

# Insurance and Related Services for Hafan Cymru

## Mandatory Information Questionnaire

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## Part A: Introduction

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- 1.1. This Mandatory Information Questionnaire (MIQ) has been issued by Hafan Cymru in connection with a competitive procurement process conducted in accordance with the Open Procedure under Regulation 28 of the Public Contracts Regulations 2015.
- 1.2. During the Selection stage, the intention is to assess the responses to the MIQ and select a Short List of a minimum of three (where there are three suitably qualified bidders) and a maximum of six qualified Bidders to proceed to the next stage of the procurement, the formal Invitation to Tender (ITT) against the requirement as advertised.
- 1.3. Further details of the selection process are set out in Paragraph 12 below.
- 1.4. Scores from this MIQ will not be carried forward to Stage 2 and the answers provided will not count in Stage 2. Bidders should be careful not to include specific pricing or cover details at this stage.
- 1.5. No information contained in this MIQ, or in any communication made between Hafan Cymru and any Bidder in connection with this MIQ, shall be relied upon as constituting a contract, agreement or representation that any contract shall be offered in accordance with this MIQ. Hafan Cymru reserves the right, subject to the appropriate procurement regulations, to change without notice the basis of, or the procedures for, the competitive tendering process or to terminate the process at any time. Under no circumstances shall Hafan Cymru incur any liability in respect of this MIQ or any supporting documentation.
- 1.6. Direct or indirect canvassing of any employee of Hafan Cymru or appointed agent by any potential bidder concerning this requirement, or any attempt to procure information from any employee of Hafan Cymru or appointed agent concerning this MIQ may result in the disqualification of the Bidder from consideration for this requirement.
- 1.7. This MIQ sets out the information which is requested by Hafan Cymru in order to assess the suitability of Bidders. In assessing the answers to the following questions, Hafan Cymru will be seeking evidence of the Bidder's suitability to perform the services in terms of technical knowledge and experience, capability/capacity, organisational and financial standing. Qualification criteria will be a combination of both financial and non-financial factors and will be in accordance with Regulations 58 and 65 of the Public Contracts Regulations 2015.
- 1.8. As a minimum, you are requested to demonstrate:
  - 1.8.1. that you are an insurance broker registered with and regulated by the Financial Conduct Authority, or an Insurer authorised and/or regulated by the UK Financial Conduct Authority or Prudential Regulation Authority, or equivalent in another member state of the European Economic Area;
  - 1.8.2. that you possess the financial ability to deliver the programme;

- 1.8.3. that you use of insurers with a Standard & Poor (or equivalent) rating of A- or above;
- 1.8.4. that you have the ability to provide Hafan Cymru with a choice of insurers and/or options;
- 1.8.5. that you are able to clearly demonstrate (with supporting evidence) a record of the successful provision of relevant services to Social Housing organisations, Charities, Care Providers, Property Owners and/or other organisations that are similar in profile to Hafan Cymru. We will consider the number of Property Owner, Charity, Care Provider, Local Authority, Housing Association, ALMO and Housing PFI clients held, their similarity in profile to Hafan Cymru and the length of time you have provided relevant services to such organisations;
- 1.8.6. that you have a skilled and competent service team, being Client Relationship Management, Claims management, Technical staff and Broking / underwriting and risk managers;
- 1.8.7. your commitment to delivering a quality service to Hafan Cymru and our clients, including that provided to us by any third party contractor employed by you or by the Insurers you propose;
- 1.8.8. your ability to demonstrate client satisfaction on other similar contracts;
- 1.8.9. CII chartered firm status and/or commitment to its Code of Ethics, commitment to Corporate and individual professional development defined by the CII or of a similar professional organisation
- 1.9. We will consider any other relevant issues which may arise, including those you consider appropriate to include in your proposal.
- 1.10. Hafan Cymru will not reimburse any costs incurred by Bidders in connection with preparation and submission of their responses to this MIQ.

## **2. The Requirement**

- 2.1. The nature of the contract is for the provision of Insurance and related services and claims handling services as required by Hafan Cymru.
- 2.2. The contract will initially run for three years (or periods of insurance) commencing at MIQnight on . Hafan Cymru has the option to extend the contract at Hafan Cymru's sole discretion for a further period of up to two years, the anticipated maximum contract award value being equivalent to 3, 4, or 5 times our annual insurance programme cost. The actual maximum contract spend is considered commercially sensitive at this stage.
- 2.3. Full details of the award criteria and weightings to be used in stage 2 of this process will be advised to selected bidders within the ITT documentation, but our choice of the Service Provider will be made based on the basis of the most economically advantageous Tender.

### 3. Timetable

3.1. Set out below is the proposed procurement timetable. This is intended as a guide and, whilst Hafan Cymru does not intend to depart from the timetable, it reserves the right to do so at any time.

<b>STAGE ONE (MIQ)</b>	
31ST AUGUST	
<b>STAGE TWO (ITT)</b>	
Requests for supplementary information (if necessary)	When convenient during the Tender period.
Submission of written costed proposals	15 September 2017
Commence final negotiations	18 September 2017
Final tender proposals return due	20 September 2017
Selection of successful tenderer	25 September 2017
Contract Commencement	29 September 2017

## 4. Overview and Information on Hafan Cymru

4.1. For more information please visit: <http://www.hafancymru.co.uk/about-us/>

## 5. Instructions For Completion

- 5.1. Bidders are invited to complete the attached MIQ and to submit it, together with any requested supporting information, to the Contracting Authority via the portal by the due date for return, in accordance with the procedures set out in the paragraph 11 below entitled "Submission of Completed Mandatory Information Questionnaires".
- 5.2. Bidders should follow the instructions outlined below when completing this MIQ.
- 5.3. Bidders should answer all questions as accurately and concisely as possible in the same order as the questions are presented. Where a question is not relevant to the Bidder's organisation, this should be indicated, with an explanation.
- 5.4. The information supplied will be checked for completeness and compliance with the instructions before responses are evaluated.
- 5.5. Failure to provide the required information, make a satisfactory response to any question, or supply documentation referred to in responses, within the specified timescale, may mean that a Bidder will not receive the full scores available. In the event that none of the responses are deemed satisfactory, Hafan Cymru reserves the right to terminate the procurement and where appropriate re-advertise the procurement.
- 5.6. Bidders should try to be explicit and comprehensive in their responses to this MIQ as this is designed to be the single source of information on which responses will be scored and ranked. Bidders are advised neither to make any assumptions about their past or current supplier relationships with Hafan Cymru nor to assume that such prior business relationships will be taken into account in the evaluation procedure.
- 5.7. Any questions about the procurement should be submitted via the post-box facility on. Any question or request for clarification and the response will be communicated via the post-box facility to all Bidders who have expressed an interest in the opportunity.
- 5.8. All responses received and any communication from Bidders will be treated in confidence but will be subject to the above paragraph.
- 5.9. No approach of any kind in connection with this MIQ should be made to any person within, or associated with Hafan Cymru other than as described in Paragraph 5.7.

## 6. Queries About The Procurement

- 6.1. This MIQ is being provided on the same basis to all Bidders.
- 6.2. Hafan Cymru will not enter into detailed discussion of the requirements at this stage.

- 6.1 If any Bidder requires any further information or wishes to raise any query, such requests or queries should be sent via the 'Question and Answer' facility on the website.
- 6.2 Bidders should note that any queries should be raised and submitted to Hafan Cymru no later than 5 (five) working days prior to the Closing Date referred to.
- 6.3 All queries raised by Bidders during the procurement will be fully documented and, where such queries are not of a commercially confidential nature, both the query and Hafan Cymru's response to the query will be circulated to all Bidders via the question and answer facility.
- 6.4 Hafan Cymru will endeavour to answer all such requests and/or queries at least three (3) working days before the Closing Date referred to.
- 6.5 All responses received and any communication from Bidders will be treated in confidence but will be subject to this paragraph.

## **7. Additional Information**

- 7.1 Hafan Cymru expressly reserves the right to request that a Bidder provide additional information supplementing or clarifying any of the information provided in response to the requests set out in this MIQ. Hafan Cymru may seek independent financial and market advice to validate information declared, or to assist in the evaluation.

## **8. Bidder Contact Point**

- 8.1 Bidders are asked to include a single point of contact in their organisation for their response to the MIQ. Hafan Cymru will not be responsible for contacting the Bidder through any route other than the nominated contact. The Bidder must therefore undertake to notify any changes relating to the contact promptly.

## **9. Freedom of Information**

- 9.1 Hafan Cymru may in the future be classed as a public authority under the Freedom of Information Act 2000 (FOIA).
- 9.2 In accordance with the obligations and duties placed upon public authorities by the Freedom of Information Act 2000, all information submitted to the Authority may be disclosed in response to a request made pursuant to the FOIA.
- 9.3 Where a Bidder identifies information as commercially sensitive, the Authority will endeavour to maintain confidentiality. If a Bidder considers that all or any part of its MIQ and / or any specific information contained therein constitute a "trade secret"; that information contained therein is commercially sensitive information disclosure of which would be likely to prejudice the commercial interests of any party; believes that a duty of confidentiality applies; or

otherwise considers that such documents and / or information falls within any other exemption set out in the FOIA, the Bidder should:

- 9.3.1. attach information it considers to be commercially sensitive as an Appendix to the completed MIQ marked 'commercially sensitive information' or 'trade secret', explain the potential implications of disclosure of such information and include a time limit for the sensitivity of the information;
- 9.3.2. in respect of such schedule and/or specific information, identify the particular FOIA exemption that the Bidder claims apply in the particular circumstances. Bidders should do so in full knowledge of the relevant terms of the Lord Chancellor's Code of Practice under Section 45 of the FOIA, giving advice to public authorities on the handling of requests under the FOIA. This will enable Bidders to make such claims based on reasons that address the requirements of the Code. Further information about the FOIA and a copy of the Code is available from the Ministry of Justice website at <http://www.justice.gov.uk/information-access-rights/foi-guidance-for-practitioners/code-of-practice>. Bidders should be aware that, even when they have scheduled or identified relevant documents and/or information and claimed exemption pursuant to this paragraph, Hafan Cymru will have complete discretion in deciding whether such documents and/or information should be disclosed under the FOIA.

## 10. Submission of Completed MIQs

- 10.1. Bidders are requested to complete all parts of this MIQ.
- 10.2. Copies of Insurance Policies and supporting information should not be included with a submission. Any such Policies will not be evaluated nor considered in any short-listing exercise at MIQ stage. Similarly, advertised material and promotional literature will not be evaluated nor considered.
- 10.3. Bidders should answer all questions as accurately and concisely as possible. Where a question is not relevant to your organisation, this should be indicated, with an explanation.
- 10.4. Supporting information should be presented in the same order as, and should be referenced to, the relevant question.
- 10.5. Bidders shall complete and submit their MIQs electronically to Jeremy Flint, Insurance Risk Consultant, at [jeremy.flint@gibbslaidler.co.uk](mailto:jeremy.flint@gibbslaidler.co.uk). You are invited to submit your proposals on the understanding that there will be no cost chargeable to Hafan Cymru in relation to your participation in the review process. It is your responsibility to ensure that your submission is designed and packaged in such a way as to be successfully emailed.
- 10.6. A copy of the tender documentation is to be sent electronically by email to arrive at the same time to [James.foreman@gibbslaidler.co.uk](mailto:James.foreman@gibbslaidler.co.uk).

- 10.7. To be considered, MIQs must be received by Hafan Cymru no later than 4pm on 31<sup>st</sup> August (the Closing Date) or such later date as Hafan Cymru notifies Bidders.
- 10.8. Any MIQs, proposals or other supporting documents received after such time and date will not be considered for acceptance by Hafan Cymru.
- 10.9. Responses will be evaluated in accordance with the procedures set out in Paragraph 12 of this MIQ. In the event that none of the responses are deemed satisfactory, the Contracting Authority reserves the right to consider alternative procurement options.

## 11. Acceptance of MIQs

- 11.1. Hafan Cymru reserves the right to accept any MIQ submitted.
- 11.2. Hafan Cymru shall not be bound to accept any MIQ and reserves to itself the right at its absolute discretion to accept or not accept any MIQ submitted.
- 11.3. Hafan Cymru may in its absolute discretion refrain from considering a MIQ if either:
  - 11.3.1. it does not comply in any respect with the requirements of the tender; or
  - 11.3.2. it contains any significant omissions.

## 12. Bidder Selection

- 12.1. The objective of the MIQ process is firstly to assess the responses to the MIQ to confirm which Bidders meet Hafan Cymru's minimum standards and secondly to select Bidders to be invited to tender, each by reference to the mandatory and non-mandatory ineligibility criteria and the Bidder's economic and financial standing and technical and professional ability. Hafan Cymru will evaluate responses to this MIQ based on your stated ability to provide the range of services that we consider suitable and relevant for Social Housing organisations.
- 12.2. Hafan Cymru will seek independent support from our retained Consultant in order to validate information declared or to assist in the evaluation process. Reference site visits or demonstrations and / or presentations are unlikely to be requested during the MIQ stage, but Hafan Cymru reserves the right to request the same as a part of the MIQ process.
- 12.3. Our Consultant may be in attendance at any clarification meetings, but you will not otherwise be required to speak with them and there is no intention to infringe upon a direct relationship with any chosen provider after appointment.
- 12.4. Selection and selection criteria will be a combination of both financial and non-financial factors in line with Regulation 58(19) of the Public Contracts Regulations 2015, and Hafan Cymru will consider:
  - 12.4.1. **Mandatory and non-mandatory ineligibility criteria** – status of the Bidder in relation to Regulation 57 of the Public Contracts Regulations 2015.
  - 12.4.2. **Economic and financial standing** – the Bidder must be of a sound financial position to participate in a procurement of this size as set out in Regulation 58(7-10) of the

Public Contracts Regulations 2015. This may entail independent financial checks in accordance with Regulation 60(6-8) of the Public Contracts Regulations 2015.

12.4.3. **Bidder's technical and professional ability** – assessment of the totality of resources and core competencies available to the Bidder as set out in Regulation 58 of the Public Contracts Regulations 2015(15-18). This may entail independent financial checks in accordance with Regulation 60(9) of the Public Contracts Regulations 2015.

12.5. MIQs will be assessed to ascertain whether they pass the relevant thresholds as set out below. The weightings and thresholds described below will be applied to the evaluation criteria. In the event that a "fail" mark is awarded to a Bidder for any of these questions, the Hafan Cymru reserves the right to disqualify that Bidder from the process.

	Question Reference	Topic	Pass / Fail / Weighting
Part 1	Section 1	Potential Supplier Information	Information
Part 2	Section 2	Grounds for Mandatory Exclusion	Pass/Fail
Part 2	Section 3	Grounds for Discretionary Exclusion	Pass/Fail

12.6. Bids will then be scored in accordance with the following weightings:

	Question Reference:	Topic	Pass / Fail / Weighting
Part 3	Section 4	Economic & Financial standing	Pass/Fail
Part 3	Section 5	Wider Group	Information
Part 3	Section 6	Technical & Professional Ability	30%
Part 3	Section 7	Modern Slavery Act 2015	Pass/Fail
Part 3	Section 8	Additional Questions	
	8.1	Insurances	Pass/Fail
	8.2	Authorisation and Regulation	Pass/Fail
	8.3	Business Activities	50%
	8.4	Quality Management	20%
	8.5	Health & Safety	Pass/Fail

- 12.7. Failure to provide a satisfactory response to any of the questions may result in the Bidder not being awarded full scores and Hafan Cymru therefore not proceeding further with the Bidder. Where a Bidder has a valid reason for being unable to provide the information requested in relation to economic, financial and insurance matters, the other information considered appropriate by Hafan Cymru will be accepted.
- 12.8. The information supplied will be checked for completeness and compliance before responses are evaluated. Responses will be reviewed by a team of officers of the Contracting Authority. Each **scored** question will be marked out of 10 on the basis of the table set out below.

Comment	Judgement	Marks available
The response / evidence exceeds expectations and demonstrates clear and strong evidence of delivery as part of an integrated team and how this has become part of a continuous improvement process	Excellent	10
The response / evidence provided fully meets the required standard	Good	8
Meets the majority of the requirements but not all – for instance, where a response deals only with processes and little output evidence is provided – or where evidence provided is acceptable but with some minor reservations.	Satisfactory	6
Meets some of the requirements but not others	Unsatisfactory	4
Fails to meet the majority of the requirements but meets some or where the evidence provided is deficient in certain areas where the details of relevant evidence require the assessor to make assumptions.	Poor	2
Does not meet the requirements at all / evidence is unacceptable or non-existent.	Failed	0

- 12.9. Each submitted MIQ will be evaluated consistently and objectively according to the selection criteria and weightings defined in the model above.
- 12.10. Responses to questions, which are for information only, will not be scored. Bidders should note, however, that any MIQ response, which fails to provide the requested information in response to any question, will not receive full scores and may be excluded from selection by Hafan Cymru.
- 12.11. The information supplied will be checked for completeness and compliance before responses are evaluated.

- 12.12. The answers to each question should be succinct and in line with any word counts indicated within or under each section heading. Any part of an answer which exceeds any predetermined word count will be ignored.
- 12.13. If any Bidder makes a false or misleading statement or fails to provide full information in response to this MIQ their application may at the discretion of the Contracting Authority not receive full scores, or in the case of misleading statements may also be disregarded.
- 12.14. A shortlist of Bidders will be drawn up according to the Rank and Scores achieved against our criteria and those shortlisted will be eligible to participate further in the procurement process.
- 12.15. As noted in 1.2 above, a Short List of a minimum of three (where there are three suitably qualified bidders) and a maximum of six qualified Bidders will be invited to proceed to the next stage of the procurement.
- 12.16. We will inform all Bidders of the result, in accordance with the draft timetable outlined in paragraph 3 of this MIQ.
- 12.17. Evaluation of subsequent stages will be undertaken in accordance with the overall evaluation strategy for the contracts. The high-level evaluation criteria will be set out in the Invitation to Tender.
- 12.18. The Contract will not necessarily be awarded to the Bidder submitting the lowest total quotation (i.e. Premium and if applicable, Broker Fee or commissions). Steps will be in place in stage 2 of this process to ensure Hafan Cymru does not have to automatically accept any abnormally low Tender bids in accordance with Regulation 69 of the Public Contracts Regulations 2015.

### **13. Guidance to Potential Suppliers**

- 13.1. This Mandatory Information Questionnaire asks potential suppliers to initially just self-declare their status against the exclusion grounds and selection questions.
- 13.2. This Mandatory Information Questionnaire is structured in 3 separate parts:

Part 1 of the standard Mandatory Information Questionnaire covers the basic information about the supplier, such as the 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 a self-declaration regarding whether or not the company meets the selection criteria in respect of their financial standing and technical capacity
- 13.3. An EU ESPD template and response to selection questions submitted by a potential supplier from another Member State, will be evaluated alongside this Mandatory Information Questionnaire submissions from potential UK suppliers. The exclusion criteria are common to all Member States, and will, therefore, be the same for all potential suppliers.

## 14. General rules for this Mandatory Information Questionnaire

- 14.1. Potential suppliers are asked to complete this Mandatory Information Questionnaire and submit a copy alongside the selection evidence. The Mandatory Information Questionnaire can be found at Part B. This route can only be used until 18th April 2017 after which all submissions must be electronic and will be incorporated into contracting authorities e-procurement systems. The exclusion questions provided in Part 2 of the template should be supplemented with the relevant supplier selection questions listed in Part 3.
- 14.2. Documentary evidence is not required when the standard Mandatory Information Questionnaire is submitted. Where the evidence is available in a relevant national database, free of charge, the potential supplier can state where the requested evidence can be found (i.e. the name of the repository, website, identification of the file etc.).
- 14.3. However, we may ask any potential supplier at any time during the procurement to submit all or part of the evidence if it is necessary to ensure the proper conduct of the procedure. We will check the evidence of the winning bidder before award of the contract.

## 15. Guidance on Part 1 and Part 2 (exclusion grounds<sup>1</sup>) - key principles

- 15.1. It is mandatory for a potential supplier to complete Part 1 and Part 2 of the standard Mandatory Information Questionnaire, or the ESPD template, for this procurement.
- 15.2. Part 1 and Part 2 of this Mandatory Information Questionnaire will provide us with a formal statement that the relevant grounds for exclusion do not apply to the potential supplier completing it. A completed form is required for each organisation the potential supplier will rely on to meet the selection criteria. This means that where the potential supplier is a group of suppliers, including joint ventures and partnerships, each potential supplier in that group must complete Part 1 and Part 2 of the Mandatory Information Questionnaire self-declaration.

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<sup>1</sup> List of exclusion grounds can be found at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/551130/List\\_of\\_Mandatory\\_and\\_Discretionary\\_Exclusions.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf)

## 16. Guidance on Part 3 of Mandatory Information Questionnaire and qualitative selection – key principles

### Self-declarations

- 16.1. We will allow potential suppliers to self-declare that they meet the relevant criteria in the supplier selection stage. Only the winning supplier (and any organisations relied upon to meet the winning supplier's selection criteria) will be required to submit evidence, this being required before the Contract Award.
- 16.2. If the winning supplier fails to provide the required evidence within set timeframes, or the evidence proves unsatisfactory, the award of the contract will not proceed.
- 16.3. We can require information from any supplier at any stage if it is necessary to ensure proper conduct of this procurement procedure.

### Group of potential suppliers

- 16.4. If the potential supplier is bidding on behalf of a group, for example, a consortium, or intends to use sub-contractors, there are different actions required for completion of Part 3 of the standard Mandatory Information Questionnaire compared to Part 1 and Part 2.
- 16.5. The consortium lead should complete all of the questions on behalf of the consortium and/or any sub-contractors. The consortium lead should make it clear who the lead member of the group is, and who will be contractually responsible for delivery of the contract.
- 16.6. All members of the group are required to provide the information required in Part 3 of the standard Mandatory Information Questionnaire or procurement documents, as part of a single composite response (unless the question specifically directs otherwise). We may require members of the group to assume a specific legal form if awarded the contract, if considered necessary for the satisfactory performance of the contract. Where the group is proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV) or consortium, they should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity. They should also provide the name for the new entity and details of its legal and operational structure.
- 16.7. If Bidder arrangements change in any way, any updates should be provided to us before the Contract Award stage. This will allow us to request a self-declaration of the exclusion grounds (Part 1 and Part 2 of the standard Mandatory Information Questionnaire) for any new organisation, and carry out a further assessment using the standard selection questions and any specific selection criteria. We reserve the right to deselect a potential supplier or a group prior to any award of contract, based on an assessment of the updated information.

## **17. Guidance on supplier selection questions Economic and financial standing**

- 17.1. We will allow potential suppliers to self-certify that they meet minimum financial requirements when assessing economic and financial standing. Checks against self-certification will only be carried out on the winning supplier.

## **18. Technical and professional ability Past Performance**

- 18.1. We will evaluate the past performance of a potential supplier. Suppliers are required to have sufficient level of experience demonstrated by suitable references.
- 18.2. We require details of contract examples or references from either the public or private sector that are relevant to the requirement. Contracts should have been performed during the past three years.
- 18.3. Potential suppliers are requested to submit details of contracts where the named customer contact is prepared to provide written evidence to confirm the accuracy of the information provided. Customer references should be factual.
- 18.4. If this is not possible (for example a potential supplier is newly formed or an SPV will be created for the contract) up to three separate examples should be provided from the principal officers or members of the group.

## **19. Sub-contractors and supply chains**

- 19.1. Bids submitted by a potential supplier proposing to use sub-contractors should provide a relevant example where one or more of the essential sub-contractors have delivered similar requirements (separate examples are not required from each sub-contractor).

## **20. Modern Slavery Act 2015 2**

- 20.1. Since 1 October 2015, commercial organisations that carry on a business or part of business in the UK, supply goods or services and have an annual turnover of £36 million or more ("relevant commercial organisations") have been required under Section 54 of the Act to prepare a slavery and human trafficking statement as defined by section 54 of the Act.

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<sup>2</sup> For background see Home Office publication

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/471996/Transparency\\_in\\_Supply\\_Chains\\_etc\\_A\\_practical\\_guide\\_final\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/471996/Transparency_in_Supply_Chains_etc_A_practical_guide_final_.pdf)

# Part B - Mandatory Information Questionnaire

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## Potential Supplier Information and Exclusion Grounds: Part 1 and Part 2.

The Mandatory Information Questionnaire is a self-declaration, made by the potential supplier, that you do not meet any of the grounds for exclusion<sup>3</sup>. If there are grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (self-cleaning).

A completed declaration of Part 1 and Part 2 provides a formal statement that the organisation making the declaration has not breached any of the 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. For example, these could be parent companies, affiliates, associates, or essential sub-contractors, if they are relied upon to meet the selection criteria. This means that where you are joining in a group of organisations, including joint ventures and partnerships, each organisation in that group must complete one of these self-declarations. Sub-contractors that you rely on to meet the selection criteria must also complete a self-declaration (although sub-contractors that are not relied upon do not need to complete the self-declaration).

When completed, this form is to be sent back to the contact point given in the procurement documents along with the selection information requested in the procurement documentation.

## Supplier Selection Questions: Part 3

The procurement document will provide instructions on the selection questions you need to respond to and how to submit those responses. If you are bidding on behalf of a group (consortium) or you intend to use sub-contractors, you should complete all of the selection questions on behalf of the consortium and/or any sub-contractors.

If the relevant documentary evidence referred to in the Mandatory Information Questionnaire is not provided upon request and without delay we reserve the right to amend the contract award decision and award to the next compliant bidder.

## Consequences of misrepresentation

If you seriously misrepresent any factual information in filling in the Mandatory Information Questionnaire, and so induce an authority to enter into a contract, there may be significant consequences. You may be excluded from the procurement procedure. 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.

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<sup>3</sup> For the list of exclusion please see

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/551130/List\\_of\\_Mandatory\\_and\\_Discretionary\\_Exclusions.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf)

Hafan Cymru  
PROCUREMENT PROCEDURE: Open

Notes for completion

1. The "authority" means the contracting authority, or anyone acting on behalf of the contracting authority, that is seeking to invite suitable candidates to participate in this procurement process.
2. "You" / "Your" refers to the potential supplier completing this standard Mandatory Information Questionnaire 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 (referred to as the "regulations") and could be a registered company; the lead contact for a group of economic operators; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.
3. 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 Part.
4. The authority recognises that arrangements set out in section 1.2 of the standard Mandatory Information Questionnaire, in relation to a group of economic operators (for example, a consortium) and/or use of sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the 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.
5. For Part 1 and Part 2 every organisation that is being relied on to meet the selection must complete and submit the self-declaration. **For Insurance Brokers, in 1.2(b)-ii, you should provide details of the Property and Casualty Insurers that you expect to participate in the proposed programme of Insurance.**
6. For answers to Part 3 - If you are bidding on behalf of a group, for example, a consortium, or you intend to use sub-contractors, you should complete all of the questions on behalf of the consortium and/ or any sub-contractors, providing one composite response and declaration.

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.

## 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 a) public limited company b) limited company c) limited liability partnership d) other partnership e) sole trader f) third sector g) other (please specify your trading status)	
1.1(d)	Date of registration 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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
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 <input type="checkbox"/> No <input type="checkbox"/>
1.1(j) - (ii)	If you responded yes to 1.1(j) - (i), please provide additional details of what is required and confirmation that you have complied with this.	
1.1(k)	Trading name(s) that will be used if successful in this procurement	
1.1(l)	Relevant classifications (state whether you fall within one of these, and if so which one) a) Voluntary Community Social Enterprise (VCSE) b) Sheltered Workshop	

1.1(m)	Are you a Small, Medium or Micro Enterprise (SME) <sup>5</sup> ?	Yes <input type="checkbox"/> No <input type="checkbox"/>
1.1(n)	<p>Details of Persons of Significant Control (PSC), where appropriate:</p> <ul style="list-style-type: none"> <li>- Name;</li> <li>- Date of birth;</li> <li>- Nationality;</li> <li>- Country, state or part of the UK where the PSC usually lives;</li> <li>- Service address;</li> <li>- The date he or she became a PSC in relation to the company (for existing companies the 6 April 2016 should be used);</li> <li>- Which conditions for being a PSC are met;</li> <li>- Over 25% up to (and including) 50%,</li> <li>- More than 50% and less than 75%,</li> <li>- 75% or more.</li> </ul> <p>(Please enter N/A if not applicable)</p>	
1.1(o)	<p>Details of immediate parent company:</p> <ul style="list-style-type: none"> <li>- Full name of the ultimate parent company</li> <li>- Registered office address (if applicable)</li> <li>- Registration number (if applicable)</li> <li>- Head office DUNS number (if applicable)</li> <li>- Head office VAT number (if applicable)</li> </ul> <p>(Please enter N/A if not applicable)</p>	
1.1(p)	<p>Details of ultimate parent company:</p> <ul style="list-style-type: none"> <li>- Full name of the ultimate parent company</li> <li>- Registered office address (if applicable)</li> <li>- Registration number (if applicable)</li> <li>- Head office DUNS number (if applicable)</li> <li>- Head office VAT number (if applicable)</li> </ul> <p>(Please enter N/A if not applicable)</p>	

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.

<sup>1</sup> See EU definition of SME [https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition\\_en](https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en)

<sup>1</sup> 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.](#)

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 <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide details listed in questions 1.2(a) (ii), (a) (iii) and to 1.2(b) (i), (b) (ii), 1.3, Section 2 and 3. If no, and you are a supporting bidder please provide the name of your group at 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 <input type="checkbox"/> No <input type="checkbox"/>
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.	

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)	<p><b>Regulations 57(1) and (2)</b></p> <p>The detailed grounds for mandatory exclusion of an organisation are set out on this <a href="#">webpage</a>, which should be referred to before completing these questions. Please indicate if, within the past five years you, your organisation or any other person who has powers of representation, decision or control in the organisation been convicted anywhere in the world of any of the offences within the summary below and listed on the <a href="#">webpage</a>.</p>	
	Participation in a criminal organisation.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Corruption.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Fraud.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Terrorist offences or offences linked to terrorist activities	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Money laundering or terrorist financing	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Child labour and other forms of trafficking in human beings	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
2.1(b)	<p>If you have answered yes to question 2.1(a), please provide further details.</p> <p>Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction, Identity of who has been convicted</p> <p>If the relevant documentation is available electronically please provide the web address, issuing authority, precise reference of the documents.</p>	

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 <input type="checkbox"/> No <input type="checkbox"/>
2.3(a)	<b>Regulation 57(3)</b> 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 <input type="checkbox"/> No <input type="checkbox"/>
2.3(b)	If you have answered yes to question 2.3(a), please provide further details. Please also confirm you have paid, or have entered into a binding arrangement with a view to paying, the outstanding sum including where applicable any accrued interest and/or fines.	

Please Note: The 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	<p><b>Regulation 57 (8)</b></p> <p>The detailed grounds for discretionary exclusion of an organisation are set out on this <a href="#">webpage</a>, 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.</p>	
3.1(a)	Breach of environmental obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1 (b)	Breach of social obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1 (c)	Breach of labour law obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(d)	Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation's assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(e)	Guilty of grave professional misconduct?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(f)	Entered into agreements with other economic operators aimed at distorting competition?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(g)	Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(h)	Been involved in the preparation of the procurement procedure?	Yes <input type="checkbox"/> No <input type="checkbox"/> 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 <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(j) 3.1(j) - (i)	Please answer the following statements The organisation is guilty of serious misrepresentation in supplying the	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2

<p>3.1(j) - (ii)</p> <p>3.1(j) –(iii)</p> <p>3.1(j)-(iv)</p>	<p>information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria.</p> <p>The organisation has withheld such information.</p> <p>The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015.</p> <p>The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes please provide details at 3.2</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes please provide details at 3.2</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes please provide details at 3.2</p>
<p>3.2</p>	<p>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)</p>	

## Part 3: Selection Questions

Section 4	Economic and Financial Standing	
Question number	Question	Response
4.1	Are you able to provide a copy of your audited accounts for the last two years, if requested? If no, can you provide <b>one</b> of the following: answer with Y/N in the relevant box.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	(a) A statement of the turnover, Profit and Loss Account/Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year of trading for this organisation.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	(b) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	(c) Alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.2	Where we have specified a minimum level of economic and financial standing and/ or a minimum financial threshold within the evaluation criteria for this procurement, please self-certify by answering 'Yes' or 'No' that you meet the requirements set out.	Yes <input type="checkbox"/> No <input type="checkbox"/>

<sup>1</sup> [See Action Note 8/16 Updated Standard Mandatory Information Questionnaire](#)

Section 5		If you have indicated in the Mandatory Information Questionnaire question 1.2 that you are part of a wider group, please provide further details below:
Name of organisation		
Relationship to the Supplier completing these questions		
5.1	Are you able to provide parent company accounts if requested to at a later stage?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5.2	If yes, would the parent company be willing to provide a guarantee if necessary?	Yes <input type="checkbox"/> No <input type="checkbox"/>

5.3	If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
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<b>Section 6</b>	<b>Technical and Professional Ability, scored – 30% Weighting</b>
6.1	<p><b>Relevant experience and contract examples</b></p> <p>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.</p> <p>The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.</p> <p>Consortia bids should provide relevant examples of where the consortium has delivered similar requirements. If this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle is to be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (three examples are not required from each member).</p> <p>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.</p> <p>If you cannot provide examples see question 6.3</p> <p><i>Higher marks will be available where you are able to demonstrate recent evidence of successfully delivering relevant services and the quality of any testimonials provided; Hafan Cymru may also request that you provide references to support your answer</i></p>

	Contract 1	Contract 2	Contract 3
Name of customer organisation			
Point of contact in the organisation			
Position in the organisation			
E-mail address			
Description of contract			

Contract Start date			
Contract completion date			
Estimated contract value			

6.2	<p>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).</p> <p>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)</p>
6.3	<p>If you cannot provide at least one example for questions 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.</p>

<b>Section 7</b>	<b>Modern Slavery Act 2015: Requirements under Modern Slavery Act 2015</b>	
7.1	Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")?	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
7.2	If you have answered yes to question 7.1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015?	Yes <input type="checkbox"/> Please provide the relevant url to view the statement ... No <input type="checkbox"/> Please provide an explanation



## 8. Additional Questions

Suppliers who self-certify that they meet the requirements to these additional questions will be required to provide evidence of this if they are successful at contract award stage.

Section 8	Additional Questions
8.1	<b>Insurance</b>
a.	<p>Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:</p> <p><b>Yes/No</b></p> <p>Employer's (Compulsory) Liability Insurance = £5,000,000 (five million pounds sterling) for each and every event with the number of events unlimited.</p> <p>Public Liability Insurance = £5,000,000 (five million pounds sterling) for each and every event with the number of events unlimited.</p> <p>Professional Indemnity Insurance = £2,000,000 (two million pounds sterling) for each and every event with the number of events unlimited.</p> <p>Product Liability Insurance = £5,000,000 (five million pounds sterling) for each and every event with the number of events unlimited.</p> <p><i>It is a condition of contract / framework participation that if successful you must have insurances at the levels stated.</i></p> <p><i>It is a legal requirement that all companies hold Employer's (Compulsory) Liability Insurance of £5 million as a minimum. Please note this requirement is not applicable to Sole Traders.</i></p>

8.2	<b>Authorisation and Regulation</b>
a.	<p>Is your organisation suitably authorised and regulated by the UK Financial Conduct Authority, the Prudential Regulation Authority or an equivalent body in the EU member state where you are established?</p> <p>Please provide further details including the Registration number, and support your answer with evidence if required.</p> <p><i>Hafan Cymru may only select you to tender if you are registered with an appropriate Insurance regulatory authority or Professional register(s) in the EU member state where you are established.</i></p>

<b>8.3</b>	<b>Business Activities, Scored – 50% Weighting</b>
<b>a.</b>	<p>What are the main business activities of your organisation? Please include a brief history of the your organisation, detailing any parent and associated companies and any changes of ownership over the last 5 years including details of significant pending developments, changes in financial structure or ownership, prospective take-over bids, buy-outs and closures, etc which are currently in the public domain.</p> <p><i>This answer will be used by Hafan Cymru to understand what services your organisation provides.</i></p>
<b>b.</b>	<p>Please provide a one-page chart illustrating the ownership structure of the bidder, including relations to any parent or other group or holding companies.</p> <p>This answer will be used by Hafan Cymru to understand how your organisation is structured.</p>
<b>C.</b>	<p>Is your organisation:</p> <p>a) bidding to provide the Insurance required itself;</p> <p>b) bidding in the role of Prime Contractor and acts as a Managing General Agent or Managing General Underwriter for some or all Insurance services; or</p> <p>c) an independent Broker?</p> <p>If you are bidding in the role of Prime Contractor and act as a Managing General Agent or Managing General Underwriter for some or all Insurance services, please confirm the classes of insurance for which you are expecting to act as Managing General Agent or Underwriter and details of the Insurer(s) for which you act. Please give a brief outline on the extent to which it is envisaged they may be used in any contract and whether alternative markets are available through the Bidder for the stated classes of insurance.</p> <p><i>Where a Bidder becomes aware of the intention to subcontract at later stages in the procurement they are required to notify Hafan Cymru of this and provide the information requested below at that time.</i></p>

d.	<p>In respect of Property Stock and for primary layer Combined Liability (EL, PL, Products and POL), please give details of all Insurers you would expect to quote to your organisation for these classes of insurance (including their current Standard &amp; Poor or equivalent rating).</p> <p>Please then state clearly where you consider the insurer provides an exclusive or restricted arrangement for your organisation (please state which).</p> <p><i>All insurers used by you for these classes of insurance will be required to have a minimum S&amp;P rating of A- or equivalent with a reputable credit rating agency.</i></p>
e.	<p>Has your firm been awarded, or is it working towards CII Chartered status or does it have commitment to similar professional organisations.</p> <p>If yes, please provide copies of relevant certification and details.</p> <p><i>Higher marks will be awarded where the Bidder has achieved and maintains CII Corporate Chartered status (or an equivalent in the EU member state where you are established) and marks will be awarded where members of the Bidder's nominated service team have achieved CII Qualifications.</i></p>
f.	<p>Do you have the necessary numbers of experienced and qualified staff to service the requirement? Please include a 1 page chart showing the staffing structure you propose to service the requirement.</p> <p><i>Higher marks will be awarded where you can demonstrate that you have appropriately qualified and experienced personnel who will be dedicated to servicing the requirement, and that you have sufficiently robust arrangement in place for business continuity and succession planning should a team member not be available.</i></p>

8.4	<b>Quality Management, Scored – 20%</b>
<b>a.</b>	<p>Do you operate in accordance with a Quality Management System that is certified by a UKAS-accredited (or national equivalent) third party against ISO 9001 or an equivalent standard? If you are successful you must be in a position to provide evidence prior to contract award and without delay.</p> <p><i>Higher marks will be awarded where you can demonstrate that you have an appropriate system for making sure that the quality of the product or service you deliver is consistent.</i></p>
<b>b.</b>	<p>Do you have a formal quality management policy, linked to your business plan and customer needs, that is understood and followed by all employees?</p> <p><i>If you answered "yes" to question 8.4.a. you do not need to answer this question. If you answer "no" to this question you may be excluded from tendering. If you are successful you must be in a position to provide evidence prior to contract award and without delay. Please ZIP documents together if necessary.</i></p>
<b>c.</b>	<p>Do you regularly review performance through internal audits and meetings, and keep a record of the results?</p> <p><i>If you answered "yes" to question 8.4.a. you do not need to answer this question. If you answer "no" to this question you may be excluded from tendering. If you are successful you must be in a position to provide evidence prior to contract award and without delay. Please ZIP documents together if necessary.</i></p>
<b>d.</b>	<p>Has your organisation had a contract cancelled, or not renewed, for breach of contract or failure to meet requirements within the last three years?</p> <p>If you answered "yes", please provide details including name of customer, <b>reasons for cancellation (including where a contract has been cancelled as a result of a merger or similar change in business entity)</b> and any action taken to avoid this happening again.</p> <p><i>Hafan Cymru will use this information to determine whether you have a record of successful delivery of contracts. If you answer "yes" to this question and fail to provide convincing evidence that you have taken appropriate action to ensure the problems will not be repeated you will receive a lower score.</i></p>

8.5	<b>Health &amp; Safety</b>
a.	<p>Please confirm that your company has a Health and Safety Policy which has been reviewed within the last 2 years, and which includes the following:</p> <ul style="list-style-type: none"> <li>• a Policy Statement signed &amp; dated.</li> <li>• The Organisation and Responsibilities - how Health and Safety requirements are implemented.</li> </ul> <p>The Arrangements – standards and procedures adopted in practice.</p> <p><i>All companies with more than five employees must have a Health and Safety Policy. Hafan Cymru requests you to confirm that you have reviewed your Health and Safety Policy within the past two years. Failure to provide the adequate information may result in you not being selected to tender. Please ZIP documents together if necessary.</i></p>
b.	<p>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?</p> <p><i>Hafan Cymru may not select you to tender if your company has been prosecuted or served notice under health and safety legislation unless there is clear evidence that decisive and comprehensive action has been taken to remedy the situation. Hafan Cymru may check the HSE database to confirm the accuracy of the information provided. Failure to provide accurate information may result in you not being selected to tender.</i></p>

# Part C Mandatory Exclusion Grounds

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Public Contract Regulations 2015 R57(1), (2) and (3)

Public Contract Directives 2014/24/EU Article 57(1)

## Participation in a criminal organisation

Participation offence as defined by section 45 of the Serious Crime Act 2015

Conspiracy within the meaning of

- section 1 or 1A of the Criminal Law Act 1977 or
- article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983

where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime;

## Corruption

Corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906;

The common law offence of bribery;

Bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010, or section 113 of the Representation of the People Act 1983;

## Fraud

Any of the following offences, where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the convention on the protection of the financial interests of the European Communities:

- the common law offence of cheating the Revenue;
- the common law offence of conspiracy to defraud;
- fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978;
- fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006;
- fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;
- an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
- destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969;
- fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006;

- the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act;

## **Terrorist offences or offences linked to terrorist activities**

Any offence:

- listed in section 41 of the Counter Terrorism Act 2008;
- listed in schedule 2 to that Act where the court has determined that there is a terrorist connection;
- under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by the previous two points;

## **Money laundering or terrorist financing**

Money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002

An offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996

## **Child labour and other forms of trafficking human beings**

An offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004;

An offence under section 59A of the Sexual Offences Act 2003

An offence under section 71 of the Coroners and Justice Act 2009;

An offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994

An offence under section 2 or section 4 of the Modern Slavery Act 2015

## **Non-payment of tax and social security contributions**

Breach of obligations relating to the payment of taxes or social security contributions that has been established by a judicial or administrative decision.

Where any tax returns submitted on or after 1 October 2012 have been found to be incorrect as a result of:

- HMRC successfully challenging the potential supplier under the General Anti – Abuse Rule (GAAR) or the “Halifax” abuse principle; or
- a tax authority in a jurisdiction in which the potential supplier is established successfully challenging it under any tax rules or legislation that have an effect equivalent or similar to the GAAR or “Halifax” abuse principle;
- a failure to notify, or failure of an avoidance scheme which the supplier is or was involved in, under the Disclosure of Tax Avoidance Scheme rules (DOTAS) or any equivalent or similar regime in a jurisdiction in which the supplier is established

## **Other offences**

Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any jurisdiction outside England, Wales and Northern Ireland

Any other offence within the meaning of Article 57(1) of the Directive created after 26<sup>th</sup> February 2015 in England, Wales or Northern Ireland

## **Discretionary exclusions**

### **Obligations in the field of environment, social and labour law.**

Where an organisation has violated applicable obligations in the fields of environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Part X to the Directive (see copy below) as amended from time to time; including the following:-

- Where the organisation or any of its Directors or Executive Officers has been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years.
- In the last three years, where the organisation has had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds of alleged unlawful discrimination.
- In the last three years, where any finding of unlawful discrimination has been made against the organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or incomparable proceedings in any jurisdiction other than the UK).
- Where the organisation has been in breach of section 15 of the Immigration, Asylum, and Nationality Act 2006;
- Where the organisation has a conviction under section 21 of the Immigration, Asylum, and Nationality Act 2006;
- Where the organisation has been in breach of the National Minimum Wage Act 1998.

### **Bankruptcy, insolvency**

Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation's assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State;

### **Grave professional misconduct**

Guilty of grave professional misconduct

### **Distortion of competition**

Entered into agreements with other economic operators aimed at distorting competition

### **Conflict of interest**

Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure

### **Been involved in the preparation of the procurement procedure.**

### **Prior performance issues**

Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions.

## **Misrepresentation and undue influence**

The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.

## **Additional exclusion grounds**

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

### **PART X Extract from Public Procurement Directive 2014/24/EU**

#### **LIST OF INTERNATIONAL SOCIAL AND ENVIRONMENTAL CONVENTIONS REFERRED TO IN ARTICLE 18(2) —**

- ILO Convention 87 on Freedom of Association and the Protection of the Right to Organise;
- ILO Convention 98 on the Right to Organise and Collective Bargaining;
- ILO Convention 29 on Forced Labour;
- ILO Convention 105 on the Abolition of Forced Labour;
- ILO Convention 138 on Minimum Age;
- ILO Convention 111 on Discrimination (Employment and Occupation);
- ILO Convention 100 on Equal Remuneration;
- ILO Convention 182 on Worst Forms of Child Labour;
- Vienna Convention for the protection of the Ozone Layer and its Montreal Protocol on substances that deplete the Ozone Layer;
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention);
- Stockholm Convention on Persistent Organic Pollutants (Stockholm POPs Convention)
- Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (UNEP/FAO) (The PIC Convention) Rotterdam, 10 September 1998, and its 3 regional Protocols.

## **Consequences of misrepresentation**

A serious misrepresentation which induces a contracting authority to enter into a contract may have the following consequences for the signatory that made the misrepresentation:-

- The potential supplier may be excluded from bidding for contracts for three years, under regulation 57(8)(h)(i) of the PCR 2015;
- The contracting authority may sue the supplier for damages and may rescind the contract under the Misrepresentation Act 1967.
- If fraud, or fraudulent intent, can be proved, the potential supplier or the responsible officers of the potential supplier may be prosecuted and convicted of the offence of fraud by false representation under s.2 of the Fraud Act 2006, which can carry a sentence of up to 10 years or a fine (or both).
- If there is a conviction, then the company must be excluded from procurement for five years under reg. 57(1) of the PCR (subject to self-cleaning).

## Part D Frequently Asked Questions

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### What is the European Single Procurement Document (ESPD)?

The ESPD is a list of questions that potential suppliers have to answer to provide a self-declaration that none of the exclusion grounds has been breached, and that they meet the required selection criteria.

It is a standard form that replaces the Mandatory Information Questionnaires, and should make the process of bidding for a public contract easier.

The exclusion grounds are those listed in the EU Directive. As the same exclusion grounds will be used in ESPDs across the EU a potential supplier will be able to re-use a form which it has previously submitted for another competition as long as the information is still correct.

### What about sub-contractors?

If a potential supplier proposes to sub-contract part of a contract, and in doing so they rely on the capacity of that sub-contractor to fulfill the selection criteria then a separate completed Mandatory Information Questionnaire Part 1 and Part 2 is required from that sub-contractor. **For Insurance Brokers, you should provide details of the Property and Casualty Insurers that you expect to participate in the proposed programme of Insurance.**

### What is Self-Cleaning?

A potential supplier who has been excluded from public procurement can have the exclusion ended if they effectively "self-clean".

Potential suppliers are required to demonstrate that they have taken remedial action, to the satisfaction of the contracting authority in each case. In order for the evidence provided to be sufficient it must, as a minimum, prove the supplier has "self-cleaned" as follows:

- 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 actions agreed on deferred prosecution agreements (DPAs) may be submitted as evidence of self-cleaning and evaluated by the contracting authority as described below.

The measures taken shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. If such evidence is considered by the contracting authority (whose decision will be final) as sufficient, the potential supplier shall be allowed to continue in the procurement process.

If the potential supplier cannot provide evidence of 'self-cleaning' that is acceptable to us, they will be excluded from further participation in the procurement and provided with a statement of the reasons for that decision.

