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Document 4

Standard Selection Questionnaire (SQ)

Schools Waste and Climate Education Programme

17/04/2024

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## SQ Document History

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| --- | --- | --- | --- |
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| 1.0 | 29.06.2023 | 29.06.2023 | 29.06.2023 |

## Instructions for Completing this SQ

An answer is required to each question in this SQ.

The answer “N/A” should be submitted to any question which is not applicable to you.

Do not alter the text, format or nature of any question.

No previous knowledge of you and / or any experience of working with you will be taken into account when evaluating any answer you provide in this SQ.

If you have a question about the content of this SQ, please raise it via the Message Centre in the e-Sourcing portal.

The Council may reject your SQ submission if it does not comply with the instructions.

## 

## Part 1 Questions (General Information)

| Ref. | Question | Response |
| --- | --- | --- |
| 1.1(a) | Name (if registered, please give the registered name) |  |
| 1.1(b) – (i) | Registered address (if applicable) or head office address |  |
| 1.1(b) – (ii) | Registered website address (if applicable) |  |
| 1.1(c) | Trading status | Public Limited Company  Private Limited Company  Limited Liability Partnership  Other Partnership  Sole Trader  Third Sector  Other (please specify your trading status) |
| 1.1(d) | Date of registration (if applicable) or date of formation. |  |
| 1.1(e) | Registration number (company, partnership, charity, etc if applicable). |  |
| 1.1(f) – (i) | Are you registered for VAT? | Yes /  No |
| 1.1(f) – (ii) | If you responded yes to 1.1(f) - (i), please provide your registered VAT number. |  |
| 1.1(g) - (i) | Are you registered with the appropriate professional or trade register(s) specified for this procurement in the country where your organisation is established? | Yes /  No /  N/A |
| 1.1(g) - (ii) | 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 provide  - the website address  - issuing body; and  - reference number. |  |
| 1.1(h) - (i) | 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? | Yes /  No |
| 1.1(h) - (ii) | If you responded yes to 1.1(h) - (i), please provide additional details of what is required and 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. |  |
| 1.1(i) | Relevant classifications (state whether you fall within one of these and, if so, which one) | Voluntary Community Social Enterprise (VCSE)  Sheltered Workshop  Public Service Mutual  None of the above |
| 1.1(j) | Are you a Small, Medium or Micro Enterprise (SME)[[1]](#footnote-1)? | Yes /  No |
| 1.1 (k) - (i) | Does your organisation have a Person(s) with Significant Control (PSC)[[2]](#footnote-2), where appropriate[[3]](#footnote-3): | Yes /  No |
| 1.1 (k) - (ii) | If you responded yes to 1.1(k) - (i), please provide the details of each Person with Significant Control: |  |
| 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 |  |
| 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  N/A |
| 1.1(l) – (i) | Does your organisation have an immediate parent company? | Yes /  No |
| 1.1(l) – (ii) | If you responded yes to 1.1(l) – (i), please provide the details of your immediate parent company: |  |
| Full name of immediate parent company |  |
| Registered or head office address |  |
| Registration number (if applicable) |  |
| VAT number (if applicable) |  |
| 1.1(m) – (i) | Does your organisation have an ultimate parent company? | Yes /  No |
| 1.1(m) – (ii) | If you responded yes to 1.1(m) – (i), please provide the details of your ultimate parent company: |  |
| Full name of ultimate parent company |  |
| Registered or head office address |  |
| Registration number (if applicable) |  |
| Head office VAT number (if applicable) |  |

|  |  |  |
| --- | --- | --- |
| 1.2 | Please indicate if you are bidding as a single supplier or as part of a group or consortium?  If you are bidding as a single supplier, please go to Q 1.3.  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:   1. The name of the group/consortium. 2. The proposed structure of the group/consortium, including the legal structure where applicable. 3. The name of the lead member in the group/consortium. 4. Your role in the group/consortium (e.g. lead member, consortium member, subcontractor). 5. 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. | Single Supplier  Part of a group or consortium |
| 1.3 | If you are proposing to use subcontractors / a supply chain please provide the details for each subcontractor / supply chain member[[4]](#footnote-4):   * Name * Registration number * Registered or head office address * Trading status  1. Public limited company 2. Private limited company 3. Limited liability partnership 4. Other partnership 5. Sole trader 6. Third sector 7. Other (please specify your trading status)  * Registered VAT number * SME (Yes/No) * 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 technical standing and/or technical and professional ability?) and, if so, which criteria are you relying on them for? |  |

## Part 2 Questions (Exclusion Grounds Questions) Grounds for Mandatory Exclusion

| Ref. | Question | Response |
| --- | --- | --- |
| 2.1(a) | Within the past five years, anywhere in the world, have you or any person who   * is a member of the supplier’s administrative, management or supervisory body; or * has powers of representation, decision or control in the supplier[[5]](#footnote-5)   been convicted of any of the offences within the summary below and listed in full in Annex A? | Yes /  No |
| Participation in a criminal organisation | Yes /  No |
| Corruption | Yes /  No |
| Terrorist offences or offences linked to terrorist activities | Yes /  No |
| Money laundering or terrorist financing | Yes /  No |
| Child labour and other forms of trafficking in human beings | Yes /  No |
| 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 | Yes /  No |
| Any other offence within the meaning of Article 57(1) of the Directive created after 26th February 2015 in England, Wales or Northern Ireland | Yes /  No |
| 2.1(b) | If you have answered yes to any part of question 2.1(a) mandatory exclusion grounds, please provide further details, including:   * date of conviction and the jurisdiction, * which of the grounds listed the conviction was for * the reasons for conviction; and * the identity of who has been convicted.   If the relevant documentation is available electronically, please provide:   * the web address * issuing authority; and * precise reference of the documents. |  |
| 2.1 (c) | If you have answered YES to any part 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). |  |

## Part 2 Questions (Exclusion Grounds Questions) Mandatory and Discretionary Grounds Relating to the Payment of Taxes and Social Security Contributions

The detailed grounds for mandatory and discretionary exclusion of a supplier for non-payment of taxes and social security contributions are set out in Annex A and should be referred to before completing these questions.

| Ref. | Question | Response |
| --- | --- | --- |
| 3.2(a) | 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.  If documentation is available electronically, please provide:   * the web address * issuing authority; and * the precise reference of the documents. | Yes /  No |
| 3.2(b) | If you have answered no to 3.2(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. |  |
| 3.3 | 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. | Yes /  No |
| Please 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. | | |

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## Part 2 Questions (Exclusion Grounds Questions) Grounds for Discretionary Exclusion

The detailed grounds for discretionary exclusion of an organisation are set out in Annex A and should be referred to before completing these questions.

| Ref. | Question | Response |
| --- | --- | --- |
| 4.1 | Within the past three years, anywhere in the world, have any of the situations summarised below and listed in full in Annex A applied to you? | Yes /  No |
| 4.1(a) | Breach of environmental obligations?  To note that environmental law obligations include Health and Safety obligations. | Yes /  No |
| 4.1(b) | Breach of social law obligations? | Yes /  No |
| 4.1(c) | Breach of labour law obligations? | Yes /  No |
| 4.1(d) | Bankruptcy or subject of insolvency? | Yes /  No |
| 4.1(e) | Guilty of grave professional misconduct? | Yes /  No |
| 4.1(f) | Distortion of competition? | Yes /  No |
| 4.1(g) | Conflict of interest? | Yes /  No |
| 4.1(h) | Been involved in the preparation of the procurement procedure? | Yes /  No |
| 4.1(i) | Prior performance issues? | Yes /  No |
| 4.1(j) | Do any of the following statements apply to you ?   * 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 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. | Yes /  No  ☐ Yes / ☐ No  ☐ Yes / ☐ No  ☐ Yes / ☐ No |
| 4.2 | 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. If you are a relevant commercial organisation, please:   * Confirm that you have published a statement as required by Section 54 of the Modern Slavery Act. * Confirm that the statement complies with the requirements of Section 54 and any guidance issued under Section 54. | Yes  No  N/A |
| 4.3 | If you have answered YES to any of the questions in 4.1, or NO to question 4.2, please explain what measures have been taken to demonstrate your reliability despite the existence of a relevant ground for exclusion (self-cleaning). |  |

## Contact Details and Declaration

I declare that to the best of my knowledge the answers submitted, and information contained in this complete document are correct and accurate, including part 1 and part 2.

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 in any country free of charge or the contracting authority already possesses the documentation.

I understand that the information will be used in the selection process to assess my suitability 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.

| Signature (electronic is acceptable) | Question |
| --- | --- |
| Date |  |

**Contact details of those making the declaration**

| Contact name | Quest  ion |
| --- | --- |
| Name of organisation |  |
| Role in organisation |  |
| Phone number |  |
| Email address |  |
| Postal address |  |

## Annex A - Exclusion Grounds: Public Procurement

**Mandatory Exclusion Grounds**

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**

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 negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award, or withheld such information or is not able to submit supporting documents required under regulation 59.

**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).

1. See definition of SME <https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en> [↑](#footnote-ref-1)
2. 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. [↑](#footnote-ref-2)
3. 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. [↑](#footnote-ref-3)
4. This applies to all supply chain members and/or subcontractors, where their identity is known at this stage, irrespective of whether you are relying on them to meet the selection criteria. Where a supply chain member and/or subcontractor has been identified in response to this question, any resulting subcontract entered into with that subcontractor for that part of the works, services or supplies identified in response to that question will not be subject to the requirement for contracts to advertise the subcontracting opportunity, as set out in PPN 01/18. [↑](#footnote-ref-4)
5. 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:

   The first category is 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 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. [↑](#footnote-ref-5)