

Newton Abbot Town Council

Newton's Place

Pre Qualification Questionnaire (PQQ)
203330

18 June 2018

Originated by: Myles Clough

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1. Introduction and background to the Project

1.1 Introduction

- 1.1.1 This Pre Qualification Questionnaire (PQQ) is based on the PAS 91:2013. The terms and conditions of the questionnaire are set out in section 2.
- 1.1.2 As a compliant questionnaire, the questions are split into three categories; core question modules, optional question modules and supplementary project related questions to establish professional or technical ability.
- 1.1.3 This Questionnaire is issued by Newton Abbot Town Council in relation to the proposed refurbishment and fit out of a Grade II listed former church premises in central Newton Abbot.
- 1.1.4 Newton Abbot Town Council is seeking to appoint a supplier to assist in constructing Newton's Place. The project is the refurbishment of the existing St Leonard's Church to create a new Museum for Newton Abbot, as well as new community facilities and the relocated Town Hall.
- 1.1.5 The indicative design is included separately to this document. Please be minded that these drawings are currently in the process of being finalised. The final scheme is under development and will be available at the next stage of the tender process.

1.2 PQQ Timetable

The table below outlines the indicative procurement timetable for this stage of the process.

| Activity | Timeframe |
|-----------------------------|--|
| Selection Stage: | |
| PQQ clarifications deadline | Wednesday 27 th June 2018, 5pm |
| PQQ return date | Tuesday 3 rd July 2018, 12 noon |
| Selection of tender list | Friday 13 th July 2018 |
| Issue of tender documents | Monday 16 th July 2018 |

1.3 PQQ Evaluation Process

This PQQ is in accordance with PAS 91:2013.

All PQQ documentation is to be returned via Contract Finder web portal.

The PQQ process will be conducted to ensure that suppliers are evaluated fairly against the evaluation criteria enclosed in this document.

The selection process will use the PQQ response for a rigorous and objective assessment of each supplier. The assessment of all aspects stated shall be recorded for audit purposes and feedback provided to suppliers.

Upon receipt, the PQQ submission will remain unopened until the deadline in the Instructions section of this document has passed.

The authority may decide to hold a formal opening ceremony with key stakeholders present to oversee the recording of PQQs received.

The tender process will be conducted to ensure that suppliers are evaluated fairly against a pre-determined evaluation matrix. The selection process will use the selection questionnaire response for a rigorous and objective assessment of each supplier. The assessment of all aspects stated shall be recorded for audit purposes and feedback provided to suppliers.

Part One & Two include mandatory questions which must be answered receiving a Pass/Fail score. Each tender must receive a pass mark for these questions in order to proceed. For those suppliers meeting the minimum selection stage requirements, an assessment of Part Three will then be undertaken.

Part Three will form the quality assessment. Part Three 'Project Specific Questions' will be marked against a selection stage scoring criteria of (1-5) which is provided in Table C.

The assessment of the PQQs received will be carried out by an evaluation panel made up of authority staff and authorised representatives.

The response will enable the authority to form a clear view of the supplier's technical and professional capacity. The responses in respect of each question must therefore be clear and concise. No reliance should be placed on information given to the authority previously or provided elsewhere in the PQQ response.

Suppliers may be contacted for clarification of information if required.

Suppliers are permitted to clarify the authority's requirements in the PQQ, and the Authority may require a supplier(s) to clarify or supplement the information it submits in its PQQ, provided that to do so will not distort the competition.

Suppliers, both successful and unsuccessful, will have the opportunity to receive feedback regarding their application if requested.

1.4 PQQ Evaluation Criteria

The PQQ assessments are based on the question responses provided by the suppliers to parts one, two and three.

The assessment of the PQQ responses received will be carried out by an evaluation panel made up of authorised representatives based on the question responses provided by the suppliers to parts one, two and three.

The selection criteria will be made in two parts:

- a. Selection criteria based on supplier information, grounds for mandatory exclusion, discretionary exclusion, economic and financial standing, technical and professional ability, **In order to proceed to evaluation of your quality response, suppliers are required to meet the minimum requirements.**
- b. Quality based on the written responses to part three of the PQQ response and the evaluation criteria and scoring principles provided.

The evaluation criteria, scoring principles and mark levels to be applied to the PQQs are outlined in **Tables A, B and C** below.

Table A – PQQ Evaluation Criteria

| Qualitative Criteria | Weighting | Page Limit |
|--|------------------|------------|
| Part 1 – Core Question Module | | |
| Module C1- Supplier Identity, key roles and contact information | Information Only | |
| Module C2- Financial Information | Pass/Fail | |
| Module C3- Business and professional standing | Pass/Fail | |
| - Public Sector procurement – Mandatory exclusion | | |
| - Public Sector procurement – Discretionary exclusion | Pass/Fail | |
| Module C4- Health & Safety | Pass/Fail | |
| Part 2—Optional Question Module | | |
| Module O1–Equal opportunity and diversity policy and capability | Pass/Fail | |
| Module O2–Environmental management policy and capability | Pass/Fail | |
| Module O3–Quality management policy and capability | Pass/Fail | |
| Part 3 – Supplementary Question Module | | |
| Module S1- Technical and Professional Ability | Pass/Fail | |
| Module S2- Project Specific Questions | | |
| (1) Refurbishment & Adaption of Listed Buildings | 50% | 2 X A4 |
| (2) Local Supply Chain: Labour & Training | 25% | 1 X A4 |
| (3) Proposed Project Team | 25% | 2 x A4 |

1.5 PQQ Assessment and Scoring Principles

Table B – PQQ Scoring Principles (Sections 1 to 9)

| Question Heading | Minimum Requirements |
|--|---|
| Module C1 Supplier Identity, key roles and contact information | Information Only – Supplier details, Bidding model and Contact Details and Declaration completed in full. Failure to complete in full may result in the authority requesting further information. |
| Module C2 Financial Information | Pass – Section should be answered in full providing evidence of economic standing as requested as either a, b, c or d. Confirmation that minimum level of turnover has been met of £5 million GBP. Scoring of Moderate or more as part of a Dunn and Bradstreet/Experian check. Fail – Section has not been completed in full. Failure to meet minimum level of turnover. Scoring of Poor or less as part of a Dunn and Bradstreet/Experian check. |
| Module C3 Business and professional standing Grounds for Mandatory Exclusion | Pass – Section should be answered in full indicating No across the number of mandatory exclusion grounds. If you have indicated Yes as a response explain what measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion (evidence of Self Cleaning). Fail – An answer of Yes for any of the exclusionary grounds where no evidence has been provided to demonstrate the reliability of the organisation despite existence of a relevant ground for exclusion (no evidence of Self Cleaning). |
| Module C3 Business and professional standing Grounds for Discretionary Exclusion | Pass – Section should be answered in full indicating No across the number of discretionary exclusion grounds. If you have indicated Yes as a response explain what measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion (evidence of Self Cleaning). Fail - An answer of Yes for any of the discretionary grounds where no evidence has been provided to demonstrate the reliability of the organisation despite existence of a relevant ground for exclusion (no evidence of Self Cleaning). |
| Module C2 Health & Safety | Pass – Section should be answered in full providing evidence of health & safety policy as requested. Fail – Section has not been completed in full. |
| Module O1 Equal opportunity and diversity policy and capability | Pass – Section should be answered in full providing evidence of health & safety policy as requested. Fail – Section has not been completed in full. |
| Module O2 Environmental management policy and capability | Pass – Section should be answered in full providing evidence of environmental policy as requested. Fail – Section has not been completed in full. |
| Module O3 | Pass – Section should be answered in full providing evidence of quality management policy as requested. |

| Question Heading | Minimum Requirements |
|---|--|
| Quality management policy and capability | Fail – Section has not been completed in full. |
| Module S1 Technical and Professional Ability | The bidder is required to provide up to three project examples relevant to our project requirement. The written responses will be marked out of 5 (see Table C for score levels). Pass – Those submissions receiving a score of 3 (“satisfactory”) or more will receive a pass mark. Fail - Those submissions receiving a score of less than 3 (“satisfactory”) will receive a fail mark. |
| Module S2 Project Specific Questions Question 1 Refurbishment, Adaption of Listed Buildings | The written responses will be marked out of 5 (see Table C for Mark Levels) and a weighting applied to achieve the weighting stated in Table A . Those submissions receiving a score of 3 (“satisfactory”) or more will receive a pass mark, with those less than 3 receiving a fail mark. |
| Module S2 Project Specific Questions Question 2 Local Supply Chain: Labour and Training | The written responses will be marked out of 5 (see Table C for Mark Levels) and a weighting applied to achieve the weighting stated in Table A . Those submissions receiving a score of 3 (“satisfactory”) or more will receive a pass mark, with those less than 3 receiving a fail mark. |
| Module S2 Project Specific Questions Question 3 Proposed Project Team | The written responses will be marked out of 5 (see Table C for Mark Levels) and a weighting applied to achieve the weighting stated in Table A . Those submissions receiving a score of 3 (“satisfactory”) or more will receive a pass mark, with those less than 3 receiving a fail mark. |

Table C – PQQ Mark Level Descriptions

| Mark | Level Description |
|------|---|
| 1 | <p>Very Poor: the response is significantly below what would be expected because of one or all of the following:</p> <p>The response indicates a significant lack of experience and understanding relating to the requirements.</p> <p>The response fails to meet the requirement.</p> |
| 2 | <p>Poor (meets some of the requirement)</p> <p>The response meets elements of the requirement but gives concern in a number of significant areas. There are reservations because of one or all of the following:</p> <p>There is at least one significant issue needing considerable attention.</p> <p>Experience does not demonstrate competence or understanding.</p> <p>The response is light and unconvincing.</p> |
| 3 | <p>Satisfactory (meets most of the requirement)</p> <p>The response meets most of the requirement but there is at least one significant issue of concern, or several smaller issues. These would require some further clarification or attention later in the procurement process, and may arise through lack of demonstrated capability and/or appropriate evidence. The response therefore shows:</p> <p>Basic experience and understanding of the requirements.</p> <p>Sufficient competence demonstrated through relevant evidence.</p> <p>Some areas of concern that require attention.</p> |
| 4 | <p>Good (meets the requirement)</p> <p>The response broadly meets what is expected for the criteria. There are no significant areas of concern, although there may be limited minor issues that need further exploration or attention later in the procurement process. The response therefore shows:</p> <p>Good experience and understanding of the requirements.</p> <p>Sufficient competence demonstrated through relevant evidence.</p> <p>Some insight demonstrated into the relevant issues.</p> |
| 5 | <p>Excellent (fully meets and exceeds the requirement).</p> <p>The response exceeds what is expected for the criteria. Leaves no doubt as to the capability and commitment to deliver what is required. The response therefore shows:</p> <p>Very good understanding of the requirements.</p> <p>Excellent experience demonstrated through relevant evidence.</p> <p>Considerable insight into the relevant issues.</p> <p>The response is also likely to propose additional value in several respects above that expected.</p> |

2. Pre Qualification Questionnaire

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

The Pre Qualification Questionnaire 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 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 Pre Qualification 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 misrepresent any factual information in filling in the Pre Qualification Questionnaire, and so induce an 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.

**Newton Abbot Town Council
Newton's Place
CB/203330**

Notes for completion

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

2. “You”/ “Your” or “Supplier” means the body completing these questions i.e. the legal entity involved in the procurement process and responsible for the information provided. The ‘Supplier’ is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 and could be a registered company; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.

3. This Annex has been designed to assess the suitability of a Supplier to deliver the authority’s contract requirement(s).

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

5. The authority recognises that arrangements set out in section 1.2 of the Selection 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.

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 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.

3. Part 1: Core Question Module

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.

Table 1 – Core Question Module C1: Supplier identity, key roles and contact information

| Q Ref. | Information required | Description of supporting information expected, which will be taken into account in assessment | |
|--------------|--|--|--|
| C1-Q1 | Name of legal entity or sole-trader | Unique name of legal entity or name of individual <i>(please see note re involvement of consortia)</i> | |
| C1-Q2 | Registered office address | C1-Q2-1 Address line 1 (Property name/number) | |
| | | C1-Q2-2 Address line 2 | |
| | | C1-Q2-3 Address line 3 | |
| | | C1-Q2-4 Town | |
| | | C1-Q2-5 County | |
| | | C1-Q2-6 Post code | |
| C1-Q3 | Contact Details for enquiries <i>(include address where projects would be administered from at C1-Q3-8 to 13, if different from that of the registered office (C1-Q2))</i> | C1-Q3-1 Title (Mr, Mrs, Ms etc) | |
| | | C1-Q3-2 Forename | |
| | | C1-Q3-3 Family name | |
| | | C1-Q3-4 Job title | |
| | | C1-Q3-5 e-mail | |
| | | C1-Q3-6 telephone number | |
| | | C1-Q3-7 fax number | |
| | | C1-Q3-8 Address line 1 (Property name/number) | |
| | | C1-Q3-9 Address line 2 | |
| | | C1-Q3-10 Address line 3 | |
| | | C1-Q3-11 Town | |
| | | C1-Q3-12 County | |
| | | C1-Q3-13 Post Code | |
| C1-Q4 | Registration number if registered with Companies House or equivalent | C1-Q4-1 Registration number with Companies House. | |
| | | C1-Q4-2 Registration number with equivalent body. | |
| C1-Q5 | Charity registration number | | |
| C1-Q6 | VAT registration number | | |
| C1-Q7 | Name of immediate parent company | | |
| C1-Q8 | Name of ultimate parent company | | |
| C1-Q9 | Type of organisation <i>Please see note below</i> | <i>e.g. PLC; limited company; LLP, Other partnership; Sole trader; Other (please specify)</i> | |

Table 2 – Core Question Module C2: Financial information

| Q Ref. | Information required | Description of information expected, which will be taken into account in assessment | Tick if provided | Supplier's unique reference to relevant supporting information |
|--------------|--|--|------------------|--|
| C2-Q1 | <i>Please select the one organization description that most closely matches your organization and provide information accordingly.</i> | | | |
| | C2-Q1-1 Financial information for a start-up business that has not reported accounts to the Revenue or Companies House. | Forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, or an alternative means of demonstrating financial status. (See Note 2 to this Table) | | |
| | C2-Q1-2 Accounts for an unincorporated business (sole traders and partnerships). | Copy of the most recent accounts that contain turnover, profit before tax, and balance sheet (if prepared) covering either the most recent two year period of trading or if trading for less than two years, the period that is available. If accounts are not prepared, provide the relevant pages from the latest tax returns (self employment pages for sole traders, partnership pages for partnerships) together with the tax assessment. | | |
| | C2-Q1-3 Accounts for a small company or limited liability partnership with a turnover of below the audit threshold (currently £6.5 million) that is not required to prepare audited accounts. | Copy of the most recent accounts as submitted to the Inland Revenue covering either the most recent two year period of trading or if trading for less than two years, the period that is available. Abbreviated accounts are not acceptable. | | |
| | C2-Q1-4 Accounts for a medium to large incorporated entity and all other organisations that are required | Copy of the most recent audited accounts for your organization covering either the most recent three year period of trading, or if trading for less than three years, the period that is available. | | |

| | | | | |
|--------------|---|--|---|-----------------|
| | to prepare audited accounts. | | | |
| C2-Q2 | Insurance statement and Certificates | Please provide the requested information in the response column | | Response |
| | | C2-Q2-1 Employers liability insurance | C2-Q2-1-1 Policy No. | |
| | | | C2-Q2-1-2 Limit of indemnity | |
| | | | C2-Q2-1-3 Excess | |
| | | | C2-Q2-1-4 Limit for a single event | |
| | | | C2-Q2-1-5 Expiry Date | |
| | | C2-Q2-2 Public liability insurance | C2-Q2-2-1 Policy No | |
| | | | C2-Q2-2-2 Limit of Indemnity | |
| | | | C2-Q2-2-3 Excess | |
| | | | C2-Q2-2-4 Limit for a single event | |
| | | | C2-Q2-2-5 Expiry Date | |
| | | C2-Q2-3 Professional Indemnity insurance (Where consultancy input involved) | C2-Q2-3-1 Policy No. | |
| | | | C2-Q2-3-2 Limit of indemnity | |
| | | | C2-Q2-3-3 Excess | |
| | | | C2-Q2-3-4 Expiry Date | |
| | | C2-Q2-4 Product liability insurance (Where product is to be supplied) | C2-Q2-4-1 Policy No. | |
| | | | C2-Q2-4-2 Limit of indemnity | |
| | | | C2-Q2-4-3 Excess | |
| | | | C2-Q2-4-4 Expiry Date | |

Table 9 – Core Question Module C3 for Public Sector procurement – Mandatory exclusion

| Q Ref. | Information required, which will be taken into account in assessment | Answer | |
|---------------|---|------------|-----------|
| C3-QP1 | Do any of the circumstances as set out in Part 4 Regulation 23(1) of the Public Contracts Regulations 2015, apply to you as the applicant or to members of any applicant Group or any envisaged sub-contractor? If yes, please supply details in response to relevant question(s) below. | YES | NO |
| | Response | | |
| | C3-QP1-1 If your organisation or any directors or partner or any other person who has powers of representation, decision or control has been convicted of any of the following offences, please provide information. | | |
| | C3-QP1-1a) 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. | | |
| | C3-QP1-1b) corruption: within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906; where the offence relates to active corruption; | | |
| | C3-QP1-1c) bribery: the offence of bribery, where the offence relates to active corruption; | | |
| | C3-QP1-1d) bribery: within the meaning of section 1 or 6 of the Bribery Act 2010. | | |
| | C3-QP1-1e) fraud: 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 Union, within the meaning of: | | |
| | C3-QP1-1e(i) the offence of cheating the Revenue; | | |
| | C3-QP1-1e(ii) the offence of conspiracy to defraud; | | |
| | C3-QP1-1e(iii) fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) Order 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978; | | |

| | |
|--|--|
| C3-QP1-1e(iv) fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006; | |
| C3-QP1-1e(v) fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994; | |
| C3-QP1-1e(vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993; | |
| C3-QP1-1e(vii) destroying, defacing or concealing of documents or procuring the extension 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;? | |
| C3-QP1-1e(viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or | |
| C3-QP1-1e(ix) making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of the Fraud Act 2006; | |
| C3-QP1-1f) money laundering within the meaning of the Proceeds of Crime Act 2002: | |
| C3-QP1-1f(i) 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; or | |
| C3-QP1-1f(ii) 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; or | |
| C3-QP1-1-g) any other offence within the meaning of Article 45(1) of Directive 2004/18/EC as defined by the national law of any relevant state. | |

Table 10 – Core Question Module C3 for Public Sector procurement – Discretionary exclusion

| Q Ref. | Information required and description of information expected, which will be taken into account in assessment | Answer | |
|--------|--|----------|----|
| C3-QP2 | Do any of the circumstances as set out in Part 4 Regulation 23(4) of the Public Contracts Regulations 2015 apply to the Applicant, members of the Applicant Group or any envisaged sub-contractor? If yes, please supply details below. | YES | NO |
| | C3-QP2-1 Is any of the following true of your organisation? | Response | |
| | C3-QP2 1(a) being an individual, is a person in respect of whom a debt relief order has been made or is bankrupt or has had a receiving order or administration order or bankruptcy restrictions order or debt relief restrictions order made against him or has made any composition or arrangement with or for the benefit of creditors or has made any conveyance or assignment for the benefit of creditors or appears unable to pay or to have no reasonable prospect of being able to pay, a debt within the meaning of Section 268 of the Insolvency Act 1986, or Article 242 of the Insolvency (Northern Ireland) Order 1989, or in Scotland has granted a trust deed for creditors or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of his estate, or is the subject of any similar procedure under the law of any other State; | | |
| | C3-QP2 1(b) being a partnership constituted under Scots law, has granted a trust deed or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of its estate; or | | |
| | C3-QP2 1(c) being a company or any other entity within the meaning of section 255 of the Enterprise Act 2002 has passed a resolution or is the subject of an order by the court for the company's winding up otherwise than for the purpose of bona fi de reconstruction or amalgamation, or has had a receiver, manager or administrator on behalf of a creditor appointed in respect of the company's business or any part of the company's business or is the subject of similar procedures under the law of any other State? | | |

| | C3-QP2-2 Has your organisation | Response |
|--|--|-----------------|
| | C3-QP2-2(a) been convicted of a criminal offence relating to the conduct of its business or profession. | |
| | C3-QP2-2(b) committed an act of grave misconduct in the course of its business | |
| | C3-QP2-2(c) failed to fulfil obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which you are established; or | |
| | C3-QP2-2(d) failed to fulfil obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the member State in which you are established; | |

Table 4 – Core question Module C4: Health and safety policy and capability

| C4-Q1 | C4-Q1-1 Exemptions and pertinent question selection: If your organization meets the criteria identified in one of C4-Q1-1a) to C4-Q1-1c) below and you can provide the supporting evidence required, you do not need to complete questions C4-Q2 to C4-Q17 of this question module. If exemption is not claimed, please move to C4-Q2 | Exemption Claimed (Please tick as appropriate) | | Please provide copy of certificates or other supporting information |
|-------|--|--|-----------|--|
| | C4-Q1-1a) You have within the last twelve months successfully completed a prequalification application undertaken by an assessment provider able to demonstrate that its information gathering process conforms to PAS 91. | | | |
| | C4-Q1-1b) you have within the last twelve months, successfully met the assessment requirements of a construction-related scheme in registered membership of the Safety Schemes in Procurement (SSIP) forum (see Annex C). | | | |
| | C4-Q1-1c) You hold a UKAS or equivalent, accredited independent third party certificate of compliance with BS OHSAS 18001. | | | |
| C4-Q2 | Role related question selection: The questions asked in C4-Q3 to C4-Q17 are appropriate for particular construction roles and have been colour coded accordingly to assist identification. Please indicate below which role(s) best describes your organizations activity and then only provide responses to the questions colour coded to the role(s) you have selected. NOTE If your organization will potentially fill more than one role (e.g. Design and Build), please provide responses to the questions applying to all relevant roles (e.g. Designer and Contractor) | | | |
| | ROLE IDENTIFIED | YES | NO | |
| | C4-Q2-a) Contractor or Sub-Contractor | | | |

| Q Ref. | Question | Example of the type of information in support of responses, which will be taken into account in assessment | YES | NO | Supplier's unique reference to relevant supporting information |
|--------|---|--|-----|----|--|
| C4-Q3 | Are you able to demonstrate that you have a policy and organization for health and safety (H&S) management? | Please provide evidence of a periodically reviewed H&S policy, endorsed by the chief executive officer. The policy should be relevant to the anticipated nature and scale of activity to be undertaken and set out responsibilities for H&S management at all levels in the organization. | | | |
| C4-Q4 | Are you able to describe your arrangements for ensuring that your H&S measures are effective in reducing/preventing incidents, occupational ill-health and accidents? | Please provide details of the arrangements for H&S management that are relevant to the anticipated nature and scale of activity to be undertaken and show clearly how these arrangements are communicated to the workforce. | | | |
| C4-Q5 | Do you have access to competent H&S advice/assistance – both general and construction/sector related? | <p>Please provide evidence of how your organization obtains access to competent H&S advice.</p> <p>NOTE Access to competent in-house advice, in whole or part, is preferred. It is essential that H&S advisor(s) are able to provide general H&S advice and that (from the same source or elsewhere) advice relating to construction H&S issues is accessible as required.</p> | | | |
| C4-Q6 | Do you have a policy and process for providing your staff/workforce with training and information appropriate to the types | Provide evidence that your organization has in place and implements, training arrangements to ensure that its staff/workforce has sufficient skills and understanding to discharge their various duties. This should include refresher training (e.g. a CPD programme) that will keep | | | |

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| | of activity that your organization is likely to undertake? | the workforce updated on good H&S practice applicable throughout the company. | | | |
| C4-Q7 | Does your staff/ workforce have H&S or other relevant qualifications and experience sufficient to implement your H&S policy to a standard appropriate to the activity that your organization is likely to undertake | You will be expected to demonstrate and provide evidence on request, that your staff/ workforce possesses suitable qualifications and experience for the tasks assigned to them, unless there are specific situations where they need to work under controlled and competent supervision e.g. trainees. | | | |
| C4-Q8 | Do you check, review and where necessary improve your H&S performance? ■ | Please provide evidence that your organization has in place and implements, an ongoing system for monitoring H&S procedures on an ongoing basis and for periodically reviewing and updating that system as necessary. | | | |
| C4-Q9 | Do you have procedures in place to involve your staff/ workforce in the planning and implementation of H&S measures? | Please provide evidence that your organization has in place and implements a means of consulting with its staff/ workforce on H&S matters and show how staff/ workforce comments, including complaints are taken into account. | | | |
| C4-Q10 | Do you routinely record and review accidents/ incidents and undertake follow-up action? | Please provide access to records of accident rates and frequency for all RIDDOR reportable (see note 5 to this Table)- events for at least the last three years. Demonstrate that your | | | |

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|---------------|---|--|--|--|--|
| | | organization has in place a system for reviewing significant incidents, and recording action taken as a result including action taken in response to any enforcement | | | |
| C4-Q11 | Do you have arrangements for ensuring that your suppliers apply H&S measures to a standard appropriate to the activity for which they are being engaged? | You will be expected to demonstrate and provide evidence on request, that your organization has and implements, arrangements for ensuring that H&S performance throughout the whole of your organization's supply chain is appropriate to the work likely to be undertaken. | | | |
| C4-Q12 | Do you operate a process of risk assessment capable of supporting safe methods of work and reliable project delivery where necessary? | You will be expected to demonstrate and provide evidence on request that your organization has in place and implements procedures for carrying out relevant risk assessments and for developing and implementing safe systems of work ('method statements'). You should be able to provide indicative examples. The identification and control of any significant occupational health (not just safety) issues should be prominent.(Organizations with fewer than 5 employees, See Note 2 to this Table) NOTE Risk assessments should focus on the needs of the particular job and should be proportionate to the risks arising from the work to be undertaken. In addition to ensuring risk management, the need to reduce | | | |

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| | | documentary requirements on micro-businesses in particular should be taken into account by buyers and assessment providers. Excessive bureaucracy associated with competency assessment can obscure the real risk issues and divert effort away from them. | | | |
| C4-Q13 | Do you have arrangements for co-operating and co-ordinating your work with others (including other suppliers, notably contractors)? ■ ■ | Please provide explanation of how co-operation and co-ordination of the work is achieved in practice, and how other organizations are involved in drawing up method statements/safe systems of work etc. including arrangements for response to emergency situations. This should include details of how comments and input from your suppliers will be taken into account and how external comments including any complaints, will be responded to. | | | |
| C4-Q14 | Do you have arrangements for ensuring that on-site welfare provision meets legal requirements and the needs/expectations of your employees? | You will be expected to demonstrate and provide evidence on request about how you ensure suitable welfare facilities will be in place before starting work on site, whether provided by a site-specific arrangement or your own organizational measures. | | | |

4. Part 2: Optional Question Module

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.

Table 5—Optional Question Module O1: Equal opportunity and diversity policy and capability

| Q. No. | Question | Description of information in support of response, which will be taken into account in assessment | YES | NO | Supplier's unique reference to relevant supporting information |
|--------|--|---|-----|----|--|
| O1-Q1 | As an Employer, do you meet the requirements of the positive equality duties in relation to the Equalities Act 2010? Applies to both public and private procurement | Please provide copies of: | | | |
| | | O1-Q1-1 relevant instructions or written statement/evidence of relevant actions | | | |
| | | O1-Q1-2 relevant guidance or written statement/evidence of relevant actions. | | | |
| | | O1-Q1-3 relevant policies/literature or written statement/evidence of relevant actions | | | |
| | | O1-Q1-4 evidence of where you believe these policies have made a difference | | | |
| O1-Q2 | Is it your policy as an employer to comply with anti-discrimination legislation, and to treat all people fairly and equally so that no one group of people is treated less favourably than others? | No supporting evidence required. | | | |
| O1-Q3 | In the last three years has any finding of unlawful discrimination been made against your organization by any court or industrial or employment tribunal or equivalent body? | Please provide details of any findings. | | | |

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|--------------|--|---|--|--|--|
| Q1-Q4 | In the last three years has your organization been the subject to a compliance action by the Equality and Human Rights Commission or an equivalent body on grounds of alleged unlawful discrimination? | Please provide details of any investigations. | | | |
| Q1-Q5 | If the answer to question 3 and / or 4 is "Yes", what steps did your organization take as a result of that finding or investigation? | Please provide details/evidence of remedial action. | | | |
| Q1-Q6 | What does your organization do to ensure that equality and diversity is embedded within your organization? | Please provide copies of any relevant policies or written statement/evidence of relevant actions. | | | |
| Q1-Q7 | Do you actively promote good practice in terms of eliminating discrimination in all forms through: Q1-Q7-1 guidance to your employees/suppliers concerned with recruitment, training and promotion? Q1-Q7-2 making guidance or policy documents concerning how the organization embeds equality and diversity available | Please provide: ■ ■ In respect of Q1-Q7-1 , copies of any relevant instructions or written statement/evidence of relevant actions. In respect of Q1-Q7-2 , copies of any relevant guidance or written statement/evidence of relevant actions. In respect of Q1-Q7-3 , copies of any relevant policies/literature or written statement/evidence of relevant actions. | | | |

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| | to employees/ sub-contractors, recognised trade unions or other representative groups of employees? Q1-Q7-3 appropriate recruitment advertisements or other literature? | | | | |
|--|--|--|--|--|--|

Table 6—Optional Question Module O2: Environmental management policy and capability

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|---------------|--|--|--|-----------|---|
| O2-Q1 | Exemption: The questions in this module need not be completed if your organization holds a UKAS (or equivalent) accredited independent third-party certificate of compliance with BS EN ISO 14001 or a valid EMAS certificate, and can provide the supporting evidence requested. | Exemption Claimed Yes No | If yes, please provide copy of certificate. | | |
| Q. No. | Question | Description of information in support of response, which will be taken into account in assessment | YES | NO | Supplier's unique reference to relevant supporting information |
| O2-Q2 | Do you have a documented policy and organization for the management of construction-related environmental issues? | Please provide evidence that you or your organization has an environmental management policy authorized by the Chief executive or equivalent and regularly reviewed. The policy should be relevant to the nature and scale of the activity and set out the responsibilities for environmental management throughout the organization | | | |
| O2-Q3 | Do you have documented arrangements for ensuring that your environmental management procedures are effective in reducing/preventing significant impacts on the environment? | Please provide evidence that your organization's environmental policy implementation plan provides information as to how the company aims to discharge relevant legal responsibilities and provides clear indication of how these arrangements are communicated to the workforce, in relation to environmental matters including: • sustainable materials procurement; • waste management; • energy management. This should include the arrangements | | | |

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| | | for responding to, monitoring and recording environmental incidents and emergencies and complaints. | | | |
| Q2-Q4 | Do you have arrangements for providing employees who will engage in construction, with training and information on construction-related environmental issues? | Please provide evidence that your organization has in place and implements, training arrangements to ensure that its workforce has sufficient skills and understanding to carry out their various duties. This should include a programme of refresher training that will keep the workforce updated on relevant legal requirements and good environmental management practice. | | | |
| Q2-Q5 | Do you check, review and where necessary improve your environmental management performance? | Please provide evidence that your organization has a system for monitoring environmental management procedures on an ongoing basis and for updating them at periodic interval. | | | |
| Q2-Q6 | Do you have arrangements for ensuring that any suppliers you engage apply environmental protection measures that are appropriate to the activity for which they are being engaged | Please provide evidence that your organization has procedures for monitoring supplier's environmental management arrangements and ensuring that environmental performance appropriate for the activity to be undertaken is delivered throughout the whole of your organizations supply chain. | | | |

Table 7—Optional Question Module O3: Quality management and capability

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|---------------|---|--|--|-----------|---|
| O3-Q1 | Exemption: The questions O3-Q2 to O3-Q6 , need not be completed if your organization holds a UKAS (or equivalent) accredited independent third party certificate of compliance with BS EN ISO 9001 and can provide the supporting evidence requested. | Exemption Claimed Yes No | If yes, please provide copy of certificate. | | |
| Q. No. | Question | Description of information in support of response, which will be taken into account in assessment | YES | NO | Supplier's unique reference to relevant supporting information |
| O3-Q2 | Do you have a policy and organization for quality management? | Please provide evidence that your quality management policy that is authorised by the Chief Executive or organization has and implements a equivalent and periodically reviewed at a senior management level. The policy should be relevant to the nature and scale of the work to be undertaken and set out responsibilities for quality management throughout the organization | | | |
| O3-Q3 | Do you have arrangements for ensuring that your quality management, including the quality of construction output and general performance, is effective in reducing/preventing incidents of sub-standard delivery? | Please provide evidence that your organization keeps copies of documentation setting out quality management organization and procedures that meet currently agreed good practice. These should include the arrangements for quality management throughout the organization. They should set out how the company will carry out its policy, with a clear indication of how the arrangements are communicated to the workforce. | | | |
| O3-Q4 | Do you have arrangements for providing your workforce with quality-related training and information appropriate to the type of work for which your organization is likely | Please provide evidence that your organization has in place and implements, training arrangements to ensure that its workforce has sufficient skills and understanding to discharge their various responsibilities. These arrangements should include a programme of training that will keep the workforce up to date with required knowledge about quality related issues, including copies of job profiles; training manuals and training records. | | | |

| | to bid? | | | | |
|--------------|---|--|--|--|--|
| Q3-Q5 | Do you have procedures for periodically reviewing, correcting and improving quality performance? | Please provide evidence that your organization has a system for monitoring quality management procedures on an on-going basis. Your organization should be able to provide evidence of systematic, periodic review and improvement of quality in respect of construction output and general performance. | | | |
| Q3-Q6 | Do you have arrangements for ensuring that your own suppliers apply quality management measures that are appropriate to the work for which they are being engaged? | Please provide evidence that your organization has arrangements for monitoring supplier's quality management arrangements and ensuring that quality performance appropriate for the work to be undertaken is delivered throughout the whole of your organizations supply chain. | | | |

5. Part 3: Supplementary Question Module

| Part 3 | Technical and Professional Ability | | |
|---|---|------------|------------|
| Module S1- Technical and Professional Ability | <p>Relevant experience and contract examples.</p> <p>Please provide details of up to <u>three</u> 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. 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> | | |
| | 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 | (1 x A4) | (1 x A4) | (1 x A4) |
| Contract Start date | | | |
| Contract completion date | | | |
| Estimated contract value | | | |

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| | 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. |
| | |

| Module S2- Project Specific Questions | Weightings and Page Limits |
|---|----------------------------------|
| (1) REFURBISHMENT AND ADAPTION OF LISTED BUILDINGS | |
| <p>With respect to your response to Section 6 highlight where you have delivered against the following specific requirement / objective:</p> <ul style="list-style-type: none"> ▪ Carrying out refurbishment and fit out within an existing building; | <p>50% 2 X A4</p> |
| (2) LOCAL SUPPLY CHAIN: LABOUR AND TRAINING | |
| <p>Please describe your approach to optimising local opportunities for the supply chain, labour and training, and examples of how this has been addressed on similar projects.</p> | <p>25% 1 X A4</p> |
| | |
| (3) PROPOSED PROJECT TEAM | |
| <p>Please outline your proposed project team including summary CVs. Your response should include comments on why you consider the individual skills of the team members to be appropriate for this project and their availability for the proposed construction works. Please note that it is expected that the Site Manager identified will continue with the project through to completion and therefore should be available for the full project duration.</p> | <p>25% 2 X A4</p> |

6. ONLINE Instructions

6.1 Document Submission

Please return a completed version of this document to:

| | |
|---|--|
| E-Portal | Please upload completed PQQ submissions to Contracts Finder ePortal: |
| Deadline for receipt of Clarifications | Tuesday 27 th June 2018, 5pm |
| Deadline for receipt of PQQ (UK date and time) | Tuesday 3 rd July 2018, 12 noon |

These instructions are designed to ensure that all suppliers are given equal and fair consideration.

No unauthorised alteration or addition (save for the inclusion of the relevant information) should be made to the Pre Qualification Questionnaire (PQQ).

PQQs must not be qualified in any way and must be submitted strictly in accordance with the PQQ. PQQs must not be accompanied by any documentation that may be construed as rendering the PQQs equivocal and/or placing it on a different footing from any other PQQ.

To be considered, completed PQQs must be **received by the Authority (or nominated Procurement Consultant) by:**

- a. Electronic Copy: Uploaded to the Contracts Finder ePortal by no later than 12:00 Hours on the submission date or such later date as the authority notifies to Suppliers.
- b. Individual files uploaded should be no larger than 10MB in size and any complete submission should not exceed 30MB in total.
- c. Only PQQs received through these means will be accepted. The authority reserves the right to reject completed PQQs received after the closing date and time.

The supplier is to consider the contents provided within this PQQ and all associated documentation. If the supplier is unable to fulfil the needs of the authority then please confirm as a courtesy the intention to withdraw from the process to the contact to the nominated contact.

6.2 PQQ Completion

It is important that suppliers provide all the documentation asked for in the format and order specified. The supplier is to review and respond to each question in full, ensuring that all information is provided without ambiguity.

Suppliers should adhere to any page / word limits specified. Any response exceeding the designated page/word limits will be disregarded beyond that limit.

The Supplier should note that the font to be used in all responses is Arial, the size is to be 11 and the colour black. Emphasis by colour change, italics, bolding and underline is permitted but must remain within the size limits.

PQQ responses are to be returned as 1 No. electronic copy submitted to Contracts Finder by the deadline stated. No other format will be accepted. Missing pages, sections or wrongly inserted information may be scored as the lowest possible mark.

All submissions and all other communications must be in the English language.

The inclusion of marketing and general company literature is not required and may well cause your application to be rejected.

The authority reserves the right to disqualify a supplier or to terminate the contract if any material misrepresentation is made in their PQQ submission.

The authority reserves the right to reject any PQQ submission that is not submitted in accordance with the instructions given and their decision will be final.

The authority reserves the right to amend, add to or withdraw all or any part of this PQQ at any time during the procurement exercise.

The contents of this PQQ, and that of any other documentation sent to you in respect of this selection process, are provided on the basis that they remain the property of the authority and their appointed consultants and must be treated as confidential. If you are unable or unwilling to comply with this requirement you are required to destroy this document and all associated documents immediately and not retain any electronic or paper copies.

Suppliers are advised that that their participation in this procurement process is to remain private and confidential to their own business with exception of those parties that are intended to be part of the supply of the service. Third parties engaged by the supplier are also bound by the same requirements of this PQQ document.

The authority shall not be committed to any course of action as a result of:

- issuing this PQQ or any invitation to participate in this procurement exercise;
- an invitation to submit any response in respect of this procurement exercise;
- communicating with a supplier or suppliers representatives or agents in respect of this procurement exercise; or
- any other communication between the authority and any other party.

Suppliers shall accept and acknowledge that by issuing this PQQ the authority shall not be bound to accept any PQQ and reserves the right to terminate the procurement and, where appropriate, re-advertise the procurement.

Suppliers are advised to retain for themselves details of their submissions. The authority reserves the right to make a charge if a supplier requests a copy of its submitted PQQ. Authorities must at all times:

- a. comply with the Data Protection Act 1998 (DPA);
- b. indemnify the Contracting Authority against loss, destruction or procuring of data contrary to the DPA by the Applicant, its servants or agents;

Suppliers should read these instructions carefully before completing the PQQ. Failure to comply with these instructions for completion and submission of the PQQ Response, and any additional instructions given by the authority, may result in the rejection of the PQQ. Suppliers are advised therefore to acquaint themselves fully with the extent and nature of the Services.

Please read all the notes and questions in the PQQ document prior to completing, suppliers are responsible for satisfying themselves that they have obtained all information necessary for the preparation and submission of PQQ responses.

6.3 PQQ Clarifications

All clarifications are to be communicated via Contracts Finder web portal. Only clarifications raised in this way shall be responded to. Facsimile, telephone or oral enquiries will NOT be accepted.

Suppliers may request clarification at any point up until the date stated in the PQQ timetable section of this document. Suppliers are requested where possible to cross-reference questions to the relevant sections of the PQQ.

The authority will endeavour to answer all clarification questions as quickly as possible, but cannot guarantee a minimum response time.

All clarifications and non-commercially sensitive questions raised by the suppliers with their answers will be published on the web portal from where the PQQ was collected. It is the responsibility of the supplier to periodically check for updates.

It is understood that suppliers may, to the extent that it relates specifically to their own proposals, consider that their request for clarification or enquiry is of a confidential nature and that to release the answer to all suppliers would reveal a commercially sensitive or innovative approach. If this is considered to be the case by an suppliers, the following procedure will be adopted:

- If a supplier believes that its request for clarification or enquiry is confidential then the request must be marked as 'Confidential'.
- If the authority considers, at their sole discretion, that they are able to respond and answer the request for clarification or enquiry on a confidential basis, then they will do so.
- If the authority considers, at their sole discretion, that they are unable to respond to and answer the request for clarification or enquiry on a confidential basis, they will notify the supplier of their decision and the supplier will have the opportunity to withdraw the request for clarification or enquiry.
- If the supplier does not wish to withdraw their request for clarification or enquiry, then the request for clarification or enquiry and the authority's response will be issued to all suppliers via the PQQ Web Portal.
- The authority reserves the right to notify all suppliers through the PQQ Web Portal of any issue, of a general nature, arising out of any request for clarification or enquiry, which they consider would affect all suppliers.-

Should any Sub-Contractors require any information or clarifications, these requests must be directed through the supplier only and not by any direct contact with the authority. Suppliers are advised that any requests for clarification or enquiries must be received no later than as stated in the 1.2 instruction section of this document.

The authority may not respond to any requests for clarification submitted or received after the latest date for submitting a request.

6.4 Costs & Expenses

Suppliers must obtain for themselves at their own responsibility and expense all information necessary for the preparation of PQQs. Suppliers are solely responsible for the costs and expenses incurred in connection with the preparation and submission of their PQQ and all other stages of the selection and evaluation process. Under no circumstances will the authority or their advisers, be liable for any costs or expenses borne by suppliers, sub-contractors or advisers in this process.

The authority reserves the right to cancel the procurement process at any point.

The PQQ is made available in good faith. No warranty is given as to the accuracy or completeness of the information contained within it and any liability for any inaccuracy or incompleteness is therefore expressly disclaimed by the authority and their advisors. No charge is levied against any bidder for the receipt of these PQQ documents.

6.5 Official PQQ Amendments

At any time prior to the deadline for the receipt of PQQs, the authority may modify the PQQ by amendment. Any such amendment will be numbered and dated and issued by the authority or selected consultants to all prospective suppliers. In order to give prospective suppliers reasonable time in which to take the amendment into account in preparing their PQQs, the authority may, at its discretion, extend the deadline for receipt of PQQs.

6.6 Canvassing & Collusive Behaviour

Any supplier who directly or indirectly canvasses any officials, members, employees or agents of the authority concerning the award of contract or who directly or indirectly obtains or attempts to obtain information from such official, member, employee or agent or concerning any other supplier, PQQ or proposed PQQ will be disqualified. Any PQQ or other documents submitted in respect of which the supplier:

- communicates to any person other than the authority any information
- enters into any agreement or arrangement with any other person that such other person shall refrain from submitting PQQs or shall limit or restrict the information to be shown by any other suppliers in its PQQs and other documents; or
- offers or agrees to pay or give, or does pay or give, any sum of money, inducement or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other supplier or any other proposed PQQs or other documents any act or omission; or
- has directly or indirectly canvassed any member or official of the authority organisation concerning the acceptance of any PQQs or has directly or indirectly obtained or attempted to obtain information from any such member or official concerning any other PQQs submitted by any other supplier:-

shall not be considered for acceptance and shall accordingly be rejected by the authority provided always that such non-acceptance or rejection shall be without prejudice to any other civil remedies available to the authority in respect thereof or to any criminal liability that such conduct by a supplier may attract.

In submitting its PQQ each supplier warrants, represents and undertakes to the authority:-

- it has not done any of the acts or matters referred to above and has complied in all respects with these PQQ notes;
- all information, representations and other matters of fact communicated (whether in writing or otherwise) to the Authority by the supplier, its employees or agents in connection with or arising out of the PQQ are true, complete and accurate in all respects;
- it has made its own investigations and research and has satisfied itself in respect of all matters (whether actual or contingent) relating to the PQQ;
- it has full power and authority to enter into the contract and undertake the Project;

- it is of sound financial standing and has and will have sufficient premises, working capital, skilled personnel, vehicles, plant, goods and materials and other resources available to it to carry out the Project (s); and
- it will not at any time claim or seek to enforce any lien, charge, or other encumbrances over property of whatever nature owned by the authority and that is for the time being in the possession of the supplier.

6.7 No Inducement or Incentive

The PQQ is issued on the basis that nothing contained in it shall constitute an inducement or incentive nor shall have in any other way persuaded an supplier to submit a PQQ or enter into the contract or any other contractual agreement.

6.8 Consortium

Where a consortium approach is proposed, the suppliers submission should be a combined response, except where questions specifically requests responses for each member of the consortium.

The authority recognises that arrangements in relation to consortia may be subject to future change. Suppliers are reminded that any change in relation to the consortium must be notified to the authority so it can assess the new information against the selection criteria. If the supplier's circumstances have changed significantly from the position stated on submission of its PQQ, this may lead to the supplier no longer being able to participate further in the procurement process.

6.9 Contact Point

Suppliers must name a single point of contact in their organisation for the purposes of this procurement exercise. The authority shall not be responsible for contacting the supplier through any route other than the nominated contact. The supplier must therefore undertake to notify any changes relating to the contact promptly. On acknowledgement of receipt of this PQQ, please confirm your named contact point.

6.10 Confidentiality

All documents issued in connection with this PQQ shall remain the property of the authority and shall be used only for the purposes of this procurement exercise.

Subject to the paragraphs below, the contents of the PQQ Submission document are being made available by the authority on condition that:

- a. Suppliers shall at all times treat the contents of the PQQ and any related documents (together called the Information) as confidential, save in so far as they are already in the public domain;
- b. Suppliers shall not disclose, copy, reproduce, distribute or pass any of the Information to any other person at any time or allow any of these things to happen;
- c. Suppliers shall not use any of the Information for any purpose other than for the purposes of submitting (or deciding whether to submit) a PQQ; and
- d. Suppliers shall not undertake any publicity activity within any section of the media.
- e. Suppliers may disclose, distribute or pass any of the Information to the Supplier's advisers, sub-contractors or to another person provided that either:

- this is done for the sole purpose of enabling a PQQ to be submitted and the person receiving the Information undertakes in writing to keep the Information confidential on the same terms as if that person were the Supplier; or
- the Suppliers obtains the prior written consent of the Authority in relation to such disclosure, distribution or passing of Information; or
- the disclosure is made for the sole purpose of obtaining legal advice from external lawyers in relation to the procurement or to the Contract arising from it; or
- the Supplier is legally required to make such a disclosure.

The definition of 'person' includes but is not limited to any person, firm, body or association, corporate or incorporate. The authority may disclose detailed information relating to PQQ to its officers, employees, agents or advisers and the authority may make any of the PQQ responses available for private inspection by its officers, employees, agents or advisers. The authority also reserves the right to disseminate information that is materially relevant to the procurement to all suppliers, even if the information has only been requested by one supplier, subject to the duty to protect each supplier's commercial confidentiality in relation to its PQQ.

6.11 Freedom of Information

The Freedom of Information Act 2000 ("**FoIA**") and the Environmental Information Regulations 2004 ("**EIR**") apply to the authority which is committed to the principles of transparency in public sector spending.

The authority may be required to disclose information under FoIA if a FoIA request is received. The authority cannot guarantee that any information will not be disclosed, even if a Supplier considers the information to be confidential. The acceptance of receipt by the authority of information marked "commercially confidential" or the like should not be taken that the authority accepts any duty of confidence by virtue of that marking, and the authority accepts no liability (howsoever arising) in this regard.

The authority will endeavour to consult with Suppliers and have regard to comments before it releases any information under the FoIA or the EIR. However, the authority reserves its discretion to determine whether any information is exempt from the FoIA and/or EIR or not. The authority will be obliged to make its decision on disclosure in accordance with the provisions of FoIA or EIR (as the case may be), and will be bound by the rules as to disclosure and where appropriate by the direction of the Information Commissioner.

The successful Supplier should be aware that following the award of the Contract, the authority will make the final Contract details publicly available, subject to excluding those elements which are genuinely identified as confidential or commercially sensitive. The authority will seek to agree with the successful Supplier the nature of the information to be so protected.

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.

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Currie & Brown UK Limited
Kensington Court, Woodwater Park, Pynes Hill, Exeter, Devon, EX2 5TY
T | +44(0)1392 813 040 E | enquiries@curriebrown.com
www.curriebrown.com