.

(d) Interest Cover Ratio (Profit before interest and tax/Interest expense)

i. This is a test of whether a company is generating enough profit to service its interest-bearing debt.

ii. The test is applied to each of the last 3 years audited financial statements.

An interest cover ratio of less than 2 is a PROVISIONAL FAIL

APPENDIX A - MANDATORY EXCLUSION GROUNDS

Public Contract Regulations 2015 R57(1), (2) and (3)

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;

Fraud

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:

- the common law offence of cheating the Revenue;
- the common law offence of conspiracy to defraud;
- 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;
- 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;
- 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;
- an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
- 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;
- fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006;
- 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;

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 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 Contractor under the General Anti – Abuse Rule (GAAR) or the “Halifax” abuse principle; or
- a tax authority in a jurisdiction in which the potential Contractor 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 Tenderer 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 Tenderer 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

APPENDIX B - DISCRETIONARY EXCLUSIONS

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 X to the Directive (see copy below) as amended from time to time; including the following:-

- 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 3 years.
- 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 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.

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 to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.

Additional exclusion grounds

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

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 Contractor 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 Tenderer for damages and may rescind the contract under the Misrepresentation Act 1967.
- If fraud, or fraudulent intent, can be proved, the potential Contractor or the responsible officers of the potential Contractor 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).