

# Supplier Selection Questionnaire (SSQ) for the supply of:

**Leisure Management Contract**

# Standard Selection Questionnaire (SSQ) for the supply of:

**Leisure Facilities Management Contract**

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**RETURN DATE:**

**COMPLETED SSQ SUBMISSIONS MUST BE SUBMITTED AND RECEIVED, BY EMAIL TO:** [**procurement@stratford-dc.gov.uk**](mailto:procurement@stratford-dc.gov.uk) **by 12:00 NOON, FRIDAY 28 FEBRUARY 2020**

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# SECTION 1 – INFORMATION FOR SUPPLIERS

## 1 Introduction

* 1. Stratford-on-Avon District (‘the District’) covers a large rural area, some 979km² (or 378 square miles) covering nearly half of the county of Warwickshire.
  2. The population of the District has been increasing and rose from 120,824 in mid-2011 to 127,580 in mid-2018. The 1.9% increase from 2017 to 2018 was the highest in the West Midlands and the 11th highest in the UK.
  3. The District has a median age of 48.1, which is in the top 10% oldest for age in the UK and the second highest in the West Midlands. Nearly 32% of residents are aged 60+.
  4. There are 60,063 dwellings in the District of which 13% is affordable housing and 87% is private sector housing.
  5. The District is one of the 20% least deprived districts/unitary authorities in England, however, about 8% of children live in low-income families.
  6. Unemployment as a percentage of the working age population is 2.7%, which is down 0.5% on the previous 12 months.
  7. Tourism is a major industry with over 6.1 million trips made to the District each year.

**2 The Requirement**

2.1 This overview is provided to assist Suppliers in deciding whether to proceed with their application, and to assist them in completing the SSQ. Please note, however, that although provided in good faith, the information does not represent a formal contract specification. For the avoidance of any doubt, this document is not an Invitation to Tender (ITT), and competitive bids are not yet sought.

2.2 The service will include the provision of Leisure Management Services (‘the Services’) at the following Facilities:

* Stratford Leisure Centre
* Southam Leisure Centre
* Shipston Leisure Centre
* Studley Leisure Centre
* The Greig Leisure Centre, Alcester
* The Pavilion, Recreation Ground, Stratford-upon-Avon.

2.3 The Contract will also include the provision of outreach interventions to support increased participation, tackling inactivity and reducing health inequalities, potentially using The Pavilion on the Recreation Ground in Stratford-upon-Avon as an outreach ‘hub’. The Council will retain an in-house client function to commission and monitor service delivery.

2.4 The Contract will be let for an initial period of 10 years intended to commence from 1 July 2021 with an option to extend for two additional 5 year periods.

**3 Indicative Procurement Timetable**

3.1 The Council are adopting a Competitive Procedure with Negotiation (CPN) approach to the procurement. It is intended that the procurement exercise follows the timeline detailed below:

**Table 1**

| **Stage / Activity** | | **Target Date** |
| --- | --- | --- |
|  | OJEU Contract Notice | 14 January 2020 |
|  | Market Interest Day | 28 January 2020 |
|  | Deadline for SSQ clarification requests | 14 February 2020 |
|  | SSQ Submissions | 28 February 2020 |
|  | SSQ Evaluation and Shortlisting | 13 March 2020 |
|  | Invitation to Submit Initial Tender (ISIT) for selected bidders | 20 March 2020 |
|  | Deadline for ISIT clarification requests | 3 June 2020 |
|  | ISIT Submissions | 12 June 2020 |
|  | ISIT Evaluation and Shortlisting | July 2020 |
|  | Bidder Negotiation Meetings (if required) | July 2020 |
|  | Invitation to Submit Revised Tenders (ISRT) if required for selected bidders | August 2020 |
|  | ISRT Submissions | November 2020 |
|  | ISRT Evaluation | January 2021 |
|  | Contract Award Decision | February 2021 |
|  | Alcatel (Standstill) Period | March 2021 |
|  | Contract Award Notice | March 2021 |
|  | Contract Mobilisation | April – June 2021 |
|  | Contract Start Date | 1 July 2021 |

3.2 Please note that the Council reserves the right to amend this timetable.

**Market Interest Day**

The Council will host a Market Interest Day on 28 January 2020 at Elizabeth House, Church Street, Stratford-upon-Avon, Warwickshire, CV37 6HX.

The purpose of the Market Interest Day is to provide an overview of the Contract opportunity, to outline the Council’s aspirations, and to answer any general questions from potential bidders. Attendance is strongly recommended for all potential bidders but is not mandatory. It would be beneficial for attendees to have read all the procurement documents ahead of attending.

Organisations are required to confirm their intention to attend the Market Interest Day and number of attendees by email to [procurement@stratford-dc.gov.uk](mailto:procurement@stratford-dc.gov.uk). A maximum of three attendees per supplier is permitted to attend. Additionally, if you have any initial questions regarding the Contract opportunity or procurement process that you wish to be addressed at the Market Interest Day, please submit these by email to [procurement@stratford-dc.gov.uk](mailto:procurement@stratford-dc.gov.uk) by no later than 5:00pm on 24 January 2020.

Please note that all questions submitted will be answered as part of the presentation to all potential bidders. Additionally, all questions and answerswill be documented and shared with all bidders participating in this procurement opportunity.

Further questions may be submitted after the Market Interest Day by email to [procurement@stratford-dc.gov.uk](mailto:procurement@stratford-dc.gov.uk) up until the deadline for SSQ clarification requests of 12:00 noon on 14 February 2020 as described more fully at paragraph 3.2 of the Notes for Completion.

**4 Overview of the Process**

4.1 The purpose of this SSQ is to assist the Council in deciding which Suppliers to shortlist to invite to tender for the provision of the Services. The SSQ will establish the Supplier’s scope of business and enable the Council to satisfy itself that the Supplier has the resources and ability to perform the Services satisfactorily.

4.2 This procurement falls under Schedule 3 of the Public Contracts Regulations 2015 – Social and Other Specific Services and the Council is using a procedure which corresponds to the Competitive Procedure with Negotiation.

* Stage one of this process comprises this SSQ designed as an initial assessment to identify and shortlist suitable Suppliers.
* Stage two will be the Invitation to Submit Initial Tender (ISIT), involving those organisations identified and selected from stage one. Subject to paragraph 5.9, and unless a lower number pre-qualify, the shortlist will include a minimum of five organisations. If fewer than five applications are received, all Suppliers will be invited to tender subject to advice from the Council’s Monitoring Officer. The Council reserves the right to select an operator or reduce the shortlist following ISIT stage and also reserves the right not to negotiate.
* Stage three (if applicable) will be the Invitation to Submit Revised Tenders (ISRT) for those bidders successful at ISIT stage. It will consist of a negotiation meeting to explore with bidders their ISIT solution followed by the opportunity for bidders to submit Revised Tenders.

**5 Evaluation of the Supplier Selection Questionnaire**

5.1 An initial assessment will be made to establish the completeness of submitted questionnaires.

5.2 All completed SSQs received will be evaluated by appropriate officers in order to compile and agree a list of Suppliers who will be invited to submit an initial tender. In assessing the answers to the SSQ questions, the Council will be seeking evidence of the Supplier’s suitability to perform the Services and deliver the core requirements of the contract. The SSQ is designed to select Suppliers on a range of criteria. The evaluation will be based upon two elements:

1. Pass / Fail Criteria
2. Scored Criteria

**Pass / Fail Criteria**

5.3 A range of pass / fail assessment criteria will be applied to the responses given by Suppliers to Section 3 – Supplier Selection Questionnaire – Supplier Responses. The assessment criteria are the minimum standards which the Council require its Suppliers to meet or exceed, including the eligibility for public contracts in regard to the grounds specified in regulation 57 (1) and (2) of the Public Contracts Regulations 2015.

5.4 Whilst it is unlikely that any organisation which fails on any of the assessment criteria below will proceed to the next round of evaluation, the Council reserves the right to seek explanation from an organisation as to the incomplete nature of its application and ask for clarification and/or submission of additional or missing information where there is a mitigating explanation as to the omission, such as mistake or issues beyond the control of the organisation. This does not create a legal obligation for the Council to make such a request and each case will be considered on its own merits and with regard to the risks and implications involved should the Council decide to proceed.

## Table 2

| **Section of the SQQ / Criteria** | | **Assessment** |
| --- | --- | --- |
| **Fully Complete SSQ** | Suppliers must submit a fully complete SSQ document signed where applicable.  Any SSQ that is not fully complete or without the appropriate signatures will fail. | Pass / Fail |
| **Part 1 Section 1: Supplier Information and Bidding Model** | Suppliers must submit full company information and details of the proposed bidding model.  Any Suppliers may be excluded on the grounds of providing insufficient or false information. | Pass / Fail |
| **Part 2 Section 2: Grounds for mandatory exclusion** | Suppliers will be failed if any of the mandatory grounds for exclusion apply and if the Supplier has failed to provide sufficient evidence of remedial action having taken place subsequently. | Pass / Fail |
| **Part 2 Section 3: Grounds for discretionary exclusion** | Suppliers may be failed if any of the discretionary grounds for exclusion apply, and if the Supplier has failed to provide sufficient evidence of remedial action having taken place subsequently, but the Council may at its discretion allow a Supplier to proceed. | Pass / Fail |
| **Part 3 Sections 4 and 5: Economic and Financial Standing** | Suppliers may be failed if they cannot provide a copy of their audited accounts for the last two years or answer ‘Yes’ to at least one of Question 4.1(a), 4.1(b) or 4.1(c).  The Council has specified a minimum level of economic and financial standing and/or a minimum financial threshold. For the avoidance of any doubt, a Supplier will not be deselected on the basis of turnover alone. | Pass / Fail |
| **Part 3 Section 6: Technical and Professional Ability** | | |
| **Question 6.1 and 6.3: Relevant Experience and Contract Examples** | Suppliers must demonstrate relevant experience and sound contract performance by providing details of up to three relevant contracts. Suppliers that cannot provide sufficient, satisfactory relevant evidence will Fail this question. | Pass / Fail |
| **Question 6.2: Healthy Supply chains** | Where Suppliers intend to sub-contract a portion of the contract, they must demonstrate how they have previously maintained healthy supply chains with sub-contractors. | Pass / Fail |
| **Question 6.4: Case studies demonstrating increased physical activity participation** | Suppliers must provide at least one and up to three case studies evidencing where and how the organisation has delivered leisure facilities and outreach interventions that have resulted in significant increases in physical activity participation amongst their client’s key target groups. | Scored |
| **Question 6.5: Case studies demonstrating revenue savings** | Suppliers must provide at least one and up to three case studies evidencing where and how the organisation has delivered significant revenue savings on behalf of their clients, including the use of capital funding to improve the revenue position. | Scored |
| **Part 3 Section 7: Modern Slavery Act 2015** | Suppliers must demonstrate compliance with the requirements of the Modern Slavery Act 2015 (where applicable to the organisation) to pass this Section 7. | Pass / Fail |
| **Part 3 Section 8: Additional Questions**  In this Section, Suppliers are required to respond to additional questions which are **relevant and proportionate to this particular requirement and will be scored as indicated** | | |
| **Question 8.1: Insurance** | For insurance cover, Suppliers to self-certify that they have or will undertake to secure the stipulated levels of insurance. | Pass / Fail |
| **Question 8.2: Skills and Apprentices** | Suppliers are requested to confirm that they will be supporting apprenticeships and skills development through this contract and may be assessed on this commitment. [Procurement Policy Note 14/15](https://www.gov.uk/government/collections/procurement-policy-notes) | Pass / Fail |
| **Question 8.3: Compliance with equality legislation** | Suppliers must self-certify that they demonstrate a sound Equality and Diversity track record. Any remedial action taken to address any declared breaches will be assessed and taken in to consideration.  Any Supplier who does not demonstrate this will fail. | Pass / Fail |
| **Question 8.4: Environmental Management** | Suppliers must self-certify that they comply with environmental legislation. Any remedial action taken to address any declared breaches will be assessed and taken in to consideration.  Any Supplier who does not demonstrate this will fail. | Pass / Fail |
| **Question 8.5: Health and Safety** | Suppliers must self-certify that they comply with Health and Safety legislation and have adequate Health and Safety arrangements in place, including management of sub-contractors where these are used. With the exception of Question 8.5.2, any organisation who cannot answer ‘Yes’ to every question in this section, will Fail this section.  The Council will exclude Supplier(s) that have been in receipt of enforcement/remedial action orders unless the Supplier(s) can demonstrate to the Council’s satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches. | Pass / Fail |
| **Question 8.5.1: Health and Safety** | Suppliers are required to provide at least two examples of risk assessments and safety method statements for work activity undertaken within the last 12 months. This should include manual handling, COSHH or others that are relevant to your work activities. | Scored |
| **Question 8.5.2: Health and Safety** | Suppliers are required to provide details of health and safety training courses or programmes undertaken by managers and the workforce. | Scored |
| **Question 8.5.3: Health and Safety** | Has your organisation had to pay any fees or been served notice for breach of regulations or interventions during the last two years under The Health and Safety (Fees) Regulations 2012, where those who break health and safety laws are liable for the recovery of Health and Safety Executive related costs, including inspection, investigation and taking enforcement action over the last two years?  This also includes any breaches and notices served in relation to the Food Safety and Hygiene (England) Regulations 2013.  If ‘Yes’, please outline how your organisation learned from the incident. | Scored |
| **Question 8.6: Safeguarding** | The Council must be satisfied that appropriate safeguarding policies and measures are in place. | Pass / Fail |
| **Question 8.7: Data Protection and GDPR** | The Council must be satisfied of compliance with all obligations under the Data Protection Act 2018 and the General Data Protection Regulations. | Pass / Fail |

5.5 Only those Suppliers who achieve an overall pass will be assessed against the scored criteria elements.

**Scored Criteria**

5.6 The scored criteria will be assessed using the following scale of awarding marks between 0 and 5 as detailed below. Maximum word counts have not been set; however, Suppliers are requested to be succinct, whilst answering the questions accurately and fully.

**Table 3**

| **Score** | **Classification** | **% Equivalent for particular Method Statement** |
| --- | --- | --- |
| 0 | No response provided. | 0% (will result in the SSQ being rejected) |
| 1 – Unsatisfactory Response | Substantially unacceptable response which fails in several significant areas to address or meet the Council’s requirements. Very little or no detail (and, where evidence is required or necessary, no evidence) may have been provided to support and demonstrate the Supplier’s ability (experience, expertise, skills and/or resources) to deliver the Services. Major reservations and/or weaknesses. | 10% (may result in the SSQ being rejected) |
| 2 – Poor Response | Weak response which does not fully address or meet the Council’s requirements. Response may be basic / minimal with little or no detail (and, where evidence is required or necessary, with insufficient evidence) provided to support and demonstrate the Supplier’s ability (experience, expertise, skills and/or resources) to deliver the Services. Some major reservations and/or weaknesses. | 20% |
| 3 – Satisfactory Response | Adequate response which somewhat addresses and meets the Council’s requirements. Response may be basic / minimal with little detail (and, where evidence is required or necessary, some evidence) provided to support and demonstrate the Supplier’s ability (experience, expertise, skills and/or resources) to deliver the Services. Some reservations and/or weaknesses. | 50% |
| 4 – Good Response | Response largely addresses and meets the Council’s requirements, with some detail (and, where evidence is required or necessary, some relevant evidence) provided to support and demonstrate the Supplier’s ability (experience, expertise, skills and/or resources) to deliver the Services. Some minor reservations and/or weaknesses. | 70% |
| 5 – Excellent Response | Response fully addresses and meets the Council’s requirements, with full details (and, where evidence is required or necessary, full and relevant evidence) provided to support and demonstrate the Supplier’s ability (experience, expertise, skills and/or resources) to deliver the Services. No reservations and/or weaknesses. | 100% |

5.7 If the evaluators feel that a Supplier is wholly incapable of meeting the Council’s requirements regarding any scored question of the SSQ they will receive a score of 0 for that question. The Council reserves the right to remove any Supplier from the procurement process that they believe are not capable of meeting the requirements of the contract – **any score of 0 or 1 for any question may involve the Supplier being removed from the process.**

5.8 Suppliers will be scored on their responses to the Selection Questions in relation to the requirements of the Services Specification. The weighting applied to each of the questions is shown in Table 4.

**Table 4**

|  |  |  |  |
| --- | --- | --- | --- |
| **Question Number** | | **Element** | **Points Weighting** |
| 6.4 | | **Technical and Professional Ability - Case studies demonstrating increased physical activity participation** | 30 |
| 6.5 | | **Technical and Professional Ability - Case studies demonstrating significant revenue savings** | 30 |
| 8.5(d) | | **Health and Safety** | 15 |
| 8.5(e) | | **Health and Safety** | 10 |
| 8.5(f) | | **Health and Safety** | 15 |
| Total Points Available | | 100 |

**Example Calculation**

A Supplier scoring 4 on Question 6.4 achieves 70% of 30 (points allocated) = 21

5.9 A minimum of five of the Suppliers with the total highest scores will be shortlisted to proceed to ISIT stage.

5.10 The highest scoring Suppliers at the SSQ selection stage will be subject to a **credit information check**. Only those Suppliers that have acceptable credit information check reports will be invited to ISIT stage. The Council reserves the right to carry out credit information checks on Suppliers lower in the ranking in order to maintain the number required for the next stage.

Please note: The Council intends to use a financial agent to carry out credit information checks as part of the SSQ evaluation to establish if Suppliers are financially viable to undertake the contract. Credit information checks are carried out by *N2 Check* and *Equifax*. The Council reserves the right to disqualify any Supplier with a **credit score of E or lower** for either or both credit information checks.

5.11 Where the number of Suppliers meeting the selection criteria and minimum requirements is below the minimum number, the Council may proceed with those Suppliers that meet the minimum requirements. If the situation arises where no Suppliers meet the minimum requirements, the Council reserves the right to cancel, postpone, suspend or restart the procurement process.

# SECTION 2 - INSTRUCTIONS TO SUPPLIERS

1. **Notes for Completion**

1.1 The “Council” means the public sector contracting authority, or anyone acting on behalf of the contracting authority, that is seeking to invite suitable Suppliers to participate in this procurement process.

1.2 “You” / “Your” or "Supplier" means the body completing this SSQ **i.e. the legal entity seeking to be invited to the next stage of the procurement process and responsible for the information provided.** The term “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 (SPV); or other form of entity.

1.3 Please ensure that all questions are completed in English, in full, and in the format requested. Failure to do so may result in your submission being disqualified. If the question does not apply to you, please state clearly 'N/A'. Should you need to provide additional information in response to the questions, please submit a clearly identified Appendix.

1.4 Should you need to provide additional Appendices in response to the questions, these should be numbered clearly and listed as part of your declaration. A template for providing additional information is provided at the end of this document.

1.5 The Council recognises that arrangements set out in Section 1.2 of the SSQ, 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 Council 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 Council will make a revised assessment of the submission based on the updated information.

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

1.7 For answers to Part 3 -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.

1.8 The Council 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 Council is under a legal or regulatory obligation to make such a disclosure.

1.9 This SSQ has been designed to assess the suitability of a Supplier to deliver the Council’s contract requirement(s). If you are successful at this stage of the procurement process, you will be selected for the subsequent award stage of the process.

1.10 Words defined in the Terms and Conditions of Contract of this procurement exercise shall have the same meaning throughout all of the procurement documentation.

1.11 SSQ responses must be submitted in accordance with the following instructions and conditions. Any Suppliers that do not comply with these instructions or conditions may have their application disqualified.

1.12 The Council reserves the right to disqualify any submission which is incomplete or not in accordance with paragraphs 1.3 and 1.4 above.

1.13 Suppliers should be aware that canvassing (i.e. seeking the support of influential persons within the purchasing organisation) will lead to disqualification.

1.14 The information that Suppliers give in response to the SSQ forms part of the legal representations of the Suppliers organisation during the procurement process. Any findings of misrepresentation may result in any subsequent contract being terminated.

1.15 The Supplier’s written response to any information required by the Council will be taken into account in the evaluation and if approved, will be binding but will not detract from the Services Specification nor Conditions of Contract.

1.16 Suppliers should note that wherever reference is made to any external assessment body or external accreditation standard, such reference shall be deemed to include reference to any equivalent body or standard established in other member states of the European Union.

1.17 Suppliers are advised that any contract(s) resulting from this procurement exercise will be subject to conditions which require the Supplier, as an employer, to comply with all statutory obligations to staff (and to applicants for employment) under all equality and non-discrimination laws (and amendments thereto) and with any statutory instruments, orders, guidance and codes of practice made thereunder.

1.18 The Council does not bind itself to accept any offer resulting from the procurement process and reserves the right not to award any contract.

**Self-Declarations**

1.19 The Council permits Suppliers to self-declare that they meet the relevant criteria in the supplier selection stage. Only the winning Supplier (and any organisations relied upon to meet the winning Supplier's selection criteria) will be required to submit evidence. This reduces the need for Suppliers to submit supporting documents every time they wish to bid for a public contract.

1.20 If the winning supplier fails to provide the required evidence within set timeframes stipulated by the Council, or the evidence proves unsatisfactory, the award of the contract will not proceed. The Council will then choose to amend the contract award decision and award to the second-placed supplier, provided that they have submitted a satisfactory bid. Alternatively, the procurement process may be terminated.

1.21 The Council reserves the right to request information from any supplier at any stage if it is necessary to ensure proper conduct of the procurement procedure and it might be necessary to ask for the information before the award stage.

**‘Self-Cleaning’**

1.22 Any Supplier that answers ‘Yes’ to Questions 2.1(a) and 2.2 in relation to the mandatory exclusions should provide details in a separate Appendix, of any remedial action that has taken place subsequently and effectively “self-cleans” the situation referred to in the question. Any Supplier that answers ‘Yes’ to Questions 3.1(a) to 3.1(j) in relation to the discretionary exclusions should explain in 3.2 or a separate Appendix if necessary, what measures have been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion.

1.23 If such evidence is considered by the Council (whose decision will be final) as sufficient, the Supplier concerned shall be allowed to continue in the procurement process.

1.24 In order for the evidence referred to above to be sufficient, the Supplier shall, as a minimum, prove that it has:

* paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
* clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and
* taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

1.25 The measures taken by the Supplier shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the Council to be insufficient, the Supplier shall be given a statement of the reasons for that decision.

**Sub-contracting Arrangements**

1.26 Sub-contractors that the Supplier relies on to meet the selection criteria are required to complete and submit the Part 1 and Part 2 self-declaration.

1.27 The Council recognises that arrangements in relation to sub-contracting may be subject to future change and may not be finalised until a later date. However, Suppliers should be aware that where information provided to the Council indicates that sub-contractors are to play a significant role in delivering key contract requirements, any changes to those sub-contracting arrangements may affect the ability of the Supplier to proceed with the procurement process or to provide the supplies and/or services required. Suppliers should therefore notify the Council immediately of any change in the proposed sub-contractor arrangements. The Council reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

**Consortia Arrangements**

1.28 If the Supplier completing this SSQ is doing so as part of a proposed consortium, the following information must be provided:

● names of all consortium members;

● the lead member of the consortium who will be contractually responsible for delivery of the contract (if a separate legal entity is not being created); and

● if the consortium is not proposing to form a legal entity, full details of proposed arrangements.

1.29 Please note that the Council may require the consortium to assume a specific legal form if awarded the contract, to the extent that a specific legal form is deemed by the Council as being necessary for the satisfactory performance of the contract.

1.30 All members of the consortium will be required to complete and submit all sections of the SSQ as part of a single composite response to the Council i.e. each member of the consortium is required to complete the form.

1.31 Where you are proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV), you should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity.

1.32 The Council recognises that arrangements in relation to a consortium bid may be subject to future change. Suppliers should therefore respond on the basis of the arrangements as currently envisaged. Suppliers are reminded that the Council must be immediately notified of any changes, or proposed changes, in relation to the bidding model so that a further assessment can be carried out by applying the selection criteria to the new information provided. The Council reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

1.33 Unless instructed otherwise, please give details that specifically relate to your organisation and not to the whole of the group where your organisation forms part of a group. Any information submitted in response to this document must relate to the applicant only, the applicant being the organisation who it is proposed will enter into formal contract with the Council if awarded the contract.

**Confidentiality**

1.34 When providing details of contracts in answering Part 3 Section 6 of this SSQ (Technical and Professional Ability), the Supplier agrees to waive any contractual or other confidentiality rights and obligations associated with these contracts.

1.35 The Council reserves the right to contact the named customer contact(s) in Section 6 regarding the contracts included in Section 6. The named customer does not owe the Council any duty of care or have any legal liability, except for any deceitful or maliciously false statements of fact.

1.36 The Council 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 Public Contracts Regulations 2015.

1.37 All documentation and information issued by the Council relating to the procurement process shall be treated by the Supplier as private and confidential for use only in connection with the procurement process and any resulting contract and shall not be disclosed in whole or in part to any third party without the prior written consent of the Council. The Council will manage information and data in line with GDPR requirements.

1.38 All information provided to the Supplier by the Council shall be regarded as confidential and used only to prepare a response to any clarification questions. The SSQ remains the property of the Council and must be returned upon demand.

**Freedom of Information**

1.39 The Supplier acknowledges that the Council is obliged under the Freedom of Information Act 2000 (FOIA) to disclose information to third parties subject to certain exemptions. This includes the information given in relation to this procurement process. The Supplier therefore accepts and acknowledges that the decision to disclose information and the application of any exemptions will be at the Council’s sole discretion. The Council will act reasonably and proportionately in exercising its obligations under the FOIA as to whether any exemptions under Section 43 of the FOIA may be applied to protect the Supplier’s legitimate commercial and trade secrets.

1.40 It is not guaranteed that any information submitted throughout the procurement process will not be disclosed but will be examined in the light of the exemptions provided in the FOIA.

**Information, Costs and Expenses**

1.41 The Supplier is responsible for obtaining all information necessary for the preparation of its submission and all costs, expenses and liabilities incurred by the Supplier in connection with the preparation and submission of the application will be borne by the Supplier. The Supplier shall have no claim whatsoever against the Council in respect of such costs.

**2. Instructions for Completing the Form**

2.1 As described in the notes above, please ensure that all questions are completed in full, and in the format requested. **Failure to do so may result in your submission being disqualified**. If the question does not apply to you, please state clearly ‘N/A’. When posed with Yes / No questions please edit your answer as appropriate. All figures should be in full, i.e. £3,500,000 not £3.5 million and in GBP.

2.2 Applications must be submitted on this SSQ, in Word format (unless otherwise specified), which must be duly completed and signed where appropriate.

2.3 When completing this document, you may enlarge the answer boxes to ensure you have sufficient space to respond. **Please do not alter or amend the form in any other way**.

2.4 The form must be completed even if your organisation has previously worked with the Council or submitted a Tender or Pre-Qualification Questionnaire to the Council. Cross-referencing to previous submissions will not be sufficient.

2.5 **Please answer every question as instructed to do so**. Do not assume that the officers evaluating the form will know about your organisation or the work that you do and answer the questions as fully as possible within any given constraints.

**Signatures**

2.6 Where required, the SSQ must be signed in accordance with the options below:

(a) where the Supplier is an individual, by that individual; or

(b) where the Supplier is a partnership, by two duly authorised partners; or

(c) where the Supplier is a limited company, by a director duly authorised for such purposes.

2.7 You may submit electronic or typed signatures. However, should you be successful, you will be required to re-sign all declarations that form part of the contract with an original signature.

**Supporting Documents**

2.8 In order to simplify this process, **you do not need to provide supporting documents**, for example, accounts, certificates, statements or policies with this SSQ, **unless specifically requested to do so**. Instead, the Council may ask you to provide a statement regarding your approach to various aspects or a summary of your policies. However, **the Council may ask to see these documents at a later stage** so it is advisable that you ensure that they can be made available upon request. You may also be asked to further clarify your answers or provide more details.

**3 Submitting the Form**

3.1 SSQ responses must be submitted and received, by email to [procurement@stratford-dc.gov.uk](mailto:procurement@stratford-dc.gov.uk) by no later than 12:00 noon on 28 February 2020

SSQ Responses received after this time and date will not be considered.

Please allow sufficient time to complete and submit your return. No extensions will be given to the SSQ return deadline. It is strongly recommended that your submission is emailed well before the deadline to ensure that failure of ICT/Servers/PC/Laptop or similar does not result in your submission failing to be received in time.

All aspects (documents/attachments/responses) of the SSQ response can and must be submitted by email to [procurement@stratford-dc.gov.uk](mailto:procurement@stratford-dc.gov.uk). You must not post the Council a hardcopy of your SSQ response unless specifically instructed to do so.

3.2 Any queries regarding this SSQ should be submitted by email to [procurement@stratford-dc.gov.uk](mailto:procurement@stratford-dc.gov.uk) by no later than 12:00 noon on 14 February 2020. To ensure fairness and equal treatment in the procurement process, answers to clarification questions will be anonymised and published to all Suppliers in the form of a Question and Answer Summary.

3.3 If Suppliers do not want responses to individual requests for clarification or further information to be notified to all Suppliers, (for example, on the basis that the request or response contains commercially confidential information or may give another Supplier a commercial advantage) the request must be clearly marked “Commercially Sensitive, In Confidence” and the Supplier must set out the reason(s) for the request for non-disclosure to other Suppliers. The Council will consider any such request for non-disclosure on its merits, and whether any regulations or considerations of probity require it to be denied. Where the Council decides that the question or request, and its response, cannot be withheld from circulation, the Supplier will have the opportunity to withdraw the question or request, or otherwise to re-present it in a redacted or other format.

3.4 The Supplier’s attention is specifically drawn to the date and time for receipt of SSQ submissions and no submission after the closing date and time will be considered.

3.5 The Council will contact you again by 20 March 2020 to let you know whether you have been successful. If pre-selected, you will then be Invited to Submit Initial Tenders (ISIT).

**4 Rejection of the Supplier Selection Questionnaire**

4.1 Any application submitted by a Supplier in respect of which the Supplier:

(a) has directly or indirectly canvassed any member or official of the Council concerning the acceptance of any application or who has directly or indirectly obtained or attempted to obtain information from any such member or official concerning any other Supplier or application submitted by any other Supplier; or

(b) submits an application which is not in accordance with the Instructions and Conditions; or

(c) does not provide all the information required by the Council; or

(d) fails to pass any of the mandatory Business Information requirements.

Please note: The application shall be rejected by the Council provided always that such non-acceptance or rejection shall be without prejudice to any other civil remedies available to the Council or any criminal liability which such conduct by a Supplier may attract.

**5 Supplier’s Warranties**

5.1 In submitting an application, the Supplier warrants and represents that:

(a) it has complied in all respects with the Instructions and Conditions;

(b) all information, representations and other matters of fact communicated (whether in writing or otherwise) to the Council by the Supplier or its employees in connection with, or arising out of the application are true, complete and accurate in all respects;

(c) it has full power and authority to enter into a Contract and will if requested produce evidence of such to the Council; and

(d) it is of sound financial standing and the Supplier and its partners, officers and employees are not aware of any circumstances (other than such circumstances as may be disclosed in the accounts or other financial statements of the Supplier which may adversely affect such financial standing in the future).

**SECTION 3 – SUPPLIER SELECTION QUESTIONNAIRE – SUPPLIERS RESPONSES**

*Note – You may adjust the size of the following text boxes to suit your response.*

Suppliers are required to respond to the questions below. You may expand the sections provided or provide your responses on clearly cross-referenced sheets. Should you need to provide additional Appendices in response to the questions, these should be numbered clearly and listed as part of your declaration. A template for providing additional information is provided at the end of this document.

Please note that **you do not need to provide supporting documents and policies**, unless specifically requested to do so.

# SUPPLIER SELECTION QUESTIONNAIRE

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

The Supplier Selection Questionnaire is a self-declaration, made by you (the Supplier), that you do not meet any of the grounds for exclusion[[1]](#footnote-1). If there are grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (the Council calls 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, the Council requires 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).

**Supplier Selection Questions: Part 3**

Section 2 of this document provides 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 SSQ is not provided upon request and without delay, the Council reserves 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 SSQ, and so induce the Council 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 proven, 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.

## Part 1: 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 the Part 1 and Part 2 self-declaration.

|  |  |  |
| --- | --- | --- |
| **SECTION 1** | **SUPPLIER INFORMATION** | |
| Question number | Question | Response |
| 1.1(a) | Full name of the 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)[[2]](#footnote-2)? | Yes ☐  No ☐ |
| 1.1(m) - (i) | Number of employees (if known) |  |
| 1.1(n) | Details of Persons of Significant Control (PSC), where appropriate:[[3]](#footnote-3)  - 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.[[4]](#footnote-4)  (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.

Please provide the following information about your approach to this procurement:

|  |  |  |
| --- | --- | --- |
| **SECTION 1** | **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 Question 1.2(a) (ii) for reference purposes, and complete Question 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: the Council 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 |  |  |  |  |  | | | |

**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 Council 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.

|  |  |  |
| --- | --- | --- |
| **SECTION 1** | **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 |  |

## Part 2: 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.

|  |  |  |
| --- | --- | --- |
| **SECTION 2** | **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 on this [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf) and in Appendix Two, which 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 on the [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf). | |
|  | 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.  Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction,  Identity of who has been convicted  If the relevant documentation is available electronically please provide the web address, issuing authority, precise reference of the documents. |  |
| 2.2 | 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 ☐ |
| 2.3(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 ☐ |
| 2.3(b) | If you have answered ‘Yes’ to Question 2.3(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 Council reserves the right to use its discretion to exclude a Supplier where it can demonstrate by any appropriate means that the Supplier is in breach of its obligations relating to the non-payment of taxes or social security contributions.

|  |  |  |  |
| --- | --- | --- | --- |
| **SECTION 3** | **GROUNDS FOR DISCRETIONARY EXCLUSION** | | |
|  | Question | | Response |
| 3.1 | **Regulation 57 (8)**  The detailed grounds for discretionary exclusion of an organisation are set out on this [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which 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. | | |
| 3.1(a) | Breach of environmental obligations? | Yes ☐  No ☐  If Yes please provide details at 3.2 | |
| 3.1(b) | Breach of social obligations? | Yes ☐  No ☐  If Yes please provide details at 3.2 | |
| 3.1(c) | Breach of labour law obligations? | Yes ☐  No ☐  If Yes please provide details at 3.2 | |
| 3.1(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 3.2 | |
| 3.1(e) | Guilty of grave professional misconduct? | Yes ☐  No ☐  If Yes please provide details at 3.2 | |
| 3.1(f) | Entered into agreements with other economic operators aimed at distorting competition? | Yes ☐  No ☐  If Yes please provide details at 3.2 | |
| 3.1(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 3.2 | |
| 3.1(h) | Been involved in the preparation of the procurement procedure? | Yes ☐  No ☐  If Yes please provide details at 3.2 | |
| 3.1(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 3.2 | |
| 3.1(j)  3.1(j) - (i)  3.1(j) - (ii)  3.1(j) - (iii)  3.1(j)-(iv) | Please answer the following statements:  The 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 3.2    Yes ☐  No ☐  If Yes please provide details at 3.2  Yes ☐  No ☐  If Yes please provide details at 3.2  Yes ☐  No ☐  If Yes please provide details at 3.2 | |
| 3.2 | 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) |  | |

## Part 3: SELECTION QUESTIONS

|  |  |  |
| --- | --- | --- |
| **SECTION 4** | **ECONOMIC AND FINANCIAL STANDING** | |
|  | Question | Response |
| **4.1** | 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 ☐ |
| **4.2** | 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 ☐ |

|  |  |  |
| --- | --- | --- |
| **SECTION 5** | **If you have indicated in Question 1.2 that you are part of a wider group, please provide further details below, if not applicable please state “not applicable”:** | |
| **Name of organisation** | |  |
| **Relationship to the Supplier completing these questions** | |  |

|  |  |  |
| --- | --- | --- |
| **5.1** | Are you able to provide parent company accounts if requested to at a later stage? | Yes ☐  No ☐ |
| **5.2** | If ‘Yes’, would the parent company be willing to provide a guarantee if necessary? | Yes ☐  No ☐ |
| **5.3** | If ‘No’, would you be able to obtain a guarantee elsewhere (e.g. from a bank)? | Yes ☐  No ☐ |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **SECTION 6** | **TECHNICAL AND PROFESSIONAL ABILITY** | | | |
| **6.1** | **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.  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 6.3. | | | |
|  | | **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** | |  |  |  |

|  |  |  |
| --- | --- | --- |
| **6.2** | | 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). |
| **6.3** | If you cannot provide at least one example for Question 6.1, 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. | |
| **6.4**  **(Scored, weighting 30%)** | Please provide a separate appended document with at least one and up to three case studies evidencing where and how your organisation has delivered leisure facilities and outreach interventions that have resulted in significant increases in physical activity participation amongst your client’s key target groups. Please include the client organisation contact details for each of the case studies provided. The named contact(s) should be able to provide written confirmation of the accuracy of the information provided. | |
| **6.5**  **(Scored, weighting 30%)** | Please provide a separate appended document with at least one and up to three case studies evidencing where and how your organisation has delivered significant revenue savings on behalf of your clients, including the use of capital funding to improve the revenue position. Please include the client organisation contact details for each of the case studies provided. The named contact(s) should be able to provide written confirmation of the accuracy of the information provided. | |

|  |  |  |
| --- | --- | --- |
| **SECTION 7** | **MODERN SLAVERY ACT 2015:** **Requirements under Modern Slavery Act 2015** | |
| **7.1** | 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 ☐  N/A ☐ |
| **7.2** | If you have answered ‘Yes’ to Question 7.1 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. |

**8. 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.

|  |  |  |
| --- | --- | --- |
| **SECTION 8** | **ADDITIONAL QUESTIONS** | |
| **8.1** | **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 = £10,000,000 per incident  Public Liability Insurance = £10,000,000 per incident  Professional Indemnity Insurance = £10,000,000 per incident  Product Liability Insurance = £10,000,000 per incident  \*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 ☐ |

|  |  |  |
| --- | --- | --- |
| **8.2** | **Skills and Apprentices[[5]](#footnote-5) – (please refer to supplier selection guidance)** | |
| a. | Public procurement of contracts with a full life value of £10 million and above and duration of 12 months and above should be used to support skills development and delivery of the apprenticeship commitment. This policy is set out in detail in Procurement Policy Note 14/15.Please confirm if you will be supporting apprenticeships and skills development through this contract. | Yes ☐  No ☐ |
| b. | If ‘Yes’, can you provide at a later stage documentary evidence to support your commitment to developing and investing in skills, development and apprenticeships to build a more skilled and productive workforce and reducing the risks of supply constraints and increasing labour cost inflation? | Yes ☐  No ☐ |
| c. | Do you have a process in place to ensure that your supply chain supports skills, development and apprenticeships in line with PPN 14/15 (see guidance) and can provide evidence if requested? | Yes ☐  No ☐ |

|  |  |  |
| --- | --- | --- |
| **8.3** | **Compliance with Equality Legislation** | |
| For organisations working outside of the UK please refer to equivalent legislation in the country that you are located. | | |
| a. | In the last three years, has any finding of unlawful discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)? | Yes ☐  No ☐ |
| b. | 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 of alleged unlawful discrimination? | Yes ☐  No ☐ |
|  | If you have answered ‘Yes’ to one or both of the questions in this module, please provide, as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.  If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.  You may be excluded if you are unable to demonstrate to the Council’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring. |  |
| c. | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | Yes ☐  No ☐ |

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| **8.4** | **Environmental Management** | |
| a. | Does your organisation have an Environmental Policy and/or an environmental purchasing policy?  If ‘Yes’, please provide details of how this/these are implemented. | Yes ☐  No ☐ |
| b. | 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)?  If ‘Yes’, please provide details in a separate Appendix of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served.  The Council will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last three years; unless the Council is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches. | Yes ☐  No ☐ |
| c. | If you use sub-contractors, do you have processes in place to check whether any of these organisations have been convicted or had a notice served upon them for infringement of environmental legislation? | Yes ☐  No ☐ |

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| **8.5** | **Health and Safety** | |
| a. | Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements. | Yes ☐  No ☐ |
| b. | 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? This should include any fees liable for recovery of Health and Safety Executive’s related costs.  If ‘Yes’, please provide details in a separate Appendix of any enforcement/remedial orders served and give details of any remedial action or changes to procedures you have made as a result.  The Council will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to the Council’s satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches. | Yes ☐  No ☐ |
| c. | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | Yes ☐  No ☐ |
| d.  **(Scored, weighting 15%)** | Please provide a separate appended document containing at least two examples of risk assessments and safety method statements for work activity undertaken within the last 12 months. This should include manual handling, COSHH or others that are relevant to your work activities. |  |
| e.  **(Scored, weighting 10%)** | Please provide a separate appended document containing details of health and safety training courses or programmes undertaken by managers and the workforce. |  |
| f.  **(Scored, weighting 15%)** | Has your organisation had to pay any fees or been served notice for breach of regulations or interventions during the last two years under The Health and Safety (Fees) Regulations 2012, where those who break health and safety laws are liable for the recovery of Health and Safety Executive related costs, including inspection, investigation and taking enforcement action over the last two years?  This also includes any breaches and notices served in relation to the Food Safety and Hygiene (England) Regulations 2013.  If ‘Yes’, please outline how your organisation learned from the incident. |  |

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| **8.6** | **Safeguarding** | |
| 8.6.1 | Does your organisation have a Safeguarding of Vulnerable Adults policy which is effectively communicated to all staff?  If ‘Yes’, please enclose a copy. | Yes ☐  No ☐  Copy enclosed  Yes ☐  No ☐ |
| 8.6.2 | Does your organisation have a Children and Young People Safeguarding policy which is effectively communicated to all staff?  If ‘Yes’, please enclose a copy. | Yes ☐  No ☐  Copy enclosed  Yes ☐  No ☐ |
| 8.6.3 | If you have not answered ‘Yes’ to each of the questions above, please provide details of your current safeguarding arrangements below and confirm whether you would have suitable policies in place prior to contract commencement, which are compliant with the Council’s safeguarding policies and procedures?  [SDC Safeguarding Policy for Vulnerable Adults](https://www.stratford.gov.uk/doc/207250/name/1593%20Safeguarding%20Policy%20for%20Adults%20SEP17.pdf)  [SDC Safeguarding and Child Protection Policy](https://www.stratford.gov.uk/doc/207922/name/SDC%20Safeguarding%20and%20Child%20Protection%20Policy%202018.pdf) | |

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| **8.7** | **Data Protection and GDPR** | |
| 8.7.1 | Please confirm that you have in place, or that you will have in place by contract award, the human and technical resources to perform the contract to ensure compliance with the Data Protection Act 2018 and the General Data Protection Regulation and to ensure the protection of the rights of data subjects. | Yes ☐  No ☐ |
| 8.7.2 | Please provide details of the technical facilities and measures (including systems and processes) you have in place, or will have in place by contract award, to ensure compliance with the Data Protection Act 2018 and the General Data Protection Regulation and to ensure the protection of the rights of data subjects. Your response should include, but should not be limited to facilities and measures:   * to ensure ongoing confidentiality, integrity, availability and resilience of processing systems and services; * to comply with the rights of data subjects in respect of receiving privacy information, and access, rectification, deletion and portability of personal data; * to ensure that any consent based processing meets standards of active, informed consent, and that such consents are recorded and auditable; * to ensure legal safeguards are in place to legitimise transfers of personal data outside the EU (if such transfers will take place); * to maintain records of personal data processing activities; and * to regularly test, assess and evaluate the effectiveness of the above measures. * examples of policies and documentation used to ensure compliance with the Data Protection Act 2018 and GDPR. | |

**SECTION 4 - APPENDICES**

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Appendix One: SSQ Template for Appendices

Appendix Two: Mandatory and Discretionary Exclusions

# APPENDIX ONE – SSQ Template for Appendices (Optional)

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| **Appendix number** |
| **SSQ section** |
| **Question number** |
| Supporting evidence |

# APPENDIX TWO – Mandatory and Discretionary Exclusions

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**Mandatory Exclusion Grounds**

**Public Contracts Regulations 2015 R57(1), (2) and (3)**

**Public Contracts 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

**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 three 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.

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 section 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 regulation 57(1) of the PCR 2015 (subject to self-cleaning).

1. For the list of exclusion please see https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/551130/List\_of\_Mandatory\_and\_Discretionary\_Exclusions.pdf [↑](#footnote-ref-1)
2. See EU definition of SME: http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/ [↑](#footnote-ref-2)
3. 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-3)
4. Central Government contracting authorities should use this information to have the PSC information for the preferred supplier checked before award. [↑](#footnote-ref-4)
5. [Procurement Policy Note 14/15– Supporting Apprenticeships and Skills Through Public Procurement](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/456805/27_08_15_Skills__Apprenticeships_PPN_vfinal.pdf) [↑](#footnote-ref-5)