

**Project Cornerstone**

**INVITATION TO TENDER FOR THE PROVISION OF LEAD ADVISOR AND FINANCIAL ADVISOR SERVICES FOR THE PROCUREMENT OF A ‘DBFO’ PARTNER AND FINANCIAL CLOSE FOR THE TRANSACTION**

**Latest date for return for Expression of Interest – 30/07/21 @ 12:00**

**Latest date for return of Standard Selection Questionnaire[[1]](#footnote-2) – 16/08/21 @ 12:00**

Copyright © 2021 by The University of Chichester. All rights reserved. This document is supplied purely for the purpose of assisting suppliers to respond to this procurement, no part of this document may be reproduced or transmitted in any form, by any means (electronic, photocopying, recording or otherwise) for any other purpose

|  |  |  |
| --- | --- | --- |
| University of Chichester College LaneChichesterWest SussexPO19 6PE | Telephone:Date:Revision:Email | 01243 81600015/07/211.0 IssuedTenders@chi.ac.uk  |

**Contents**

[1 Introduction and general background 1](#_Toc77322084)

[2 University Strategic Plan 1](#_Toc77322085)

[3 Project background and status 2](#_Toc77322086)

[4 Scope of services for Lead Advisor and Financial Advisor 3](#_Toc77322087)

[5 The tendering process 3](#_Toc77322088)

[6 Tendering Part 1: 3](#_Toc77322089)

[7 Tendering Part 2: 4](#_Toc77322090)

[8 Seeking clarification 4](#_Toc77322091)

[9 Procurement timetable 4](#_Toc77322092)

[10 Submission details 4](#_Toc77322093)

[11 Assessment criteria 5](#_Toc77322094)

[12 Confidentiality and Freedom of Information 5](#_Toc77322095)

[Tender Part 1: Attachment 1 – Portfolio Details 7](#_Toc77322096)

[Tender Part 1: Attachment 2 – Financial Modelling Assumptions 9](#_Toc77322097)

[Tender Part 2: The Standard Selection Questionnaire 11](#_Toc77322098)

[1 Standard Selection Questionnaire: Potential supplier Information 13](#_Toc77322099)

[1.1 Potential Supplier Information 13](#_Toc77322100)

[1.2 Bidding Model 15](#_Toc77322101)

[1.3 Contact details and declaration 16](#_Toc77322102)

[2 Standard Selection Questionnaire: Exclusion Grounds 17](#_Toc77322103)

[2.1 Grounds for mandatory exclusion 17](#_Toc77322104)

[2.2 Grounds for discretionary exclusion 19](#_Toc77322105)

[3 Standard Selection Questionnaire: Selection Questions 21](#_Toc77322106)

[3.1 Economic and financial standing 21](#_Toc77322107)

[3.2 Consortia and parent company 21](#_Toc77322108)

[3.3 Technical and professional ability 22](#_Toc77322109)

[3.4 Requirements under the Modern Slavery Act 2015 23](#_Toc77322110)

[4 Additional Questions 24](#_Toc77322111)

[4.1 Insurance 24](#_Toc77322112)

[Tender Part 2: Appendix 1: Mandatory exclusion grounds 25](#_Toc77322113)

[Tender Part 2: Appendix 2: Discretionary exclusions 27](#_Toc77322114)

[Tender Part 2: Appendix 3: Additional exclusion grounds 28](#_Toc77322115)

1. Introduction and general background

1.1 The University of Chichester traces its origins to the establishment of the Bishop Otter College in Chichester as a school for training schoolmasters in 1839. In 1946, the Bognor Regis College of Education opened as an emergency teacher training site following the Second World War. In November 1976, the two colleges merged, forming the West Sussex Institute of Higher Education, which changed its name in 1995 to the Chichester Institute of Higher Education. The Institute secured degree-awarding powers in 1999 and became the University of Chichester in 2005.

1.2 The University of Chichester is a company limited by guarantee without share capital (company number 4740553). It is an exempt charity.

1.3 We are a friendly and welcoming University, with two beautiful campuses in the city of Chichester and on the coast at Bognor Regis. Our ambitious University Strategy ‘Open for Change’ (see below) sets out our vision to build on our 180-year history and to achieve international recognition for the excellence of our teaching, research and innovation. We aspire to develop attractive and environmentally sustainable campuses, creating an identity and providing a range of high-quality spaces for the use and enjoyment of the entire University community. We aim to optimise the functionality and utilisation of space across the estate to maintain our excellence in both our student and staff experience. Building on our Top 30 University ranking, we have ambitious plans for growth in student numbers and will continue to provide our students with safe, secure and affordable accommodation.

1. University Strategic Plan

2.1 The University Strategic Plan, “Open for Change, 2018 – 2025’, sets out the Mission, Vision, Values and Strategic Themes of the University. [Link to strategic Plan](https://www.chi.ac.uk/about-us/mission-and-vision/university-chichester-strategic-plan-2018-2025)

2.2 **Our Mission** - To provide outstanding education, advance knowledge and benefit the world.

2.3 **Our Vision** - To achieve national and international recognition for the excellence of our teaching, research and innovation. We will secure full acknowledgment as an outstanding university with a strong externally-facing focus. As the only university in West Sussex, we recognise the economic, social and cultural importance of ‘place’ and the need to meet both local and global challenges.

2.4 **Key Strategic Themes**:

* We will strengthen the distinctiveness of the Chichester student experience as high-quality, personalised, accessible and aspirational
* We will increase the size and diversity of our student body
* We will provide an excellent staff experience based on the core values of the University community
* We will achieve disciplinary and cross-disciplinary excellence in research and innovation
* We will increase external academic engagement, meeting regional needs and securing national and international recognition
* We will build on our heritage in teacher education
* We will contribute to the development of a strong economic ecosystem in West Sussex through imaginative business partnerships, enterprise education and support for graduate start-ups
* We will develop attractive and environmentally sustainable campuses
1. Project background and status

3.1 Student accommodation is an integral part of three of the aforementioned key strategic themes covering the student experience, the size and diversity of the student body and the development of attractive and environmentally sustainable campuses. The rise in the University’s league table position, the significant increase in applications (and expected corresponding conversions) for 2021/22 and beyond, together with the commencement of an international college pathways programme from September 2021 all contribute positively and significantly to achieving our recruitment targets but put significant pressure on future accommodation requirements with the number of full time undergraduate new entrant students (conservatively 1,700 estimate) already forecast to exceed supply of university managed accommodation (1,238 bed spaces) with no realistic ability to offer university provided accommodation beyond first year students.

3.2 Given the pressing issue, the University engaged the support of an advisory firm to evaluate the options available to meet the University’s strategic needs noting that the University’s own balance sheet may not yet be strong enough to fund the required student accommodation expansion and the University’s available capital is primarily required for core business of learning, teaching and research.

3.3 The University’s Board considered the options, analysis, soft market testing and recommendations at its meeting on 6 July, noting the feasibility of an off-balance sheet, public-private partnership (PPP) design, build, finance & operate (DBFO) structure typically used by other universities in the sector over the last 20 years, together with the generation of an upfront capital receipt at financial close.

3.4 The Board agreed to scope and progress a wider project (‘Project Cornerstone’) that would entail a public procurement process to further evaluate and, if deemed in the University’s best interests and meeting certain ‘must have’ requirements, select a preferred partner to structure and deliver the transaction.

3.5 Recognising the strategic significance and specialist nature of such a transaction, the Board agreed to engage a Lead Advisor and Financial Advisor (and ultimately full professional team) to support the University in this regard, reporting back to the Board in November 2021 on fuller project scope, timeline and progress which can be assessed in the context of any relevant and significant outcomes from the Augar and/or Comprehensive Spending Review (CSR) anticipated in the autumn of this year.

3.6 With the support and direction of Lead and Financial Advisors, the University seeks to select the best private sector partner to structure and deliver an off-balance sheet transaction under a long-term concession) consisting of:

* a stock transfer of 586 beds of which, on a sequenced basis, 110 will be demolished, 100 will be renovated (losing 17 beds) and 427 new-build beds (see below) will be developed, delivering 886 Cornerstone beds alongside 539 University leasehold beds (outside the scope of this transaction) totalling a 1,425 bed portfolio (excluding the current short-lease 106 beds at Pinewood and Chichester College) (refer to Tender Part 1: Attachment 1, for portfolio details);
* delivery of either the extant consented 176-bed scheme at BRC, or such other re-optimised or new (subject to planning) scheme as appropriate;
* delivery of a new circa 250-bed scheme at BOC (subject to planning) to replace the 110 beds of poor density and dilapidated BOC stock and 106 beds currently on shorter term off-campus leases with third parties; and
* retention by the University of all the student facing elements (marketing, room booking, allocation, pastoral care, welfare support etc.) of operations and resident experience, thereby retaining an element of control and importantly remaining the front door to the students.
* Work undertaken to date to reach the Board approval outlined above includes internal supply/demand analysis, high level financial modelling, high level assessment of development options on both campuses, high level engagement with local planning authorities, planning consent for 176-bed scheme at BRC (expires February 2023), review of existing bed stock to identify demolition and refurbishment options and a high level timeline for procurement, through financial close and new development construction through to PC in July 2024 in readiness for the 2024/25 student intake (refer to Tender Part 1: Attachment 2, for financial modelling assumptions).
1. Scope of services for Lead Advisor and Financial Advisor

4.1 The University seeks to maintain the momentum that has been achieved to date and engage an advisory firm with significant experience and competence in delivering both Lead and Financial advisory services for the successful delivery of complex DBFO transactions within the higher education sector to a tight timescale.

4.2 Our target high level timeline includes the following critical steps and high level services anticipated at each step:

**Step 1 – PQQ** - comprising procurement and mobilisation of professional advisory team, setting initial project objectives and ‘must haves’, soft market testing and manage development and issuance of PQQ/EOI, assessment of Augar and/or CSR impact on scope (target completion date: October 2021) (NB. next University Board meeting in November 2021);

**Step 2 – Dialogue** – comprising full evaluation of PQQ/EOI returns above, manage development, issuance and evaluation of ITPD process and documents, manage and attend dialogue meetings and deal with queries and responses and manage development and issuance of ISFT (target completion date: March 2022);

**Step 3 – Final Tender** – manage evaluation, reporting and recommendations of final tenders for approval of preferred bidder appointment by Board (target completion date: May 2022)

**Step 4 – New developments and Financial Close** – working with and managing design development and planning processes with local planning authorities and development partners (BOC and/or BRC campuses and councils as appropriate), manage judicial review period through to financial close and completion of all funding, planning and project documents, commencement of construction and delivery (target completion date: financial close February 2023 and BRC PC July 2024)

1. The tendering process

In order to assess the capabilities as the advisory firm and to achieve the aims outlined above, the University has a two part tendering process.

Part 1: requires the submission of an expression of interest, detailing the potential of your organisation, and your value proposition.

Part 2: requires the submission of formal credentials and organisational information. This follows the standards, templates and processes established by the Crown Commercial Service for procurements of this type and size.

1. Tendering Part 1:

Interested bidders are requested to submit their proposals by way of a short document by email to tenders@chi.ac.uk by **12 noon on Friday 30 July 2021**, ensuring to cover and include:

1. Track record and experience including reference to no more than 3 similar procurement projects for similar student accommodation DBFO projects
2. Your project team identifying who will be leading and delivering the work with brief CVs (max half page per individual) to cover both Lead Advisor and Financial Advisor services, and confirmation of their availability for the expected duration of the project
3. A breakdown of your best day rates for each team role and an indication of time to be spent for each role for each Step of the project as set out in Section 4 above; please indicate separately the time and cost assumptions in respect of managing the procurement aspect of the wider professional advisory team and also for coordination of project management/administration for the duration of the project
4. Accordingly, an estimated fixed cost breakdown per Step and for the total project (as per Section 4 above)
5. Indication of any appetite for a fee proposal based on successful completion
6. Indication of the likely pre-contract costs (advisory, legal, accounting/tax etc. plus any design, planning, condition surveys etc and contingency) the University may incur up to financial close
7. Identification of value-add opportunities to the University through the process
8. A suggested timeline and any assumptions in respect of the 4 steps set out above at Section 4 together with key deliverables for each workstream/step
9. Identification of any key assumptions in reaching your resource and cost estimates above
10. Identification of any key assumptions you are making in respect of the availability of University resources
11. Identification of any key risks you foresee with regard to successful completion and how they might be mitigated

Before you construct and submit a proposal, you may wish to ensure that you are able to meet all of the requirements set out for Tendering Part 2.

1. Tendering Part 2:

Subject to a satisfactory response to the Expressions of Interest (EOI) and value proposition stage of the tendering processes (refer to section 4above), you may be required to complete the second part of the tendering process. Part 2, consists of the due diligence and formal disclosures elements of tendering, as set out by the Crown Commercial Service.

1. Seeking clarification

For all queries please contact us by email to tenders@chi.ac.uk. Please note that during the tender period you should not contact University staff directly, as this might be considered canvassing, and in which case the University might need to exclude your organisation from the tender process.

Please note that dependent upon the nature of the enquiry, and in so much as it does not identify your organisation, the answers to any questions you raise may be circulated to all advisory firms who have expressed interest in this tender.

1. Procurement timetable

The procurement project is working to the following timescale:

|  |  |
| --- | --- |
| Stage | Key Dates |
| Publication of Tender Notice [www.help.chi.ac.uk/tender](http://www.help.chi.ac.uk/tender)....  | 16/07/21 |
| Submission of Expressions of Interest and Value Proposition | 30/07/21 12:00 |
| Notification to candidates to be asked to submit Part 2 | 05/08/21 |
| Closing Date for submission of Standard Selection Questionnaire | 16/08/21 12:00  |
| Award  |  Appointment Notice + 10 Days |

1. Submission details

Please submit your submissions for Part 1, and if invited to do so for Part 2, by the dates and times outlined above, to tenders@chi.ac.uk.

1. Assessment criteria

All submitted tender documents will be assessed by a panel, whose evaluation will be quality assured. The University intends to award any contract based on the most economically advantageous tender that is able to deliver the desired outcome to the University .

|  |  |
| --- | --- |
| **Sub Criteria** | **Weighting** |
| Track Record and Experience | 15% |
| Team | 20% |
| Price  | 30% |
| Value Add to the University  | 20% |
| Clarity of documents and confidence in deliverability  | 15% |

1. Confidentiality and Freedom of Information

All tendering documentation and correspondence are treated as strictly confidential. However, the University is subject to UK Data Protection Legislation, and the Freedom of Information Act 2000. This means that the University can be asked to disclose procurement and contracting information. Please indicate any areas of your submission that you consider should be exempted from any disclosure requests and identify why they should not be disclosed.

Tender Part 1: Attachment 1 – Portfolio Details

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Halls** | **Catering** | **Bathroom** | **Location** | **2021/22** | **2022/23** | **2023/24** | **2024/25** | **2025/26** | **2026/27** |  |
|  |  |  |  |  |  |  |  |  |  |  |
| Rooms with no changes  |  |  |  |  |  |  |  |  |  |  |
| Ashling | Catered | Shared | BOC | 20 | 20 | 20 | 20 | 20 | 20 |  |
| Amberley | Self-Catered | En-Suite | BOC | 41 | 41 | 41 | 41 | 41 | 41 |  |
| Chilgrove | Self-Catered | En-Suite | BOC | 47 | 47 | 47 | 47 | 47 | 47 |  |
| Harting | Self-Catered | En-Suite | BOC | 36 | 36 | 36 | 36 | 36 | 36 |  |
| Springfield 5-6 | Catered | Shared | BOC | 20 | 20 | 20 | 20 | 20 | 20 |  |
| Barbara Smith Halls | Catered | En-Suite | BRC | 160 | 160 | 160 | 160 | 160 | 160 |  |
| Longbrook Std | Catered | Shared | BRC | 45 | 45 | 45 | 45 | 45 | 45 |  |
| Longbrook Lgr | Catered | Shared | BRC | 7 | 7 | 7 | 7 | 7 | 7 |  |
| Sub Total |   |   |   | 376 | 376 | 376 | 376 | 376 | 376 |  |
|  |  |  |  |  |  |  |  |  |  |  |
| Refurbishment / remodelled rooms for 2024/25 |  |  |  |  |  |  |  |  |  |  |
| Duncton | Catered | En-Suite | BOC | 12 | 12 | 12 | 10 | 10 | 10 |  |
| Arundel | Catered | En-Suite | BOC | 11 | 11 | 11 | 9 | 9 | 9 |  |
| Midhurst | Catered | En-Suite | BOC | 17 | 17 | 17 | 14 | 14 | 14 |  |
| Loxwood | Catered | En-Suite | BOC | 24 | 24 | 24 | 20 | 20 | 20 |  |
| iFold | Catered | En-Suite | BOC | 18 | 18 | 18 | 15 | 15 | 15 |  |
| Petworth | Catered | En-Suite | BOC | 18 | 18 | 18 | 15 | 15 | 15 |  |
| Sub Total |   |   |   | 100 | 100 | 100 | 83 | 83 | 83 |  |
|  |  |  |  |  |  |  |  |  |  |  |
| Rooms with Optionality |  |  |  |  |  |  |  |  |  |  |
| Hammond | Catered | Shared | BOC | 22 | 22 | 22 | 22 |  |  |  |
| Sub Total |   |   |   | 22 | 22 | 22 | 22 | 0 | 0 |  |
|  |  |  |  |  |  |  |  |  |  |  |
| Rooms demolished  |  |  |  |  |  |  |  |  |  |  |
| Springfiled 1-4 | Catered | Shared | BOC | 48 | 48 | 48 | 48 |  |  |  |
| Havenstoke Close | Self-catered | Shared | BOC | 40 | 40 | 40 |  |  |  |  |
| Sub Total |   |   |   | 88 | 88 | 88 | 48 | 0 | 0 |  |
|  |  |  |  |  |  |  |  |  |  |  |
| New build |  |  |  |  |  |  |  |  |  |  |
| Bognor Regis | Self-catered | En-suite | BRC |  |  | 176 | 176 | 176 | 176 |  |
| Chichester 1 | Self-catered | En-suite | BOC |  |  |  | 56 | 112 | 112 |  |
| Chichester 2 | Self-catered | Shared  | BOC |  |  |  | 59 | 139 | 139 |  |
| Sub Total |   |   |   | 0 | 0 | 176 | 291 | 427 | 427 |  |
|  |  |  |  |  |  |  |  |  |  |  |
| **Total DFBO transaction** |  |  |  | **586** | **586** | **762** | **820** | **886** | **886** |  |

**Tender Part 1: Attachment 1 – Portfolio Details (Continued)**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Halls** | **Catering** | **Bathroom** | **Location** | **2021/22** | **2022/23** | **2023/24** | **2024/25** | **2025/26** | **2026/27** |  |
|  |  |  |  |  |  |  |  |  |  |  |
| Rooms not in DBFO transaction |  |  |  |  |  |  |  |  |  |  |
| Pinewood | Self-catered | Shared | Excl | 52 | 52 |  |  |  |  |  |
| Stockbridge | Self-catered | En-Suite | Excl | 405 | 405 | 405 | 405 | 405 | 405 |  |
| Fishborne Road East | Self-catered | En-Suite | Excl | 134 | 134 | 134 | 134 | 134 | 134 |  |
| Chichester College | Self-catered | En-Suite | Excl | 54 | 54 |  |  |  |  |  |
| Total not in DBFO transaction |   |   |   | 645 | 645 | 539 | 539 | 539 | 539 |  |
|  |  |  |  |  |  |  |  |  |  |  |
| **Total Rooms Available** |  |  |  | **1231** | **1231** | **1301** | **1359** | **1425** | **1425** |  |
|  |  |  |  |  |  |  |  |  |  |  |
| Annual Increase |  |  |  |  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |  |  |  |  |
| Room Location |  |  |  |  |  |  |  |  |  |  |
| Bishop Otter Campus See Note [[2]](#footnote-3) |  |  | BOC | 374 | 374 | 374 | 432 | 498 | 498 | 35% |
| Bognor Regis Campus |  |  | BRC | 212 | 212 | 388 | 388 | 388 | 388 | 27% |
| University leases |  |  | Excl | 645 | 645 | 539 | 539 | 539 | 539 | 38% |
| Total rooms available  |   |   |   | **1231** | **1231** | **1301** | **1359** | **1425** | **1425** |  |
|  |  |  |  |  |  |  |  |  |  |  |
| Cumulative room increase/decrease |  |  |  |  |  |  |  |  |  |  |
| Bishop Otter Campus |  |  | BOC |  |  |  | 58 | 124 | 124 |  |
| Bognor Regis Campus |  |  | BRC |  |  | 176 | 176 | 176 | 176 |  |
| University leases |  |  | Excl |  |  | -106 | -106 | -106 | -106 |  |
| Total rooms available  |   |   |   |  |  | **70** | **128** | **194** | **194** |  |
|  |  |  |  |  |  |  |  |  |  |  |
| Room catering |  |  |  |  |  |  |  |  |  |  |
| Catered |  |  |  | 422 | 422 | 422 | 405 | 335 | 335 | 24% |
| Self-Catered |  |  |  | 809 | 809 | 879 | 954 | 1090 | 1090 | 76% |
| Total |   |   |   | **1231** | **1231** | **1301** | **1359** | **1425** | **1425** |  |
|  |  |  |  |  |  |  |  |  |  |  |
| Room Bathroom facilities |  |  |  |  |  |  |  |  |  |  |
| Shared  |  |  |  | 254 | 254 | 202 | 221 | 231 | 231 | 16% |
| En-suite |  |  |  | 977 | 977 | 1099 | 1138 | 1194 | 1194 | 84% |
| Total |   |   |   | **1231** | **1231** | **1301** | **1359** | **1425** | **1425** |  |

Tender Part 1: Attachment 2 – Financial Modelling Assumptions

|  |  |
| --- | --- |
| **Other Financial Modelling Assumptions**  | **Note** |
| **Revenue** |  |
| Term Revenue | Rent increases on the refurbished rooms at Duncton, Arundel, Midhurst, Loxwood, Ifold, and Petworth to £201.30 which represents a comparable en-suite equivalent at Amberley. Rents of £157.05 on new build at Bognor and Chichester 1. Letting length 39 Weeks. Occupancy 97% |
| Summer Income | Private partner to take risks of first £100k, University to gainshare on surplus each year |
| Commercial Income | £34.6k Based on £1 per room per week |
| University Marketing Allocation Credit and Void (MACV) Fees | University Charge on Term revenue 4.0% |
| Operating Costs |  |
| Operating Costs (inc Catering) | £2000 per bead (including VAT) |
| Lifecycle Costs  | £350 per bead (including VAT) |
| Sponsor Overhead (inc Financing)  | £170,000 per annum (including VAT) |
| Capital Costs |  |
| Refurbishment | On refurbished/remodelled rooms £500,000 plus irrecoverable VAT, equivalent o £6024 per bed |
| Newbuild – Chichester 1 | £85,000 per bed plus irrecoverable VAT – build cost £21,335,000 in total |
| Reimburse University for self-delivery[[3]](#footnote-4) | Bognor Regis £16,000,000 equivalent to £91k per bed  |
| Demolishing and Landscaping | £1,000,000 plus irrecoverable VAT |
| Backlog Maintenance | On Estate transferred £1,700,000 plus irrecoverable VAT |
| Transaction Costs |  |
| Stamp Duty | £1,500,000 estimate |
| Sponsors Development and Bid Costs  | £3,000,000 plus irrecoverable VAT |
| Financing Costs |  |
|  | All appropriate arrangement fees, cash reserves (Debt Service and Lifecycle), contingency and fees included in relevant financing solution (Bond or income strip)  |
| University Costs |  |
|  | TBC |
|  |   |

Tender Part 2: The Standard Selection Questionnaire

NB for those who are notified to do so, this part of the tendring prioress is not required to be submitted until date..

To conclude formal tendering, the University is required to use the government prescribed template in any tender that is likely to have an accrued value in excess of £181,000 (+VAT). This value is the gross total value and is not subdivided by (for example) the payee. Please therefore complete sections 1-4 of the SSQ and pay particular attention to Appendix 1,2 & 3 which set out what omissions and circumstances would lead to your tender being rejected.

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

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[[4]](#footnote-5). 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).

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 exclusion 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).

When completed, this form is to be sent back to the contact point given in the procurement documents along with the selection information requested in the procurement documentation.

**Supplier Selection Questions: Part 3**

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 of the selection questions on behalf of the consortium and/or any sub-contractors.

If the relevant documentary evidence referred to in the Selection Questionnaire is not provided upon request and without delay, we reserve the right to amend the contract award decision and award to the next compliant bidder.

**Consequences of misrepresentation**

If you seriously misrepresent any factual information in filling in the Selection 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.

**Notes for completion of the Standard Selection Questionnaire**

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.

“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.

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 annex.

The authority recognises that arrangements set out in section 1.2 of the standard Selection Questionnaire, in relation to a group of economic operators (for example, a consortium) and/or use of sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the authority immediately of any change in the proposed arrangements and ensure a completed Part 1 and Part 2 is submitted for any new organisation relied on to meet the selection criteria. The authority will make a revised assessment of the submission based on the updated information.

For Part 1 and Part 2 every organisation that is being relied on to meet the selection must complete and submit the self-declaration.

Note for Contracting Authorities: The following paragraph is optional for inclusion if a decision has been made to request a self-declaration of the exclusion grounds from sub-contractors. *All sub-contractors are required to complete Part 1 and Part 2[[5]](#footnote-6).*

For answers to Parts 3 and 4 -If you are bidding on behalf of a group, for example, a consortium, or you intend to use sub-contractors, you should complete all of the questions on behalf of the consortium and/ or any sub-contractors, providing one composite response and declaration.

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

1. Standard Selection Questionnaire: 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 all parts of the tender document.

* 1. Potential Supplier Information

|  |  |
| --- | --- |
|  | 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 status 1. 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(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)[[6]](#footnote-7)? | Yes [ ] No [ ]  |
| 1.1(n) | Details of Persons of Significant Control (PSC), where appropriate: [[7]](#footnote-8) - 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. (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) |  |

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.

* 1. Bidding Model

|  |  |
| --- | --- |
|  | 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 |  |

 |

* 1. Contact details and declaration

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

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

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

I understand that the authority may reject this submission in its entirety if there is a failure to answer all the relevant questions fully, or if false/misleading information or content is provided in any section.

I am aware of the consequences of serious misrepresentation.

|  |  |
| --- | --- |
|  | 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 |  |

1. Standard Selection Questionnaire: 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.

* 1. Grounds for mandatory exclusion

|  |  |
| --- | --- |
|  | 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 in the appendices and 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 the appendices. |
|  | 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[[8]](#footnote-9), including; Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction, Identity of who has been convicted. |  |
| 2.1.1 | 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 [ ]   |
| 2.1.1 (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 [ ]   |
| 2.1.1 (b) | If you have answered yes to question 2.1.1 (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. |  |

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.

* 1. Grounds for discretionary exclusion

|  |  |
| --- | --- |
|  | Grounds for discretionary exclusion  |
|  | Question | Response |
| 2.2 | **Regulation 57 (8)**The detailed grounds for discretionary exclusion of an organisation are set out in the appendices and 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. |
| 2.2 (a) | Breach of environmental obligations?  | Yes [ ] No [ ] If yes please provide details at 2.3 |
| 2.2 (b) | Breach of social obligations?  | Yes [ ] No [ ] If yes please provide details at 2.3 |
| 2.2 (c) | Breach of labour law obligations?  | Yes [ ] No [ ] If yes please provide details at 2.3 |
| 2.2 (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 2.3 |
| 2.2 (e) | Guilty of grave professional misconduct? | Yes [ ] No [ ] If yes please provide details at 2.3 |
| 2.2 (f) | Entered into agreements with other economic operators aimed at distorting competition? | Yes [ ] No [ ] If yes please provide details at 2.3 |
| 2.2 (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 2.3 |
| 2.2 (h) | Been involved in the preparation of the procurement procedure? | Yes [ ] No [ ] If yes please provide details at 2.3 |
| 2.2 (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 2.3 |
| 2.2 (j)2.2 (j) - (i)2.2 (j) - (ii)2.2 (j) –(iii)2.2 (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 2.3Yes [ ] No [ ] If yes please provide details at 2.3Yes [ ] No [ ] If yes please provide details at 2.3Yes [ ] No [ ] If yes please provide details at 2.3 |
| 2.3 | 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) |  |

1. Standard Selection Questionnaire: Selection Questions[[9]](#footnote-10)
	1. Economic and financial standing

|  |  |  |
| --- | --- | --- |
|  | Question | Response |
| 3.1.1 | 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 [ ]  |
| 3.1.2 | 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 [ ]  |

* 1. Consortia and parent company

|  |  |
| --- | --- |
|  | 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 |  |
| 3.2.1 | Are you able to provide parent company accounts if requested to at a later stage? | Yes [ ] No [ ]  |
| 3.3.2 | If yes, would the parent company be willing to provide a guarantee if necessary? | Yes [ ] No [ ]  |
| 3.2.3 | If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)?  | Yes [ ] No [ ]  |

* 1. Technical and professional ability

|  |  |
| --- | --- |
|  | Technical and Professional Ability  |
| 3.3.1 | **Relevant experience and contract examples**Please provide details of up to three contracts, in any combination from either the public or private sector; voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. VCSEs may include samples of grant-funded work. Contracts for supplies or services should have been performed during the past three years. Works contracts may be from the past five years.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 3.3.3 |

|  |  |  |  |
| --- | --- | --- | --- |
|  | Contract 1 | Contract 2 | Contract 3 |
| Name of customer organisation |  |  |  |
| Point of contact in the organisation |  |  |  |
| Position in the organisation |  |  |  |
| E-mail address |  |  |  |
| Description of contract  |  |  |  |
| Contract Start date |  |  |  |
| Contract completion date |  |  |  |
| Estimated contract value |  |  |  |

|  |  |
| --- | --- |
| 3.3.2 | 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) |
|  |  |
| 3.3.3  | If you cannot provide at least one example for questions 3.3.1, 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. |
|  |  |

* 1. Requirements under the Modern Slavery Act 2015

|  |  |
| --- | --- |
|  | Modern Slavery Act 2015: Requirements under Modern Slavery Act 2015 |
| 3.4.1 | Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")? | Yes [ ] No [ ]  |
| 3.4.1 | If you have answered yes to question 3.4.1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015? | Yes [ ] Please provide the relevant url …No [ ] Please provide an explanation |
| 3.4.2 | If you have answered No to question 3.4.1, please set out below why you believe that your organisation and your suppliers are free from slavery, and what checks you have in place to ensure this.  |
|  |  |

1. Additional Questions

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

* 1. Insurance

|  |  |  |
| --- | --- | --- |
|  | Insurance |  |
| a. | 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: Employer’s (Compulsory) Liability Insurance = £TBCPublic Liability Insurance = £TBCProfessional Indemnity Insurance = £TBCProduct Liability Insurance = £TBC\*It is a legal requirement that all companies hold Employer’s (Compulsory) Liability Insurance of £5 million as a minimum. Please note this requirement is not applicable to Sole Traders. | Yes [ ] No [ ]  |

Tender Part 2: Appendix 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

Tender Part 2: Appendix 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.

Tender Part 2: Appendix 3: 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. For those invited to do so [↑](#footnote-ref-2)
2. In the most likely event that the BRC Scheme is modified or forms part of Cornerstone, delivery will slip to 2024/25 [↑](#footnote-ref-3)
3. In the most likely event that the BRC Scheme is modified or forms part of Cornerstone, design and build costs to be borne by the DBFO partner [↑](#footnote-ref-4)
4. For the list of exclusions please see <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf> [↑](#footnote-ref-5)
5. See PCR 2015 regulations 71 (8)-(9) [↑](#footnote-ref-6)
6. See EU definition of SME <https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en> [↑](#footnote-ref-7)
7. 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-8)
8. If the relevant documentation is available electronically please provide the web address, issuing authority, and precise reference of the documents. [↑](#footnote-ref-9)
9. [See Action Note 8/16 Updated Standard Selection Questionnaire](https://www.gov.uk/government/collections/procurement-policy-notes) [↑](#footnote-ref-10)