

Selection Questionnaire (SQ)

**Framework Agreement for the Appointment of an Office Holder in Criminal Confiscation
and Civil Recovery Cases – PR 2022 112**

Conducted under PCR 2015 Open Procedure

Notes for completion

1. The “authority” means the contracting authority, or anyone acting on behalf of the contracting authority, that is seeking to invite suitable candidates to participate in this procurement process.
2. “You” / “Your” refers to the potential supplier completing this standard Selection Questionnaire i.e. the legal entity responsible for the information provided. The term “potential supplier” is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 (referred to as the “regulations”) and could be a registered company; the lead contact for a group of economic operators; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.
3. Please ensure that all questions are completed in full, and in the format requested. If the question does not apply to you, please state ‘N/A’. Should you need to provide additional information in response to the questions, please submit a clearly identified attachment.
4. The authority recognises that arrangements set out in part 1, section 2 of the standard Selection Questionnaire, in relation to a group of economic operators (for example, a consortium) and/or use of subcontractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the authority immediately of any change in the proposed arrangements and ensure a completed part 1 and part 2 is submitted for any new organisation relied on to meet the selection criteria. The authority will make a revised assessment of the submission based on the updated information.
5. For part 1 and part 2 every member of your bidding group/consortium, and any subcontractor that is being relied on to meet the selection criteria, must complete and submit the self-declaration.
6. For the mandatory exclusion grounds (part 2, sections 1 and 2), you must complete the declaration for all relevant persons and entities. There are two categories of persons and entities:
 - members of your administrative, management or supervisory board; secondly, entities and persons who have powers of representation, decision or control. You must decide, depending on the nature and structure of the entity or person who is bidding, which entities and persons this applies to in your particular circumstances. Clearly, members of your administrative, management or supervisory board should be easily identifiable and will cover company directors (or equivalent for other types of corporate entities) and members of an executive board.
 - the second category of those with powers of representation, decision or control, is likely to be more complicated. As an illustration, entities or persons with 25% or more shareholding (or equivalent for other types of corporate entities) are likely to have powers or representation, decision or control, although those with a lower

shareholding may still have the relevant powers depending on their particular rights. Similarly, your ultimate parent company (or equivalent for other types of corporate entities) is likely to have powers of representation, decision or control. Depending on your particular structure, intermediate parent companies who do not have a direct shareholding, directors or members of an executive board of your immediate parent company (for example in the case of a Special Purpose Vehicle (SPV) set up specifically to bid for a particular contract), and holders of mortgages or liens may be covered. It isn't necessary to identify which entities and persons you think are covered but you must be satisfied that your declaration is made in respect of all of those that are covered.

7. For answers to part 3 – If you are bidding on behalf of a group, for example, a consortium, or you intend to use subcontractors, you should complete all of the questions on behalf of the consortium and/ or any subcontractors, providing one composite response and declaration.

8. The authority confirms that it will keep confidential and will not disclose to any third parties any information obtained from a named customer contact, other than to the Cabinet Office and/or contracting authorities defined by the regulations, or pursuant to an order of the court or demand made by any competent authority or body where the authority is under a legal or regulatory obligation to make such a disclosure.

9. The Public Procurement Review Service allows government suppliers and potential government suppliers to raise concerns anonymously about unfair public sector procurement practice. The government can then investigate and resolve these concerns for contracting authorities as listed in [Schedule 1](#) of the Public Contracts Regulations 2015. To use the Public Procurement Review Service, [read the terms](#) and email:

publicprocurementreview@cabinetoffice.gov.uk or phone 0345 010 3503.

Part 1, Section 1 - Your Information		
Question/ Note	Details	Mandatory
Note	<p>Before you complete this questionnaire, please ensure that you have read the Invitation to Tender and its attachments.</p> <p>Please answer the following questions in full. Bidders must ensure that every organisation on which they will rely to meet the selection criteria completes and submits their own answers and declaration for part 1 and 2.</p> <p>Unless otherwise stated your responses will be evaluated on a pass/fail basis.</p>	-
(a) Supplier Name	Name (if registered, please give the registered name)	Y
(b) - (i) Office Address	Registered office address (if applicable) or head office address	Y
(b) - (ii) Website Address	Registered website address (if applicable)	N
(c) Trading Status	<p>Trading status:</p> <p>a) public limited company</p> <p>b) private limited company</p> <p>c) limited liability partnership</p> <p>d) other partnership</p> <p>e) sole trader</p> <p>f) third sector</p> <p>g) other (please specify your trading status)</p>	Y
(d) Date of Registration	Date of registration (if applicable) or date of formation	Y
(e) Registration number	Registration number (company, partnership, charity, etc if applicable)	N
(f) VAT Number	Registered VAT number	Y

(g) - (i) Professional or Trade Register(s)	Are you registered with the appropriate professional or trade register(s) specified for this procurement in the member state where your organisation is established?	Y
(g) - (ii) Relevant Details	If you responded YES to 1.1(g) - (i), please provide the relevant details, including the name of the register and registration number(s) and, if evidence of registration is available electronically, please give the website address, issuing body and reference number.	N
(h) - (i) Legal Requirements	For procurements for services only, is it a legal requirement in the country where you are established for you to: a) possess a particular authorisation, or b) be a member of a particular organisation, to provide the requirements specified in this procurement?	Y
(h) - (ii) Additional Details	If you responded YES to 1.1(h) - (i), please provide additional details of what is required, confirmation that you have complied with this and, if evidence of compliance is available electronically, please give the website address, issuing body and reference number.	N
(i) Classifications	Relevant classifications (state whether you fall within one of these, and if so which one): (a) Voluntary Community Social Enterprise (VCSE) (b) Sheltered Workshop (c) Public Service Mutual (Please enter N/A if not applicable)	Y
(j) Enterprise Type	Are you a Small, Medium or Micro Enterprise (SME)? (see EC definition of SME https://single-market-economy.ec.europa.eu/smes/sme-definition_en)	Y
(k) PSC Details	Details of Persons with Significant Control (PSC)*, where appropriate**: - Name; - Date of birth; - Nationality; - Country, state or part of the UK where the PSC usually lives;	Y

	<ul style="list-style-type: none"> - Service address; - The date they became a PSC in relation to the company; - Which conditions for being a PSC are met: <ul style="list-style-type: none"> a) Over 25% up to (and including) 50%, b) More than 50% and less than 75%, c) 75% or more. <p>*UK companies, Societates European (SEs) and limited liability partnerships (LLPs) are required to identify and record the people who own or control their company. Companies, SEs and LLPs are required to keep a PSC register, and must file the PSC information with the central public register at Companies House. See PSC guidance (https://www.gov.uk/government/publications/guidance-to-the-people-with-significant-control-requirements-for-companies-and-limited-liability-partnerships). Overseas bidders are required to provide equivalent information.</p> <p>**Only information that relates to the persons with powers of representation, decision or control within the meaning of regulation 57(2) can be considered in relation to the mandatory exclusion grounds and other details are requested for information only.</p> <p>(Please enter N/A if not applicable)</p>	
(l) Immediate Parent Company Details	<p>Details of immediate parent company:</p> <ul style="list-style-type: none"> - Full name of the immediate parent company - Registered (if applicable) or head office address - Registration number (if applicable) - VAT number (if applicable) <p>(Please enter N/A if not applicable)</p>	Y
(m) Ultimate Parent Company Details	<p>Details of ultimate parent company:</p> <ul style="list-style-type: none"> - Full name of the ultimate parent company - Registered (if applicable) or head office address - Registration number (if applicable) - VAT number (if applicable) 	Y

	(Please enter N/A if not applicable)	
Note	A criminal record check for relevant convictions may be undertaken for the preferred supplier and all relevant persons and entities (as described above).	-
Part 1, Section 2 - Bidding Model		
Note	Please provide the following information about your approach to this procurement:	-
(a) - (i) Single supplier, group or consortium	Are you bidding as a single supplier or as part of a group or consortium?	Y
(a) - (ii) Additional details for group or consortium	<p>If you are bidding as part of a group or consortium (including where you intend to establish a legal entity to deliver the contract), please tell us:</p> <p>a) The name of the group/consortium.</p> <p>b) The proposed structure of the group/consortium, including the legal structure where applicable.</p> <p>c) The name of the lead member in the group/consortium.</p> <p>d) Your role in the group/consortium (e.g. lead member, consortium member, subcontractor).</p> <p>e) If you are the lead member in the group/consortium, whether you are relying on other consortium members to meet the selection criteria (i.e. are you relying on other consortium members for economic and technical standing and/or technical and professional ability?) and, if so, which criteria you are relying on them for.</p>	N
(b) Sub-contractors	<p>If you are proposing to use a supply chain please provide the following details for each subcontractor/supply chain member.</p> <ul style="list-style-type: none"> ● Name ● Registration number ● Registered or head office address ● Trading status a) public limited company, b) private limited company, c) limited liability partnership, d) other partnership, e) sole trader, f) third sector, g) other (please specify the trading status) ● Registered VAT number 	N

	<ul style="list-style-type: none"> ● SME? ● The role each subcontractor will take in providing the works and /or supplies e.g. key deliverables. ● The approximate % of contractual obligations assigned to each subcontractor ● Is the subcontractor being relied upon to meet the selection criteria (i.e. are you relying on the subcontractor for economic and financial standing and/or technical and professional ability?) and, if so, which criteria are you relying on them for? 	
Part 2 – Section 1 – Grounds for Mandatory Exclusion		
Note	Please answer the following questions in full. Note that every organisation that forms part of your bidding group/consortium, as well as every organisation that is being relied on (including subcontractors being relied on) to meet the selection criteria must complete and submit responses to part 1 and the declarations in part 2.	-
(a) Convictions	<p>Within the past five years, anywhere in the world, have you or any person who</p> <ul style="list-style-type: none"> ● is a member of the supplier's administrative, management or supervisory body; or ● has powers of representation, decision or control in the supplier (see note at end of section) <p>been convicted of any of the offences within the summary below and listed in full on the following webpage?</p> <p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf</p>	Y
(a) - (i) Criminal Organisation Participation	Participation in a criminal organisation	Y
(a) - (ii) Corruption	Corruption	Y
(a) - (iii) Terrorism	Terrorist offences or offences linked to terrorist activities	Y
(a) - (iv) Money Laundering or	Money laundering or terrorist financing	Y

Terrorist Financing		
(a) - (v) Child Labour and Trafficking	Child labour and other forms of trafficking in human beings	Y
(a) - (vi) Article 57(1) outside England, Wales or Northern Ireland	Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any jurisdiction outside England, Wales or Northern Ireland.	Y
(a) - (vii) Article 57(1) in England, Wales or 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.	Y
(b) Further Details	<p>If you have answered YES to any of the questions on mandatory exclusion grounds, please provide further details, including:</p> <ul style="list-style-type: none"> • date of conviction and the jurisdiction, • which of the grounds listed the conviction was for, • the reasons for conviction, • the identity of who has been convicted. <p>If the relevant documentation is available electronically please provide:</p> <ul style="list-style-type: none"> • the web address, • issuing authority, • precise reference of the documents 	N
(c) Reliability	If you have answered YES to any of the questions on mandatory exclusion grounds, please explain what measures have been taken to demonstrate your reliability despite the existence of relevant grounds for exclusion. (Self cleaning).	N
Note	<p>For the mandatory exclusion grounds only, you must complete the declaration for all relevant persons and entities. There are two categories of persons and entities:</p> <p>The first category is members of your administrative, management or supervisory board; secondly, entities and persons who have powers of representation,</p>	-

	<p>decision or control. You must decide, depending on the nature and structure of the entity or person who is bidding, which entities and persons this applies to in your particular circumstances. Clearly, members of your administrative, management or supervisory board should be easily identifiable and will cover company directors (or equivalent for other types of corporate entities) and members of an executive board.</p> <p>The second category of those with powers of representation, decision or control, is likely to be more complicated. As an illustration, entities or persons with 25% or more shareholding (or equivalent for other types of corporate entities) are likely to have powers or representation, decision or control, although those with a lower shareholding may still have the relevant powers depending on their particular rights. Similarly, your ultimate parent company (or equivalent for other types of corporate entities) is likely to have powers of representation, decision or control.</p> <p>Depending on your particular structure, intermediate parent companies who do not have a direct shareholding, directors or members of an executive board of your immediate parent company (for example in the case of an SPV set up specifically to bid for a particular contract), and holders of mortgages or liens may be covered. It isn't necessary to identify which entities and persons you think are covered but you must be satisfied that your declaration is made in respect of all of those that are covered.</p>	
Part 2 – Section 2 - The payment of taxes and social security contributions		
Note	<p>The detailed grounds for mandatory and discretionary exclusion of a supplier for non-payment of taxes and social security contributions, are set out on the below webpage, and should be referred to before completing these questions.</p> <p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf</p>	-
(a) Payment of taxes and social security contributions	Please confirm that you have met all your obligations relating to the payment of taxes and social security contributions, both in the country in which you are established and in the UK.	Y

(a) - (i) Documentation	If documentation is available electronically please provide- - the web address, - issuing authority, - precise reference of the documents.	N
(a) - (ii) Further Details	If you have answered NO to question (a) please provide further details including the following- - Country concerned, - the amount concerned, - how the breach was established, i.e. through a judicial or administrative decision or by other means, - if the breach has been established through a judicial or administrative decision, please provide the date of the decision, - if the breach has been established by other means please specify the means	N
(a) - (iii) Repayment	Please also confirm whether you have paid, or have entered into a binding arrangement with a view to paying the outstanding sum including, where applicable, any accrued interest and/or fines.	N
Note	We reserve our right to use our discretion to exclude your bid where we can demonstrate by any appropriate means that you are in breach of your obligations relating to the payment of taxes or social security contributions.	-
Part 2 – Section 3 - Grounds for discretionary exclusion		
(a) Situations	The detailed grounds for discretionary exclusion of an organisation, are set out on the below webpage, and should be referred to before completing these questions. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf Within the past three years, anywhere in the world, have any of the situations summarised below and listed in full on the webpage applied to you?	Y
(a) - (i) Environmental Law	Breach of environmental law obligations? To note that environmental law obligations include Health and Safety obligations.	Y

(a) - (ii) Social Law	Breach of social law obligations?	Y
(a) - (iii) Labour Law	Breach of labour law obligations?	Y
(a) - (iv) Bankruptcy or insolvency	Bankruptcy or subject of insolvency?	Y
(a) - (v) Grave professional misconduct	Guilty of grave professional misconduct?	Y
(a) - (vi) Distortion of competition	Distortion of competition?	Y
(a) - (vii) Conflict of interest	Conflict of interest?	Y
(a) - (viii) Preparation of procedure	Been involved in the preparation of the procurement procedure?	Y
(a) - (ix) Performance issues	Prior performance issues?	Y
(a) - (x) Statements	<p>Do any of the following statements apply to you?</p> <ul style="list-style-type: none"> ● You have been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria? ● You have withheld such information. ● You are not able, without delay, to submit supporting documents if/when required. ● You have undertaken to unduly influence the decision-making process of the contracting authority to obtain confidential information that may confer upon you undue advantages in the procurement procedure, or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award. 	Y

(b) Modern Slavery	<p>You are a relevant commercial organisation subject to Section 54 of the Modern Slavery Act 2015 if you carry on your business, or part of your business in the UK, supplying goods or services and you have an annual turnover of at least £36 million.</p> <p>If you are a relevant commercial organisation, please confirm:</p> <ul style="list-style-type: none"> • you have published a statement as required by Section 54 of the Modern Slavery Act • that the statement complies with the requirements of Section 54 and any guidance issued under S54. <p>If your latest published statement is available electronically please provide</p> <ul style="list-style-type: none"> - the web address - precise reference of the documents. <p>Or please confirm you are not a relevant commercial organisation.</p>	Y
(c) Further Details	<p>If you have answered YES to any of the questions relating to grounds for discretionary exclusion (or NO to any of the Modern Slavery Act questions), please explain what measures have been taken to demonstrate your reliability despite the existence of a relevant ground for exclusion? (Self cleaning).</p>	N
Part 3, Section 1 – Economic and Financial Standing		
(a) Electronic documentary evidence	<p>If documentary evidence of economic and financial standing is available electronically (e.g. financial statements filed with Companies House), please provide:</p> <ul style="list-style-type: none"> - the web address - issuing authority - precise reference of the documents. 	N
(a) - (i) Copy of accounts	<p>If documentary evidence of economic and financial standing is not available electronically, please provide a copy of your detailed accounts for the last two years (audited if required by law).</p>	N
(a) - (ii) Copy of relying accounts	<p>Also please provide for any other person or entity on whom you are relying to meet the selection criteria relating to economic and financial standing a copy of</p>	N

	their detailed accounts for the last two years (audited if required by law).	
(a) - (iii) Alternative Means	<p>If you cannot provide an electronic link to your audited accounts, and cannot provide a copy, please provide any of the following alternatives:</p> <p>(a) A statement of your annual turnover, Profit and Loss Account/Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year(s) of trading and a bank letter outlining the current cash and credit facility position.</p> <p>(b) Alternative information to evidence economic and financial standing if any of the above are not available (e.g. forecast financial statements and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).</p>	N
(b) Minimum Levels	<p>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' that you meet the requirements set out in the procurement documents.</p> <p>Please see Annex A for economic and financial standing criteria and thresholds. Appendix 2 to Annex A must be populated by Tenderers.</p>	Y
(c) Guarantee or other security	Where you are relying on another member of your bidding group/consortium or any subcontractors or other security in order to meet the selection criteria relating to economic and financial standing, please confirm that the relevant person or entity is willing to provide a guarantee or other security if required.	N
Note	The information provided in this section will, as appropriate, help to inform an assessment of the economic and financial standing of your request to participate. If adequate economic and financial standing cannot be demonstrated your bid will be excluded.	-
Part 3 – Section 2 - Technical and Professional Ability		
(a) Relevant Experience and Contract Examples	Please provide details of up to three contracts, to meet the technical and professional ability criteria set out in the procurement documents in any combination from either the public or private sectors; voluntary, charity or	Y

	<p>social enterprise (VCSE) that are relevant to our requirement. VCSEs may include samples of grant-funded work. Where this procurement is for supplies or services, the examples must be from the past three years. Where this procurement is for works, the examples may be from the past five years.</p> <p>The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.</p> <p>For consortium bids, or where you have indicated that you are relying on a subcontractor in order to meet the technical and professional ability, you should provide relevant examples of where the consortium/subcontractors have delivered similar requirements. If this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle is to be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or members of the Special Purpose Vehicle or subcontractors (three examples are not required from each member).</p> <p>Where the Supplier is a Special Purpose Vehicle, or a managing agent not intending to be the main provider of the supplies or services, the information requested should be provided in respect of the main intended provider(s) or subcontractor(s) who will deliver the contract.</p> <p>For each contract please provide the following information</p> <ul style="list-style-type: none"> - Name of customer organisation who signed the contract - Name of supplier who signed the contract - Point of contact of the customer - Position in the customer's organisation - E-mail address - Description of contract - Contract Start date - Contract completion date - Estimated contract value 	
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	If you cannot provide at least one example please answer question (b)"	
(b) Explanation	If you cannot provide at least one example for question (a), in no more than 500 words, please provide an explanation for this and how you meet the selection criteria relating to technical and professional ability e.g. your organisation is a new start-up or you have provided services in the past but not under a contract.	N
(c) Maintenance of Healthy Supply	Where you intend to subcontract a proportion of the contract, please demonstrate how you have previously maintained healthy supply chains with your subcontractor(s). The description should include, but is not limited to, details of your supply chain management tracking systems to ensure performance of the contract and including prompt payment and whether you are a signatory of the UK Prompt Payment Code (or have given commitments under other equivalent schemes).	N
Note	If adequate technical and professional ability cannot be demonstrated your bid will be excluded.	-

Part 3 – Section 3 – Additional Questions including Project Specific Questions

Insurance

(a) Insurance	<p>Please confirm whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:</p> <p>Employer's (Compulsory) Liability Insurance* = with a minimum limit of indemnity of five million pounds (£5,000,000) or such higher limit as required by law from time to time</p> <p>Public Liability Insurance = with a minimum limit of indemnity of five million pounds (£5,000,000) for each individual claim</p> <p>Professional Indemnity Insurance = with a minimum limit of indemnity of five million pounds (£5,000,000) for each individual claim, or such higher limit as the Authority may reasonably require (either in a Contract or as may be required by Law of as the Authority may reasonably required from time to time)</p> <p>*There is a legal requirement for certain employers to hold Employer's (Compulsory) Liability Insurance of £5 million as a minimum. See the Health and Safety</p>	Y
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	<p>Executive website for more information: https://www.hse.gov.uk/pubns/hse39.htm If you are unable to answer YES your bid will be excluded.</p> <p>Please note: you will be required to provide evidence of the abovementioned levels of insurance prior to contact award. If you are unable to do so, your bid will be excluded.</p>	
Data Protection		
(a) Data Protection	<p>Please confirm that you have in place, or that you will have in place by contract award, the human and technical resources to perform the contract to ensure compliance with the General Data Protection Regulation and to ensure the protection of the rights of data subjects.</p> <p>Please provide details of the technical facilities and measures (including systems and processes) you have in place, or will have in place by contract award, to ensure compliance with UK data protection law and to ensure the protection of the rights of data subjects. Your response should include, but should not be limited to facilities and measures:</p> <ul style="list-style-type: none"> ● to ensure ongoing confidentiality, integrity, availability and resilience of processing systems and services; ● to comply with the rights of data subjects in respect of receiving privacy information, and access, rectification, deletion and portability of personal data; ● to ensure that any consent based processing meets standards of active, informed consent, and that such consents are recorded and auditable; ● to ensure legal safeguards are in place to legitimise transfers of personal data outside the UK (if such transfers will take place); ● to maintain records of personal data processing activities; and to regularly test, assess and evaluate the effectiveness of the above measures. <p>If you are unable to demonstrate compliance with the General Data Protection Regulation and the protection of the rights of data subjects your bid will be excluded.</p>	Y

Other Project Specific Questions		
Notes:	All Questions must be answered in this section.	
Declared Discharges		
(a) Declared Discharges Processes	<p>Please confirm that the Provider has processes in place to ensure that any Office Holder proposed to be working under the framework agreement has never had a court order authorising their appointment discharged due to their poor performance.</p> <p>If you are unable to answer YES your bid will be excluded.</p>	Y
(b) Declared Discharges Notification	<p>In the event that any such discharges as outlined in the question above arise during the lifetime of a case or framework, that you, please confirm that you shall notify the CPS immediately and accept that the Office Holder shall be removed from the framework.</p> <p>If you are unable to answer YES your bid will be excluded.</p>	Y
Insolvency Practitioner Licence and Membership		
(a) Insolvency Practitioner Membership and Licence Certification	<p>Please confirm that each of the Office Holders who will be delivering under the framework is required to be registered as a licenced insolvency practitioner, either with the Insolvency Practitioners Association or the Institute of Chartered Accountants in England and Wales or equivalent body.</p> <p>If you are unable to answer YES your bid will be excluded.</p> <p>Please note: you will be required to provide a copy of the licence certification and membership number for each Office Holder prior to contact award. If you are unable to do so, your bid will be excluded.</p>	Y
(b) Insolvency Practitioner Membership Retention	<p>Please provide confirmation that you will ensure that each Office Holder's insolvency practitioner licence and membership with the Insolvency Association or Institute of Chartered Accountants in England and Wales (or equivalent body) will remain current and kept up to date.</p>	Y

	If you are unable to answer YES your bid will be excluded.	
Capability to Deliver - If you are unable to answer YES to any of the following questions, your bid will be excluded.		
(a) Capability to Deliver – Specification	Please confirm by stating ‘yes’ that you can deliver all the services as required in the specification.	Y
(b) Capability to Deliver – Terms and Conditions	Please confirm by stating ‘yes’ that you can meet all the terms and conditions included in the draft contract documentation	Y
Security - If you are unable to answer YES to any of the following questions, your bid will be excluded.		
(a) Security Checks – SC Clearance	<p>All Office Holders and personnel with access to casework material under this framework are required to have SC Level Security Clearance.</p> <p>i. Please confirm that SC level clearance currently held for each proposed Office Holder and all personnel with access to casework material and is there sufficient time remaining on the SC Level Security Clearance to cover the duration of this Framework?; or</p> <p>ii. If the answer to question i. above is no, please confirm that you are willing to obtain SC Level Security Clearance for each proposed Office Holder and all personnel with access to casework material (SC Level Security Clearance will be sponsored by CPS).</p> <p>If your answer to either question i. or question ii. is yes then please respond by answering ‘yes’. Otherwise please respond by answering ‘no’.</p>	Y
(b) Security Checks – SC Clearance Details	<p>Please specify in further detail the level of security clearances currently held by each proposed Office Holder and all persons who will have access to casework material under the Framework Agreement. Please also include if you envisage that any additional clearances will be required and why. In your response please provide:</p> <ul style="list-style-type: none"> • Full Name of each person • Current clearance level 	Y

	<ul style="list-style-type: none"> • Expiry dates of SC Clearance and which government department holds the clearance • How many extra clearances required <p>Please ensure all parts of this question are addressed in order to pass including an explanation of why any additional clearances will be needed where applicable.</p>	
(c) Security Checks – SC Clearance Timescales	<p>Please confirm by stating ‘yes’ that you will submit completed applications for all personnel requiring SC Level Security Clearance within 10 calendar days of the date of Framework Award should you be successful.</p> <p>In order to meet this deadline it would be prudent for Tenderers to make their personnel aware of the information that might be required for completion of such applications. See information contained at the following link:</p> <p>UKSV National Security Vetting Solutions: completing your e-form application hints and tips - GOV.UK (www.gov.uk)</p>	Y
(d) Security Checks – Security Policy	<p>Please confirm by stating ‘yes’ that you comply with the security requirements set out in Framework Agreement, including: Clause 16, Schedule 11 and the CPS Security Management Policy.</p>	Y
(e) Security Management Plan	<p>Please submit a Security Management Plan which includes (but is not limited to) the following:</p> <ol style="list-style-type: none"> How you will comply with Framework Agreement Schedule 11 and the CPS Security Management Policy and explain what measures you will be taking to ensure compliance. Details as to how any information security incidents or weaknesses will be dealt with during the Framework, including: <ol style="list-style-type: none"> An outline of what procedures are in place and identify who will be responsible for the management of such incidents. An overview of your approach to recording all detected security incidents made together with any follow up actions to prevent recurrence or repeated security incidents. 	Y

	<p>c. A commitment to work with the Authority to update the Security Management Plan as reasonably requested by the Authority.</p> <p>Please note that the CPS reserves the right to review the security development plans of awarded Providers to ensure compliance.</p> <p>Pass = Security Management Plan has been submitted and includes the required detail outlined in the question.</p> <p>Fail = Security Management Plan has not been submitted; or Security Management Plan does not include the required detail outlined in the question.</p>	
(f) Security Checks - Certification	<p>i. Please confirm that you have the following certifications (and will maintain them for the duration of the Framework Agreement):</p> <p>A. Cyber Essentials + (or equivalent*) ; and B. ISO 27001 (or similar**)</p> <p>ii. If you answer to i. above is no, please confirm you are willing to obtain both of the above certifications (and maintain for the duration of the Framework Agreement) and you understand that you will not be considered for award of Contracts under the Framework Agreement until you have both certifications.</p> <p>* A decision on what constitutes an 'equivalent' certification will be at the sole discretion of the Authority. If you are proposing an equivalent certification, you must demonstrate that such equivalent certification meets the Cyber Essentials + requirements and must provide verification of this from a technically competent and independent third party.</p> <p>** A decision on what constitutes a 'similar' certification will be at the sole discretion of the Authority. However if you are proposing a similar certification, you must provide justification and evidence to make the case as to why the Authority should consider it acceptable. For ISO 27001, any proposed similar certification must, as a minimum, consist of assurance / accreditation of the Tenderer's security (undertaken by an independent third party who is an industry recognised organisation).</p>	Y

	<p>Examples of similar certifications to ISO 27001 that are likely to be acceptable to the Authority are Payment Card Industry Data Security Standard (PCI DSS) and Service Organisation Control Type 2 (SOC 2) certification. If a Tenderer is proposing either of these certifications, they must still make the case as to why it should be considered acceptable to the Authority, taking into account the particular circumstances of the Tenderer.</p> <p>Please note: you will be required to provide evidence of the abovementioned certifications (or confirmation that you are willing to obtain them) prior to contact award. If you are unable to do so, your bid will be excluded.</p>	
<p>Business Continuity - If you are unable to answer YES to the following question, your bid will be excluded.</p>		
<p>(a) Business Continuity Plan</p>	<p>Please confirm by stating 'yes' that you have:</p> <p>a. submitted a Business Continuity Plan; and</p> <p>b. will commit to working with the Authority to produce a Business Continuity Plan bespoke to the services being provided under the Framework Agreement and in accordance with Clause 23 and Schedule 15 of the Framework Agreement terms and conditions.</p>	<p>Y</p>
<p>Contact Details and Declaration</p>		
<p>Declaration</p>	<p>I declare that to the best of my knowledge the answers submitted and information contained in this complete document are correct and accurate, including parts 1, 2 and part 3.</p> <p>I declare that, upon request and without delay I will provide the certificates and/or documentary evidence referred to in this document except where this documentation can be accessed by the contracting authority via a national database free of charge or the contracting authority already possesses the documentation.</p> <p>I understand that the information will be used in the selection process to assess my suitability to participate further in this procurement.</p>	<p>-</p>

	<p>I understand that the authority may reject this submission in its entirety if there is a failure to answer all the relevant questions fully, or if false/misleading information or content is provided in any section.</p> <p>I am aware of the consequences of serious misrepresentation.</p>	
(a) Contact Name	Contact name	Y
(b) Organisation Name	Name of organisation	Y
(c) Role	Role in organisation	Y
(d) Phone No.	Phone number	Y
(e) E-mail	E-mail address	Y
(f) Address	Postal address	Y
(g) Signature	Signature (electronic is acceptable)	Y
(h) Date	Date	Y

Exclusion Grounds: Public Procurement

Mandatory Exclusion Grounds

Part 2 Sections 1 and 2 of the standard Selection Questionnaire.

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

Participation in a criminal organisation

- ❖ Participation offence as defined by section 45 of the Serious Crime Act 2015
- ❖ Conspiracy within the meaning of:
 - section 1 or 1A of the Criminal Law Act 1977; or
 - article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983,where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime.

Corruption

- ❖ Corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906;
- ❖ The common law offence of bribery;
- ❖ Bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010, or section 113 of the Representation of the People Act 1983.

Terrorist offences or offences linked to terrorist activities

- ❖ Any offence:
 - listed in section 41 of the Counter Terrorism Act 2008;
 - listed in schedule 2 to that Act where the court has determined that there is a terrorist connection;
 - under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by the previous two points.

Money laundering or terrorist financing

- ❖ Money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002
- ❖ An offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996.

Child labour and other forms of trafficking human beings

- ❖ An offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004;
- ❖ An offence under section 59A of the Sexual Offences Act 2003
- ❖ An offence under section 71 of the Coroners and Justice Act 2009;

- ❖ An offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994
- ❖ An offence under section 1, 2 or section 4 of the Modern Slavery Act 2015.

Non-payment of tax and social security contributions

- ❖ Breach of obligations relating to the payment of taxes or social security contributions that has been established by a judicial or administrative decision.
- ❖ Where any tax returns submitted on or after 1 October 2012 have been found to be incorrect as a result of:
 - HMRC successfully challenging the potential supplier under the General Anti – Abuse Rule (GAAR) or the “Halifax” abuse principle; or
 - a tax authority in a jurisdiction in which the potential supplier is established successfully challenging it under any tax rules or legislation that have an effect equivalent or similar to the GAAR or “Halifax” abuse principle;
 - a failure to notify, or failure of an avoidance scheme which the supplier is or was involved in, under the Disclosure of Tax Avoidance Scheme rules (DOTAS) or any equivalent or similar regime in a jurisdiction in which the supplier is established.

Other offences

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

Discretionary Exclusions Grounds

Part 2 Section 3 of the standard Selection Questionnaire.

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

Obligations in the field of environment, social and labour law.

- Where an organisation has violated applicable obligations in the fields of environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X to the Directive (see copy below) as amended from time to time; including, but not limited to, the following:-
 - In the last 3 years, where the organisation or any of its Directors or Executive Officers has been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body).
 - In the last three years, where the organisation has had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a

comparable body in any jurisdiction other than the UK), on grounds of alleged unlawful discrimination.

- In the last three years where the organisation has been convicted of a breach of the Health and Safety legislation.
- In the last three years, where any finding of unlawful discrimination has been made against the organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or incomparable proceedings in any jurisdiction other than the UK).
- Where the organisation has been in breach of section 15 of the Immigration, Asylum, and Nationality Act 2006;
- Where the organisation has a conviction under section 21 of the Immigration, Asylum, and Nationality Act 2006;
- Where the organisation has been in breach of the National Minimum Wage Act 1998.

Bankruptcy, insolvency

- Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation's assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State.

Grave professional misconduct

- Guilty of grave professional misconduct

Distortion of competition

- Entered into agreements with other economic operators aimed at distorting competition.

Conflict of interest

- Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure

Been involved in the preparation of the procurement procedure.

- Advised the contracting authority or contracting entity or otherwise been involved in the preparation of the procurement procedure.

Prior performance issues

- Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions.

Misrepresentation and undue influence

- The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.

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

- The contracting authority reserves the right to use its discretion to exclude a potential supplier where it can demonstrate by any appropriate means that the potential supplier is in breach of its obligations relating to the non-payment of taxes or social security contributions.

Additional grounds

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

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

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

Consequences of misrepresentation

A serious misrepresentation which induces a contracting authority to enter into a contract may have the following consequences for the signatory that made the misrepresentation:-

- The potential supplier may be excluded from bidding for contracts for three years, under regulation 57(8)(h)(i) of the PCR 2015;
- The contracting authority may sue the supplier for damages and may rescind the contract under the Misrepresentation Act 1967.
- If fraud, or fraudulent intent, can be proved, the potential supplier or the responsible officers of the potential supplier may be prosecuted and convicted of the offence of fraud by false representation under s.2 of the Fraud Act 2006, which can carry a sentence of up to 10 years or a fine (or both).
- If there is a conviction, then the company must be excluded from procurement for five years under reg. 57(1) of the PCR (subject to self-cleaning).

Economic and Financial Standing – Criteria and Thresholds

Part 1 - Introduction

1. The spreadsheet 'POC EFS Assessment' (at Appendix 2 to this document) must be completed and submitted by Tenderers. The populated spreadsheet, along with the contents of this document, will be used as the basis on which the Authority will conduct the economic and financial standing assessment of Tenders (and/or guarantors or sub-contractors, as appropriate), as part of the Selection Questionnaire Part 3, Section 1, Question (b) - Minimum Levels.
2. If bidding in a consortium, each consortium member must complete and submit their own 'POC EFS Assessment' spreadsheet.
3. If:
 - a. a Tender is relying on another entity in order to meet the selection criteria relating to economic and financial standing, or requires a guarantor; and/or
 - b. a sub-contractor is key sub-contractor (for the purposes of this document a key sub-contractor is a sub-contractor who the Tenderer would not be able to easily replace should the need arise and/or a sub-contractor who the Tenderer is relying upon to meet the selection criteria for technical and professional ability)

then Tenderers must ensure a populated spreadsheet 'POC EFS Assessment' is also completed for such other entity, guarantor and/or sub-contractor. Such populated spreadsheet(s) shall then be assessed in accordance with the contents of this document.

4. Tenderers who pass the assessment to the satisfaction of the Authority will achieve a "pass". If a Tenderer does not pass the Assessment, to the satisfaction of the Authority, they will "fail" and the bid will be deemed non-compliant and will be excluded from the competition. The Authority reserves the right to refer to the guidance contained within GCF Assessing and Monitoring the Economic and Financial Standing of Bidders and Supplies Guidance Note (June 2023) (**The Guidance Note**) when undertaking the assessment. This requirement (PR 2022 112) has been classified as a Gold contract via the CPS contract tiering tool.
5. This document and spreadsheet 'POC EFS Assessment' provides transparency as to the Authority's economic and financial standing requirements and allows Tenderers to self-assess against the pre-determined criteria as they complete the financial assessment.
6. Tenderers who are assessed as Green against all criteria will achieve a "pass". Tenderers ranked red (High Risk) or amber (Medium Risk) against any criteria must set out explanations and relevant mitigations for each red or amber on the 'Explanations and

Mitigations' worksheet on the spreadsheet 'POC EFS Assessment'. Further guidance around potential mitigations is provided in The Guidance Note. It is at the discretion of the Authority as to whether the explanations and relevant mitigations are sufficient, in which case a Tenderer will achieve a "pass", or insufficient, in which case a Tenderer will "fail" and the bid will be deemed non-compliant and will be excluded from the competition.

7. The Authority reserves the right to request that a Tenderer provides additional security, this may be by way of a parent company guarantee or other form of security. If a parent company guarantee is required, the Tenderer shall provide all the information requested in this document relating to the parent company and the economic and financial standing of the parent company shall be assessed. The provisions of this document will apply and Tenderers may be excluded from the competition if unable to provide satisfactory explanations and mitigations for red or amber threshold results relating to the assessment of the parent company.

Part 2 - Instructions and Guidance

1. In populating the 'POC EFS Assessment' spreadsheet, Tenderers must assess themselves against criteria and associated thresholds using their last two sets of audited financial statements. Where audited financial statements are not available, other financial information Tenderers may use includes, but is not limited to:
 - a. Parent or ultimate parent company audited accounts (if applicable);
 - b. Guarantees and bonds;
 - c. Bankers' statements and references;
 - d. Management accounts;
 - e. Financial projections (including cash flow forecasts) and order book pipeline;
 - f. Details and evidence of previous contracts, including contract values; and
 - g. Other evidence of capital availability.
2. The Authority will conduct checks against the Tenderer's self-assessments and reserves the right to overrule a Tenderer's self-assessment, provided there is sufficient evidence to do so. Therefore, against each criteria, Tenderers must clearly state the figures and calculations used and the location of those figures in their Tender documentation.
3. Where a self-assessment against a criteria results in a:
 - a. green result, the Tenderer passes the criteria and no further action is required;
 - b. red or amber result(s) this will not be an automatic fail. Tenderers must, however, use the 'Explanations and Mitigations worksheet to provide commentary of explanations and relevant mitigations against any red or amber results. The Authority will take such explanations into consideration in its assessment of the Tenderer's economical financial assessment. As

well, the Authority may seek further clarifications from the Tenderer. The Authority reserves the right to request information, including that set out in paragraph 1 above, when seeking further clarification.

4. Criteria 7 (Net Asset Value) is the only ratio which doesn't involve a fraction. To achieve Green – Low risk – the Tenderer must be in a positive Net Asset position. If it is in a Net Liabilities position, then they are classed as High Risk.
5. All Tenderers must provide copies of:
 - a. their published accounts for the last 2 years
 - b. parent company published accounts for the last 2 years (if applicable)
 - c. ultimate parent published accounts for the last 2 years (if applicable)

along with their completed 'POC EFS Assessment' spreadsheet.

6. Tenderers' financial accounts and supporting information should be in English and in UK Sterling. If the original documents are not in English, please provide copies of the originals and a certified translation into English. If the sums in the accounts are not expressed in UK Sterling then copies of the original accounts, shall be provided together with a UK Sterling rate equivalent copy utilising the pound buys exchange rate applicable on the date of auditor issue of the financial statement.
7. Each Tenderer must set out the following information:
 - a. any key events or movements in its/their financial position that have a bearing on the financial standing of the Tenderer that have occurred since the most recent published accounts;
 - b. any information relating to factors that have a bearing on the financial standing of the Tenderer that require a more detailed explanation than is given in the information provided in the 'Assessment' worksheet in the 'POC EFS Assessment' spreadsheet;
 - c. a statement, where relevant, that addresses any misreporting of factual information or information that has been publicly available in the last year which, in the Tenderer's opinion, requires additional explanation.

If applicable, this information must be included on the 'Additional Information' Worksheet of the 'POC EFS Assessment' spreadsheet.

8. Where, the last accounting information provided by Tenderers is over 12 calendar months old, the Authority reserves the right to ask the Tenderer to resubmit the 'POC EFS Assessment' using either:
 - o Latest published accounts, where the accounts date falls within the last 12 months; or
 - o Management account (or equivalent) data, where the relevant year end period falls within the last 12 months (such accounts should cover a 12 month period to avoid extrapolation).

The provisions above will then apply, and Tenderers may be excluded from the competition if unable to provide satisfactory explanations and mitigations for red or amber threshold results.

Risk Thresholds

1. Risk thresholds for the 'POC EFS Assessment' spreadsheet:

No	Criteria	Thresholds			Notes
		R	A	G	
1	Turnover Ratio	<1.50	1.50 – 2.0x	>2.0x	Higher the better
2	Operating Margin	<5%	5-10%	>10%	Higher the better
3a	Free Cash flow to Net Debt Ratio	<5%	5-15%	>15%	Higher the better
3b	Net Debt to EBITDA Ratio	>3.50x	2.5 - 3.5x	<2.50x	Lower the better
4	Net Debt and Net Pension Deficit to EBITDA Ratio	>5.0x	4.0 - 5.0x	<4.0x	Lower the better
5	Net Interest Paid Cover	<3.0x	3.0 - 4.5x	>4.5x	Higher the better
6	Acid Ratio	<0.8x	0.8 - 1.0x	>1.0x	Higher the better
7	Net Asset Value	<= Nil	Nil	> Nil	Higher the better

Note: For the purposes of the Turnover Ratio Criteria, Tenderers shall use £296,345 as the Expected Annual Contract Value.

POC EFS Assessment Spreadsheet

1. Tenderers are to populate separate spreadsheet titled 'Attachment 1b – Appendix 2 to Annex A to Attachment 1a - POC EFS Assessment Spreadsheet'