

**DOCUMENT 5**

**DECLARATIONS AND INFORMATION TO BE PROVIDED BY THE TENDERER**

**1 Grounds for mandatory exclusion**

You will be excluded from the procurement process if there is evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if you have been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations (except where this is disproportionate e.g. only minor amounts involved).

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 self-declaration.

|  **2** | **Grounds for mandatory exclusion** |
| --- | --- |
| **Question number** | **Question** | **Response** |
| **2.1(a)** | **Regulations 57(1) and (2)**The detailed grounds for mandatory exclusion of an organisation are set out on this [web page](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 2.1(b) |
| Corruption.   | ☐ Yes☐ No If Yes please provide details at 2.1(b) |
| Fraud.  | ☐ Yes☐ No If Yes please provide details at 2.1(b) |
| Terrorist offences or offences linked to terrorist activities | ☐ Yes☐ No If Yes please provide details at 2.1(b) |
| Money laundering or terrorist financing | ☐ Yes☐ No If Yes please provide details at 2.1(b) |
| Child labour and other forms of trafficking in human beings | ☐ Yes☐ No If Yes please provide details at 2.1(b)   |
| **2.1(b)** | If you have answered yes to question 2.1(a), please provide further details.Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction,Identity of who has been convictedIf the relevant documentation is available electronically please provide the web address, issuing authority, precise reference of the documents. |  |
| **2.2** | If you have answered Yes to any of the points above, have measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self-Cleaning) | ☐ Yes☐ No  |
| **2.3(a)** | **Regulation 57(3)**Has it been established, for your organisation by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which the organisation is established (if outside the UK), that the organisation is in breach of obligations related to the payment of tax or social security contributions? | ☐ Yes☐ No  |
| **2.3(b)** | If you have answered yes to question 2.3(a), please provide further details. Please also confirm you have paid, or have entered into a binding arrangement with a view to paying, the outstanding sum including where applicable any accrued interest and/or fines. |  |

Please Note: Social Mobility Commission 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.

| **3** | **Grounds for discretionary exclusion** |
| --- | --- |
| **Question number** | **Question** | **Response** |
| **3.1** | **Regulation 57 (8)**The detailed grounds for discretionary exclusion of an organisation are set out on this [web page](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. |
| **3.1(a)** | Breach of environmental obligations?  | ☐ Yes☐ No If yes please provide details at 3.2 |
| **3.1 (b)** | Breach of social obligations?   | ☐ Yes☐ No If yes please provide details at 3.2 |
| **3.1 (c)** | Breach of labour law obligations?  | ☐ Yes☐ No If yes please provide details at 3.2 |
| **3.1(d)** | Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation’s assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State? | ☐ Yes☐ No If yes please provide details at 3.2 |
| **3.1(e)** | Guilty of grave professional misconduct? | ☐ Yes☐ No If yes please provide details at 3.2 |
| **3.1(f)** | Entered into agreements with other economic operators aimed at distorting competition? | ☐ Yes☐ No If yes please provide details at 3.2 |
| **3.1(g)** | Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure? | ☐ Yes☐ No If yes please provide details at 3.2 |
| **3.1(h)** | Been involved in the preparation of the procurement procedure? | ☐ Yes☐ No If yes please provide details at 3.2 |
| **3.1(i)** | Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions? | ☐ Yes☐ No If yes please provide details at 3.2 |
| **3.1(j)****3.1(j) - (i)****3.1(j) - (ii)****3.1(j) –(iii)****3.1(j)-(iv)** | Please answer the following statementsThe organisation is guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria.The organisation has withheld such information. The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015.The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award. | ☐ Yes☐ No If Yes please provide details at 3.2☐ Yes☐ No If Yes please provide details at 3.2☐ Yes☐ No If Yes please provide details at 3.2☐ Yes☐ No If Yes please provide details at 3.2 |
| **3.2** | If you have answered Yes to any of the above, explain what measures have been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self-Cleaning) |  |

**Taking Account of Bidders’ Past Performance**

The Social Mobility Commission may assess the past performance of a Supplier (through a Certificate of Performance provided by a Customer or other means of evidence). The Social Mobility Commission may also assess whether specified minimum standards for reliability for such contracts are met.

In addition, the Social Mobility Commission may re-assess reliability based on past performance at key stages in the procurement process (i.e. supplier selection, tender evaluation, contract award stage etc.). Suppliers may also be asked to update the evidence they provide in this section to reflect more recent performance on new or existing contracts (or to confirm that nothing has changed).

**Non-payment of taxes/social security contributions**

The Social Mobility Commission reserves the right to use its discretion to exclude a supplier where it can demonstrate the supplier’s non-payment of taxes/social security contributions where no binding legal decision has been taken.

Please note that this section relating to tax compliance only applies where the Social Mobility Commission has indicated that the contract is over £5 million in value.

“Occasion of Tax Non-Compliance” means:

any tax return of the Supplier submitted to a Relevant Tax Authority on or after 1 October 2012 is found to be incorrect as a result of:

1. Relevant Tax Authority successfully challenging the Supplier under the General Anti-Abuse Rule or the Halifax Abuse Principle or under any tax rules or legislation that have an effect equivalent or similar to the General Anti-Abuse Rule or the Halifax Abuse Principle;
2. the failure of an avoidance scheme which the Supplier was involved in, and which was, or should have been, notified to a Relevant Tax Authority under the DOTAS or any equivalent or similar regime; and/or

the Supplier’s tax affairs give rise on or after 1 April 2013 to a criminal conviction in any jurisdiction for tax related offences which is not spent at the Effective Date or to a penalty for civil fraud or evasion.

| From 1 April 2013 onwards, have any of your company’s tax returns submitted on or after 1 October 2012; (Please indicate your answer by marking ‘X’ in the relevant box). |
| --- |
| 3.1 | Given rise to a criminal conviction for tax related offences which is unspent, or to a civil penalty for fraud or evasion; | ☐ Yes☐ No     |
| 3.2 | Been found to be incorrect as a result of:* HMRC successfully challenging it under the General Anti-Abuse Rule (GAAR) or the “Halifax” abuse principle; or
* a tax authority in a jurisdiction in which the legal entity is established successfully challenging it under any tax rules or legislation that have an effect equivalent or similar to the GAAR or the “Halifax” abuse principle; or
* the failure of an avoidance scheme which the Supplier was involved in and which was, or should have been, notified under the Disclosure of Tax Avoidance Scheme (DOTAS) or any equivalent or similar regime in a jurisdiction in which the Supplier is established.
 | ☐ Yes☐ No     |
| If answering “Yes” to either 3.1 or 3.2 above, the Supplier may provide details of any mitigating factors that it considers relevant and that it wishes the Social Mobility Commission to take into consideration.  This could include, for example: * Corrective action undertaken by the Supplier to date;
* Planned corrective action to be taken;
* Changes in personnel or ownership since the Occasion of Non-Compliance (OONC); or
* Changes in financial, accounting, audit or management procedures since the OONC.

In order that Social Mobility Commission can consider any factors raised by the Supplier, the following information should be provided:* A brief description of the occasion, the tax to which it applied, and the type of “non-compliance” e.g. whether HMRC or the foreign tax authority has challenged pursuant to the GAAR, the “Halifax” abuse principle etc.
* Where the OONC relates to a DOTAS, the number of the relevant scheme.
* The date of the original “non-compliance” and the date of any judgement against the Supplier, or date when the return was amended.
* The level of any penalty or criminal conviction applied.
 |

**Defining Different Types of Organisations**

The Cabinet Office is keen to collect information about SMEs.  We are particularly interested in discovering how many SMEs apply for our contracts through the tendering process.  Completion of the table below is for departmental information purposes only and will have no effect on the evaluation process outcomes. Government is committed to changing how it does business to make sure that small companies, charities and voluntary sector organisations are included and encouraged to compete for our contracts.

A voluntary sector organisation may also be a SME if it has the same attributes.

Definition; A SME must be autonomous, an EU Company not owned or controlled by a non-EU parent, and employ less than 250 staff and have sales below €50 million. *Source -*http://ec.europa.eu/enterprise/policies/sme/files/sme\_definition/sme\_report\_2009\_en.pdf

Please complete the table below.

| **Describe your Organisation** |
| --- |
| **What type of supply arrangement best describes you in relation to this bid.** | **Delete as appropriate** |
| 1. | We are a SME by definition  | ☐ Yes☐ No  |
| 2. | We are a Charity or Voluntary Sector Organisation (VSO) | ☐ Yes☐ No  |
| 3. | We are a mutual organisation | ☐ Yes☐ No  |
| 4. | We anticipate using a supply chain to deliver against this service.  | ☐ Yes☐ No  |
| 5. | We estimate that that our service delivery will be i.e. 40% delivered by VSO’s/SMEs   | …….% |
| 6. | If none of the above applies please describe the type of organisation you are:  |
| 7. | Please provide us with your Dun and Bradstreet Number, or a consortium, the lead bidder’s number. <http://www.dnb.co.uk/dandb-duns-number> |  |

The Department uses Dun and Bradstreet Numbers to manage its data around suppliers; we strongly encourage all suppliers to apply for a free Dunn’s number. The link to apply is: -<http://www.dnb.co.uk/myduns> - add ‘GOVERNMENT SUPPLIER’ as a reason for requesting your D&B DUNS number.

Do not delay returning your tender if you do not already have a Dun and Bradstreet number, returning your tender within the deadline is more important.

**Declarations**

1 ...............................................……………………………. (Name of tenderer) declares that we accept Social Mobility Commission’s standard terms and conditions included at Document 4 Attachment 1 as the basis of the contract; and

2 agree that the Social Mobility Commission may disclose the Contractor's information/documentation (submitted to Social Mobility Commission during this Procurement) more widely within Government for the purpose of ensuring effective cross-Government procurement processes, including value for money and related purposes.

3 declare that we have not communicated to any other party the amount or approximate amount of the tender price other than in confidence and for the express purpose of obtaining insurances or a bond in connection with this tender.  The tender price has not been fixed nor adjusted in collusion with any third party, and

4 declare that the tender will remain valid until *(insert a date)* and that we are not entitled to claim from the Social Mobility Commission any costs or expenses incurred in preparing the tender or subsequent negotiations whether or not the tender is successful.

Signed on behalf of the Tenderer ..................................................................................

**ANNEX ONE: CONFLICTS OF INTEREST**

For research and analysis, **conflict of interest** is defined as the presence of an interest or involvement of the contractor, subcontractor (or consortium member) which could affect the actual or perceived impartiality of the research or analysis.



Where there may be a potential conflict of interest, it is suggested that the consortia or organisation designs working arrangements such that the findings cannot be influenced (or perceived to be influenced) by the organisation which is the owner of a potential conflict of interest. For example, consideration should be given to the different roles which organisations play in the research or analysis, and how these can be structured to ensure an impartial approach to the project is maintained.

The process by which this is managed in the procurement process is as follows:

1. **During the bidding process, organisations may contact the Cabinet Office to discuss whether or not their proposed arrangement is likely to yield a conflict of interest.** Any responses given to individual organisations or consortia will be shared with all tendering organisations (in a form which does not reveal the questioner’s identity).
2. **Contractors are asked to sign and return Annex One to indicate whether or not any conflict of interest may be, or be perceived to be, an issue.** If this is the case, the contractor or consortium should give a full account of the actions or processes that it will use to ensure that conflict of interest is avoided. In any statement of mitigating actions, contractors are expected to outline how they propose to achieve a robust, impartial and credible approach to the research.
3. **When tenders are scored, this declaration will be subject to a pass/fail score**, according to whether, on the basis of the information in the proposal and declaration, there remains a conflict of interest which may affect the impartiality of the research.

Potential conflicts of interest may include (but are not restricted to);

* For evaluation projects, a close working, governance, or commercial involvement in the project under evaluation
* A professional or personal interest in the outcome of this research
* Current or past employment with relevant organisations
* Payment (cash or other) received or likely to be received from relevant organisations for goods or services provided (including consulting or advisory fees)
* Gifts or entertainment received from relevant organisations
* Shareholdings (excluding those within unit trusts, pension funds etc) in relevant organisations
* Close personal relationship or friendships with individuals employed by or otherwise closely associated with relevant organisations

**Conflict of Interest Declaration Form**

Organisations **must** complete either part 1 or 2. Please return this form with your ITT documentation.

*A declaration of interest will not necessarily mean the individual or organisation cannot work on the project; but it is vital that any interest or conflict is declared so it can be considered openly.*

*Failure to declare or avoid conflict of interest at this or a later stage may result in exclusion from the procurement competition, or in Cabinet Office exercising its right to terminate any contract awarded.*

**Part 1**

I have nothing to declare with respect to any current or potential interest or conflict in relation to this research (or any potential providers who may be subcontracted to deliver this work, their advisers or other related parties). By conflict of interest, I mean, anything which could be reasonably perceived to affect the impartiality of this research, or to indicate a professional or personal interest in the outcomes from this research.

If my situation or that of my organisation changes during the project in terms of interests or conflicts, I will notify the Cabinet Office immediately.

Signed …………………………………….

Name …………………………………….

Position …………………………………….

OR

**Part 2**

I wish to declare the following with respect to personal or professional interests related to relevant organisations (insert name(s) below):

* …………………………………….
* …………………………………….

Where a potential conflict of interest has been declared for an individual or organisation within a consortia, please clearly outline in your tender the role which this individual or organisation will play in the proposed project and how any conflict of interest has or will be mitigated.

If my situation or that of my organisation changes during the project in terms of interests or conflicts, I will notify the Cabinet Office immediately.

Signed ……………………………………

Name ……………………………………

Position ……………………………………