**Capability Assessment**

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|  |  | **Question** | **Yes** | **No** |
| 1 | Within the past three years, please indicate if any of the following situations have applied, or currently apply, to your organisation. |   |
| 1a |   | your 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; |   |   |
| 1b |   | your organisation is bankrupt or is the subject of insolvency or winding-up proceedings, where your assets are being administered by a liquidator or by the court, where it is 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; |   |   |
| 1c |   | your organisation is guilty of grave professional misconduct, which renders its integrity questionable; |   |   |
| 1d |   | your organisation has entered into agreements with other economic operators aimed at distorting competition; |   |   |
| 1e |   | your organisation has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior contract, which led to early termination of that prior contract, damages or other comparable sanctions; |   |   |
| 1f |   | your organisation has undertaken to - |   |
| 1f | (i)  |   |   | unduly influence the decision-making process of the contracting authority, or |   |   |
| 1f | (ii)  |   |   | obtain confidential information that may confer upon your organisation undue advantages in the procurement procedure; or |   |   |
| 1g |   | your organisation has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award. |   |   |
| 2 | Within the past five years, has your organisation (or any member of your proposed consortium, if applicable), Directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences? |   |
| 2a |   | 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; |   |   |
| 2b |   | 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; |   |   |
| 2c |   | the common law offence of bribery; |   |   |
| 2d |   | 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; |   |   |
| 2e |   | 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: |   |   |
| 2e | (i)  |   |   | the offence of cheating the Revenue; |   |   |
| 2e | (ii)  |   |   | the offence of conspiracy to defraud; |   |   |
| 2e | (iii) |   |   | fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978; |   |   |
| 2e | (iv)  |   |   | fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006; |   |   |
| 2e | (v)  |   |   | fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994; |   |   |
| 2e | (vi)  |   |   | an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993; |   |   |
| 2e | (vii)  |   |   | destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969; |   |   |
| 2e | (viii)  |   |   | fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or |   |   |
| 2e | (ix)  |   |   | the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act; |   |   |
| 2f |   |   | any offence listed— |   |
| 2f | (i)  |   |   | in section 41 of the Counter Terrorism Act 2008; or |   |   |
| 2f | (ii)  |   |   | in Schedule 2 to that Act where the court has determined that there is a terrorist connection; |   |   |
| 2g |   | any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subparagraph (f); |   |   |
| 2h |   | money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002; |   |   |
| 2i |   | 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; |   |   |
| 2j |   | an offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004; |   |   |
| 2k |   | an offence under section 59A of the Sexual Offences Act 2003; |   |   |
| 2l |   | an offence under section 71 of the Coroners and Justice Act 2009 |   |   |
| 2m |   | 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; or |   |   |
| 3 | Has it been established by a judicial or administrative decision having final and binding effect, that your organisation is in breach of obligations related to the payment of tax or social security contributions?  |   |   |
| 4 | Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last three years?  |   |   |
| 5 | Has your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last three years by any environmental regulator or authority (including local authority)?  |   |   |
| 6 | In the last three years, has your organisation had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds or alleged unlawful discrimination?  |   |   |
| **If you have answered YES to any of the above questions (1-6), please use a separate Appendix to provide further details for each (properly referenced), including but not limited to a summary of the nature of the investigation and an explanation of the outcome of the investigation to date; whether you had enforcement/remedial orders served; have paid, or have entered into a binding arrangement with a view to paying, including, where applicable, any accrued interest and/or fines; and details of any remedial action or changes you have made as a result of conviction or notices served** |
| **The Authority will not select bidder(s) that have answered Yes to any question, unless the Authority is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches.**  |
| 7 | A Conflict of Interest situation is where staff members, Councillors and Members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure. Is there a Conflict of Interest for this Contract? |  |  |
| **If you have answered YES to the above question (7), please detail the conflict of interest in a separate Appendix (properly referenced) including any remedies that will be taken to overcome the conflict (should the Contract be awarded to you)** |
|  |  |  |  |
| 8 | Have you completed works of this nature within the last year |   |   |
| 9 | Do you have a minimum turnover of £40,000 per annum |   |   |
| 10 | Do you have staffing levels that are able to cover this requirement and allow for sickness and absence cover? |  |  |
| 11 | 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: |   |   |
|   | Employer’s (Compulsory) Liability Insurance = £5million |
|   | Public Liability Insurance = £10million |
|   | Professional Indemnity Insurance = £1million |
|   | Product Liability Insurance = £n/a |
|   | \* 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. |
| **If you have answered NO to any of the above questions (8-11), please use a separate Appendix to provide further details for each (properly referenced),**  |

Please note that award of contract may be subject to receiving proof of any / all of the above. If requested supporting documentation must be provided within 2 working days.