



Tender – Rapid Procurement Process for Small Scale Requirements

Chapel Roof Project

The University of Chichester

Latest date for Return – 17:00 on 06/07/2023

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0 Introduction and general background

0.1 Purpose of this tender document

The purpose of this tender is to enable suppliers to demonstrate expertise and compliance with the University's requirements, and to enable the University to assess the most economically advantageous solutions to its requirements, using the prescribed tendering methodology for requirements of this size and nature.

This document includes commercial information and is strictly commercial in Confidence for the use of invitees, and not to be shared wider.

0.2 Background to this tender

The Chapel Building at the Bishop Otter Campus was constructed in 1961 and is steel framed with masonry and 'Crittall' glazed cladding sections. The main roof is a steeply pitched concrete pan tile cladding over a slaters felt to soft wood batten and close boarding, with four lead lined valley sections and eight lead lined internal gutter sections to the gables where the tiles and ridges are all bedded into position on a mortar base. All pitched sections discharge onto the flat roofs.

Over a number of years there have been reports of roof leaks to various areas of the main structure, flat roofs, and glazing but more recently significant leaks have shown to the main roof largely following the valley steels and central section of the spire fixing. As the leaks appear at such a high level, and any source is largely hidden behind the timber clad ceiling soffit, it is hard to specifically identify where these leaks are emanating, but it is clear that there appears to be a number of problems across all areas of the roof and not attributable to one specific area or problem.

There are also leaks to the flat roofs and to the installed roof light wells. Again, the leaks to the roof surface appear largely behind hidden ceiling soffit sections, which are painted white plasterboard and plastered surfaces, so the source of any leak is again not clear. In addition, the roof light sections, whether these have been removed or are still in place, also show signs of leakage.

The building was subject to an extension in 2012/13 of which the roof is not causing concern. Various remedial work to the original roof areas has taken place over a number of years, of which we now know have not fully resolved the issues.

In August 2022 agreement was obtained to carry out a tender exercise seeking professional services of a multidisciplinary consultant to support investigations, assessment, and subsequent design / specification to fully replace the building roof, and look into options for the Crittall glazed facades, and flooring.

This paper and supporting appendix are a result of work to date. In this tender the roof, treatment to steels, water ingress mitigation, and flooring are included. It is expected the glazing will form a second phase of work in the future (date TBC).

Pictures of the building and surrounding area are attached as part of the tender pack.

0.3 High level requirements

Roof

A new slate finished roof is specified.

A number of roof coverings were considered as part of the design process including; like for like (clay pan tile), slate, standing seam, diamond zinc, and diamond copper. The original clay pan tiles have been noted as an unusual choice by both the project designers and conservation officer, particularly due to the suitability of this tile to the steep roof pitch. Noting this, and the premium price point of the metal roofs, slate presented an ideal opportunity of a slimmer profile to allow thermal upgrades, as well as giving opportunity to use slates decoratively, complimented with copper roles for ridges and valleys, aligning with comments that the building sits with a similar design to that of notable buildings such as Coventry Cathedral.

It was confirmed that:

- Riverstone Ultra Phyllite slate is to be specified. This slate comes with a 75 year warranty.
- Copper is confirmed as preference over lead or another material for rainwater goods.

- Ridge is also confirmed to be in copper rather than clay ridge tile option.
- No slate pattern to be installed.

Steel Treatment

The water ingress to date has caused areas of corrosion to the base of the steelwork, which although is confirmed as not causing any structural concern, specification is to treat any corrosion and carry out work to ensure water ingress does not cause any further damage.

Water Ingress Mitigation

Due to the glazing replacement not currently being progressed, and to mitigate the known issue of leaks and condensation from the glazed facades tracking down and causing corrosion to the base of the steelwork, as well as a slip hazard to users of the space, an internal ACO drain is now included within the design.

Flooring

New timber flooring to match existing was originally proposed. However due to the glazing now being excluded, and the continued risk of moisture ingress and considerable temperature and humidity swings, we would not be able to achieve a warranty with any solid timber flooring installation. Consideration was then with an LVT solution, however this would negatively impact both aesthetics and acoustics, and therefore it was agreed to proceed with a timber floor despite no / limited warranty being provided – contractor to confirm. It was noted the main contributing factor towards the current floor condition is the roof leaks, which will now be remediated.

0.4 The bidding process

Whether through our tendering advertisements, or where we have contacted you directly to ask for a quotation, we ask that you contact us only through the email account tenders@chi.ac.uk. This includes for your submission, and any questions you may have. We are obliged by the Public Contracts Act (2015) and by our own financial regulations to undertake a competitive process. In this case the perceived value of the tender, process requires us to complete a formal tender process. To help us assess quotations we have added a questionnaire, and ask that you complete this to help us understand the value your company can achieve.

We have allowed 4 weeks for the return of proposals, and have set a closing date and time of 06th July 2023 at 5pm. Submission is through tenders@chi.ac.uk.

There may be an opportunity for a site visit on the week commencing 19th May 2023, site visits are mandatory. Please contact Jon Pawsey directly to arrange a site visit j.pawsey@chi.ac.uk. During the site visit you will have an opportunity to see the site, access facilities, and inspect the campus in general.

0.5 Seeking clarification

For all queries please contact us by email 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 suppliers who have expressed interest in this tender.

0.6 Procurement timetable

The procurement project is working to the following timescale:

Stage	Key Dates
Publication of Tender Notice	08/06/23
Site Visits	w/c 19/06/23
Closing Date for submission	06/07/23 at 17:00 (5pm)

Clarifications	w/c 26/06/23
Award	14/07/23

0.7 Submission details

You are welcome to notify the University with your 'Expression of Interest' but please do send your completed submission (including a completed version of this document) to the University by the closing date (06th July 2023 at 5pm), to tenders@chi.ac.uk. Submissions received after the closing time will not be considered.

0.8 The assessment process

The University awards contracts on the basis of most economically advantageous tender, (quote) assuming that there is nothing that excludes the tenderer. All documents submitted are assessed by a panel to ensure fairness and understanding. The panel reviews the quotation for;

Section Number	Criteria	Weighting
1.1	Part 1 Potential Supplier Information	Information Only
1.2	Part 2 Exclusion Grounds	Pass / Fail
1.3	Part 3 Economic and Financial Standing	Pass / Fail
1.4	Part 4 Project Health and Safety	Pass / Fail
2.1	Coherence and clarity to the University's requirement	10%
2.2	Organisational experience and capability	10%
2.3	Methodology	10%
2.4	Team Competences	10%
2.5	Risk Approach	10%
2.6	Costs	40%
2.7	Compliance with Social Value Model	10%

- Within your proposal, please draw attention to your environmental sustainability policies and the activities you take in minimising climate damage, including for example energy minimisation.

0.9 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.

1 Selection Questionnaire

We have set out a template below, and ask that you use this to help us understand your bid, in a way that allows us to compare its benefits against others. This anticipates question we / you may have.

You are welcome to submit other information, but please do help us by identifying what you can do, in relation to our requirements, and do please answer the questions below where it is possible to do so.

There is no limit to word count for the questions, but please bear in mind the need for clarity etc.

For sections 1.1 - 1.3 we recommend you pay attention to the Appendices 2 & 3.

1.1 Selection Questionnaire – Part 1: Potential Supplier Information

Potential supplier information		
Question number	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 a) public limited company b) limited company c) limited liability partnership d) other partnership e) sole trader f) third sector g) other (please specify your trading status)	
1.1(d)	Date of registration (if applicable) or date of formation	
1.1(e)	Company registration number (company, partnership, charity, etc if applicable).	
1.1(f)	Registered VAT number	
1.1(g) - (i)	Are you registered with the appropriate professional or trade register(s) specified for this procurement in the member state where it is established?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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 - 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 <input type="checkbox"/> No <input type="checkbox"/>
1.1(h) - (ii)	If you responded yes to 1.1(h) - (i), please provide additional details of what is required, confirmation that you have complied with this and, if evidence of compliance is available electronically, please give the website address, issuing body and reference number.	
1.1(i)	Relevant classifications (state whether you fall within one of these, and if so which one) a) Voluntary Community Social Enterprise (VCSE) b) Sheltered Workshop c) Public service mutual	
1.1(j)	Are you a Small, Medium or Micro Enterprise (SME)?	

1.1(k)	<p>Details of Persons of Significant Control (PSC), where appropriate:</p> <ul style="list-style-type: none"> - 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; <ul style="list-style-type: none"> - Over 25% up to (and including) 50%, - More than 50% and less than 75%, - 75% or more. <p>(Please enter N/A if not applicable)</p>	
1.1(l)	<p>Details of immediate parent company:</p> <ul style="list-style-type: none"> - 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) <p>(Please enter N/A if not applicable)</p>	
1.1(m)	<p>Details of ultimate parent company:</p> <ul style="list-style-type: none"> - 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) <p>(Please enter N/A if not applicable)</p>	

1.2 Selection Questionnaire – Part 2: Exclusion Grounds

Grounds for mandatory exclusion		
Question number	Question	Declaration
2.1.1(a)	<p>Within the past five years, anywhere in the world, have you or any person who:</p> <ul style="list-style-type: none"> • is a member of the supplier's administrative, management or supervisory body; or • has powers of representation, decision or control in the supplier, • been convicted of any of the offences within the summary below and listed in full on this webpage and contained in Appendices 1-3. 	
	Participation in a criminal organisation.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Corruption.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Terrorist offences or offences linked to terrorist activities	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Money laundering or terrorist financing	Yes <input type="checkbox"/>

		No <input type="checkbox"/>
	Child labour and other forms of trafficking in human beings	Yes <input type="checkbox"/> No <input type="checkbox"/>
	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 <input type="checkbox"/> No <input type="checkbox"/>
	Any other offence within the meaning of Article 57(1) of the Directive created after 26 th February 2015 in England, Wales or Northern Ireland.	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.1.1(b)	<p>If you have answered yes to any part of question 2.1.1(a), please provide further details, including:</p> <ul style="list-style-type: none"> • date of conviction and the jurisdiction, • which of the grounds listed the conviction was for • the reasons for conviction, • the identity of who has been convicted. <p>If the relevant documentation is available electronically please provide:</p> <ul style="list-style-type: none"> • the web address, • issuing authority, • precise reference of the documents. 	
2.1.1(c)	If you have answered yes to any part of the question above please explain what measures have been taken to demonstrate your reliability despite the existence of relevant grounds for exclusion. (Self-cleaning).	
Mandatory and discretionary grounds relating to the payment of taxes and social security contributions		
Question number	Question	Declaration
2.1.2(a)	<p>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.</p> <p>If documentation is available electronically please provide:</p> <ul style="list-style-type: none"> • the web address, • issuing authority, • precise reference of the documents 	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.1.2(b)	<p>If you have answered no to 2.1.2(a) please provide further details including the following:</p> <ul style="list-style-type: none"> • Country concerned, • what is 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. 	

2.1.3	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 <input type="checkbox"/> No <input type="checkbox"/>
Grounds for discretionary exclusion		
	Question	Response
	The detailed grounds for discretionary exclusion of an organisation are set out on this webpage ¹ and in the appendices and should be referred to before completing these questions.	
2.2	Within the past three years, anywhere in the world, have any of the situations summarised below and listed in full on the webpage applied to you?	
2.2.1 (a)	Breach of environmental obligations? To note that environmental law obligations include Health and Safety obligations.	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.2.1 (b)	Breach of social obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.2.1 (c)	Breach of labour law obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.2.1 (d)	Bankruptcy or subject of insolvency?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.2.1 (e)	Guilty of grave professional misconduct?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.2.1 (f)	Distortion of competition?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.2.1 (g)	Conflict of interest?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.2.1 (h)	Been involved in the preparation of the procurement procedure?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.2.1 (i)	Prior performance issues?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.2.1 (j)	Do any of the following statements apply to you?	
2.2.1 (j) - (i)	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.	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.2.1 (j) - (ii)	You have withheld such information.	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.2.1 (j) - (iii)	You are not able, without delay, to submit supporting documents if/ when required.	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.2.1 (j) - (iv)		Yes <input type="checkbox"/>

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf

	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.	No <input type="checkbox"/>
2.2.2	<p>You are a relevant commercial organisation subject to Section 54 of the Modern Slavery Act 2015 if you carry on your business, or part of your business in the UK, supplying goods or services and you have an annual turnover of at least £ 36 million.</p> <p>If you are a relevant commercial organisation please -</p> <ul style="list-style-type: none"> 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 <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
2.2.3	<p>If your latest published statement is available electronically please provide:</p> <ul style="list-style-type: none"> the web address, precise reference of the documents. 	
2.2.4	If you have answered YES to any of the questions in 2.2.1, or NO to question 2.2.2, please explain what measures have been taken to demonstrate your reliability despite the existence of a relevant ground for exclusion. (Self-cleaning)	

1.3 Selection Questionnaire - Part 3: Economic and Financial Standing

Economic and Financial Standing		
	Question	Response
3.1.1	<p>If documentary evidence of economic and financial standing is available electronically (e.g. financial statements filed with Companies House), please provide:</p> <ul style="list-style-type: none"> the web address issuing authority precise reference of the documents 	
3.1.2	<p>If documentary evidence of economic and financial standing is not available electronically, please provide a copy of your detailed accounts for the last two years (audited if required by law).</p> <p>Also, for any other person or entity on whom you are relying to meet the selection criteria relating to economic and financial standing, please provide a copy of their detailed accounts for the last two years (audited if required by law).</p>	
3.1.3	If you are not able to provide a response to questions 5.1 or 5.2, please provide any of the following alternatives.	
3.1.3(a)	A statement of your annual turnover, Profit and Loss Account/Income statement, Balance Sheet/ statement of Financial Position and Statement of Cash Flow for the most recent year(s) of trading and a bank	

3.1.3(b)	<p>letter outlining the current cash and credit facility position.</p> <p>Alternative information to evidence economic and financial standing (e.g. forecast financial statements and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).</p>	
3.1.4	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 <input type="checkbox"/> No <input type="checkbox"/>

1.4 Selection Questionnaire – Part 4: Project Health and Safety Form

Please see Document 7 and complete in full – Principle Contractor Questionnaire

2 Professional and Technical Ability

We have set out a template below, and ask that you use this to help us understand your bid, in a way that allows us to compare its benefits against others. This anticipates question we / you may have.

You are welcome to submit other information, but please do help us by identifying what you can do, in relation to our requirements, and do please answer the questions below where it is possible to do so.

There is no limit to word count for the questions, but please bear in mind the need for clarity etc.

2.1 Coherence and clarity with the University's requirement

1	Please describe how you would meet the outlined programme requirement, including provision of preliminary programme

2.2 Organisational experience and capability

2	Please describe your typical services

2.3 Methodology

3	Please describe how you would approach / your methodology for providing the services required. Supporting recent examples of completed projects can be included

2.4 Team Competencies

4	Please put forward the team, and their competences, that would be used for delivery of the required services. Notes any experience working on listed buildings, and within conservation areas

2.5 Risk Mitigation

5	Please describe how you would identify and mitigate risk as part of this contract, including providing your top three risks, and mitigation that would be applied

2.6 Costs

6	Costs
Please complete the Chapel Pricing Document (Document 6)	

2.7 Compliance with Social Value Model

There is no specific question in relation to this criterion. However, please refer to the Social Value Model (SVM) in your responses to the other questions. Our SVM and its criteria is shown below in Appendix 1.

Appendix 1: Social Value Model: Model Award Criteria

SVM Theme	SVM Policy Outcome	SVM Model Award Criteria
COVID-19 Recovery	Help local communities to manage and recover from the impact of COVID-19	<p>Effective measures to deliver any/all of the following benefits through the contract:</p> <ul style="list-style-type: none"> ▪ Creation of employment, re-training and other return to work opportunities for those left unemployed by COVID-19, particularly new opportunities in high growth sectors. ▪ Support for people and communities to manage and recover from the impacts of COVID-19, including those worst affected or who are shielding. ▪ Support for organisations and businesses to manage and recover from the impacts of COVID-19, including where new ways of working are needed to deliver services. ▪ Support for the physical and mental health of people affected by COVID-19, including reducing the demand on health and care services. ▪ Improvements to workplace conditions that support the COVID-19 recovery effort including effective social distancing, remote working, and sustainable travel solutions.
Tackling economic inequality	Create new businesses, new jobs and new skills ²	<p>Effective measures to deliver any/all of the following benefits through the contract:</p> <ul style="list-style-type: none"> ▪ Create opportunities for entrepreneurship and help new organisations to grow, supporting economic growth and business creation. ▪ Create employment and training opportunities particularly for those who face barriers to employment and/or who are located in deprived areas, and for people in industries with known skills shortages or in high growth sectors. ▪ Support educational attainment relevant to the contract, including training schemes that address skills gaps and result in recognised qualifications.

² The University will welcome the opportunity to develop degree apprenticeships, internships and placements, Continuous Professional Development, as well as collaborative programmes and career pathways with suppliers.

	Increase supply chain resilience and capacity	<p>Effective measures to deliver any/all of the following benefits through the contract:</p> <ul style="list-style-type: none"> ▪ Create a diverse supply chain to deliver the contract including new businesses and entrepreneurs, start-ups, SMEs, VCSEs and mutuals. ▪ Support innovation and disruptive technologies throughout the supply chain to deliver lower cost and/or higher quality goods and services. ▪ Support the development of scalable and future-proofed new methods to modernise delivery and increase productivity. ▪ Demonstrate collaboration throughout the supply chain, and a fair and responsible approach to working with supply chain partners in delivery of the contract. ▪ Demonstrate action to identify and manage cyber security risks in the delivery of the contract including in the supply chain
Fighting Climate Change	Effective stewardship of the environment	<p>Effective measures to deliver any/all of the following benefits through the contract:</p> <ul style="list-style-type: none"> ▪ Deliver additional environmental benefits in the performance of the contract including working towards net zero greenhouse gas emissions. ▪ Influence staff, suppliers, customers and communities through the delivery of the contract to support environmental protection and improvement.
Equal opportunity	Reduce the disability employment gap	<p>Effective measures to deliver any/all of the following benefits through the contract:</p> <ul style="list-style-type: none"> ▪ Demonstrate action to increase the representation of disabled people in the contract workforce. ▪ Support disabled people in developing new skills relevant to the contract, including through training schemes that result in recognised qualifications.
	Tackle workforce inequality	<p>Effective measures to deliver any/all of the following benefits through the contract:</p> <ul style="list-style-type: none"> ▪ Demonstrate action to identify and tackle inequality in employment, skills and pay in the contract workforce. ▪ Support in-work progression to help people, including those from disadvantaged or minority groups, to move into higher paid work by developing new skills relevant to the contract. ▪ Demonstrate action to identify and manage the risks of modern slavery in the delivery of the contract, including in the supply chain.

Wellbeing	Improve health and wellbeing	<p>Effective measures to deliver any/all of the following benefits through the contract:</p> <ul style="list-style-type: none"> ▪ Demonstrate action to support health and wellbeing, including physical and mental health, in the contract workforce. ▪ Influence staff, suppliers, customers and communities through the delivery of the contract to support health and wellbeing, including physical and mental health.
	Improve community integration	<p>Effective measures to deliver any/all of the following benefits through the contract:</p> <ul style="list-style-type: none"> ▪ Demonstrate collaboration with users and communities in the co-design and delivery of the contract to support strong integrated communities. ▪ Influence staff, suppliers, customers and communities through the delivery of the contract to support strong, integrated communities.

Appendix 2: Mandatory Exclusion Grounds Public Procurement

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.

Appendix 3: Discretionary exclusions

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 to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.

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

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