

**National Highways Limited**

Selection Questionnaire

**Employee Benefits, Discounts & Recognition Platform**

 **Contents amendment sheet**

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# Guidance on Completion of Selection Questionnaire

## Definitions

### In this Selection Questionnaire (“SQ”):

1. the “Authority” or “National Highways” means National Highways Limited.
2. “Applicant” or “You/Your” refers to the potential supplier completing this SQ, i.e. the legal entity responsible for the information provided. The term “potential supplier” is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 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; or other form of entity

## Structure

### The SQ is structured in three parts:

* + - Part 1 covers the basic information about applicants, such as contact details, trade memberships, details of parent companies, group bidding and so on.
		- Part 2 covers a self-declaration regarding whether or not any of the exclusion grounds apply.
		- Part 3 covers questions related to economic and financial standing, social value and technical and professional ability.

### Part 1 Potential Supplier’s Information, Bidding Model, and Declaration

* + - Question 1.1 Your Information - a separate response must be provided by the Applicant, the Applicant’s parent company (where the parent company is relied on to meet the selection criteria), each consortium member (where you are joining a group of organisations), and each sub-contractor that you rely on to meet the selection criteria (“Material Sub-contractors”).
		- Question 1.2 Bidding model – a single combined response must be provided by the Applicant on behalf of itself, its parent company (where applicable), its consortium members (where applicable), and any Material Sub-contractors (where applicable).
		- Question 1.3 Declaration – a separate response must be provided by the Applicant, its parent company (where applicable), its consortium members (where applicable), and any Material Sub-contractors (where applicable).

### Part 2 Exclusion Grounds

### Part 2 is a self-declaration, made by you (the potential supplier), that you do not meet any of the grounds for exclusion. If there are grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (we call this self-cleaning).

### A completed declaration of Section 2 and Section 3 provides a formal statement that the organisation making the declaration has not breached any of the exclusions grounds. Consequently, we require all the organisations that you will rely on to meet the selection criteria to provide a completed Part 1 and Part 2. A separate response must be provided by the Applicant, its parent company (where applicable), its consortium members (where applicable), and each Material Sub-contractor (where applicable).

### Part 3 Supplier Selection Questions

### For the following questions a separate response must be provided by the Applicant, each consortium member (where applicable), and each Material Sub-contractor (where applicable):

* + - 5a Wider Group
		- 7 Modern Slavery
		- 8.3 Compliance with Equality Legislation
		- 8.4 Environmental Management

### For the following questions a separate response must be provided by the Applicant and each consortium member (where applicable):

* + - 4 Economic and Financial Standing
		- 5b Guarantees
		- 8.2 Skills and Apprentices

### For the following questions a single combined response must be provided by the Applicant on behalf of itself, its parent company (where applicable), its consortium members (where applicable), and any Material Sub-contractors (where applicable).

* + - 6 Technical and Professional ability
		- 8.1 Insurance
		- 8.5 Additional Questions on Technical and Professional ability
		- 8.6 Health & Safety Part 1
		- 8.7 Health & Safety Part 2
		- 8.8 Accreditations

## Consequences of misrepresentation

### If you seriously misrepresent any factual information in filling in the SQ, and so induce the Authority 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 proved, 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. If any of the information you provide when responding to this Selection Questionnaire changes prior to contract award you must notify the Authority in writing.

## Notes for completion

### Please ensure that **all questions are completed in full**, and in the format requested. If the question does not apply to you, please state ‘N/A’. Should you need to provide additional information in response to the questions, please submit a clearly identified annex.

## Bidding model

### The Authority recognises that any arrangements set out in Section 1.2 of this SQ, in relation to a group of economic operators (for example, a consortium) and/or use of Material Sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the Authority 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 Authority will make a revised assessment of the submission based on the updated information.

## Customer contacts

### The Authority 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 Authority is under a legal or regulatory obligation to make such a disclosure.

# INSTRUCTIONS FOR SUBMISSION OF SQ RESPONSES

## Part 1 Information

### Part 1 of the SQ contains questions relation to organisational details, the bidding model and subcontracting arrangements. This part of the SQ requires you to make a declaration regarding the accuracy and completeness of your SQ responses and commitment to providing additional evidence to support your SQ responses where requested by the Authority.

## Part 2 Exclusion Grounds

### Part 2 of the SQ enables you to self-certify that there are no mandatory/discretionary grounds for exclusion.

### You should refer to Regulation 57 of the Regulations before completing this part, which sets out the detailed grounds for mandatory and discretionary exclusion (see this link:

### <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf>)

### Self-cleaning

### In accordance with Regulation 57 of the Regulations, if an Applicant has breached certain exclusion grounds, it has an opportunity to explain how and what actions have been taken to rectify the situation (referred to as “self cleaning”).

### The Applicant is permitted to provide evidence of self-cleaning if it answers “Yes” to certain questions within the mandatory and discretionary exclusion parts of the SQ.

### The evidence of self cleaning must include:

### a) a summary of the circumstances; and

### b) remedial action that has taken place subsequently that effectively “self-cleans” the situation.

### The Applicant must demonstrate that it has taken such remedial action, to the satisfaction of the Authority and in accordance with Regulation 57 of the Regulations.

### Conflicts of interest

### Where a conflict of interest exists, or may arise, it is the Applicant’s responsibility to inform the Authority, providing details in 3.2.

### You must explain the actual or potential conflict of interest; and measures you propose to implement to mitigate, remove or manage the conflict of interest.

### You are required to demonstrate that you have mitigated, removed or managed the conflict of interest to the satisfaction of the Authority and in accordance with Regulation 24 of the Regulations.

## Part 3 Selection Questions

### Part 3 of the SQ contains questions related to suitability in respect of:

* + - Section 4 Economic and Financial Standing;
		- Section 5 Is the Applicant part of a wider group
		- Section 6 Technical and Professional Ability.
		- Section 7 Modern Slavery
		- Section 8 Additional Questions.

### Section 4 Economic and Financial Standing

### The Applicant is required to provide the information requested and the full methodology for the assessment is set out in the assessment process section below.

### Section 5 Is the Applicant part of a wider group

### You should be aware that the Authority may require the benefit of a guarantee from the Parent Company of the Applicant as set out in the draft contract.

### The assessment process for Economic and Financial Standing sets out when a parent company guarantee may be required to pass the economic and financial standing tests.

### An alternative form of guarantee may be considered where a parent company guarantee is not available.

### Section 6 Technical and Professional Ability.

### The Applicant is required to provide the information requested and the full methodology for the assessment is set out in the assessment process section below.

### Section 7 Modern Slavery

### This part of the SQ must be read in conjunction with Section 54 (“Transparency in supply chains etc.”) of the Modern Slavery Act 2015 prior to answering questions within this section

### Section 8 Additional Questions

a) 8.1 Insurance

b) 8.2 Skills and Apprentices

c) 8.3 Compliance with Equality Legislation

d) 8.4 Environmental Management

e) 8.5 Additional Questions on Technical and Professional ability

f) 8.6 Health & Safety Part 1

g) 8.8 Health & Safety Part 2

h) 8.8 Accreditations

# SELECTION QUESTIONNAIRE

# Part 1: Potential 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 - Potential supplier information |
| --- |
| Question number | Question | Response |
| 1.1(a) | Full name of the potential 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) | What trading name(s) will be used if successful in this procurement (if applicable)? |  |
| 1.1(l) | Relevant classifications: state whether you fall within one of these, and if so which one1. Voluntary Community Social Enterprise (VCSE)
2. Sheltered Workshop
3. Public service mutual
 |  |
| 1.1(m) | Are you a Small, Medium or Micro Enterprise (SME)[[1]](#footnote-1)? | [ ]  Yes[ ]  No |
| 1.1(n) | Provide details of Persons of Significant Control (PSC), where appropriate: [[2]](#footnote-2) - 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. [[3]](#footnote-3)(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 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[ ]  NoIf 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 1.2(a) (ii) for reference purposes, and complete 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: we may ask them to complete this form as well.[[4]](#footnote-4)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 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 authority may reject this submission in its entirety if there is a failure to answer all the relevant questions fully, or if false/misleading information or content is provided in any section.

### I am aware of the consequences of serious misrepresentation.

|  |
| --- |
| 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 in the webpage shown in the footnote below,[[5]](#footnote-5) 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 in the webpage shown in the footnote. |
|  | Participation in a criminal organisation.  | [ ]  Yes[ ]  NoIf Yes please provide details at 2.1(b) |
|  | Corruption.  | [ ]  Yes[ ]  NoIf Yes please provide details at 2.1(b) |
|  | Fraud.  | [ ]  Yes[ ]  NoIf Yes please provide details at 2.1(b) |
|  | Terrorist offences or offences linked to terrorist activities | [ ]  Yes[ ]  NoIf Yes please provide details at 2.1(b) |
|  | Money laundering or terrorist financing | [ ]  Yes[ ]  NoIf Yes please provide details at 2.1(b) |
|  | Child labour and other forms of trafficking in human beings | [ ]  Yes[ ]  NoIf Yes please provide details at 2.1(b)  |
| 2.1(b) | If you have answered yes to any of the questions in 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 convictedIf 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: A criminal record check for relevant convictions may be undertaken for the preferred suppliers and the persons of significant in control of them.

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

| Section 3 - Grounds for Discretionary Exclusion  |
| --- |
| Question number | Question | Response |
| 3.1 | **Regulation 57(8)**The detailed grounds for discretionary exclusion of an organisation are set out in the webpage shown in the footnote below,[[6]](#footnote-6) 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[ ]  NoIf yes please provide details at 3.2 |
| 3.1 (b) | Breach of social obligations?  | [ ]  Yes[ ]  NoIf yes please provide details at 3.2 |
| 3.1 (c) | Breach of labour law obligations?  | [ ]  Yes[ ]  NoIf 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[ ]  NoIf yes please provide details at 3.2 |
| 3.1(e) | Guilty of grave professional misconduct? | [ ]  Yes[ ]  NoIf yes please provide details at 3.2 |
| 3.1(f) | Entered into agreements with other economic operators aimed at distorting competition? | [ ]  Yes[ ]  NoIf 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[ ]  NoIf 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[ ]  NoIf 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 statementsThe 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 have provided misleading information that may have a material influence on decisions concerning exclusion, selection or award. | [ ]  Yes[ ]  NoIf 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)[[7]](#footnote-7) |  |

# Part 3: Selection Questions[[8]](#footnote-8)

|  |
| --- |
| Section 4 - Economic and Financial Standing  |
| Question number | Question | Response |
| 4.1 | Please provide a copy of your audited accounts for the last two years.If you do not have audited account for the last two years please provide unaudited copies. | [ ]  Included [ ]  Included |
| If you do not have audited or unaudited accounts for the last two years please provide1. 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.
 | [ ]  Included |
| 1. A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position.
 | [ ]  Included |
|  | 1. 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).
 | [ ]  Included |

| Section 5a – Wider Group |
| --- |
|  | If you have indicated in the Selection Questionnaire question 1.2 that you are part of a wider group, please provide further details below:[[9]](#footnote-9) |
| Name of the consortium/organisation (list members where the organisation lacks a formal name – if this information is already provided in a previous section, a cross-reference to that section is acceptable) |  |
| Name of the organisation completing this copy of the selection questionnaire document |  |
| Relationship to the consortium of the organisation completing this copy of the selection questionnaire. |  |

| Section 5b – Guarantor (to be completed by all tenderers) |
| --- |
| 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. Works contracts may be from the past five 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 (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 (Information required for each contract)** |
| **Name of customer organisation** |  |
| **Point of contact in the organisation** |  |
| **Position in the organisation** |  |
| **E-mail address** |  |
| **Description of contract setting out how the contract meets the requirements (maximum of 500 words)** |  |
| **Contract Start date** |  |
| **Contract completion date** |  |
| **Estimated contract value** |  |
| **Confirmation that the contract has been performed in accordance with the contract specification.** |  |

|  |  |
| --- | --- |
| **Contract 2** | **Contract (Information required for each contract)** |
| **Name of customer organisation** |  |
| **Point of contact in the organisation** |  |
| **Position in the organisation** |  |
| **E-mail address** |  |
| **Description of contract setting out how the contract meets the requirements (maximum of 500 words)** |  |
| **Contract Start date** |  |
| **Contract completion date** |  |
| **Estimated contract value** |  |
| **Confirmation that the contract has been performed in accordance with the contract specification.** |  |

|  |  |
| --- | --- |
| **Contract 3** | **Contract (Information required for each contract)** |
| **Name of customer organisation** |  |
| **Point of contact in the organisation** |  |
| **Position in the organisation** |  |
| **E-mail address** |  |
| **Description of contract setting out how the contract meets the requirements (maximum of 500 words)** |  |
| **Contract Start date** |  |
| **Contract completion date** |  |
| **Estimated contract value** |  |
| **Confirmation that the contract has been performed in accordance with the contract specification.** |  |

|  |  |
| --- | --- |
| 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, in no more than 500 words 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. |
|  |  |

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| --- |
| 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")?Note: A relevant commercial organisation is one that carries on a business in the UK with a total annual turnover of £36m or more. | [ ]  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?Note: The relevant organisation must prepare a slavery and human trafficking statement for each financial year. The statement sets out the steps the organisation has taken in the financial year to ensure that slavery and human trafficking is not taking place:* + - * + in any of its supply chains, and
				+ in any part of its own business.
 | [ ]  YesPlease provide the relevant url …[ ]  NoPlease provide an explanation |
| Section 54 of the Act is available at <http://www.legislation.gov.uk/ukpga/2015/30/section/54/enacted#section-54-2>Further guidance is available at<https://www.gov.uk/government/publications/transparency-in-supply-chains-a-practical-guide> |

### **8. Additional Questions**

### Tenderers 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 requirements |
| a. | Note: Tenderers who self-certify that they already have, or can commit to obtain, prior to the commencement of the contract; the level of insurance cover indicated below will be required to provide evidence of this if they are successful at contract award stage. |
| b. | Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the level of insurance cover indicated below:Third Party Public and Products Liability Insurance to indemnify the insured in respect of all sums which the insured may become legally liable to pay as damages, including claimant's costs and expenses, in respect of accidental death or bodily injury to or sickness, illness or disease contracted by any person (other than employees of the insured) and / or loss of or damage to property happening during the period of insurance and arising out of or in connection with the contract.A limit of indemnity of not less than £5,000,000 in respect of any one occurrence, the number of occurrences being unlimited in any annual policy period, and in the aggregate per annum in respect of liability arising out of products and pollution or contamination liability (to the extent insured by the relevant policy).  | [ ]  Yes [ ]  No  |
| c. | Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the level of insurance cover indicated below:Professional Indemnity Insurance to indemnify the insured for all sums which the insured may become legally liable to pay (including claimants costs and expenses) as a result of claims first made against the insured during the period of insurance by reason of any negligent act, error or omission arising out of or in connection with the provision of professional services in connection with the contract.A limit of indemnity of not less than £2,000,000 in respect of any one claim and in the aggregate per annum. | [ ]  Yes [ ]  No  |
| d. | Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the level of insurance cover indicated below:Employer’s (Compulsory) Liability Insurance. Limit of indemnity £5,000,000 in respect of any one occurrence the number of occurrences being unlimited in any annual policy period.It is a legal requirement that all companies hold Employer’s Liability Insurance of £5,000,000 in respect of any one occurrence the number of occurrences being unlimited in any annual policy period as a minimum. Please note this requirement is not applicable to Sole Traders.  | [ ]  Yes [ ]  No[ ]  N/A |
| e. | Please self-certify that you will be responsible for the excess amounts stated within the insurance policies you have or will obtain in accordance with questions 8.1 b, c and d. | [ ]  Yes [ ]  No |

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| 8.2 – Skills and Apprentices[[10]](#footnote-10)  |
| 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. |
| b. | While the procurement activity related to this selection questionnaire is below the threshold level set by the PPN, NaHighways expects all suppliers to support the improvement of social value on a proportionate basis.  |
| c. | Please confirm if you will be supporting apprenticeships and skills development through this contract. | [ ]  Yes [ ]  No |
| d. | 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 |
| e. | 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? | [ ]  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 or alleged unlawful discrimination?  | [ ]  Yes [ ]  No |
| c. | If you have answered “yes” to one or both of the questions in this module above, 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 National Highways’ satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring. | Appendix provided?[ ]  Yes [ ]  No[ ]  N/A |
| d. | If you use sub-contractors, do you have processes in place to check whether any of the circumstances in 8.3 a or b apply to these other organisations? | [ ]  Yes [ ]  No |

| 8.4 - Environmental Management |
| --- |
| a. | 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 your answer to this question is “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.National Highways will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last three years, unless National Highways is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches. | [ ]  Yes [ ]  NoAppendix provided?[ ]  Yes [ ]  No[ ]  N/A |
| b. | 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 |

| 8.5 – Additional Questions on Technical and professional ability |
| --- |
| a. | Evidence prior performance and experience of delivering an employee benefits, discounts and recognition platform.Please provide details of a minimum of three contracts/projects, in any combination from either the public or private sector; voluntary, charity or social enterprise. | Responses should be completed using “SQ Response template for section 8.5a.”Responses have a page limit of 2 sides of A4 for this question.Further instructions on formatting the responses are included in the template. |
| b. | Demonstrate experience of offering a managed service to other clients for a range of benefits including but not limited to childcare vouchers, cycle to work and financial education/wellbeing. Please include information to evidence how third-party supplier relationships/contracts are managed including information that explains how the managed service adheres to the following, and how it is audited:* GDPR regulations
* NIST framework
* Cyber Security Centre (NCSC) cloud security guidance
 | Responses should be completed using “SQ Response template for section 8.5b.”Responses have a page limit of 2 sides of A4 for this question.Further instructions on formatting the responses are included in the template. |

| 8.6 - Health and Safety Policy and Capability Part 1 |
| --- |
| You must provide all the information/evidence required in this section. Please provide details in separate Appendices. |
| **Exemptions:** If you meet the criteria below and you can provide supporting evidence, you do not need to complete the following health and safety questions c. to l. However, you must still complete Section 8.7 (Part 2).* You hold a UKAS or equivalent, accredited independent third party certificate of compliance with ISO 45001
 |
| a. | Are you claiming exemption? | [ ]  Yes | [ ]  No | What is the name of the scheme/certificate? |
| b. | Are you providing a copy of the certificate?[[11]](#footnote-11) | [ ]  Yes | [ ]  No |  |
|  | Question | Response |
| c. | Are you able to demonstrate that you have a policy and organisation for health and safety (H&S) management?You are expected to have and implement an appropriate policy, regularly reviewed and signed off by the Managing Director or equivalent.The policy must be relevant to the nature and scale of your work and set out the responsibilities for health and safety management at all levels within the organisation. |  |
| Evidence provided? | [ ]  Yes | [ ]  No |
| d. | Are you able to demonstrate arrangements/ procedures for ensuring that your H&S measures are effective in reducing/preventing incidents, occupational ill-health and accidents?These should set out the arrangements for health and safety management within the organisation and should be relevant to the nature and scale of your work. There should be a clear indication of how these arrangements are communicated to the workforce. |  |
| Evidence provided? | [ ]  Yes | [ ]  No |
| e. | Do you have access to competent H&S advice/assistance – both general and construction sector related?The HSE define competence as “the combination of training, skills, experience and knowledge that a person has and their ability to apply them to perform a task safely” <http://www.hse.gov.uk/competence/what-is-competence.htm>Your organisation, and your employees, must have ready access to competent health and safety advice, preferably from within your own organisation.The advisor must be able to provide general health and safety advice, and also (from the same source or elsewhere) advice relating to construction health and safety issues. Advice on construction health and safety issues is required in so far as it is related to the purpose of the contract. For contracts unrelated to construction, this may be limited to issues such as visiting sites operated under another contract. |  |
| Evidence provided? | [ ]  Yes | [ ]  No |
| f. | Do you have a policy and process for providing your workforce with training and information appropriate to the type of work for which your organisation is likely to bid?You should have in place, and implement, training arrangements to ensure your employees have the skills and understanding necessary to discharge their duties as contractors, designers or principal designers. You should have in place a programme for refresher training, for example a Continuing Professional Development (CPD) programme or life-long learning which will keep your employees updated on new developments and changes to legislation or good health and safety practice. This applies throughout the organisation - from Board or equivalent, to trainees. |  |
| Evidence provided? | [ ]  Yes | [ ]  No |
| g. | Does your workforce have H&S or other relevant qualifications and experience sufficient to implement your H&S policy to a standard appropriate to the work for which your organisation is likely to bid?Employees are expected to have the appropriate qualifications and experience for the assigned tasks, unless they are under controlled and competent supervision. |  |
| Evidence provided? | [ ]  Yes | [ ]  No |
| h. | Do you check, review and where necessary improve your H&S performance?You should have a system for monitoring your procedures, for auditing them at periodic intervals, and for reviewing them on an ongoing basis. |  |
| Evidence provided? | [ ]  Yes | [ ]  No |
| i. | Do you have procedures in place to involve your workforce in the planning and implementation of H&S measures?You should have, and implement, an established means of consulting with your workforce on health and safety matters. |  |
| Evidence provided? | [ ]  Yes | [ ]  No |
| j. | Do you operate a process of risk assessment capable of supporting safe methods of working and reliable project delivery where necessary?You should have a formal means of recording and communicating safe systems of work. Identification and control of any significant occupation health (not just safety) issues should be prominent  |  |
| Evidence provided? | [ ]  Yes | [ ]  No |
| k. | Do you have arrangements for co-operating and co-ordinating your work with others (including other suppliers notably contractors)?You should have arrangements in place to ensure co-operation and co-ordination between you and others you are working with. |  |
| Evidence provided? | [ ]  Yes | [ ]  No |
| l. | Do you have arrangements for ensuring that welfare provisions at remote working locations meet legal requirements and the needs/expectations of your employees or contractors?You should be able to demonstrate how you ensure suitable welfare facilities will be in place before starting work at a location. |  |
| Evidence provided? | [ ]  Yes | [ ]  No |

| 8.7 - Health and Safety Policy and Capability Part 2 |
| --- |
| You must provide all the information/evidence required in this section. Please provide details in separate Appendices. These Appendices may be combined into a single document or submitted separately. |
| Assessment of suitability to be registered for the intended work will be made by National Highways based on the supplier being able to demonstrate an acceptable level of safety performance with the ability to learn from experience and apply appropriate improvement measures. The assessment of suitability seeks to be based on sound judgement, rather than just the application of an Accident Frequency Rate test. |
| The following information must be provided for the last three years (from 1st January 2016 to present day): |
|  | Question | Response |
| a. | 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)?If your answer to this question was “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. National Highways will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to National Highways satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches. | [ ]  Yes [ ]  NoAppendix provided?[ ]  Yes [ ]  No[ ]  N/A |
| b. | Has your organisation or any of its Directors or Executive Officers been prosecuted by Health and Safety Executive (or equivalent body) for a health or safety matter?If your answer to this question was “Yes”, please provide details in a separate Appendix.National Highways will exclude bidder(s) that have been prosecuted for a health or safety matter unless the bidder(s) can demonstrate to National Highways’ satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches. | [ ]  Yes [ ]  NoAppendix provided?[ ]  Yes [ ]  No[ ]  N/A |
| c. | If you use sub-contractors, give a short summary of the processes in place to check whether any of the above circumstances apply to these other organisations. | Appendix provided?[ ]  Yes [ ]  No[ ]  N/A |
| d. | Confirm the total number of work-related fatalities and (if any) provide brief details to explain what happened. | Total number = Appendix provided?[ ]  Yes [ ]  No |
| e. | Provide the total number of all lost time incidents in the period (where lost time is equal to or greater than one working shift) and give brief details of each one. | Total number =Appendix provided?[ ]  Yes [ ]  No |
| f. | Provide your 12 month rolling accident frequency rate for all lost time incidents (where lost time is equal to or greater than one working shift) for the period. (month by month detail is required) | Appendix provided?[ ]  Yes [ ]  No |
| g. | Provide your 12 month rolling RIDDOR accident frequency rate for the period. (month by month detail is required) | Appendix provided?[ ]  Yes [ ]  No |
| h. | Provide details of actions taken to improve safety performance over the last three years. (250 words max) | Appendix provided?[ ]  Yes [ ]  No |

|  |
| --- |
| 8.8 – Certifications and accreditations |
| Please confirm you hold a UKAS (or equivalent) accredited independent third-party certificate of compliance with, or will obtain within 12 months following framework contract award, the following accreditations. Where a required standard has no formal certification process, please confirm instead that you will provide National Highways with sufficient evidence to demonstrate compliance with the standard within 12 months following framework contract award.See section S535 of the Framework Scope |
| a. | ISO 9001 | [ ]  Yes[ ]  No |
| b. | ISO 45001  | [ ]  Yes[ ]  No |

# SELECTION QUESTIONNAIRE EVALUATION PROCESS

## General

### The economic and financial standing of the Tenderer will be assessed by the Selection Questionnaire Assessment Panel using the information supplied in the Selection Questionnaire and information supplied by Dun and Bradstreet. The assessment will be completed on a pass/fail basis against the financial tests outlined in the Selection Questionnaire. If the Tenderer provisionally fails a test and cannot provide a guarantee in line with these instructions, then the tender will be rejected.

### The Selection Questionnaire Assessment Panel will assess the responses to the mandatory and discretionary rejection criteria entered in the Bravo Qualification Envelope. Assessments will be made in the event of a ‘yes’ response being given against one or more of the discretionary rejection criteria questions, with details of the relevant incident and remedial actions taken subsequently forming the information to be assessed. Following this further assessment, if National Highways is not satisfied then the tender will be rejected.

### Important Notice

### National Highways will exclude a Tenderer who is guilty of serious misrepresentation in providing any information referred to within the Public Contracts Regulations 2015 or who fails to provide any such information requested by National Highways.

# **PART** 1 – Potential SUPPLIER Information

## Section 1 – Potential Supplier Information

### For information only, but if not fully completed or relevant additional information is not provided, the Tenderer may be excluded.

## Section 1 – Bidding Model

### For information only, but if not fully completed or relevant additional information is not provided, the Tenderer may be excluded.

## Section 1 – Contact Details and Declaration

### If not fully completed and signed, the Tenderer may be excluded.

# Part 2 – Exclusion Grounds

## Section 2 – Grounds for Mandatory Exclusion

### This is a pass/fail test. A Tenderer who does not pass the test will be excluded from further consideration and their tender will be rejected.

### 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 this is disproportionate e.g. only minor amounts involved).

### If you have answered “yes” to question 2.3(a) 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.

‘Self-cleaning’

### Any Tenderer that answers ‘Yes’ to any questions in Section 2 must provide sufficient evidence, (via conditional questions that follow), that provides a summary of the circumstances and any remedial action that has taken place subsequently, effectively “self-cleaning” the situation referred to in that question. The Tenderer has to demonstrate it has taken such remedial action, to the satisfaction of National Highways in each case.

### If such evidence is considered by National Highways (whose decision will be final) as sufficient, the economic operator concerned shall be allowed to continue in the procurement process.

### In order for the evidence referred to above to be sufficient, the Tenderer 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.

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

### A Tenderer who does not pass the test will be excluded from further consideration if it cannot demonstrate to National Highways’ satisfaction that appropriate remedial action has been taken to prevent further non- compliance.

## Section 3 – Grounds for Discretionary Exclusion

### This is a pass/fail test.

### National Highways may exclude any Tenderer who answers ‘Yes’ in any questions.

### ‘Self-cleaning’

### Any Tenderer that answers ‘Yes’ to any questions in Section D must provide sufficient evidence, (via the conditional questions that follow), that provides a summary of the circumstances and any remedial action that has taken place subsequently, effectively “self-cleaning” the situation referred to in that question. The Tenderer has to demonstrate it has taken such remedial action, to the satisfaction of National Highways in each case.

### If such evidence is considered by National Highways (whose decision will be final) as sufficient, the economic operator concerned shall be allowed to continue in the procurement process.

### In order for the evidence referred to above to be sufficient, the Tenderer 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.

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

### A Tenderer who does not pass the test will be excluded from further consideration if it cannot demonstrate to National Highways’ satisfaction that appropriate remedial action has been taken to prevent further non- compliances.

### Conflicts of interest

### National Highways may exclude the Tenderer if there is a conflict of interest which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.

### Where there is any indication that a conflict of interest exists, or may arise then it is the responsibility of the Tenderer to inform National Highways, detailing the conflict via the details that follow 3.1(g). Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by National Highways should not represent a conflict of interest for the Tenderer.

### Tenderers are required to notify of any potential conflicts of interest. Where a ‘no’ response is provided for questions in Section 3, the Tenderer will receive a pass. Where a ‘no’ response cannot be given,

### National Highways is entitled to exclude a Tenderer from further consideration;

### Tenderers may set out in a separate document the relevant details and may offer a written demonstration that the factors that might give rise to a conflict of interest are not capable of distorting competition or contract delivery and management or that appropriate measures can be put in place to minimise the risk. National Highways will consider such written demonstration and may fail the Tenderer from any further consideration in this procurement process if the written demonstration does not satisfy National Highways that the conflict of interest or its risk will be fully mitigated.

#

# Part 3 – Selection questions

## Section 4 – Economic and Financial Standing

### Part 3 Section 4 – Economic and Financial Standing

Regulation 58(7) of the Public Contracts Regulations 2015 allows a contracting authority such as the Authority to impose requirements ensuring that economic operators expressing an interest in bidding for an opportunity will, if successful, possess the necessary economic and financial standing to perform the contract to be awarded.

The assessment process described below allows the Authority to take a proportionate, flexible, contract specific and not unduly risk averse view of your economic and financial standing. It takes account of the principles contained in the Guidance Note for Assessing and Monitoring the Economic and Financial Standing of Bidders and Suppliers (revised December 2020) which forms part of the government’s Outsourcing Playbook.

The assessment methodology comprises three separate economic and financial standing tests (EFSTs):

* + - Test 1 is an assessment using a Dun & Bradstreet (D&B) comprehensive report;
		- Test 2 is an assessment using the turnover figure from your most recent financial statements compared to the projected annual value of the contract being procured;
		- Test 3 is an assessment of four accounting ratios using information from your last two years’ financial statements.

Each of these three tests will result in you being rated as High, Medium or Low risk. In this context “risk” means the risk of you not being able to perform the contract for its full duration were you to be successful in the procurement. Your overall risk rating will accord to whichever is your highest risk rating from among the three individual EFSTs.

The information that the Authority will use to conduct Test 2 is taken from your most recent set of audited financial statements and for Test 3 is taken from your last two years audited financial statements. If no such audited financial statements are available, then unaudited financial statements will be used instead. With Test 3 the overall risk rating is determined by the highest individual risk rating for any of the four ratios in either of the two years.

**Consequences of being assessed High risk**

If you are assessed as High risk the Authority will engage in dialogue with you. This will identify the Authority’s concerns and ask if you can provide any mitigation, e.g. more recent unpublished or management accounts showing an improvement in your financial position or details of an agreed but unannounced re-capitalisation, merger or takeover.

If you are unable to provide any, or sufficient, mitigation the Authority reserves the right to exclude you from further participation in the procurement.

If you can provide mitigation then unless this is sufficient to downgrade your risk assessment to Low your continued participation in the process will be made conditional upon you providing a written commitment to obtain either a parent company guarantee or other form of financial security should you be successful in the procurement.

**Consequences of being assessed Medium risk**

If you are assessed as Medium risk the Authority will engage in dialogue with you in the manner described above.

If you are unable to provide any, or sufficient mitigation as to why your risk rating should be downgraded to Low your continued participation in the procurement will be made conditional upon you providing a written commitment to obtain either a parent company guarantee or other form of financial security should you be successful.

**Consequences of being assessed Low risk**

If you are assessed as Low risk no dialogue is required and you will be allowed to continue to participate in the procurement process.

**Parent Company Guarantee or Other Form of Financial Security**

Where your continued participation in the procurement process is conditional upon you committing to provide a parent company guarantee your parent company must itself achieve a Low or Medium risk rating when subjected to the three EFSTs set out below. The parent company guarantee will be in the form of the document at Scope Annex 16.

If you are:

1. a company without a parent company, or
2. a company whose parent company does not achieve a Low or Medium risk rating for the three EFSTs

then the Authority will accept a suitable form of alternative financial security. This will be in the form of an on-demand bond issued by a reputable financial institution with a credit rating of at least BBB+ and with a value of 10% of overall contract value and will be substantially in the form of the document at Employee Benefit, Discounts & Recognition Platform - Volume 2 Performance Bond Precedent.

**The Three Economic and Financial Standing Tests (EFSTs)**

**Test 1 – Dun and Bradstreet Comprehensive Business Credit Report**

To conduct Test 1 the Authority will obtain a Dun & Bradstreet (D&B) comprehensive business credit report about your company.

The D&B comprehensive business credit report contains D&B scores and ratings which are produced using a combination of mathematical modelling, expert rules, skilled business analysis and experience of insolvency trends. D&B carefully analyse all business failures, and compare them with the normal population of actively trading companies, to identify those events which are most significant and predictive in nature, and which could affect the status of a business.

The D&B Risk Indicator is based on daily monitoring of the subject company's financial and other key strategic activities, and is predictive of the probability that the company will fail. The D&B Risk Indicator is a score from 1 to 4, where 1 represents a minimum risk of failure, 2 a lower than average risk of failure, 3 a higher than average risk of failure and 4 a high risk of failure.

For Test 1

* + - a D&B score of 4 will be regarded as High risk
		- a D&B score of 3 will be regarded as Medium risk
		- a D&B score of 1 or 2 will be regarded as Low risk.

**Test 2 – Annual Turnover Relative To Annual Contract Value**

Test 2 involves calculating a ratio by dividing the annual turnover from your most recent year’s audited financial statements by the estimated annual value of the contract to be awarded. Where the estimated annual contract value is expected to vary the average estimated annual contract value is used (i.e. total estimated contract value divided by number of years of contract duration).

The estimated value of the contract is shown on the notice that the Authority publishes on the Find a Tender and/or Contracts Finder portals.

For example, if you have an annual turnover of £17 million and the estimated average annual contract value is £10 million then your turnover ratio will be 1.7.

A turnover ratio of less than 1.5 is High risk.

A turnover ratio of between 1.5 and 2 is Medium risk.

Where the contract is for a multi-supplier framework (including one with multiple Lots) the annualised contract value (or Lot value) for the purposes of this test will be determined by dividing the average annualised contract value (so total framework value (or Lot value) divided by number of years duration) by the maximum number of suppliers to be allowed a place on the framework (or the Lot).

**Test 3 – Financial Ratios**

Test 3 involves an analysis of the four accounting ratios a) - d) below

Each ratio will be calculated based on your last two years audited financial statements.

If you receive two or more High risk ratings for the same year in either of the two years your overall risk rating for Test 3 will be assessed as High. If you receive one High risk rating in either or both of the two years your overall risk rating for Test 3 will be assessed as Medium. If you receive no High risk ratings in either of the two years your overall risk rating for Test 3 will be assessed as Low.

1. Pre-Tax Margin Ratio

This ratio is calculated by dividing your company’s annual pre-tax profits by your annual turnover expressed as a percentage.

A result that is below 0% (i.e. negative) is High risk

A result that is between 0% and 2% is Medium risk

1. Finance Cover Ratio

This ratio is calculated by dividing your operating profit plus finance income by your finance expenses. It is a test of whether you are generating enough profit to service your interest-bearing debt.

A result that is less than 1 in is High risk

A result that is between 1 and 2 is Medium risk

1. Current Ratio

This is calculated by dividing your current assets by your current liabilities. It is a test of whether you have sufficient liquid assets, e.g. cash, short term debtors and stock to meet your outstanding current liabilities, e.g. trade creditors, bank overdraft, lease payments and interest due.

A result that is less than 0.8 is High risk

A result that is between 0.8 and 1 is Medium risk

1. Debt to Equity Ratio

This is determined by dividing your total liabilities by your shareholder equity. It is a basic test of your solvency.

A result that is more than 4 is High risk

A result that is between 3 and 4 is Medium risk

**Assessing Consortia and Joint Ventures**

Where you are part of an incorporated JV or consortium its economic and financial standing will be assessed in the same way as any other individual tenderer, i.e. it will be subject to the three EFSTs described above. If it is a new special purpose vehicle it may not have audited accounts in which case the EFSTs will be applied to the best available financial data.

Where you are part of an unincorporated JV or consortium the three EFSTs will be applied to you and the other members of the JV/consortium as follows.

Test 1 - All members of the consortium or joint venture will be assessed using a Dun and Bradstreet comprehensive report.

Test 2 - For the purposes of calculating the ratio between turnover and annual contract value each member of the JV/consortium is assessed separately. Its annual turnover will be compared against a share of the annual contract value proportionate to its participation in the JV or consortium. For example, in a JV of three members where they each contribute in the proportion of 50%, 30% and 20% the first member’s turnover will be compared against 50% of the annual contract value, the second member’s against 30% and the third member’s against 20%. If the JV does not specify the proportions in which each member contributes their respective turnovers will be compared against equal shares of the annual contract value (i.e. the annual contract value divided by number of JV members).

Test 3 - To calculate the ratios all members of the consortium or joint venture are separately assessed.

For each of the three EFSTs if any member of the consortium or joint venture is assessed as High risk and cannot provide any, or sufficient, mitigation during dialogue with the Authority the entire JV/consortium will be excluded from the procurement unless that member is removed or replaced by another member that is not assessed as High Risk or is assessed as High risk but can provide mitigation.

If any member of the consortium or joint venture is (i) assessed as High risk but is able to provide mitigation (but not enough to be downgraded to Low risk) or (ii) is assessed as Medium risk it will be required to agree to provide a parent company guarantee or other form of security consistent with its joint and several liability under the contract the JV/consortium would be awarded were it to be successful in the procurement.

**Repetition of Economic and Financial Standing Assessment**

The Authority will repeat the EFSTs if it has any concerns that there has been a change in your circumstances or if new information becomes available since the initial assessment.

You are reminded of paragraph 1.3 of this Selection Questionnaire which requires you to notify the Authority if your circumstances change.

Where the contract to be awarded is a framework agreement the Authority reserves the right to repeat the EFSTs prior to awarding a call off contract.

## Section 5 – Wider Group and Parent Company Guarantee

### Section 5a is to be completed where an Applicant has indicated that they are submitting a tender as part of a consortium or wider group. The section is for information purposes only.

### Section 5b is for information about potential guarantors. The section is used to support the evaluation of Section 4, in accordance with 2.7.1 v.

## Section 6 – Technical and Professional Ability

### This is assessed on a Pass/Fail basis.

### The assessment of the relevant experience and contract examples will be based on the information supplied in the example contracts and evidence obtained from the customer contact, using the scoring criteria in the table below. At least one (1) contract example must achieve a Pass (Section 6.1).

### Where a Tenderer has not provided examples of previous contracts at section 6.1 but has instead offered an explanatory statement at section 6.3, National Highways will consider the merits of the statement. If, in National Highways’ view, the statement provides an adequate explanation why example contracts can’t be provided, National Highways reserves the right to grant a pass mark on a discretionary basis.

### The assessment will be completed on a pass/fail basis using the table below. A Tender that receives a Fail will be rejected.

|  |  |
| --- | --- |
| Technical and Professional Ability | Evaluation Guidance |
| Pass | At least one contract example is provided and is relevant to the type of work being tendered.ORAn acceptable explanation has been provided at 6.3 as to why no contract examples can be submitted.  |
| Fail | None of the contract examples provided are relevant to the type of work being tendered.ORContract examples are not provided and an explanation at 6.3 is either missing or unacceptable. |

## Section 7 – Modern Slavery Act 2015

### This is assessed as pass/fail.

### You shall fail and be rejected if you:

### are unable to demonstrate that you are compliant, or have been found to be non-compliant, with the annual reporting requirements contained within Section 54 of the Modern Slavery Act 2015; and

### where you are unable to demonstrate that you are compliant, or have been found to be non-compliant with the annual reporting requirements contained within Section 54 of the Modern Slavery Act 2015, you are unable to provide an explanation and details of the remedial action taken, to the satisfaction of the Authority.

## Section 8 – Additional Questions

### 8.1 - Insurance

### This is assessed as pass/fail.

### Failure to self-certify whether you have, or can commit to obtain prior to the commencement of the contract, the level of insurance cover means that you shall fail and be rejected.

### 8.2 - Skills and Apprentices

### Assessed as pass/fail based on satisfying National Highways that skills development and apprenticeships will be supported.

### 8.3 - Compliance with Equality Legislation

### Assessed as pass/fail based on satisfying National Highways that equality legislation will be complied with.

### 8.4 - Environmental Management

### Assessed as pass/fail based on satisfying National Highways that environmental legislation will be complied with.

### 8.5 – Additional questions on Technical and Professional ability

### Tenderers may reuse the example contracts given at 6.1 in answer to any or all of these questions. Alternatively, Tenderers may choose to use entirely new examples for the questions.

### Each question is assessed using the table below and given a mark from 1 to 4. A mark of either 1 or 2 is recorded as a fail. A mark of either 3 or 4 is recorded as a pass.

### National Highways reserves the right to change a pass mark to a fail mark where the named contact provided for each example is unable to confirm the accuracy of the example details provided in answer to the question.

|  |  |  |  |
| --- | --- | --- | --- |
| **Grade** | **How well does the evidence demonstrate sufficient experience?** | **Mark** | **Result** |
| Poor | The example fails to demonstrate the technical and professional ability required to deliver the service | 1 | Fail |
| Weak | The example demonstrates some of the technical and professional abilities required to deliver the service  | 2 |
| Acceptable | The example demonstrates, to a high level of confidence, the range of technical and professional abilities required to deliver the service  | 3 | Pass |
| Good | The example demonstrates, to a very high level of confidence, the range of technical and professional abilities required to deliver the service  | 4 |

### 8.6 - Health and Safety Policy and Capability Part 1

### Assessed as pass/fail based on meeting National Highways’ health and safety requirements.

### 8.7 - Health and Safety Policy and Capability Part 2

### Assessed as pass/fail based on meeting National Highways’ health and safety requirements.

### 8.8 - Accreditations

### The Tenderer or their supply chain must be accredited, or will be within 12 months of framework contract award, to the relevant criteria listed. If the Tenderer confirms they will not hold the stated accreditations at 12 months after framework contract award, this will be a Fail and the tender will be rejected.

###

1. See EU definition of SME <https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en> [↑](#footnote-ref-1)
2. UK companies, Societates European (SEs) and limited liability partnerships (LLPs) 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-2)
3. Central Government contracting authorities should use this information to have the PSC information for the preferred supplier checked before award. [↑](#footnote-ref-3)
4. National Highways does not expect every potential sub-contractor that may be engaged under the framework to be listed here. As a minimum, Tenderers should record sub-contractors relied on for the Selection Questionnaire and those referenced within any other document in the Tenderer’s submission. [↑](#footnote-ref-4)
5. <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956764/Annex_C_Exclusion_Grounds.pdf> [↑](#footnote-ref-5)
6. <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956764/Annex_C_Exclusion_Grounds.pdf> [↑](#footnote-ref-6)
7. Tenderers may submit a self cleaning statement as a separate document where there is a large amount of information to be provided. Where a separate document is used, this should be clearly indicated in the response to 3.2, so that evaluators can locate the required information. [↑](#footnote-ref-7)
8. [See Action Note 8/16 Updated Standard Selection Questionnaire](https://www.gov.uk/government/collections/procurement-policy-notes) [↑](#footnote-ref-8)
9. [↑](#footnote-ref-9)
10. [Procurement Policy Note 14/15– Supporting Apprenticeships and Skills Through Public Procurement](https://www.gov.uk/government/publications/procurement-policy-note-1415-supporting-apprenticeships-and-skills-through-public-procurement) [↑](#footnote-ref-10)
11. If successful, a copy of the certificate used for an exemption must be provided prior to award, if not already provided with the tender return. [↑](#footnote-ref-11)