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| **Schedule 5: Tender Questionnaire** **Appointment of Lead Consultant for the redevelopment of Cakebridge Place****Contract Reference 2016-003****Please provide answers to all questions**  |
| **1 – Contractor Information *[Information only]*** |
| **1.1 Contractor details** | **Answer** |
| Name of the company in whose name the tender is submitted |  |
| Registered company address |  |
| Registered company number and date of registration |  |
| Registered charity number (if applicable) |  |
| Registered VAT number |  |
| Registered address, if different from above |  |
| Name of immediate parent company |  |
| Name of ultimate parent company |  |
| Please mark ‘X’ in the relevant box to indicate your trading status | 1. a public limited company
 | ▢ Yes |
| 1. a limited company
 | ▢ Yes |
| 1. a limited liability partnership
 | ▢ Yes |
| 1. other partnership
 | ▢ Yes |
| 1. sole trader
 | ▢ Yes |
| 1. other (please specify)
 | ▢ Yes |
| Please mark ‘X’ in the relevant boxes to indicate whether any of the following classifications apply to your organisation | Voluntary, Community and Social Enterprise (VCSE) | ▢ Yes |
| Small or Medium Enterprise (SME) | ▢ Yes |
| For SME classification please state number of employees? |  |
| Sheltered workshop | ▢ Yes |
| Public Service mutual | ▢ Yes |

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| **1.2** | **Bidding model / legal form *[Information only]*** |
| **Please mark ‘X’ in the relevant box to indicate whether you are:** |
| 1. Bidding as a Prime Contractor and will deliver 100% of the key contract deliverables yourself?
 | ▢ Yes |
| 1. Bidding as a Prime Contractor and will use third parties to deliver some of the consultancy?
 | ▢ Yes |
| If yes, please provide details below of your proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contact deliverables each sub-contractor will be responsible for. |
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| 1. Bidding as a Prime Contract but will operate as a Managing Agent and will use third parties to deliver all of the services?
 | ▢ Yes |
| If yes, please provide details below of your proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contact deliverables each sub-contractor will be responsible for. |
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| 1. Bidding as a consortium but not proposing to create a new legal entity?
 | ▢ Yes |
| If yes, please include details of your consortium below including Consortium members and lead member, explaining the alternative arrangements i.e. why a new legal entity is not being created.Please note the Council may require the consortium to assume a specific legal form if awarded the contract, to the extent that it is necessary for the satisfactory performance of the contract. |
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| 1. Bidding as a consortium and intend to create a Special Purpose Vehicle (SPV)?
 | ▢ Yes |
| If yes, please include details of your consortium below including Consortium members, Current lead member and name of Special; Purpose Vehicle and provide full details of the bidding model. |
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| **1.3 Contact details *[Information only]***  |
| **Contractor contact details for enquires about this tender questionnaire:** |
| Name |  |
| Postal address |  |
| Country |  |
| Phone |  |
| Mobile |  |
| Email |  |

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| **1.4 Licensing and registration *[Information only]*** |
| **Please mark ‘X’ in the relevant box**  |
| 1.4.1 | Registration with a professional bodyIf applicable, is your business registered with the appropriate trade or professional register(s) in the EU member state where it is established (as set out in Annex XI of directive 2014/24/EU) under the conditions laid down by that member state). | ▢ Yes▢ NoIf Yes, please provide the registration number in this box. |
| 1.4.2 | Is it a legal requirement in the state where you are established for you to be licensed or a member of a relevant organisation in order to provide the requirement in this procurement? | ▢ Yes▢ NoIf Yes, please provide additional details within this box of what is required and confirmation that you have complied with this. |
| 1.4.3 | Has your organisation or your organisation’s directors or partners ever failed in obtaining/maintaining relevant licences or membership of an appropriate trading or professional organisation where required by law? | ▢ Yes▢ NoIf Yes, please provide additional details within this box of what is required and confirmation that you have complied with this. |
| **2. Grounds for mandatory exclusion *[Selection criteria - Pass / Fail]***  |
| You will be excluded from the procurement process if there is evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if you have been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations (except where there is disproportionate e.g. only minor amounts involved).If you have answered “Yes” to question 2.2 on the non-payment of taxes or social security contributions, and have not paid or entered into a binding arrangement to pay the full amount, you may still avoid exclusion if only minor tax or social security contributions are unpaid or if you have not yet had time to fulfil your obligations since learning of the exact amount due. If your organisation is in that position please provide details below. You may contact the council for advice before completing this form.  |
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| **2.1 Within the past five years, has your organisation (or a member of any proposed consortium, if applicable), Directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?** | Please indicate your answer by marking ‘X’ in the relevant box below |
| 1. 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?
 | Yes | No |
| 1. 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; where the offence relates to active corruption?
 | Yes | No |
| 1. The common law offence of bribery?
 | Yes | No |
| 1. Bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010; or section 113 of the Representation of People Act 1983?
 | Yes | No |
| 1. 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:
 | Yes | No |
| (i) the offence of cheating the Revenue? | Yes | No |
| (ii) the offence of conspiracy to defraud? | Yes | No |
| (iii) fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978? | Yes | No |
| (iv) fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006? | Yes | No |
| (v) fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994? | Yes | No |
| (vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice act 1969? | Yes | No |
| (vii) destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969? | Yes | No |
| (viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006? | Yes | No |
| (ix) the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act? | Yes | No |
| 1. Any offence listed below:
 | Yes | No |
| (i) in section 41 of the Counter Terrorism Act 2008; or | Yes | No |
| (ii) in Schedule 2 to that Act where the court has determined that there is a terrorist connection? | Yes | No |
| 1. Any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by questionnaire number 7.1.7?
 | Yes | No |
| 1. Money laundering within the meaning of sections 340(11) and 415 of the proceeds of Crime Act 2002?
 | Yes | No |
| 1. 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?
 | Yes | No |
| 1. An offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004?
 | Yes | No |
| 1. An offence under section 59A of the Sexual Offences Act 2003?
 | Yes | No |
| 1. An offence under section 71 of the Coroners and Justice Act 2009?
 | Yes | No |
| 1. 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?
 | Yes | No |
| 1. Any other offence within the meaning of Article 57(1) of the Public Contracts Directive:
 | Yes | No |
| (i) as defined by the law of any jurisdiction outside England and Wales and Northern Ireland? | Yes | No |
| (ii) created, after the day on which these Regulations were made, in the law of England and Wales and Northern Ireland? | Yes | No |
| **2.2** **Non-payment of taxes**Has it been established 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 your organisation is established (if outside the UK), that your organisation is in breach of obligations related to the payment of tax or social security contributions? | Yes | No |
| If you answered Yes to this question please provide details below and to confirm whether you have paid, or have entered into a binding arrangement with a view to paying, including where applicable, any accrued interest and/or fines? |
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| **3.** **Grounds for discretionary exclusion – Part 1 *[Selection criteria - Pass / Fail]***  |
| The council may exclude any organisation from the procurement process who answers ‘Yes’ in any of the following situations set out in paragraphs (a) to (i): |
| **3.1 Within the past three years, please indicate if any of the following situations have applied, or currently apply, to your organisation.** | Please indicate your answer by marking ‘X’ in the relevant box below |
| 1. Your organisation has violated applicable obligations referred to in regulation 56 (2) of the Public Contracts Regulations 2015 in the fields of environmental, social and labour law established by EU law, national law, collective arrangements or by the international environmental, social and labour law provisions listed in Annex X to the Public Contracts Directive as amended from time to time?
 | Yes | No |
| 1. Your organisation is bankrupt or is the subject of insolvency or winding-up proceedings, where your assets are being administers by a liquidator or by the court, where it is 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 |
| (c) Your organisation is guilty of grave professional misconduct, which renders its integrity questionable? | Yes | No |
| 1. Your organisation has entered into agreements with other economic operators aimed at distorting competition?
 | Yes | No |
| 1. Your organisation has a conflict of interest within the meaning of regulation 24 of the Public Contracts Regulations 2015 that cannot effectively remedied by other, less intrusive, measures?
 | Yes | No |
| 1. The prior involvement of your organisation in the preparation of the procurement procedure has resulted in a distortion of competition, as referred to in regulation 41 that cannot be remedied by other, less intrusive, measures?
 | Yes | No |
| 1. Your organisation has 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 |
| 1. Your organisation:
2. has 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; or
3. has withheld such information or is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations?
 | Yes | No |
| 1. Your organisation has undertaken to:
2. unduly influence the decision-making process of the contracting council: or

(bb) obtain confidential information that may confer upon  your organisation undue advantages in the procurement procedure? | Yes | No |
| * + 1. Your organisation has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award?
 | Yes | No |

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| **4. Grounds for discretionary exclusion – Part 2 *[Selection criteria - Pass / Fail]***  |
| The council reserves the right to use its discretion to exclude a Contractor where it can demonstrate the Contractor’s non-payment of taxes/social security contributions.  |

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| **5. Economic and Financial standing *[Selection criteria - Pass / Fail]***  |
| **Financial information**(Company turnover assessment requirement may not be set at more than two times the contract value unless justified). |
| **Please provide one of the following to demonstrate your economic / financial standing.** |
| 1. Please indicate the annual turnover of your organisation, and the turnover in respect of the services to which the contract relates, over the last 2 years audited accounts. If your organisation is part of a group, please give figures for both your own organisation and the group.
 |
|  | Organisation | Annual Turnover | For year  |
|  |  |  | For year  |
|  | Group | Annual Turnover | For year  |
|  |  |  | For year  |
| 1. If requested, would you be able to provide a statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position?
 | Yes | No |
| 1. If none of the above are available are you able to demonstrate other means of financial status (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 |
| 1. Is your organisation part of a wider group (e.g. a subsidiary of a holding/ parent company)? If yes please provide the name below:
 | Yes | No |
| Name of organisation |  |
| Relationship to your organisation completing the tender |  |
| 1. Would the ultimate / parent company be willing to provide a guarantee if necessary?
 | Yes | No |

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| **6. Technical and Professional Ability** ***[Scored award criteria - Total 30% weighting]***  |
| **6. Relevant experience, contract examples and references** |
| Please provide details of at least two contracts, from either the public or private sector, that are relevant to the Council’s requirement. Contracts should have been performed during the past three years. VCSE’s may include samples of grant funded work.The named customer contact provided should be prepared to provide written evidence to the council to confirm the accuracy of the information provided below; and be willing to act as a reference site for an Evaluation Panel visit if required.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 will be created for this contract) then two separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (two examples are not required from each member).Where the Contractor is a Special Purpose Vehicle or a managing agent not intending to be the main provider of the consultancy, the information requested should be provided in respect of the principal intended provider(s) or sub-contractor(s) who will deliver the consultancy. |
|  |  | Contract 1 | Contract 2 | Contract 3 |
| 6.1 | Name of customer organisation: |  |  |  |
| 6.2 | Point of contact in customer organisation:Position in the organisation:Email address: |  |  |  |
| 6.3 | Contract start date:Contract completion date:Estimated Contract Value: |  |  |  |
| 6.4 | Please provide a brief description of at least two contracts delivered in no more than 300 words including evidence as to your technical capability in this market. |
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| 6.5 | May referees above be approached for a reference / certificate of performance prior to any short-listing, interviews or presentations? | Yes | No |
| 6.6 | If you cannot provide at least one contract example in 6.1 to 6.4 above, in no more than 300 words please provide an explanation for this e.g. your organisation is a new start-up. |
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| 6.9 | Does your organisation have an up to date and comprehensive procedure manual?  | Yes | No |
| 6.10 | Please indicate to which professional body(s) your organisation belongs and/or accreditations it holds relevant to this project. |
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| 6.11 | Numbers employed by your organisation: |
|  | Permanent: |  |
|  | Casual: |  |
| 6.12 | Please state the names of employees who will be involved directly in the provision of these works in accordance with this tender and as Principal Designer |
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| 6.13 | Of the above numbers of employees who will be involved directly in the provision of the services, please list qualifications held which are accredited by a recognised body (by number). |
| 6.13.1 | Qualification (Accreditation details) | Number |
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| 6.14 | Does your organisation currently provide ongoing training to your employees? |
|  | Yes / No |  |
| 6.15 | Please provide brief details of the CV’s of the professional person / team who will be working on this project and include a summary of no more than 500 words illustrating the skills, knowledge and experience you can bring to this contract in accordance with the tender documentation. |
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| **7. Insurance *[Selection criteria - Pass / Fail]***  |
| 7.1 | Please provide details of your organisation’s insurance protection in respect of the following: |
| **Public Liability policy****Minimum £5M** | InsurerPolicy No | Indemnity value in respect of any one incident (£) |
| **Employers Liability policy****Minimum £5M** | InsurerPolicy No | Indemnity value in respect of any one incident (£) |
| **Professional Indemnity****Minimum £5M** | InsurerPolicy No | Indemnity value in respect of any one incident (£)Inclusive of services that involve asbestos |
| Policies must cover for any one occurrence or series of occurrences arising out of one event. Copies of policies will be required from preferred bidder prior to contract award. |
| 7.2 | If your organisation does not currently have the above minimum level of cover, do you undertake to secure the required insurance cover inclusive of services that involve asbestos in the event your organisation being awarded the contract? | Yes | No |

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| **8. Equality Act 2010 *[Selection criteria - Pass / Fail]***  |
| For organisations working outside of the UK please refer to equivalent legislation in the country that you are located. |
| (a) The Contractor shall use reasonable endeavours to ensure that they comply with the Equality Act 2010.(b) The Contractor agrees to provide the Service in a non-discriminatory manner and shall promote equality following any code of practices issued under any of the above legislation. (c) The Council has a responsibility to monitor the equality of the provision of any Services provided by the Contractor. To assist the Council to meet this responsibility, the Contractor agrees, where appropriate and practicable, to work towards providing monitoring information to the Council in relation to employment and service provision in respect of the protected characteristics under the Equality Act 2010.(d) The Contractor shall not discriminate directly or indirectly, or by way of victimisation or harassment, against any person on grounds of the protected characteristics.(e) The Contractor shall notify the Council forthwith in writing as soon as it becomes aware of any investigation of or proceedings brought against the Contractor under the above legislation. Where any investigation is undertaken by a person or body empowered to conduct such investigation, and/or proceedings are instituted in connection with any matter relating to the Contractor’s performance of this Contract being in contravention of the above legislation, the Contractor shall, free of charge, co-operate fully and promptly in every way required by the person or body conducting such investigation.(f) Where any such investigation is conducted or proceedings are brought under the above legislation, which arise directly or indirectly out of any act or omission of the Contractor, its agents or subcontractors, or the employees of the Contractor, and where there is a finding against the Contractor in such investigation or proceedings, the Contractor shall indemnify the Council in respect to all costs, charges and expenses arising out of or in connection with any such investigation or proceedings to cover any costs or payment the Contractor may have been ordered or required to pay to a third party.(g) In order for the Council to monitor discrimination and promote equalities and diversity in all its functions and policies, the Contractor may require the Contractor to complete a questionnaire and/or provide information to the Council on the extent and quality of the Contractor’s equalities and diversity policies and practice. (h) If the Contractor fails to meet the required standards set out in the above legislation or codes of practice and after having been given the opportunity to improve the Council may take further action, including the termination of this Contract.(i) The Contractor shall impose similar obligations contained in this clause in any subcontracts that it may enter into in relation to the provision of the Works/Services under this Contract. |
| 8.1 | Please confirm your organisation fully complies with the Equality Act 2010 | Yes | No |
| 8.2 | 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 |
| 8.3 | 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 answered ‘Yes’ to either question 8.2 or 8.3 above please provide below 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 explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.Your organisation may be excluded from the procurement process if you are unable to demonstrate to the Council’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring. |
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| 8.4 | If you use sub-contractors, do you have the processes in place to check whether any of the above circumstances apply to these other organisations? | Yes | No |

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| **9. Environmental Management *[Selection criteria - Pass / Fail]***  |
| The Council will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last 3 years; unless the council is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches. |
| 9.1 | 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 council (including local council)? | Yes | No |
| If your answer to this question is ‘Yes’ please provide details below of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served. |
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| 9.2 | If you use sub-contractors, do you have the 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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| **10. Health and Safety *[Selection criteria - Pass / Fail]***  |
| 10.1 | Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements. | Yes | No |
| 10.2 | 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 3 years? | Yes | No |
|  | If your answer to question 10.2 above was ‘Yes’ please provide details below and 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.  |
| 10.3 | If you use sub-contractors, do you have the processes in place to check whether any of the above circumstances apply to these organisations? | Yes | No |
| 10.4 | Does your organisation have a dedicated member of staff responsible for health and safety, who is a member of a recognised health and safety professional body? | Yes | No |

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| **11.** | **Quality Assurance *[Scored award criteria – Total weighting 8%]***  |
| 11.1 | Please provide details of any quality assurance accreditation that your organisation holds. If no accreditation is held, please briefly outline your quality assurance policy. |
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| 11.2 | Registration Number: |  |
| 11.3 | Please provide details of any quality assurance accreditations for which you have applied? |
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| 11.4 | How does your organisation manage and maintain quality standards and compliance with health and safety policies and CDM regulations with your employees and during the delivery of a works contract? (maximum 300 words) |
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| **12.** | **Social Value *[Information only]***  |
| 12.1 | Please provide brief details of your organisation’s experience of generating social value. |
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| **13.** | **Method Statement** ***[Scored award criteria - Total 32% weighting]***  |
| 13.113.1.113.1.213.1.3 | Please provide a method statement which demonstrates a clear understanding of the aims and objectives stated in this tender documentation, compliance with Schedule 1\_Statement of Requirement and Instructions to Tenderers and an appreciation of the issues and risks arising from it.This should include (but not limited to):* A detailed quality proposal demonstrating an understanding of the Council’s requirements and outlining how the outcomes and deliverables set out in Schedule 1\_Statement of Requirement and Instructions to Tenderers will be achieved and compliance with The Construction [Design and Management] Regulations 2015.

 The proposed method of application, timescales for completion of the contract and the management controls for all aspects of the contract. (18% weighting)* Evidence of the ability to engage with stakeholders. (7% weighting)
* Evidence sound management of cost management competence based on the project delivery (7% weighting)
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| **14. Tender Questionnaire Declaration *[Selection criteria - Pass / Fail]***  |
| 14.1 | I declare that to the best of my knowledge the answers submitted in Schedule 5\_Tender Questionnaire 2016--002 are correct. I understand that the information will be used in the selection / evaluation process to assess my organisation’s suitability to be invited to participate further in this procurement that may include short-listing.I understand that the Council(s) may reject my submission if there is a failure to answer all relevant questions fully or if I provide false/misleading information.I declare that there will be no conflict of interest in relation to the Council’s requirement or arising from this appointment either now or in the future, with other clients and interest, who may be advised by my organisation.I also declare that if appointed my organisation will maintain the confidentiality of information shared with them during the course of this project and sign a non-disclosure agreement where applicable prior to any confidential information being released to the to the successful contractor.I am signing on behalf of…………………………………*.(****insert name of Contractor)*** |
| 14.2 | Name |  |
| 14.3 | Role in organisation |  |
| 14.4 | Date |  |
| 14.5 | Signature |  |