



## **Expressions of Interest – Invitation for the opportunity to design and build a play area for Pittville Park.**

Applications are invited from suitably qualified organisations who wish to be considered as contractors to Cheltenham Borough Council for the following forthcoming project located within the Borough of Cheltenham.

**Project title:** Pittville Park play area redevelopment

**Project ref:** CBC 2015-003

### **Summary: Background**

Cheltenham has the most complete 19th Century town plan in England and with its historic parks, squares and tree lined avenues makes the Borough unique, giving it the title of “a town within a park”. There are 461 green space sites covering an area of 620 Ha, comprising 13% of the total borough area that includes two ancient woodlands and 60,000 trees. These parks, gardens and tree lined avenues have been nationally recognised as some of the best in the country.

Pittville Park is listed on the English Heritage Register of Parks and Gardens and sits within the Pittville Conservation area. It forms part of the wider Pittville Estate and sits just south of the Grade I listed Pittville Pump Room. The existing play area is around 20 years old and contains a mixture of more recent and older equipment. The original design has been lost following numerous ad-hoc introductions and alterations, and has the general feel of being past its best.

### **Objective**

The objectives of the Project are to:

- Create an exciting and bespoke play space to replace the existing facility, that will sit comfortably in the historic park setting.
- Help maintain the park’s importance as a family visitor destination for the people of Cheltenham and beyond.
- Ensure the project delivers free access to child-friendly facilities with high play value for children up to 14 years old and varying abilities that will rank it among the best of its type and size in the UK.
- Ensure the new play area has a serviceable lifespan of greater than 20 years.
- Ensure the new play area complements the other uses and users of Pittville Park.
- Ensure the scheme compliments the aspiration to achieve both Green Flag and, subsequently, Green Heritage status for Pittville Park.

### **Project scope**

The scope of the project is limited to the redesign and construction of the children’s play area within Pittville Park, located on the east side of Evesham Road and includes:–

- The fenced play area enclosure

- The adjacent green space and toilet facility to the south of the play area
- Birds and bunnies aviaries to the north of the fenced area
- A refreshment facility that complements the two existing facilities within the Park

### **Tenderer requirements**

We are looking for tenderers:-

- With proven experience of delivering similar projects
- Who can demonstrate they have succeeded in creating innovative play schemes from conceptual design through to completed build within this scale of budget
- With proven skills of working within flexible budgets

**Design brief and associated documents:** [http://www.cheltenham.gov.uk/downloads/file/4274/pittville\\_park\\_play\\_area\\_redevelopment\\_design\\_brief\\_-\\_cbc\\_2015](http://www.cheltenham.gov.uk/downloads/file/4274/pittville_park_play_area_redevelopment_design_brief_-_cbc_2015)

**Approx. value:** £340,000 - £530,000. The council has committed to spending £340,000 with a further amount of funding from other bodies, to be raised in order to complete the project.

**Contract form:** JCT Design and Build 2011

**Contract type:** Works contract

**Procedure type:** Restricted

**CPV code:** 71222000; 45112723; 43325000

**Contract period:** The Council wishes to award a contract by 28 August 2015 and completed by 13 May 2016.

**Estimated timescales:**  
 Invitation to Tender 08 July 2015  
 Tender returns 03 August 2015  
 Shortlisted tender presentations 17 - 18 August 2015  
 Contract award 28 August 2015  
 Site completion handover 13 May 2016

**Evaluation of tenders:**

Price based on design, construction, equipment, whole of life costing	30%
Method statement and adherence to brief and quality of the design concept	40%
Ability to achieve timescales	10%
Previous relevant experience	15%
Appropriate professional accreditations	5%

In addition there are Pass / Fail criterion as stated in the Design Brief.

**Questions of clarification:** Questions of clarification relating to the expressions of interest should be submitted by email to [procurement@cheltenham.gov.uk](mailto:procurement@cheltenham.gov.uk) by 12:00 noon Monday 29 June 2015; to be headed 'Pittville Park Play Area Redevelopment Question of

Clarification.'

**Returns:** Expressions of interest should be registered by email, providing full company address and contact details to [procurement@cheltenham.gov.uk](mailto:procurement@cheltenham.gov.uk) by **1700 hours 03 July 2015**.

We will endeavour to acknowledge your Expressions of Interest by return email within 24 hours of receipt. If you do not receive an emailed acknowledgement within this time would you please contact Procurement on 01242 775055 to confirm that it has been received and registered.



**CERTIFICATE OF NON-COLLUSION  
AND NON-CANVASSING**

**Tender: Pittville Park Play Area Redevelopment CBC 2015-003**

To: **Cheltenham Borough Council, Municipal Offices, Promenade, Cheltenham GL50 9SA**

For the Attention of: **Business Partner - Procurement**

**Statement of non-canvassing**

I/we hereby certify that I/we have not canvassed any member, Director, employee, representative or adviser of Cheltenham Borough Council in connection with the proposed award of the Contract by the Council, and that no person employed by me/us or acting on my/our behalf, or advising me/us, has done any such act.

I/we further hereby undertake that I/we will not canvass any member, Director, employee, representative or adviser of Cheltenham Borough Council in connection with the award of the Contract and that no person employed by me/us or acting on my/our behalf, or advising me/us, will do any such act.

**Statement of non-collusion**

The essence of selective tendering for the Contract is that the Council shall receive bona fide competitive Tenders from all Tenderers.

In recognition of this principle, I/we certify that this is a bona fide offer, intended to be competitive and that I/we have not fixed or adjusted the amount of the offer in accordance with any agreement or arrangement with any other person (except any sub-contractor identified in this offer).

I/we also certify that I/we have not done, and undertake that I/we will not do, at any time any of the following acts:

- (a) communicate to a person other than the Council, the amount or approximate amount of my/our proposed offer except where the disclosure in confidence of the approximate value of the Tender was essential to obtain insurance premium quotations required for the preparation of the Tender; or
- (b) enter into any agreement or agreements with any other person that they shall refrain from tendering or as to the amount of any offer submitted by them; or
- (c) offer or agree to pay or give or actually pay or give any sum of money, inducement or valuable consideration, directly or indirectly, to any person for doing or having done or having caused to be done in relation to any other offer or proposed offer, any act or omission.

I/we agree that the Council may, in its consideration of the offer and in any subsequent actions, rely upon the statements made in this Certificate.

Signed \_\_\_\_\_

Date \_\_\_\_\_

Name: \_\_\_\_\_

Position \_\_\_\_\_

For and on behalf of

\_\_\_\_\_



**Form of Tender**

**Pittville Park Play Area Redevelopment CBC 2015-003**

To: Cheltenham Borough Council

I/We: .....(Name)

*Insert the full legal name of the intending tenderer or all of the intending tenderers (if joint) including 'Ltd' 'plc' or as the case may be.*

*N.B. If the legal name is a business name not followed by 'Ltd' or 'plc' please state the legal nature of the intending tenderer e.g. partnership or sole trader.*

Of: .....(Address)

or

Being a company registered in England/Scotland/.....

Whose registered number is.....(Insert company registration number)

Whose registered office is at .....(Address)

or

Being a partnership comprising: .....

.....

.....(Insert names and addresses of all partners)

hereby undertake to provide and supply all goods and/or services and/or works, and to execute the whole of the Contract in accordance with the tender document pack, which I/We have inspected all details contained therein for the sums quoted. The prices stated in Schedule 6 – Price Schedule are valid for acceptance for a period of 90 days from the date of receipt of Tenders.

In the event of this tender being accepted, I/We hereby undertake to enter into a formal Contract with the Council, for the proper and complete performance of the contract, such Contract to be prepared by One Legal. Each party to such Contract is responsible for their own legal costs.

Dated this: ..... day of ..... 2015

Signed: .....

*(signature(s) of (or on behalf of the Tenderer(s))*

Full name of signatory: .....

Capacity of signatory: .....

On behalf of: .....

.....*(Full name(s) of Tenderer(s))*

The Form of Tender must be duly completed and submitted to Cheltenham Borough Council,  
Municipal Offices, Promenade, Cheltenham, GL50 9SA and marked for the attention of Business  
Partner - Procurement by **no later than 17:00 hours Monday 03 August 2015.**

**TENDER QUESTIONNAIRE CBC 2015-003**

**Schedule 5 - Draft for Information only**

Pittville Park Play Area Redevelopment

Please provide answers to all questions

**1 – Supplier Information**

1.1 Supplier details	Answer	
Name of the company in whose name the tender is submitted		
Registered company address		
Registered company number and date of registration		
Registered charity number (if applicable)		
Registered VAT number		
Registered address, if different from above		
Name of immediate parent company		
Name of ultimate parent company		
Please mark 'X' in the relevant box to indicate your trading status	i) a public limited company	<input type="checkbox"/> Yes
	ii) a limited company	<input type="checkbox"/> Yes
	iii) a limited liability partnership	<input type="checkbox"/> Yes
	iv) other partnership	<input type="checkbox"/> Yes
	v) sole trader	<input type="checkbox"/> Yes
	vi) other (please specify)	<input type="checkbox"/> Yes
Please mark 'X' in the relevant boxes to indicate whether any of the following classifications apply to your organisation	Voluntary, Community and Social Enterprise (VCSE)	<input type="checkbox"/> Yes
	Small or Medium Enterprise (SME)	<input type="checkbox"/> Yes

	For SME classification please state number of employees?	
	Sheltered workshop	<input type="checkbox"/> Yes
	Public Service mutual	<input type="checkbox"/> Yes

<b>1.2</b>	<b>Bidding model / legal form</b>
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**Please mark 'X' in the relevant box to indicate whether you are:**

(a) Bidding as a Prime Contractor and will deliver 100% of the key contract deliverables yourself?	<input type="checkbox"/> Yes
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(b) Bidding as a Prime Contractor and will use third parties to deliver some of the consultancy?	<input type="checkbox"/> Yes
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If yes, please provide details below of your proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contact deliverables each sub-contractor will be responsible for.

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(c) Bidding as a Prime Contract but will operate as a Managing Agent and will use third parties to deliver <u>all</u> of the services?	<input type="checkbox"/> Yes
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If yes, please provide details below of your proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contact deliverables each sub-contractor will be responsible for.

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(d) Bidding as a consortium but not proposing to create a new legal entity?	<input type="checkbox"/> Yes
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If yes, please include details of your consortium below including Consortium members and lead member, explaining the alternative arrangements i.e. why a new legal entity is not being created.

Please note the Council may require the consortium to assume a specific legal form if awarded the contract, to the extent that it is necessary for the satisfactory performance of the contract.

(e) Bidding as a consortium and intend to create a Special Purpose Vehicle (SPV)?

Yes

If yes, please include details of your consortium below including Consortium members, Current lead member and name of Special; Purpose Vehicle and provide full details of the bidding model.

### 1.3 Contact details

Supplier contact details for enquires about this tender questionnaire:

Name

Postal address

Country

Phone

Mobile

Email

### 1.4 Licensing and registration

Please mark 'X' in the relevant box

1.4.1

Registration with a professional body  
If applicable, is your business registered with the appropriate trade or professional register(s) in the EU

Yes

No

If Yes, please provide the registration number in this box.

	member state where it is established (as set out in Annex XI of directive 2014/24/EU) under the conditions laid down by that member state).	
1.4.2	Is it a legal requirement in the state where you are established for you to be licensed or a member of a relevant organisation in order to provide the requirement in this procurement?	<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please provide additional details within this box of what is required and confirmation that you have complied with this.
1.4.3	Has your organisation or your organisation's directors or partners ever failed in obtaining/maintaining relevant licences or membership of an appropriate trading or professional organisation where required by law?	<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please provide additional details within this box of what is required and confirmation that you have complied with this.
<b>2. Grounds for mandatory exclusion</b>		
<p>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 there is disproportionate e.g. only minor amounts involved).</p> <p>If you have answered "Yes" to question 2.2 on the non-payment of taxes or social security contributions, and have not paid or entered into a binding arrangement to pay the full amount, you may still avoid exclusion if only minor tax or social security contributions are unpaid or if you have not yet had time to fulfil your obligations since learning of the exact amount due. If your organisation is in that position</p>		

please provide details below. You may contact the council for advice before completing this form.

<p><b>2.1 Within the past five years, has your organisation (or a member of any proposed consortium, if applicable), Directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?</b></p>	<p>Please indicate your answer by marking 'X' in the relevant box below</p>	
<p>(a) 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?</p>	<p>Yes</p>	<p>No</p>
<p>(b) 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; where the offence relates to active corruption?</p>	<p>Yes</p>	<p>No</p>
<p>(c) The common law offence of bribery?</p>	<p>Yes</p>	<p>No</p>
<p>(d) Bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010; or section 113 of the Representation of People Act 1983?</p>	<p>Yes</p>	<p>No</p>
<p>(e) 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:</p>	<p>Yes</p>	<p>No</p>

(i) the offence of cheating the Revenue?	Yes	No
(ii) the offence of conspiracy to defraud?	Yes	No
(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?	Yes	No
(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?	Yes	No
(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?	Yes	No
(vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice act 1969?	Yes	No
(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?	Yes	No
(viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006?	Yes	No
(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?	Yes	No
(f) Any offence listed below:	Yes	No
(i) in section 41 of the Counter Terrorism Act 2008; or	Yes	No
(ii) in Schedule 2 to that Act where the court has determined that there is a terrorist connection?	Yes	No
(g) Any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by questionnaire number 7.1.7?	Yes	No
(h) Money laundering within the meaning of sections 340(11) and 415 of the proceeds of Crime Act 2002?	Yes	No

(i) 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?	Yes	No
(j) An offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004?	Yes	No
(k) An offence under section 59A of the Sexual Offences Act 2003?	Yes	No
(l) An offence under section 71 of the Coroners and Justice Act 2009?	Yes	No
(m) 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?	Yes	No
(n) Any other offence within the meaning of Article 57(1) of the Public Contracts Directive:	Yes	No
(i) as defined by the law of any jurisdiction outside England and Wales and Northern Ireland?	Yes	No
(ii) created, after the day on which these Regulations were made, in the law of England and Wales and Northern Ireland?	Yes	No
<b>2.2 Non-payment of taxes</b> Has it been established 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 your organisation is established (if outside the UK), that your organisation is in breach of obligations related to the payment of tax or social security contributions?	Yes	No
If you answered Yes to this question please provide details below and to confirm whether you have paid, or have entered into a binding arrangement with a view to paying, including where applicable, any accrued interest and/or fines?		

### 3. Grounds for discretionary exclusion – Part 1

The council may exclude any organisation from the procurement process who answers 'Yes' in any of the following situations set out in paragraphs (a) to (i):

**3.1 Within the past three years, please indicate if any of the following situations have applied, or currently apply, to your organisation.**

Please indicate your answer by marking 'X' in the relevant box below

(a) Your organisation has violated applicable obligations referred to in regulation 56 (2) of the Public Contracts Regulations 2015 in the fields of environmental, social and labour law established by EU law, national law, collective arrangements or by the international environmental, social and labour law provisions listed in Annex X to the Public Contracts Directive as amended from time to time?	Yes	No
(b) Your organisation is bankrupt or is the subject of insolvency or winding-up proceedings, where your assets are being administered by a liquidator or by the court, where it is 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	No
(c) Your organisation is guilty of grave professional misconduct, which renders its integrity questionable?	Yes	No
(d) Your organisation has entered into agreements with other economic operators aimed at distorting competition?	Yes	No
(e) Your organisation has a conflict of interest within the meaning of regulation 24 of the Public Contracts Regulations 2015 that cannot effectively be remedied by other, less intrusive, measures?	Yes	No
(f) The prior involvement of your organisation in the preparation of the procurement procedure has resulted in a distortion of competition, as referred to in regulation 41 that cannot be remedied by other, less intrusive, measures?	Yes	No
(g) Your organisation has shown significant or persistent	Yes	No

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?		
(h) Your organisation: (i) has been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria; or (ii) has withheld such information or is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations?	Yes	No
(i) Your organisation has undertaken to: (aa) unduly influence the decision-making process of the contracting council: or (bb) obtain confidential information that may confer upon your organisation undue advantages in the procurement procedure?	Yes	No
(j) Your organisation has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award?	Yes	No

#### 4. Grounds for discretionary exclusion – Part 2

The council 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.

#### 5. Economic and Financial standing

##### Financial information

(Company turnover assessment requirement may not be set at more than two times the contract value unless justified).

Please provide one of the following to demonstrate your economic / financial standing.

(a) Please indicate the annual turnover of your organisation, and the turnover in respect of the services to which the contract relates, over the last 2 years audited accounts. If your organisation is part of a group, please give figures for both your own organisation and the group.

	Organisation	Annual Turnover	For year
			For year
	Group	Annual Turnover	For year
			For year

(b) If requested, would you be able to provide a statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position?	Yes	No
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(c) If none of the above are available are you able to demonstrate other means of financial status (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).	Yes	No
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(d) Is your organisation part of a wider group (e.g. a subsidiary of a holding/ parent company)? If yes please provide the name below:	Yes	No
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Name of organisation	
Relationship to your organisation completing the tender	

(e) Would the ultimate / parent company be willing to provide a guarantee if necessary?	Yes	No
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**6. Technical and Professional Ability**

**6. Relevant experience, contract examples and references**

Please provide details of at least two contracts, from either the public or private sector, that are relevant to the Council's requirement. Contracts should have been performed during the past three years. VCSE's may include samples of grant funded work.

The named customer contact provided should be prepared to provide written evidence to the council to confirm the accuracy of the information provided below.

Consortia bids should provide relevant examples of where the consortium has delivered similar requirements; if this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle will be created for this contract) then two separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (two examples are not required from each member).

Where the Contractor is a Special Purpose Vehicle or a managing agent not intending to be the main provider of the consultancy, the information requested should be provided in respect of the principal intended provider(s) or sub-contractor(s) who will deliver the consultancy.

		Contract 1	Contract 2	Contract 3
6.1	Name of customer organisation:			
6.2	Point of contact in customer organisation:  Position in the organisation:  Email address:			
6.3	Contract start date:  Contract completion date:  Estimated Contract Value:			
6.4	Please provide a brief description of at least two contracts delivered in no			

	more than 500 words including evidence as to your technical capability in this market.		
6.5	May referees above be approached for a reference / certificate of performance prior to any short-listing, interviews or presentations?	Yes	No
6.6	If you cannot provide at least one contract example in 6.1 to 6.4 above, in no more than 500 words please provide an explanation for this e.g. your organisation is a new start-up.		
6.7	Please provide the CV of the named person(s) who will be put forward to lead and work on this project including professional qualifications / accreditations and a statement below that clearly demonstrates they have the experience and ability to lead the design, management and quality assurance in accordance with the Design Brief. This should include compliance with CDM Regulations where applicable:		
6.8	Please state the numbers of employees who will be involved directly in the		

	design and delivery of this contract and their qualifications relevant to the requirements of the design brief:		
6.9	Does your organisation have an up to date and comprehensive procedure manual?	Yes	No
6.10	Please indicate to which professional body(s) your organisation belongs and/or accreditations it holds relevant to this project?		

7. Insurance			
7.1	Please provide details of your organisation's insurance protection in respect of the following:		
	<b>Public Liability policy</b>	Insurer	Indemnity value in respect of any one incident (£)
	<b>Employers Liability policy</b>	Insurer	Indemnity value in respect of any one incident (£)
	<b>Professional Indemnity policy</b>	Insurer	Indemnity value in respect of any one incident (£)
	<b>All Risks policy</b>	Insurer	Indemnity value in respect of

			any one incident (£)
	<p><b>Please provide copies of policy certificates confirming the above values with your tender submission.</b></p> <p><b>Please note the minimum Pass / Fail criterion requirement for this project is:</b></p> <ul style="list-style-type: none"> <li>• Public Liability Insurance - £5M</li> <li>• Employers Liability Insurance £5M (not applicable to Sole Traders)</li> <li>• Professional Indemnity Insurance - £1M</li> <li>• All Risks Insurance – requirement to be confirmed with tender documentation</li> </ul> <p>Policies must cover for any one occurrence or series of occurrences arising out of one event.</p>		
7.2	If your organisation does not currently have the above minimum level of cover, do you undertake to secure the required insurance cover in the event your organisation being awarded the contract?	Yes	No

## 8. Equality Act 2010

For organisations working outside of the UK please refer to equivalent legislation in the country that you are located.

- (a) The Contractor shall use reasonable endeavours to ensure that they comply with the Equality Act 2010.
- (b) The Contractor agrees to provide the Service in a non-discriminatory manner and shall promote equality following any code of practices issued under any of the above legislation.
- (c) The Council has a responsibility to monitor the equality of the provision of any Services provided by the Contractor. To assist the Council to meet this responsibility, the Contractor agrees, where appropriate and practicable, to work towards providing monitoring information to the Council in relation to employment and service provision in respect of the protected characteristics under the Equality Act 2010.
- (d) The Contractor shall not discriminate directly or indirectly, or by way of victimisation or harassment, against any person on grounds of the protected

characteristics.

- (e) The Contractor shall notify the Council forthwith in writing as soon as it becomes aware of any investigation of or proceedings brought against the Contractor under the above legislation. Where any investigation is undertaken by a person or body empowered to conduct such investigation, and/or proceedings are instituted in connection with any matter relating to the Contractor's performance of this Contract being in contravention of the above legislation, the Contractor shall, free of charge, co-operate fully and promptly in every way required by the person or body conducting such investigation.
- (f) Where any such investigation is conducted or proceedings are brought under the above legislation, which arise directly or indirectly out of any act or omission of the Contractor, its agents or subcontractors, or the employees of the Contractor, and where there is a finding against the Contractor in such investigation or proceedings, the Contractor shall indemnify the Council in respect to all costs, charges and expenses arising out of or in connection with any such investigation or proceedings to cover any costs or payment the Contractor may have been ordered or required to pay to a third party.
- (g) In order for the Council to monitor discrimination and promote equalities and diversity in all its functions and policies, the Contractor may require the Contractor to complete a questionnaire and/or provide information to the Council on the extent and quality of the Contractor's equalities and diversity policies and practice.
- (h) If the Contractor fails to meet the required standards set out in the above legislation or codes of practice and after having been given the opportunity to improve the Council may take further action, including the termination of this Contract.
- (i) The Contractor shall impose similar obligations contained in this clause in any subcontracts that it may enter into in relation to the provision of the Works/Services under this Contract.

8.1	Please confirm your organisation fully complies with the Equality Act 2010	Yes	No
8.2	In the last three years, has any finding of unlawful	Yes	No

	discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)?		
8.3	In the last three years, has your organisation had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds of alleged unlawful discrimination?	Yes	No
	<p>If you answered 'Yes' to either question 8.2 or 8.3 above please provide below a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.</p> <p>If the investigation upheld the complaint against your organisation, please explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.</p> <p>Your organisation may be excluded from the procurement process if you are unable to demonstrate to the Council's satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring.</p>		
8.4	If you use sub-contractors, do you have the processes in place to check whether any of the above circumstances apply to these other organisations?	Yes	No

## 9. Environmental Management

The Council will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last 3 years; unless the council is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches.

9.1	Has your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last three years by any environmental regulator or council (including local council)?	Yes	No
If your answer to this question is 'Yes' please provide details below of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served.			
9.2	If you use sub-contractors, do you have the processes in place to check whether any of these organisations have been convicted or had a notice served upon them for infringement of environmental legislation?	Yes	No

<b>10. Health and Safety</b>			
10.1	Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements.	Yes	No
10.2	Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years?	Yes	No
<p>If your answer to question 10.2 above was 'Yes' please provide details below and any enforcement/ remedial orders served and give details of any remedial action or changes to procedures you have made as a result.</p> <p>The Council will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to the Council's satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches.</p>			
10.3	If you use sub-contractors, do you have the processes in	Yes	No

	place to check whether any of the above circumstances apply to these organisations?		
10.4	Does your organisation have a dedicated member of staff responsible for health and safety, who is a member of a recognised health and safety professional body?	Yes	No

<b>11.</b>	<b>Quality Assurance</b>		
11.1	Please provide details of any quality assurance accreditation that your organisation holds. If no accreditation is held, please briefly outline your quality assurance policy.		
11.2	Registration Number:		
11.3	Please provide details of any quality assurance accreditations for which you have applied?		
11.4	How does your organisation manage and maintain quality standards with your employees?		

<b>12. Method Statement</b>	
12.1	Please provide a method statement which clearly demonstrates a clear understanding of the aims and objectives and outcomes of the project and

	<p>appreciation and identification of the issues and risks arising from it?</p> <p>This must include but not limited to:</p> <p>The management, quality controls and reporting for all aspects of the contract including design, construction, equipment and delivery through to handover.</p> <p>Ensuring compliance with EU and statutory legislation, specifications, of design, materials, goods and workmanship and warranties.</p> <p>Health, Safety and security of the construction site and public safety for the duration of the project.</p> <p>Contingencies and dispute resolution and reporting frequency to client.</p> <p>Compliance with CDM Regulations where applicable.</p>

<b>13. Tender Questionnaire Declaration</b>	
13.1	I declare that to the best of my knowledge the answers submitted in Schedule 5_Tender Questionnaire CBC 2015-003 are correct. I understand

	<p>that the information will be used in the selection / evaluation process to assess my organisation's suitability to be invited to participate further in this procurement that may include short-listing.</p> <p>I understand that the Council may reject my submission if there is a failure to answer all relevant questions fully or if I provide false/misleading information.</p> <p>I declare that there will be no conflict of interest in relation to the Council's requirement or arising from this appointment either now or in the future, with other clients and interest, who may be advised by my organisation.</p> <p>I also declare that if appointed my organisation will maintain the confidentiality of information shared with them during the course of this project and sign a non-disclosure agreement where applicable prior to any confidential information being released to the to the successful contractor.</p> <p>I am signing on behalf of.....<i>(insert name of Contractor)</i></p>	
13.2	Name	
13.3	Role in organisation	
13.4	Date	
13.5	Signature	