National Asset Delivery

Technical Surveys and Testing Contract

**Registration Questionnaire**

**REGISTRATION QUESTIONNAIRE FOR**

**Technical Surveys and Testing CONTRACT**

 **CONTENTS AMENDMENT SHEET**

| **Amend. No.** | **Revision No.** | **Amendments** | **Initials** | **Date** |
| --- | --- | --- | --- | --- |
| 2 | 1 | AFR Rate (Part 3: Para 8.8) amended to 0.08 for Supply Chain | ADP | 13/04/17 |
| 3 | 2 | Non-BRAVO version; to be used via email | ADP | 03/08/17 |
| 4 | 3 | Added areas 10, 6 and 8 to the registered areas. | LPM | 06/12/18 |
| 5 | 4 | In section 8.8 changed the dates from January 2014 to January 2016 | LPM | 20/05/19 |
| 6 | 5 | Section 5.1 (b) updated standard to ISO 44001 | LPM | 04/06/19 |
| 7 | 6 | Removed references for supplier to upload completed documents to Bravo | LPM | 23/08/19 |
| 8 | 6 | Added the e-mail address of National TST as the address for the supplier to send queries and their completed registration documents  | LPM | 23/08/19 |
| 9 | 6 | Added the e-mail address of National TST as the address for the supplier to send their completed registration documents | LPM | 23/08/19 |
| 10 | 7 | Added reference to new asset delivery area 4 | LPM | 22/09/2020 |
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# Guidance on registration questionnaire (rq)

## Notes for Completion

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.
2. “You”/ “Your” or “Supplier” means the potential supplier completing this Registration Questionnaire i.e. the legal entity seeking to be invited to the next stage of the procurement process and responsible for the information provided. The term ‘Supplier’ is intended to cover any economic operator as defined by the Public Contract Regulations 2015 and could be a registered company; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.
3. This Registration Questionnaire (RQ) has been designed to assess the suitability of a Supplier to deliver Highways England’s contract requirement(s). If you are successful at this stage of the procurement process, you will be eligible for the subsequent quotation stage of the process.
4. Please ensure that all questions are completed in full, and in the format requested. Failure to do so may result in your submission not being successful. If the question does not apply to you, please state clearly ‘N/A’ and provide supporting details.
5. Should you need to provide additional Appendices in response to the questions, these are to be numbered clearly and listed as part of your declaration. A template for providing additional information is provided at the end of this document.
6. All correspondence and questions regarding this RQ should be directed to nationaltst@highwaysengland.co.uk
7. This document and additional appendices must be submitted in MS Office 2010 compatible format.
8. Completed registrations should be sent to nationaltst@highwaysengland.co.uk

## Verification of Information Provided

1. Highways England reserves the right to request information at any time throughout the procurement process.

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

1. The standard Selection Questionnaire is a self-declaration, made by you (the potential supplier), 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).
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).

## Supplier Selection Questions: Part 3

1. The procurement document will provide instructions on the selection questions you need to respond to and how to submit those responses. If you are bidding on behalf of a group (consortium) or you intend to use sub-contractors, you should complete all the selection questions on behalf of the consortium and/or any sub-contractors.
2. If the relevant documentary evidence referred to in the Registration Questionnaire is not provided upon request and without delay, Highways England reserves the right to exclude the Supplier from this procurement process.

## Consequences of misrepresentation

1. If you seriously misrepresent any factual information in filling in the Registration Questionnaire, and so induce an authority to enter into a contract, there may be significant consequences. You may be excluded from the procurement procedure, and from bidding for other contracts for three years. If a contract has been entered into you may be sued for damages and the contract may be rescinded. If fraud, or fraudulent intent, can be proved, you or your responsible officers may be prosecuted and convicted of the offence of fraud by false representation, and you must be excluded from further procurements for five years.

## Sub-contracting arrangements

1. Where the Supplier proposes to use one or more subcontractors to deliver some or all of the contract requirements, a separate Appendix is required to provide details of the proposed bidding model. This includes members of the supply chain; the percentage of work being delivered by each subcontractor and the key contract deliverables each subcontractor will be responsible for.
2. Highways England recognises that arrangements in relation to subcontracting may be subject to future change, and may not be finalised until a later date. However, Suppliers should be aware that where information provided to Highways England indicates that subcontractors are to play a significant role in delivering key contract requirements, any changes to those subcontracting arrangements may affect the ability of the Supplier to proceed with the procurement process or to provide the supplies and/or services required. Suppliers must therefore notify Highways England immediately of any change in the proposed subcontractor arrangements. Highways England reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

## Consortia arrangements

1. If the Supplier completing this RQ is doing so as part of a proposed consortium, the following information must be provided;
	* + - * names of all consortium members;
				* the lead member of the consortium who will be contractually responsible for delivery of the contract (if a separate legal entity is not being created); and
				* if the consortium is not proposing to form a legal entity, full details of proposed arrangements within a separate Appendix.
2. Please note that Highways England may require the consortium to assume a specific legal form if awarded the contract, to the extent that a specific legal form is deemed by Highways England as being necessary for the satisfactory performance of the contract.
3. All members of the consortium will be required to provide the information required in all sections of the RQ as part of a single composite response to Highways England i.e. each member of the consortium is required to complete the form.
4. Where you are proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV), you must provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity in a separate Appendix.
5. Highways England recognises that arrangements in relation to a consortium bid may be subject to future change. Suppliers must therefore respond on the basis of the arrangements as currently envisaged. Suppliers are reminded that Highways England must be immediately notified of any changes, or proposed changes, in relation to the bidding model so that a further assessment can be carried out by applying the selection criteria to the new information provided. Highways England reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

## Confidentiality

1. When providing details of contracts in answering section 6 of this RQ (Technical and Professional Ability), the Supplier agrees to waive any contractual or other confidentiality rights and obligations associated with these contracts.
2. Highways England reserves the right to contact the named customer contact in section 6 regarding the contracts included in section 6. The named customer contact does not owe Highways England any duty of care or have any legal liability, except for any deceitful or maliciously false statements of fact.
3. Highways England 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 Public Contract Regulations.

## Format

1. Text must be presented in “Arial” font and be no smaller than 11 point, single-spaced with any page margins set at 2.5cm. Text used for drawings, diagrams and flow charts must be no smaller than 8 point.

## Types of Survey or Test

Full details of the types of surveys/tests and accreditation required are given in Table 01 Annex 0 attached to this document.

Table 01 lists those surveys/tests for which Suppliers may now register.

Please indicate for which type or types of survey/test you wish to register, by marking ‘X’ in the relevant box and indicating if you have the necessary accreditation for that type of survey/test.

It is not necessary to fill in a separate questionnaire for each type of survey/test, however, if your answers to questions differ for different types of survey/test you must explain this in your answer to the question and provide the necessary information for each type of survey/test.

## Geographical Areas

Suppliers must indicate in the following table which Highways England Areas they wish to register for:

|  | Suppliers must indicate which of the Areas listed below they wish to register for by marking ‘X’ in the relevant boxes. | cid:image003.jpg@01D27E19.8E4674F0 |
| --- | --- | --- |
| Area 1 & 2 | Area 4\* | Area 7 | Area 13 | Area 14 | Area 10 | Area6 & 8 |
|  |  |  |  |  |  |  |
|  | Further details of the Areas can be found on the Network Management Map at the following link:<https://www.gov.uk/government/publications/roads-managed-by-highways-england> |

* + - * + Anticipated go live November 2020

# Part 1: Potential Supplier 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.

| Section 1 - Potential Supplier Information |
| --- |
| Question number | Question | Response |
| 1.1(a) | Full name of the potential supplier 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 status1. public limited company
2. limited company
3. limited liability partnership
4. other partnership
5. sole trader
6. third sector
7. 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 ☐No ☐N/A ☐ |
| 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 ☐No ☐ |
| 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(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) | Trading name(s) that will be used if successful in this procurement |  |
| 1.1(l) | Relevant classifications (state whether you fall within one of these, and if so which one)1. Voluntary Community Social Enterprise (VCSE)
2. Sheltered Workshop
3. Public service mutual
 |  |
| 1.1(m) | Are you a Small, Medium or Micro Enterprise (SME)[[1]](#footnote-2)? | Yes ☐No ☐ |
| 1.1(n) | Details of Persons of Significant Control (PSC), where appropriate: [[2]](#footnote-3) - 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;  - Over 25% up to (and including) 50%,  - More than 50% and less than 75%,  - 75% or more. [[3]](#footnote-4)(Please enter N/A if not applicable) |  |
| 1.1(o) | Details of immediate parent company:- 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) (Please enter N/A if not applicable) |  |
| 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) |  |
| 1.1(q) | If you are registered with Construction Line, please insert your Construction Line Reference Number. |  |

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 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 ☐No ☐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 ☐No ☐ |
| 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 Highways England 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 have provided a full list of any Appendices used to provide additional information in response to questions.

I am aware of the consequences of serious misrepresentation.

I also declare that there is no conflict of interest in relation to Highways England’s requirement.

The following appendices form part of our submission;

|  |
| --- |
| 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 |  |

The following appendices form part of our submission;

|  |  |
| --- | --- |
| Section of RQ | Appendix Number |
|  |  |
|  |  |
|  |  |
|  |  |
| Section 1 - Management Systems |
| Does your organisation operate a quality management system which: |
| Question number | Question | Response |
| 1.5(a) | has third party certification to ISO 9001:2008 (or any replacement thereto), | Yes ☐No ☐ |
| 1.5(b) | includes requirements for collaborative behaviour adopting the principles of ISO 44001, | Yes ☐No ☐ |
| 1.5(c) | incorporates an environmental management system working to the principles of ISO 14001 and | Yes ☐No ☐ |
| 1.5(d) | includes risk management Processes working to the principles of ISO 31000. | Yes ☐No ☐ |

The following points outline the behaviours/practices that Highways England would expect to see from an organisation working to the principles of:

BS 11000 - as a minimum, co-operate with other organisations delivering services to the Area in both obtaining and providing information efficiently in connection with its work.  It will also collaborate with Highways England and other suppliers to foster and create a sense of shared, common purpose with the aim of achieving the right outcomes for customers.  Its staff will adopt collaborative behaviours where both Highways England and the Supplier are responsive to the needs of others. It will promote a culture of innovation, share best practice learning, encourage joint understanding of problems and share opportunities for continual improvement.

ISO 31000 - as a minimum, seek to understand, document, quantify and take action to mitigate the risks/maximise the opportunities associated with its activities.

# 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.

| Section 2 - Grounds for Mandatory Exclusion |
| --- |
| Question number | Question | Response |
| 2.1(a) | Regulations 57(1) and (2) The detailed grounds for mandatory exclusion of an organisation are set out on this [Appendix](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf) 1, which should be referred to before completing these questions. Please indicate if, within the past five years you, your organisation 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. |
|  | Participation in a criminal organisation.  | Yes ☐No ☐If Yes, please provide details at 2.1(b) |
|  | Corruption.  | Yes ☐No ☐If Yes, please provide details at 2.1(b) |
|  | Fraud.  | Yes ☐No ☐If Yes, please provide details at 2.1(b) |
|  | Terrorist offences or offences linked to terrorist activities | Yes ☐No ☐If Yes, please provide details at 2.1(b) |
|  | Money laundering or terrorist financing | Yes ☐No ☐If Yes, please provide details at 2.1(b) |
|  | Child labour and other forms of trafficking in human beings | Yes ☐No ☐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 convictedIf 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 ☐No ☐ |
| 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 ☐No ☐ |
| 2.3(b) | If you have answered yes to question 2.3(a), please provide further details. Please also confirm 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. |  |

| Section 3 - Grounds for Discretionary Exclusion  |
| --- |
| Question number | Question | Response |
| 3.1 | Regulation 57 (8)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 you, your organisation or any other person who has powers of representation, decision or control in the organisation. |
| 3.1(a) | Breach of environmental obligations?  | Yes ☐No ☐If yes, please provide details at 3.2 |
| 3.1 (b) | Breach of social obligations?  | Yes ☐No ☐If yes, please provide details at 3.2 |
| 3.1 (c) | Breach of labour law obligations?  | Yes ☐No ☐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 ☐No ☐If yes, please provide details at 3.2 |
| 3.1(e) | Guilty of grave professional misconduct? | Yes ☐No ☐If yes, please provide details at 3.2 |
| 3.1(f) | Entered into agreements with other economic operators aimed at distorting competition? | Yes ☐No ☐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 ☐No ☐If yes, please provide details at 3.2 |
| 3.1(h) | Been involved in the preparation of the procurement procedure? | Yes ☐No ☐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 ☐No ☐If yes, please provide details at 3.2 |
| 3.1(j)3.1(j) - (I)3.1(j) - (ii)3.1(j) –(iii)3.1(j)-(iv) | Please answer the following statementsThe 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.The organisation has withheld such information.The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015.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. | Yes ☐No ☐If Yes, please provide details at 3.2Yes ☐No ☐If Yes, please provide details at 3.2Yes ☐No ☐If Yes, please provide details at 3.2Yes ☐No ☐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) |  |

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.

Conflicts of interest

Highways England may exclude the Supplier if there is a conflict of interest which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.

Where there is any indication that a conflict of interest exists, or may arise then it is the responsibility of the Supplier to inform Highways England, detailing the conflict in a separate Appendix. Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by Highways England should not represent a conflict of interest for the Supplier.

Prior Performance Issues

Highways England may assess the past performance of a Supplier (through a Certificate of Performance provided by a Customer or other means of evidence). Highways England may take into account any failure to discharge obligations under the previous principal relevant contracts of the Supplier completing this RQ. Highways England may also assess whether specified minimum standards for reliability for such contracts are met.

In addition, Highways England may re-assess reliability based on past performance at key stages in the procurement process (i.e. supplier selection, tender evaluation, contract award stage etc.). Suppliers may also be asked to update the evidence they provide in this section to reflect more recent performance on new or existing contracts (or to confirm that nothing has changed).

‘Self-cleaning’

Any Supplier that answers ‘Yes’ to questions in sections 2 and/or 3 should provide sufficient evidence, in a separate Appendix, that provides a summary of the circumstances and any remedial action that has taken place subsequently and effectively “self-cleans” the situation referred to in that question. The supplier has to demonstrate it has taken such remedial action, to the satisfaction of Highways England in each case.

If such evidence is considered by Highways England (whose decision will be final) as sufficient, the economic operator concerned shall be allowed to continue in the procurement process.

In order for the evidence referred to above to be sufficient, the Supplier shall, as a minimum, prove that it has;

* paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
* clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and
* taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

The measures taken by the Supplier shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by Highways England to be insufficient, the Supplier shall be given a statement of the reasons for that decision.

Non-payment of taxes/social security contributions

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

“Occasion of Tax Non-Compliance” means:

1. any tax return of the Supplier submitted to a Relevant Tax Authority on or after 1 October 2012 is found to be incorrect as a result of:
	* + 1. a Relevant Tax Authority successfully challenging the Supplier under the General Anti-Abuse Rule or the Halifax Abuse Principle or under any tax rules or legislation that have an effect equivalent or similar to the General Anti-Abuse Rule or the Halifax Abuse Principle;
			2. the failure of an avoidance scheme which the Supplier was involved in, and which was, or should have been, notified to a Relevant Tax Authority under the DOTAS or any equivalent or similar regime; and/or
2. the Supplier’s tax affairs give rise on or after 1 April 2013 to a criminal conviction in any jurisdiction for tax related offences which is not spent at the Effective Date or to a penalty for civil fraud or evasion.

# Part 3: Selection Questions

| 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 two years, if requested?If no, can you provide one of the following: answer with Y/N in the relevant box | Yes ☐No ☐ |
| (a) A statement of the turnover, Profit and Loss Account/Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year of trading for this organisation. | Yes ☐No ☐ |
| (b) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position. | Yes ☐No ☐ |
| (c) Alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status). | Yes ☐No ☐ |
| 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 this procurement, please self-certify by answering ‘Yes’ or ‘No’ that you meet the requirements set out. | Yes ☐No ☐ |

| 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, please provide further details below: |
| Name of organisation |  |
| Relationship to the Supplier completing these questions |  |
| 5.1 | Are you able to provide parent company accounts if requested to at a later stage? | Yes ☐No ☐ |
| 5.2 | If yes, would the parent company be willing to provide a guarantee if necessary? | Yes ☐No ☐ |
| 5.3 | If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)?  | Yes ☐No ☐ |

Highways England may request additional detailed financial information and supporting evidence in the future as necessary to meet the needs of our business.

##

|  |
| --- |
| Section 6 - Technical and Professional Ability  |
| 6.1 | Relevant experience and contract examples.Suppliers must submit reference contracts that demonstrate they have undertaken all the survey and test work the Supplier is registering for. A single reference contract may be submitted to demonstrate a Supplier has undertaken more than one type of survey or test, this must be made clear. At least one reference contract must demonstrate the Supplier has carried out work in a highways environment (such as Highways Agency, Highways England, or local Highways authorities), or Network Rail environment, or similar. Reference contracts must have been completed within the last 3 years or have been ongoing for at least 12 months.Where the nature of a survey or test is laboratory based and therefore does not require the Supplier to undertake the testing in a highways environment, or Network rail environment or similar, the Supplier should submit reference contracts that demonstrate they have undertaken all the survey and test work they are registering for. Reference contracts must have been completed within the last 3 years or have been ongoing for at least 12 months.The named contact provided should be able to provide written evidence 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 is to be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (three examples are not required from each member).Where the Supplier is a Special Purpose Vehicle, or a managing agent not intending to be the main provider of the supplies or services, the information requested should be provided in respect of the main intended provider(s) or sub-contractor(s) who will deliver the contract.If you cannot provide examples, see question 6.3 |

|  |
| --- |
| Reference Contracts |
| Reproduce this Table for each reference contract submitted |
| Name of customer organisation |  |
| Name of Contract |  |
| Point of contact in the customer organisation |  |
| Position in the organisation |  |
| E-mail address |  |
| Contract Start date |  |
| Contract completion date |  |
| Estimated contract value |  |
| Description of contract in no more than 500 words, including evidence as to your technical capability in this market. |
|  |
| 6.2 | Where you intend to sub-contract a proportion of the contract, please demonstrate how you have previously maintained healthy supply chains with your sub-contractor(s)Evidence should include, but is not limited to, details of your supply chain management tracking systems to ensure performance of the contract and including prompt payment or membership of the UK Prompt Payment Code (or equivalent schemes in other countries) |
|  |  |

|  |  |
| --- | --- |
| 6.3 | If you cannot provide at least one example for questions 6.1, 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. |
|  |  |

|  |
| --- |
| Section 7 - Modern Slavery Act 2015 |
|  | Requirements under Modern Slavery Act 2015 |
| 7.1 | Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")?Note: A relevant commercial organisation is one that carries on a business in the UK with a total annual turnover of £36m or more. | Yes ☐N/A ☐ |
| 7.2 | 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?Note: The relevant organisation must prepare a slavery and human trafficking statement for each financial year. The statement sets out the steps the organisation has taken in the financial year to ensure that slavery and human trafficking is not taking place:* + - * + in any of its supply chains, and
				+ in any part of its own business.
 | Yes ☐Please provide the relevant url …No ☐Please provide an explanation |
| Section 54 of the Act is available at <http://www.legislation.gov.uk/ukpga/2015/30/section/54/enacted#section-54-2>Further guidance is available at <https://www.gov.uk/government/publications/transparency-in-supply-chains-a-practical-guide>. |

## Section 8 - Additional Questions

Suppliers who self-certify that they meet the requirements for these additional modules will be required to provide evidence of this if they are successful at quotation stage. Sections 8.7 and 8.8 require evidence to be provided and will be assessed by Highways England. Please indicate your answer by marking ‘X’ in the relevant boxes.

| 8.1 - Insurance |
| --- |
| 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: |
| a. | Third Party Public & Products Liability Insurance* Limit of indemnity of ten million pounds (£10,000,000) in respect of any one occurrence, the number of occurrences being unlimited in any annual policy period, but ten million pounds (£10,000,000) any one occurrence and in the aggregate per annum in respect of products and pollution liability.
 | Yes ☐No ☐ |
|  | Professional Indemnity Insurance* Limit of indemnity of not less than five million pounds (£5,000,000) in respect of any one claim the number of claims being unlimited in any annual policy period and in the annual aggregate in respect of pollution and contamination. An inner limit of one million pounds (£1,000,000) in respect of any one claim and in the annual aggregate in respect of asbestos.
 | Yes ☐No ☐ |
|  | Employers Liability Insurance* Limit of indemnity of ten million pounds (£10,000,000) in respect of any one occurrence the number of occurrences being unlimited in any annual policy period or as required by statute whichever is the higher.
 | Yes ☐No ☐ |
| A Supplier who answers “No” to any of the questions will Fail and be excluded from further consideration. |
| 8.2 - Skills and Apprentices[[4]](#footnote-5) - Not Used |   |

|  |  |
| --- | --- |
| 8.3 - Steel[[5]](#footnote-6) - Not Used |   |

| 8.4 - Suppliers’ Past Performance[[6]](#footnote-7) - Not used |   |
| --- | --- |

| 8.5 - Compliance with Equality Legislation |
| --- |
| For organisations working outside of the UK please refer to equivalent legislation in the country that you are located. |
| a. | In the last three years, has any finding of unlawful discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)? | Yes ☐No ☐ |
| b. | In the last three years, has your organisation had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds or alleged unlawful discrimination?  If you have answered “yes” to one or both of the questions in this module, please provide, as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.You may be excluded if you are unable to demonstrate to Highways England’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring.  | Yes ☐No ☐ |
| c. | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | Yes ☐No ☐ |

| 8.6 - Environmental Management |
| --- |
| a. | Has your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last three years by any environmental regulator or authority (including local authority)? If your answer to this question is “Yes”, please provide details in a separate Appendix of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served.Highways England will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last 3 years, unless Highways England is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches. | Yes ☐No ☐ |
| b. | If you use sub-contractors, do you have processes in place to check whether any of these organisations have been convicted or had a notice served upon them for infringement of environmental legislation? | Yes ☐No ☐ |

| 8.7 - Health and Safety Policy and Capability Part 1 |
| --- |
| You must provide all the information/evidence required in this section. Please provide details in separate Appendices.Scoring: PASS/FAIL |
| **Exemptions:** If you meet the criteria below and you can provide supporting evidence, you do not need to complete the following health and safety questions nos c. to i. However, you must still complete Section E2.* You hold a UKAS or equivalent, accredited independent third party certificate of compliance with BS OHSAS 18001.
 |
| a. | Are you claiming exemption? |  Yes |  No | What is the name of the scheme/certificate? |
| b. | Are you providing a copy of the certificate? |  Yes |  No |
|  | Question | Response |
| c. | Are you able to demonstrate that you have a policy and organisation for health and safety (H&S) management?You are expected to have and implement an appropriate policy, regularly reviewed and signed off by the Managing Director or equivalent.The policy must be relevant to the nature and scale of your work and set out the responsibilities for health and safety management at all levels within the organisation. |  |
| Evidence provided? |  Yes |  No |
| d. | Are you able to demonstrate arrangements/ procedures for ensuring that your H&S measures are effective in reducing/preventing incidents, occupational ill-health and accidents?These should set out the arrangements for health and safety management within the organisation and should be relevant to the nature and scale of your work. They should set out how the company will discharge their duties under CDM2015.There should be a clear indication of how these arrangements are communicated to the workforce. |  |
| Evidence provided? |  Yes |  No |
| e. | Do you have access to competent H&S advice/assistance – both general and construction sector related?The HSE define competence as “the combination of training, skills, experience and knowledge that a person has and their ability to apply them to perform a task safely” <http://www.hse.gov.uk/competence/what-is-competence.htm>Your organisation, and your employees, must have ready access to competent health and safety advice, preferably from within your own organisation.The advisor must be able to provide general health and safety advice, and also (from the same source or elsewhere) advice relating to construction health and safety issues. |  |
| Evidence provided? |  Yes |  No |
| f. | Do you have a policy and process for providing your workforce with training and information appropriate to the type of work for which your organization is likely to bid?You should have in place, and implement, training arrangements to ensure your employees have the skills and understanding necessary to discharge their duties as contractors, designers or Principal Designers. You should have in place a programme for refresher training, for example a Continuing Professional Development (CPD) programme or life-long learning which will keep your employees updated on new developments and changes to legislation or good health and safety practice. This applies throughout the organisation - from Board or equivalent, to trainees. |  |
| Evidence provided? |  Yes |  No |
| g. | Does your workforce have H&S or other relevant qualifications and experience sufficient to implement your H&S policy to a standard appropriate to the work for which your organization is likely to bid?Employees are expected to have the appropriate qualifications and experience for the assigned tasks, unless they are under controlled and competent supervision. |  |
| Evidence provided? |  Yes |  No |
| h. | Do you check, review and where necessary improve your H&S performance?You should have a system for monitoring your procedures, for auditing them at periodic intervals, and for reviewing them on an ongoing basis. |  |
| Evidence provided? |  Yes |  No |
| i. | Do you have procedures in place to involve your workforce in the planning and implementation of H&S measures?You should have, and implement, an established means of consulting with your workforce on health and safety matters. |  |
| Evidence provided? |  Yes |  No |

|  |
| --- |
| 8.8 - Health and Safety Policy and Capability Part 2 |
| You must provide all the information/evidence required in this section. Please provide details in separate Appendices.Scoring: PASS/FAIL |
| Assessment of suitability to be registered for the intended works will be made by Highways England based on the supplier being able to demonstrate an acceptable level of safety performance with the ability to learn from experience and apply appropriate improvement measures. Highways England’s target Accident Frequency Rate (AFR) for supply chain is 0.08 (since April 2016) however the assessment of suitability seeks to be based on sound judgement, rather than just the application of an AFR test. |
| The following information must be provided for the last three years (from 1st January 2016 to present day): |
|  | Question | Response |
| a. | 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)?If your answer to this question was “Yes”, please provide details in a separate Appendix of any enforcement/remedial orders served and give details of any remedial action or changes to procedures you have made as a result. Highways England will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to Highways England’s satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches. |   |
| b. | Has your organisation or any of its Directors or Executive Officers been prosecuted by Health and Safety Executive (or equivalent body) for a health or safety matter?If your answer to this question was “Yes”, please provide details in a separate Appendix.Highways England will exclude bidder(s) that have been prosecuted for a health or safety matter unless the bidder(s) can demonstrate to Highways England’s satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches. |  |
| c. | If you use sub-contractors, give a short summary of the processes in place to check whether any of the above circumstances apply to these other organisations. |  |
| e. | Confirm the total number of work-related fatalities and (if any) provide brief details to explain what happened. |  |
| f. |  Provide the total number of all lost time incidents in the period (where lost time is equal to or greater than one working shift) and give brief details of each one. |  |
| g. | Provide (in a separate annex) your 12 month rolling accident frequency rate for all lost time incidents (where lost time is equal to or greater than one working shift) for the period. (month by month detail is required) |  |
| h. |  Provide your 12 month rolling RIDDOR accident frequency rate for the period.. (month by month detail is required) |  |
| i. | Provide details of actions taken to improve safety performance over the last three years. (250 words max) |  |

| 8.9 - Information Assurance  |
| --- |
| Every Government Department is required to take suitable precautions to safeguard its information. Information Assurance is the confidence that information and communications systems will protect the information they handle, and will function as and when they need to under the control of legitimate users. Suppliers are to cover the questions below and provide descriptions of their proposals for handling information where appropriate so that the suitability of their proposed Information Assurance solutions can be assessed. You must provide all the information/evidence required in this section. Please provide details in separate Appendices. |
| Question | Response |
| a. | Do you have a Data handling policy?Supplier to describe its current data handling policy  | Yes ☐No ☐ |
| b. | Do you have a quality management system (QMS)?Supplier to describe this system in relation to information assurance / data handling.  | Yes ☐No ☐ |
| c. | Supplier to confirm that it has read and understood Highways England*’s* data handling / information assurance policy | Yes ☐No ☐ |
| d. | Supplier to confirm that its methods of storing data (electronic and paper based copies) meet the requirements of Highways England*’s* data handling policy.Supplier to describe these methods and show how they will align with Highways England*’s* policy.  | Yes ☐No ☐ |
| e. | Is/ will the data be stored in an EU country?If data is being stored in EU country Supplier to state where and provide evidence to demonstrate that they are adhering to the EU Legislation and describe how it is meeting those requirements.If a non-EU country Supplier to state where and provide evidence to demonstrate that it is adhering to this legislation and describe how it is meeting those requirements. | Yes ☐No ☐ |
| f. | Supplier to confirm that its IT equipment (including PCs, lap tops and removable media) aligns with Highways England*’s* data handling policy.Supplier to describe how. | Yes ☐No ☐ |
| g. | Supplier to confirm that the methods of transferring data between approved parties meet the requirements of Highways England*’s* data handling policy.Supplier to describe how. | Yes ☐No ☐ |
| h. | Supplier to confirm that the retention of data files (both electronic and paper based copies) meets the requirements of Highways England*’s* records management policy.Supplier to describe how. | Yes ☐No ☐ |
| i. | Supplier to confirm that the disposal of data (both electronic and paper based) meets the requirements of Highways England*’s* records management policy.Supplier to describe how. | Yes ☐No ☐ |
| j. | Supplier to confirm its processes for handling data marked as “Official Sensitive” meets the requirements of Highways England’s data and record management policies.Supplier to describe how. | Yes ☐No ☐ |

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| 8.10 - Small and Medium Sized Enterprises (SME) Subcontracting Statement |
| Highways England is committed to removing barriers to SME participation in its contracts and this includes subcontracting opportunities. If you are proposing to subcontract part of these contracts, you should provide assurance that you have considered how SMEs could play a part and details of the measures you have put in place to encourage and enable their participation as your Subconsultants. If you are awarded the contract, we will ask you to provide regular information about your spend with SMEs under the contract and may publicise good practice on our websites and report such expenditure to other Government Department.A SME subcontracting statement is not required if the Supplier has classified itself as a SME. |
|  |

## Template for Appendices

|  |  |
| --- | --- |
| Appendix Number  |  |
| RQ section  |  |
| Question number  |  |
|  |

# registration questionnaire evaluation process

## Important Notice

Highways England will exclude a Supplier 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 us.

## Section 1 - Potential Supplier Information

For information only, however, if relevant information is not provided in response to 1.1(i) and 1.1(j) the Supplier may be excluded**.**

## Section 1 - Bidding Model

If relevant additional information is not provided for 1.2 (b) the Supplier may be excluded**.**

## Section 1 - Contact Details and Declaration

For information only. If not fully completed the Supplier may be excluded**.**

## Section 1 - Management Systems

A Supplier who answers “No” to any of the questions will Fail and be excluded from further consideration.

## Section 2 - Grounds for Mandatory Exclusion

This is a pass/fail test, the criteria are set out in Annex 1. A Supplier who does not pass the test will be excluded from further consideration**.**

##  Section 3 - Grounds for Discretionary Exclusion

This is a pass/fail test, the criteria are set out in Annex 2.

A Supplier who does not pass the test may be excluded from further consideration if it cannot demonstrate to Highways England’s satisfaction that appropriate remedial action has been taken to prevent further non-compliances.

Suppliers are required to notify of any potential conflicts of interest. Where a ‘no’ response is provided in RQ paragraph 3.1 the Supplier will receive a pass. Where a ‘no’ response cannot be given,

1. Highways Englandis entitled to exclude a Supplier from further consideration;
2. Suppliers may set out set out in a separate document the relevant details and may offer a written demonstration that the factors that might give rise to a conflict of interest are not capable of distorting competition or contract delivery and management or that appropriate measures can be put in place to minimise the risk. Highways England will consider such written demonstration and may fail the Supplier from any further consideration in this procurement process if the written demonstration does not satisfy Highways England that the conflict of interest or its risk will be fully mitigated.

## Sections 4 and 5 - Economic and Financial Standing

Financial Source Data

Highways England will use different sources of information as part of the evaluation process.

Suppliers will be asked to provide the financial information described in items 4.1 and 4.2 of Section 4.

In addition;

* where the Suppliers organisation is a subsidiary in a group, the financial information described in items 5.1, 5.2 and 5.3 of Section 5 is to be provided for the organisation with overall responsibility for the group and
* where a consortium or association is proposed, the financial information described in items 5.1, 5.2 and 5.3 of Section 5 is to be provided for each member of the consortium.

If a Supplier is able to confirm that all the required financial information will be provided when requested within the timescales given, the Supplier will Pass this section. Otherwise Highways England will Fail the Supplier from any further consideration in this procurement process.

Potential Quotation Stage Assessment

Highways England may request additional detailed financial information and supporting evidence in the future as necessary to meet the needs of our business.

Registered Suppliers’ economic and financial standing may be assessed further at Quotation stage for individual surveys and testing work. Highways England will consider the risk exposure caused by economic and financial standing of Suppliers for each individual work, considering factors such as value, duration and liability of the individual work to be undertaken. Where Highways England considers the risk exposure requires additional assessment of Suppliers’ economic and financial standing, the financial information will be requested at Quotation stage and the below assessment undertaken.

The assessment of economic and financial standing risk seeks to be based on sound business judgement, rather than just the application of formulae, and Highways England will avoid imposing overly restrictive turnover requirements unless there are good reasons for doing so.

Evaluation of the financial information provided at Quotation Stage

The following financial indicators are used to assess the candidate’s suitability and stability to determine if they pass Financial Assessment at Quotation Stage

Information taken from accounts:

1. The Current Ratio (Current Assets/Current Liabilities). 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.
* A current ratio of less than 0.8 is a FAIL, unless there are mitigating factors***[[7]](#footnote-8)***
1. Total Liabilities/Shareholder Funds ratio is a basic test of a company’s solvency.
* A total liabilities/shareholder funds ratio more than 4 is a FAIL.
* If both of the above ratios have a FAIL score, then the overall financial assessment score is a FAIL.
1. Profit/Loss before
2. Pre-tax loss of more than 50% of net assets is a FAIL
3. Pre-tax loss of more than 5% turnover and pre-tax loss for 3 years is a FAIL.
4. **The CVT Calculation and evaluation will be carried out at quotation stage.** The Annualised Contract Value/Turnover ("CVT”) Calculation indicates whether a business runs the risk of overtrading and short term insolvency. This is an analysis of the size of the proposed annual contract relative to the annual Supplier turnover.

If;

* the Supplier’s minimum yearly turnover is less than twice the contract value; and
* the annualised contract value exceeds 50% of the Supplier’s turnover this is a FAIL.
* If the contract value has a range, then the mid-point range is taken for comparison purposes



**Figure 1**

D& B information

1. D&B Comprehensive report **[[8]](#footnote-9)**

D&B Risk Indicator**[[9]](#footnote-10)**. 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 FAIL

1. D&B Failure Score**[[10]](#footnote-11)**. The D&B Failure Score is a relative measure of risk from 1 to 100, where ‘1’ represents organisations that have the highest probability of failure in the next 12 months and ‘100’ the lowest probability of failure.
2. D&B Delinquency Indicator**[[11]](#footnote-12)**

## Section 6 - Technical and Professional Ability

The assessment of Technical and Professional Ability will be based on the information supplied in the Reference Contracts. Customer organisations may be contacted to verify information.

If a Supplier does not submit a reference contract that demonstrates they have undertaken the survey or testing work they are registering for they will Fail for that area work.

If a Supplier does not submit at least one reference contract that demonstrates the Supplier has carried out work in a highways environment (such as Highways Agency, Highways England, or local Highways authorities), or Network Rail environment, or similar they will Fail for all work areas.

If a reference contract has not been completed within the last 3 years or have been ongoing for at least 12 months the Supplier will Fail for those work areas.

## Section 7 - Modern Slavery Act 2015

## To be advised

## Section 8.1 - Insurance

Will be assessed in accordance with the Registration Questionnaire table in the relevant section.

## Section 8.2 - Skills and Apprentices

Not Used

## Section 8.3 – Steel

Not Used

## Section 8.4 - Suppliers’ Past Performance

Not Used

## Section 8.5 - Compliance with Equality Legislation

Will be assessed in accordance with the Registration Questionnaire table in the relevant section.

## Section 8.6 - Environmental Management

Will be assessed in accordance with the Registration Questionnaire table in the relevant section.

## Section 8.7 & 8.8 - Health and Safety Policy and Capability

Will be assessed in accordance with the Registration Questionnaire table in the relevant section.

## Section 8.9 - Information Assurance

This section is assessed on a pass /fail basis. If Supplier's answer ‘no’ to any of the questions it does not mean they would fail, however they must provide enough information to show that their policies and processes will align to Highways England’s policy. Further clarification may be requested by the Procurement Officer to clarify any aspect of the response.

## Section 8.10 - SME Subcontracting Statement

If you are awarded a contract, Highways England will ask you to provide regular information about your spend with SMEs under the contract and may publicise good practice on our websites and report such expenditure to other Government Departments.

The statement does not form part of the Registration evaluation process and will not be assessed.

# ANNEX 0 - types of SurveyS and Tests

#

See separate Microsoft Excel Worksheet

“National ARP Surveys and Tests Annex 0 Issue 2 Revision 0”

# Annex 1 - 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 supplier under the General Anti – Abuse Rule (GAAR) or the “Halifax” abuse principle; or
* a tax authority in a jurisdiction in which the potential supplier is established successfully challenging it under any tax rules or legislation that have an effect equivalent or similar to the GAAR or “Halifax” abuse principle;
* a failure to notify, or failure of an avoidance scheme which the supplier is or was involved in, under the Disclosure of Tax Avoidance Scheme rules (DOTAS) or any equivalent or similar regime in a jurisdiction in which the supplier is established

**Other offences**

Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any jurisdiction outside England, Wales and Northern Ireland

Any other offence within the meaning of Article 57(1) of the Directive created after 26th February 2015 in England, Wales or Northern Ireland

# ANNEX 2 - 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 supplier may be excluded from bidding for contracts for three years, under regulation 57(8)(h)(i) of the PCR 2015;
* The contracting authority may sue the supplier for damages and may rescind the contract under the Misrepresentation Act 1967.
* If fraud, or fraudulent intent, can be proved, the potential supplier or the responsible officers of the potential supplier may be prosecuted and convicted of the offence of fraud by false representation under s.2 of the Fraud Act 2006, which can carry a sentence of up to 10 years or a fine (or both).
* If there is a conviction, then the company must be excluded from procurement for five years under reg. 57(1) of the PCR (subject to self-cleaning).
1. See EU definition of SME <https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en> [↑](#footnote-ref-2)
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](https://www.gov.uk/government/publications/guidance-to-the-people-with-significant-control-requirements-for-companies-and-limited-liability-partnerships). [↑](#footnote-ref-3)
3. Central Government contracting authorities should use this information to have the PSC information for the preferred supplier checked before award. [↑](#footnote-ref-4)
4. [Procurement Policy Note 14/15– Supporting Apprenticeships and Skills Through Public Procurement](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/456805/27_08_15_Skills__Apprenticeships_PPN_vfinal.pdf) [↑](#footnote-ref-5)
5. [Procurement Policy Note 16/15– Procuring steel in major projects](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/473545/PPN_16-15_Procuring_steel_in_major_projects.pdf) [↑](#footnote-ref-6)
6. [Procurement Policy Note 04/15 Taking Account of Suppliers’ Past Performance](https://www.gov.uk/government/publications/procurement-policy-note-0415-taking-account-of-suppliers-past-performance) [↑](#footnote-ref-7)
7. **2**The financial evaluation process is designed to take an informed view of a company’s financial status in the context of the country, market and category the Supplier sits within, rather than simply applying arbitrary rules or ratios.

For this reason there may be a number of mitigating factors that would result in a FAIL marking being changed to a PASS.

It is not possible to list here every mitigating factor that may be considered on an discrete basis; However, examples of mitigating factors could include a Loss before Tax failure, where the candidate has engaged in extensive or long term research and development, capital investment or expansion through acquisition, where all other aspects of the Supplier and/or its parent’s performance indicate that the Supplier is in a sound financial position [↑](#footnote-ref-8)
8. 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 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. [↑](#footnote-ref-9)
9. 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 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.

5 This measure indicates how an organisation’s risk of failure compares to other organisations in same country and industry segment.

6 The D&B Delinquency Score predicts the likelihood that an organisation will pay its bills in a severely delinquent manner over the next 12 month. “Delinquency” is defined as an organization that according to Trade Experiences collected by D&B had paid less than 75% of Trade Experiences within terms and more than 10% paid 90+ days late. [↑](#footnote-ref-10)
10. [↑](#footnote-ref-11)
11. [↑](#footnote-ref-12)