**OFFICIAL SENSITIVE**

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**DATE**

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|  | **SELECTION QUESTIONNAIRE (SQ)****External Legal Services** |  |  |

Prepared by:

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**1 About Her Majesty’s Land Registry**

1.1 Her Majesty’s Land Registry (Land Registry) is the government agency created in 1862 to register the ownership of land and property in England and Wales. We keep and maintain the Land Register, where more than **23.5 million titles** – the evidence of ownership – are documented. Our vision is to put the customer, quality and innovation at the heart of land registration services.

Once land or property is entered in the register changes to ownership, mortgages and/or leases are recorded. Any loss suffered due to an error or omission in the register, or because the register needs to be corrected, will normally be compensated.

Land Registry is self-financing through the charging of fees for registration and other services. Income is generated through the sale of Value Added Services. 99% of Land Registry’s revenue stems from the provision of statutory services including:

* Creation and maintenance of the land register (e.g. record dealings of sales and mortgages)
* Title registration in England and Wales
* Providing copies of deeds
* Performing official searches of the databases
* Registration of Land Charges, including agricultural credits.

Land Registry is part of the [Department for Business, Energy and Industrial](http://www.bis.gov.uk/) Strategy (BEIS).

More information about Land Registry can be found at [www.gov.uk/land-registry](http://www.gov.uk/land-registry)

1.2 Over the years Land Registry has successfully evolved and adapted to meet the changing needs of the market. This has been achieved through an iterative combination of technological, transformational and customer focussed change that has delivered:

* A reduction in headcount from c.12,000 to c.4,000
* A shrinking of the estate from 24 to 14 operational offices
* Customer satisfaction rates of 97+%
* A reduction in fees in excess of 31%
* The creation of over 23.5 million electronic titles
* Secure e-services and processes which effectively help counter fraud.

However, the context that Land Registry operates in continues to evolve, in particular driven by:

* An economic situation that remains uncertain, driving economic growthis a priority
* An increasingly diverse, cost-conscious and e-enabled customerbase
* Demands for greater transparency, accessibility and re-use of public sector data to help stimulate economic growth
* Wider Government initiatives that have resulted in demands for greater efficiency.

1.3 In response to the changing environment Land Registry has developed, and had approved, a 5 year Business Strategy that outlines an ambitious programme of change seeking to deliver the following objectives:

* Unlock efficiency in the public sector and land and property market
* Maximise the re-use of Land Registry data for the benefit of the wider economy
* Increase and extend the assurance and compliance provided to the market
* Grow and maximise the benefit of our organisational capability.

1.4 BEIS has recently undertaken a consultation on the future of Land Registry and reviewed its commercial model status. However, following the publication of the Government response to that consultation the decision has been taken not to proceed with any change to the Land Registry’s status. It is therefore envisaged that Land Registry will remain as a Trading Fund for the foreseeable future.

1. **External Legal Services Procurement Aim**
	1. HM Land Registry (HMLR) has an ongoing requirement for the provision of external legal services.
	2. The aim of the procurement is to appoint a capable and competent supplier that can deliver all of the external legal services requirements of HMLR.
2. **Selection Questionnaire (SQ)**
	1. The standard Selection Questionnaire is a self-declaration, made by you (the potential supplier), that you do not meet any of the grounds for exclusion[[1]](#footnote-1). If there are grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (we call this self-cleaning).
	2. 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 you are joining in a group of organisations, including joint ventures and partnerships, each organisation must complete one of these self-declarations. Only Sub-contractors that you rely on to meet the selection criteria need complete a self-declaration.
	3. When completed, this form is to be sent back along with the selection information requested in this SQ documentation.
	4. If you are tendering 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.
	5. If the relevant documentary evidence referred to in this SQ is not provided upon request and without delay we reserve the right to amend the award decision and award to the next compliant Tenderer.
	6. If you seriously misrepresent any factual information in filling in the SQ, and so induce the Authority to enter into a contract, there may be significant consequences. You may be excluded from the procurement procedure, and from bidding for other contracts for three years. If a contract has been entered into you may be sued for damages and the contract may be rescinded. If fraud, or fraudulent intent, can be proved, you or your responsible officers may be prosecuted and convicted of the offence of fraud by false representation, and you must be excluded from further procurements for five years.
	7. **Information Requested**
		1. Tenderers are asked to submit basic financial, operational and commercial information on their organisation and business activities. Tenderers should ensure that they provide only the information that is asked for and that this information is current, up to date and, where relevant, from within the last two years. Failure to provide such information may lead to exclusion from the procurement process.
		2. Information provided may be subject to verification. If any error, omission or misrepresentation (fraudulent or otherwise) is discovered, the Authority reserves the right to disqualify the Tenderer from the procurement process.
		3. The Authority reserves the right to exclude the Tenderer from the procurement if at any time it is discovered that the Tenderer made any material misrepresentation (fraudulent or otherwise), omission or error during any part of the procurement process.
		4. Tenderers are required to answer **all** questions as accurately and concisely as possible.
		5. Where a question is not relevant to the Tenderer’s organisation, this should be indicated, with an explanation.
		6. Supporting information, presented as separate Annexes and noting the company name of the Tenderer, should be presented in the same order as the questions, and should reference accordingly to the relevant question. Questions should be answered in English.
		7. Failure to furnish the required information, make a satisfactory response or supply documentation requested may mean that the Tenderer will be disqualified from the procurement process.
	8. **Information Provided**
		1. Any information provided by the Authority is made available on condition that it is treated as confidential (except where it is already in the public domain). The Tenderer must not disclose any information supplied to it as part of this procurement process to any third party, member of staff or advisor, unless such person needs to receive the relevant information for the purposes of enabling a response to any procurement document issued in relation to this SQ.
		2. The information in this SQ and any other information provided by the Authority is provided in good faith. However, the Authority (including its directors, officers, employees, agents or advisers) does not give any warranty as to the accuracy or completeness of any information supplied.
	9. **Sub-Contracting Arrangements**
		1. Where a sub-contracting approach is proposed, all information requested should be given in respect of the prime contractor.
		2. Where sub-contractors will play a significant role in the delivery of the Services or products under any ensuing Contract, please indicate in Subsection A.2 (b) - (ii) the composition of the supply chain, indicating which member of the supply chain will be responsible for the elements of the requirement.
		3. It is recognised that arrangements in relation to sub-contracting may be subject to future change. However, Tenderers should be aware that where sub-contractors are to play a significant role, any changes to those sub-contracting arrangements may constitute a material change and therefore may affect the ability of the Tenderer to proceed with the procurement process or to provide the Services.
		4. For the purposes of this procurement, a sub-contractor will play a significant role if its contribution to the delivery of the Services or products will or is anticipated to exceed 10% of the proposed Contract price.
	10. **Copyright**
		1. The copyright in this SQ and any other documents provided as part of this procurement process belongs to the Authority. Tenderers shall not reproduce or make available any part of these documents to any third party (unless for the purposes of preparing a response to this SQ) without the written permission of the Authority.
		2. This SQ and all copies thereof are the property of the Authority and must be deleted, destroyed or returned on demand.
	11. **Change of Control or in the Information Provided**
		1. Where a change in the control, composition or membership of a Tenderer’s organisation takes place at any time prior to execution of the Contract, the Authority must be informed of the change in writing in good time before such change takes place. The Authority may require the resultant Tenderer to submit information relating to the Tenderer Experience and Capability as a result of that change. Where the Authority does not approve of such change, it reserves the right in its discretion to disqualify the Tenderer.
	12. **Warranties**
		1. In submitting its responses to the SQ, the Tenderer confirms that:
			1. it has complied with the conditions set out in this SQ
			2. all information submitted in response to the SQ and any other information requested by the Authority (whether in writing or otherwise) is true, accurate and complete in all respects.
	13. **Law**
		1. English Law shall apply to this SQ.
	14. **Evaluation**
		1. The information provided by Tenderers in response to this SQ will be used by the Authority to assess Tenderers' capability and capacity to deliver a contract of the size and scope set out in the Invitation to Tender.
		2. The information supplied within your completed responses to this SQ will be assessed as follows:
			1. Part 1, Section A - 'Potential Supplier Information’. **Ensure all details are provided.**

* + - 1. Part 2, Section B - 'Grounds for mandatory exclusion’. **Evaluation for this Section will be on a pass/fail basis.**
			2. Part 2, Section C - 'Grounds for discretionary exclusion’. **The Authority may, at its discretion, exclude any Tenderer who answers ‘Yes’ to any of the questions in this Section.**
			3. Part 3, Section D - 'Economic and Financial Standing’. Financial information will be assessed by the Authority’s Finance Representative(s) who will make a recommendation to the Evaluators as to whether the Tenderer is in a sound financial position to participate in this procurement, as set out in Regulations 58(7) - 58(10) of the Public Contracts Regulations 2015. This may entail independent financial checks. **Evaluation will be on a pass or fail basis.**
			4. Part 3, Section E – ‘Supplier make-up.’ **Evaluation will be on a pass or fail basis**.
			5. Part 3, Section F – ‘Technical and Professional ability’. **Evaluation will be on a pass or fail basis**. If a Tenderer fails to satisfy the requirements set out in Form F of this SQ, this will amount to a fail.
			6. Part 3, Section G – ‘Modern Slavery Act 2015’. **Evaluation will be on a pass or fail basis**.
			7. Part 3, Section H - ‘Additional Questions’. **Evaluation will be on a pass or fail basis**. If a Tenderer fails to satisfy the requirements set out in Part 3, Section H of this SQ, this will amount to a fail.
		1. The Authority reserves the right to contact you to seek clarification or further information where necessary to enable a full assessment to be made as to your suitability to progress to the next stage of the procurement process.

**External Legal Services**

**[INSERT REFERENCE NUMBER]**

**Light Touch Regime modelling Restricted Procedure**

1. **Notes for completion**
	1. The “Authority” means Land Registry, or anyone acting on behalf of Land Registry, that is seeking to invite suitable candidates to participate in this procurement process.
	2. “You” / “Your” refers to the potential supplier completing this standard Selection 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 annex.
	4. The Authority recognises that arrangements set out in section A.2 of the standard 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.
	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.
	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.
	7. The Authority confirms that it will keep confidential and will not disclose to any third parties any information obtained from Suppliers, 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 A** | **Potential supplier information** |
| Question number | Question | Response |
| A.1(a) | Full name of the potential supplier submitting the information |  |
| A.1(b) – (i) | Registered office address (if applicable) |  |
| A.1(b) – (ii) | Registered website address (if applicable) |  |
| A.1(c) | Trading status 1. public limited company
2. limited company
3. limited liability partnership
4. other partnership
5. sole trader
6. third sector
7. other (please specify your trading status)
 |  |
| A.1(d) | Date of registration in country of origin |  |
| A.1(e) | Company registration number (if applicable) |  |
| A.1(f) | Charity registration number (if applicable) |  |
| A.1(g) | Head office DUNS number (if applicable) |  |
| A.1(h) | Registered VAT number  |  |
| A.1(i) - (i) | If applicable, is your organisation registered with the appropriate professional or trade register(s) in the member state where it is established? | Yes ☐No ☐N/A ☐ |
| A.1(i) - (ii) | If you responded yes to A.1(i) - (i), please provide the relevant details, including the registration number(s). |  |
| A.1(j) - (i) | Is it a legal requirement in the state where you are established for you to possess a particular authorisation, or be a member of a particular organisation in order to provide the Services specified in this procurement? | Yes ☐No ☐ |
| A.1(j) - (ii) | If you responded yes to A.1(j) - (i), please provide additional details of what is required and confirmation that you have complied with this. |  |
| A.1(k) | Trading name(s) that will be used if successful in this procurement |  |
| A.1(l) | Relevant classifications (state whether you fall within one of these, and if so which one)1. Voluntary Community Social Enterprise (VCSE)
2. Sheltered Workshop
3. Public service mutual
 |  |
| A.1(m) | Are you a Small, Medium or Micro Enterprise (SME)[[2]](#footnote-2)? | Yes ☐No ☐ |
| A.1(n) | Details of Persons of Significant Control (PSC), where appropriate: [[3]](#footnote-3) - Name; - Date of birth; - Nationality; - Country, state or part of the UK where the PSC usually lives; - Service address; - The date he or she became a PSC in relation to the company (for existing companies the 6 April 2016 should be used); - Which conditions for being a PSC are met;  - Over 25% up to (and including) 50%,  - More than 50% and less than 75%,  - 75% or more.(Please enter N/A if not applicable) |  |
| A.1(o) | Details of immediate parent company: - Full name of the immediate parent company- Registered office address (if applicable)- Registration number (if applicable)- Head office DUNS number (if applicable)- Head office VAT number (if applicable)(Please enter N/A if not applicable) |  |
| A.1(p) | Details of ultimate parent company:- Full name of the ultimate parent company- Registered office address (if applicable)- Registration number (if applicable)- Head office DUNS number (if applicable)- Head office VAT number (if applicable)(Please enter N/A if not applicable) |  |

Please note: A criminal record check for relevant convictions may be undertaken for the preferred suppliers and the persons of significant in control of them.

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

|  |  |
| --- | --- |
| **Section A** | **Bidding model** |
| Question number | Question | Response |
| A.2(a) - (i) | Are you bidding as the lead contact for a group of economic operators? | Yes ☐No ☐ If yes, please provide details listed in questions A.2 (a) (ii), (a) (iii) and to A.2 (b) (i), (b) (ii), A.3, Section B and C.If no, and you are a supporting Tenderer please provide the name of your group at A.2(a) (ii) for reference purposes, and complete A.3, Section B and C. |
| A.2(a) - (ii) | Name of group of economic operators (if applicable) |  |
| A.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. |  |
| A.2(b) - (i) | Are you or, if applicable, the group of economic operators proposing to use sub-contractors? | Yes ☐No ☐ |
| A.2(b) - (ii) | If you responded yes to A.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 A** | **Contact details and declaration** |
| Question number | Question | Response |
| A.3(a) | Contact name |  |
| A.3(b) | Name of organisation |  |
| A.3(c) | Role in organisation |  |
| A.3(d) | Phone number |  |
| A.3(e) | E-mail address  |  |
| A.3(f) | Postal address |  |
| A.3(g) | Signature (electronic is acceptable) |  |
| A.3(h) | Date |  |

**Evaluation**

Tenderers should ensure that all the required information in Section A is provided.

**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 B** | **Grounds for mandatory exclusion** |
| Question number | Question | Response |
| B.1(a) | **Regulations 57(1) and (2) Public Contracts Regulations 2015**The detailed grounds for mandatory exclusion of an organisation are set out on this [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions. Please indicate if, within the past five years you, your organisation or any other person who has powers of representation, decision or control in the organisation been convicted anywhere in the world of any of the offences within the summary below and listed on the [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf). |
|  | Participation in a criminal organisation.  | Yes ☐No ☐If Yes please provide details at B.1(b) |
|  | Corruption.  | Yes ☐No ☐If Yes please provide details at B.1(b) |
|  | Fraud.  | Yes ☐No ☐If Yes please provide details at B.1(b) |
|  | Terrorist offences or offences linked to terrorist activities | Yes ☐No ☐If Yes please provide details at B.1(b) |
|  | Money laundering or terrorist financing | Yes ☐No ☐If Yes please provide details at B.1(b) |
|  | Child labour and other forms of trafficking in human beings | Yes ☐No ☐If Yes please provide details at B.1(b)  |
| B.1(b) | If you have answered yes to question B.1 (a), please provide further details.Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction,Identity of who has been convictedIf the relevant documentation is available electronically please provide the web address, issuing Authority, precise reference of the documents. |  |
| B.2 | If you have answered Yes to any of the points above have measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self-Cleaning) | Yes ☐No ☐ |
| B.3(a) | **Regulation 57(3) Public Contracts Regulations 2015**Has it been established, for your organisation by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which the organisation is established (if outside the UK), that the organisation is in breach of obligations related to the payment of tax or social security contributions? | Yes ☐No ☐ |
| B.3(b) | If you have answered yes to question B.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. | B.3(b) Response |

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.

**Evaluation**

Tenderer’s responses in Section B will be evaluated on a pass or fail basis.

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| **Section C** | **Grounds for discretionary exclusion**  |
|  | Question | Response |
| C.1 | **Regulation 57 (8) Public Contracts Regulations 2015**The detailed grounds for discretionary exclusion of an organisation are set out on this [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions. Please indicate if, within the past three years, anywhere in the world any of the following situations have applied to you, your organisation or any other person who has powers of representation, decision or control in the organisation. |
| C.1(a) | Breach of environmental obligations?  | Yes ☐No ☐If yes please provide details at C.2 |
| C.1 (b) | Breach of social obligations?  | Yes ☐No ☐If yes please provide details at C.2 |
| C.1 (c) | Breach of labour law obligations?  | Yes ☐No ☐If yes please provide details at C.2 |
| C.1(d) | Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation’s assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State? | Yes ☐No ☐If yes please provide details at C.2 |
| C.1(e) | Guilty of grave professional misconduct? | Yes ☐No ☐If yes please provide details at C.2 |
| C.1(f) | Entered into agreements with other economic operators aimed at distorting competition? | Yes ☐No ☐If yes please provide details at C.2 |
| C.1(g) | Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure? | Yes ☐No ☐If yes please provide details at C.2 |
| C.1(h) | Been involved in the preparation of the procurement procedure? | Yes ☐No ☐If yes please provide details at C.2 |
| C.1(i) | Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions? | Yes ☐No ☐If yes please provide details at C.2 |
| C.1(j)C.1(j) - (i)C.1(j) - (ii)C.1(j) –(iii)C.1(j)-(iv) | Please answer the following statementsThe organisation is guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria.The organisation has withheld such information. The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015.The organisation has influenced the decision-making process of the Authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award. | Yes ☐No ☐If Yes please provide details at C.2Yes ☐No ☐If Yes please provide details at C.2Yes ☐No ☐If Yes please provide details at C.2Yes ☐No ☐If Yes please provide details at C.2 |

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| C.2 | If you have answered Yes to any of the above, explain what measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self-Cleaning) | C.2 Response |

**Evaluation**

Tenderer’s responses in Section C will be evaluated on a pass or fail basis.

**PART 3: Selection Questions**

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| **Section D** | **Economic and Financial Standing**  |
|  | Question | Response |
| D.1 | Are you able to provide a copy of your audited accounts for the last two years, if requested?If no, can you provide **one** of the following: answer with Y/N in the relevant box. | Yes ☐No ☐ |
| (a) A statement of the turnover, Profit and Loss Account/Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year of trading for this organisation. | Yes ☐No ☐ |
| (b) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position. | Yes ☐No ☐ |
|  | (c) Alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status). | Yes ☐No ☐ |

**Evaluation**

The Authority will evaluate Section D according to the following marking scheme:

| **D. Marking Scheme** | **D. Evaluation Guidance****NB. The Authority will run a Dun & Bradstreet (DNBi Risk Management) rating for all Potential Suppliers** |
| --- | --- |
| [Pass] | You have ticked Yes to D.1 OR (a) OR (b) OR (c)AND you have a D & B Rating of 2 or lower AND you have a positive tangible net worth. |
| [Further evaluation required]  | You have ticked Yes to D.1 OR (a) OR (b) OR (c)AND you have a D & B Rating of 1 or 2 or 3AND you have a negative tangible net worth ORYou have ticked Yes to D.1 OR (a) OR (b) OR (c)AND you have a D & B Rating of 3AND you have a positive tangible net worth.  |
|  [Fail] | You have ticked Yes to D.1 OR (a) OR (b) OR (c)AND you have a D & B Rating of 4AND you have a positive or negative tangible net worth ORYou have NOT ticked Yes to D.1 OR (a) OR (b) OR (c). |

Where the Authority cannot establish the DNBi Risk Management rating for a Potential Supplier the Potential Supplier should provide the documents set out in D.1 or (a) or (b) or (c). The documents will be assessed by the Authority making use of appropriate financial analysis tools and ratios, to establish the Potential Supplier’s financial stability. If following the result of this analysis the Authority deems that the Potential Supplier’s financial stability is insufficient to assure the capability required to perform under the contract, the SQ response will not be considered further and the Potential Supplier will be excluded from the procurement process.

For a ‘Further evaluation required’ situation, the Authority will request documents set out in D.1 or (a) or (b) or (c) from the Potential Supplier together with information explaining either the DNBi Risk Management rating score and/or the negative tangible net worth. If following the result of the analysis of the requested information, the Authority deems that the Potential Supplier’s financial stability is insufficient to assure the capability required to perform under the contract, the SQ response will not be considered further and the Potential Supplier will be excluded from the procurement process.

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| **Section E** | **If you have indicated that you are part of a wider group, please provide further details below:**  |
| **Name of organisation** |  |
| **Relationship to the Supplier completing these questions** |  |

|  |  |  |
| --- | --- | --- |
| E.1 | Are you able to provide parent company accounts if requested to at a later stage? | Yes ☐No ☐ |
| E.2 | If yes, would the parent company be willing to provide a guarantee if necessary? | Yes ☐No ☐ |
| E.3 | If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)?  | Yes ☐No ☐ |

**Evaluation**

Tenderer’s responses in Section E will be evaluated on a pass or fail basis.

|  |  |
| --- | --- |
| **Section F** | **Technical and Professional Ability**  |
| F.1 | **Relevant experience and contract examples**Please provide details of up to three contracts, in any combination from either the public or private sector; voluntary, charity or social enterprise (VCSE) that demonstrate that you have the experience of running legal services contracts (similar to the Authority’s Requirements) necessary to deliver the solution proposed. VCSEs may include samples of grant-funded work. Contracts should have been performed during the past three years. The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.Consortia bids should provide relevant examples of where the consortium has delivered similar requirements. If this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle is to be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (three examples are not required from each member).Where the Supplier is a Special Purpose Vehicle, or a managing agent not intending to be the main provider of the Services, the information requested should be provided in respect of the main intended provider(s) or sub-contractor(s) who will deliver the contract.If you cannot provide examples see question F.3 |

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Contract 1** | **Contract 2** | **Contract 3** |
| **Name of customer organisation** |  |  |  |
| **Point of contact in the organisation** |  |  |  |
| **Position in the organisation** |  |  |  |
| **E-mail address** |  |  |  |
| **Description of contract**  |  |  |  |
| **Contract Start date** |  |  |  |
| **Contract completion date** |  |  |  |
| **Estimated contract value** |  |  |  |

|  |  |
| --- | --- |
| F.2 | Where you intend to sub-contract a proportion of the contract, please demonstrate how you have previously maintained healthy supply chains with your sub-contractor(s)Evidence should include, but is not limited to, details of your supply chain management tracking systems to ensure performance of the contract and including prompt payment or membership of the UK Prompt Payment Code (or equivalent schemes in other countries).  |
| F.2 Response | **Max 500 words** |
| F.3  | If you cannot provide at least one example for questions F.1, please provide an explanation for this e.g. your organisation is a new start-up or you have provided services in the past but not under a contract. |
| F.3 Response | **Max 500 words** |

**Evaluation**

The Authority will evaluate Section F on the basis of the experience demonstrated, and the extent to which they:

* + demonstrate the ability to manage large, complex requirements
	+ provide confidence with respect to strong project and supply chain management
	+ evidence of providing similar services to the Authority’s requirements

Evaluation of Section F will be on a pass or fail basis.

|  |  |
| --- | --- |
| **Section G** | **Modern Slavery Act 2015:** **Requirements under Modern Slavery Act 2015** |
| G.1 | Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")? | Yes ☐N/A ☐ |
| G.2 | If you have answered yes to question G.1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015? | Yes ☐Please provide the relevant urlNo ☐Please provide an explanation |

**Evaluation**

Evaluation of Section G will be on a pass or fail basis.

**H. 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 award stage.

|  |  |
| --- | --- |
| **Section H** | **Additional Questions**  |
| **H.1** | **Insurance** |
|  | 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: Y/N Employer’s (Compulsory) Liability Insurance = £5 million  | Yes ☐No ☐ |
| Public Liability Insurance = £5 million  | Yes ☐No ☐ |
| Professional Indemnity Insurance = £5 million  | Yes ☐No ☐ |
| \*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. |  |
| **H.2** | **Diversity Questions**As an employer and service provider, the Authority takes a proactive approach to its obligations arising from The Equality Act 2010. The Authority therefore considers it essential that all organisations wishing to provide services on behalf of the organisation are able to demonstrate that all reasonably practicable steps are taken to allow equal access and equal treatment in employment and service delivery for all.  |
| a. | Please self-certify whether you already have, or can commit to having, prior to the commencement of the Contract an Equal Opportunities Policy or statement in accordance with The Equality Act 2010. | Yes ☐No ☐ |
| b. | Is your policy on equalities set out:In instructions issued to those concerned with recruitment, selection, remuneration, training and promotion?In documents available and communicated to employees, recognised trade unions or other representative groups of employees?In recruitment advertisements or other literature?In materials promoting your services? | Yes ☐No ☐Yes ☐No ☐Yes ☐No ☐Yes ☐No ☐ |
| **H.3** | **Suppliers’ Past Performance**  |
| a. | Can you supply a list of your relevant principal contracts for goods and/or services provided in the last three years similar to the Services required by the Authority? | Yes ☐No ☐ |
| b. | On request can you provide a certificate from those customers on the list?  | Yes ☐No ☐ |
| c. | If you cannot obtain a certificate from a customer can you explain the reasons why? | Yes ☐No ☐ |
| d. | If the certificate states that goods and/or services supplied were not satisfactory are you able to supply information which shows why this will not recur in this contract if you are awarded it?  | Yes ☐No ☐ |
| e. | Can you supply the information in questions (a) to (d). above for any sub-contractors [or consortium members] who you are relying upon to perform this contract?  | Yes ☐No ☐ |
| **H.4** | **Key capabilities for the External Legal Services** |
| a. | Capability within key technical and professional areas is essential to the delivery of the requirement. Accordingly the Authority requires Tenderers to demonstrate appropriate technical and professional capabilities, and requires Tenderers to complete the Essential Technical and Professional Capabilities table set out overleaf. In doing so Tenderers should clearly indicate (for each capability criterion) whether that capability can be delivered directly (i.e. from within their own organisation), or indirectly (i.e. by a sub-contractor or other third party). Tenderers should note that the capability criteria are set out in alphabetical order, and not in any order of precedence. |

**Evaluation**

The authority will evaluate section **H.1** according to the following marking scheme:

|  |  |
| --- | --- |
| **H.1 Marking Scheme**  | **I.1 Evaluation Guidance** |
| [Pass] | By selecting YES, you have confirmed that you will have all necessary levels of:Employers Liability Insurance Public Liability InsuranceProfessional Indemnity Insuranceat a minimum of five million pounds Sterling (£5 million) for each Insurance for the duration of the Contract Agreement and confirm you will provide valid in-date certification as evidence of the insurance being in place prior to the Contract Agreement. |
| [Fail] | By selecting NO, you have confirmed that you will not have all necessary levels of:Employers Liability Insurance Public Liability InsuranceProfessional Indemnity Insuranceat a minimum of five million pounds Sterling (£5 million) for each Insurance for the duration of the Contract Agreement and/or you are unable to valid in-date certification as evidence of the insurance being in place prior to the Contract Agreement. |

The authority will evaluate section **H.2** according to the following marking scheme:

| **H.2 Marking Scheme**  | **I.2 Evaluation Guidance** |
| --- | --- |
| [Pass] | You have an Equal Opportunities Policy or statement in accordance with The Equality Act 2010AND The policy details are set out in instructions, company documents and marketing material. |
| [Fail] | You do not have an Equal Opportunities Policy or statement in accordance with The Equality Act 2010ANDNothing about Equal Opportunities is set out in instructions, company documents and marketing materialOR You have not answered the question. |

Evaluation of section **H.3** will be on a pass or fail basis.

Specifically for Subsection **H.4**, the Authority will use the table overleaf to assess Tenderers’ capabilities for the purpose of deciding which Tenderers are suitably qualified to deliver the Services. In doing so the Authority will consider the technical and professional capabilities evidenced with respect to the Authority’s Requirements.

1. **Essential Technical and Professional Capabilities Table**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Section I**  | Capability Criterion Description | Evidence of Technical and Professional CapabilitiesSummary Description (Max. 150 words per capability criterion) | In-House Provision (Y/N) | 3rd Party Provision (Y/N)(if ‘Yes’ please specify) |
|  | Do you hold a licence to practise law and hold a current, valid practising certificate for your firm with the Solicitors Regulation Authority?  |  |  | **n/a** |
|  | Do you practise Conveyancing and Real Property Law? |  |  |  |
|  | Do you practise Contract Law? |  |  |  |
|  | Do you practise Public Procurement Law? |  |  |  |
|  | Do you practise Competition Law? |  |  |  |
|  | Do you practise Employment Law? |  |  |  |
|  | Do you practise Health and Safety Law? |  |  |  |
|  | Do you practise Personal Injury Law? |  |  |  |

The authority will evaluate section **I** according to the following marking scheme:

|  |  |
| --- | --- |
| **Section I Marking Scheme**  | **Evaluation Guidance** |
| [Pass] | By selecting YES, you have confirmed that you:Hold a current, valid practising certificate for your firm with the Solicitors Regulation AuthorityPractice Conveyancing and Real Property LawPractice Contract Law Practice Public Procurement Law Practice Competition Law Practice Employment Law Practice Health and Safety LawPractice Personal Injury Law  |
| [Fail] | By selecting NO, you have confirmed that you do not: Hold a current, valid practising certificate for your firm with the Solicitors Regulation AuthorityPractice Conveyancing and Real Property LawPractice Contract Law Practice Public Procurement Law Practice Competition Law Practice Employment Law Practice Health and Safety LawPractice Personal Injury Law  |

**Declaration**

* 1. I declare that to the best of my knowledge the answers submitted in this SQ are correct. I understand that the information will be used in the process to assess my organisation’s suitability to be invited to tender for the Authority’s Requirements and I am signing on behalf of my organisation. I understand that the Authority may reject this SQ Response if there is a failure to answer all relevant questions fully or if I provide false/misleading information in this SQ.

Signed: ................................................................

Name: ...............................................................

Date: ...............................................................

In the capacity of...............................................................

**Duly authorised to sign Tenders on behalf of:**

Name of Company: ...............................................................

Address: ...............................................................

 ...............................................................

 ...............................................................

1. For the list of exclusion please see <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf> [↑](#footnote-ref-1)
2. See EU definition of SME <https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en> [↑](#footnote-ref-2)
3. UK companies, Societates European (SEs) and limited liability partnerships (LLPs) are required to identify and record the people who own or control their company. Companies, SEs and LLPs need to keep a PSC register, and must file the PSC information with the central public register at Companies House. [See PSC guidance](https://www.gov.uk/government/publications/guidance-to-the-people-with-significant-control-requirements-for-companies-and-limited-liability-partnerships). [↑](#footnote-ref-3)