

TENDER QUALIFICATION QUESTIONNAIRE (TQQ)

INTRODUCTION

Your company has been selected as a potential provider for the construction of Battle Health Pathway for Battle Town Council in association with Battle Health Pathway project group (a sub-group of Battle Local Action Planning Group). The submission of this document is mandatory for all providers competing for the tender.

No information included in this TQQ or in any communication made between Battle Town Council or its agents or any potential provider in connection with TQQ shall be relied upon as constituting a contract, agreement or representation that any contract shall be offered in accordance with this TQQ. Battle Town Council reserves the right, subject to the appropriate procurement regulations, to change without notice the basis of, or the procedures for, the competitive tendering process at any time. Under no circumstances shall Battle Town Council incur any liability in respect of this TQQ or any supporting documentation.

Direct or indirect canvassing of any public sector employee or agent or any attempt to procure information from any public sector employee or agent concerning this TQQ may result in the disqualification of the Tenderer from consideration.

This TQQ sets out the information that is required by Battle Town Council in order to assess the suitability of Tenderers in terms of technical knowledge and experience, capability and capacity, organisational and financial standing to meet the requirements of the project.

The information supplied will be checked for completeness and compliance before responses are evaluated. In the event that none of the responses are deemed satisfactory, Battle Town Council reserves the right to terminate the procurement.

Failure to furnish the required information, make a satisfactory response to any question, or supply documentation referred to in responses, within the specified timescale, may mean that a Provider is excluded from the tender process.

REQUIREMENT

The requirement to which this TQQ refers is the construction of the Battle Health Pathway located in the Recreation Ground in North Trade Road, Battle. Details of the scheme are as follows:

- Erect temporary metal fencing to form compound and access and ensure existing planting/trees/fences/surfaces are suitably protected during the works.
- Excavate areas to be paved and surfaced
- Supply and lay surfacing and paving
- Supply and install kerbs, chicanes, signs and cycle stands
- Supply, lay and sow sand and grass seed
- Make good all paths and access points on completion.

TIMETABLE

<u>Date</u>	<u>Activity</u>
16 May 2019	Issue of Tender Invitation and TQQ
28 June 2019	Tender and TQQ return date
4 July 2019	Provider pre-contract interviews
19 July 2019	Contract award
To be agreed	Start on site

FREEDOM OF INFORMATION

Battle Town Council is committed to open government and to meeting their legal responsibilities under the Freedom of Information Act 2000. Accordingly, all information submitted to a public authority may need to be disclosed by the public authority in response to a request under the Act. Battle Town Council may also decide to include certain information in the publication scheme, which the Council maintains under the Act.

INSTRUCTIONS FOR COMPLETION

Please:

- follow the instructions outlined below when completing the TQQ
- answer all questions as accurately and concisely as possible in the same order as they are presented
- indicate if a question is not relevant to the Provider's organisation and provide an explanation
- attach any additional information, clearly stating the Provider's name and TQQ question number
- provide an explanation and details where questions cannot be answered fully
- answer in English

SUBMISSION OF COMPLETED TQQ

Please:

- send two (2) copies of the completed TQQ in the specific envelope provided with the tender package
- do not write or add any label, marking, symbol or other device which identifies the Tenderer

CONSORTIA AND SUB-CONTRACTING

Where a consortium or sub-contracting approach is proposed, all information requested should be given in respect of the proposed prime contractor or consortium leader. Relevant information should also be provided in respect of consortium members or sub-contractors who will play a significant role in the delivery of the requirement.

Battle Town Council recognises that arrangements in relation to consortia and sub-contracting may (within limits) be subject to future change, but any future change must be notified to the Council so that it can make further assessment.

QUERIES ABOUT THE PROCUREMENT

Any questions concerning the TQQ should be submitted in writing by email or letter for the attention of the Town Clerk at the address below.

Ms Carol Harris

Town Clerk

Battle Town Council

The Almonry

High Street

Battle TN33 0EA

Email: clerk@battletowncouncil.gov.uk

PROVIDER CONTACT POINT

Providers are asked to include a single point of contact in their organisation for their response to the TQQ. Battle Town Council will not be responsible for contacting the Provider through any route other than the nominated contact.

PROVIDER SELECTION

The Provider selection process for this requirement is being undertaken concurrently with the formal Invitation to Tender. The evaluation of the TQQ will be used to determine that all bidders meet or exceed Battle Town Council's minimum requirements.

Battle Town Council may disqualify any Providers who fail to:

- comply with Regulation 57 of the Public Contracts Regulations 2015 and/or fails to certify that it has fulfilled these requirements
- provide a satisfactory response to any questions in the TQQ
- submit its completed TQQ by the deadline

GENERAL INFORMATION

1. Full name, address and website of the Provider

Company Name	
Full Address	
Website	

2. Name, position and contact details of the main contact for this project

Name	
Position	
Telephone no.	
Mobile no.	
Email	

3. Please provide a one-page chart illustrating the ownership structure of the Provider

Ownership structure attached	Yes / No
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4. Is the Provider registered with an applicable trade or professional body?

Evidence (provide details or record 'none')	
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5. Please indicate which type of Provider you are

	Tick one
Type A Provider – able to provide the Requirements, or if unable to do so, is bidding in the role of prime contractor and has sub-contractors already in place to deliver all the project requirements	
Type B Provider – able to provide the Requirements as prime contractor, but is unable to confirm all sub-contractors at this stage although can demonstrate a methodology and track record of delivering sub-contracted works	

6. Please record any elements of the Requirement that will be sub-contracted or record 'none' and the name of the sub-contractor or record 'not known'

Element	Sub-contractor

7. Type B Providers - Please explain your methodology for procuring sub-contracted elements and support this with details of relevant experience of this type of procurement (up to 300 words)

8. Type A and Type B Providers – please list any other identified members of your sub-contractor team if details are available

Organisation name	Organisation address and contact details	Responsibility/role and % of project they will undertake	Length of time as a sub-contractor to the prime contractor

9. Does the Provider and/or any of its named sub-contractors have any potential conflicts of interest that may arise if selected to deliver this project?

Potential conflicts of interest If yes provide details below	Yes / No

FINANCIAL DETAILS

10. Name and address of the Provider's principal banker, together with banker's reference

Bank Name	
Full Address	

Banker's reference enclosed	Yes / No
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11. Please provide a copy of the full report and audited accounts for the last two (2) financial years. If the accounts you are submitting are for a year ended more than 10 months ago, please also enclose the latest set of management accounts

	Please ✓ or state N/A
Profit and Loss Accounts	
Balance Sheet	
Full accompanying notes	
Director's/Managing Partner's Report (if available)	
Auditor's Report	

12. Please supply the following information for the last three (3) financial years

	Amount (£k) 2016/2017	Amount (£k) 2017/2018	Amount (£k) 2018/2019
Overall turnover for last three (3) years			
Operating Profit			
Current Assets			
Current Liabilities			
Long Term Liabilities			
Net Assets			

CONTRACTUAL MATTERS

Please answer the following questions regarding contracts. If the answer to any of the questions is 'yes', please provide a full explanation below.

15. Has the Provider or any of its named sub-contractors ever suffered deductions for liquidated and/or ascertained damages in respect of any contract within the last two (2) years?

Deductions for liquidated and/or ascertained damages	Yes / No
If 'yes', was the deduction greater than 10% of the whole life value of the contract?	Yes / No

16. Has the Provider or any of its named sub-contractors ever had a contract terminated or its employment determined under the terms of the contract in the last three (3) years?

Contract terminated / employment determined	Yes / No
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17. Has the Provider or any of its named sub-contractors ever failed to receive a contract renewal on the basis of unsatisfactory performance in the last three (3) years?

Failed to receive contract renewal	Yes / No
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18. Is there any material pending or threatened litigation or other legal proceedings connected with similar projects against the Provider and/or any of its named sub-contractors that may affect delivery of this project?

Legal proceedings pending	Yes / No
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TECHNICAL ABILITY

20 Please provide details of the number of staff currently involved directly in the provision of similar Requirements of this project outlined above

Permanent staff members	Temporary or third party staff numbers	Total staff turnover as a percentage of staff employed over the past three (3) years. Where significant changes have occurred in respect of key management or specialist staff this should be identified

21 Please provide details of previous projects similar to the Requirements of this project that the Provider has delivered in the past three (3) years. Please include dates, contract values and details of the recipient of the requirements

Provision of similar services (up to 300 words) or state 'none'

22 Please provide details of three (3) recent **private sector** contracts that the Provider has been awarded for the provision of requirements similar to this project. Battle Town Council reserves the right to contact any or all of these companies for a reference and may wish to visit their premises. Providers should ensure that companies listed would be willing to provide a reference for them and be willing to provide a reference for them and be willing to discuss the Provider’s performance with the Council.

Customer name and address	Contact name, phone no and email address	Date contract awarded plus start and finish dates	Brief description or requirements and value of contract	Names of sub-contractors and their role

23 Please provide details of three (3) recent **public sector** contracts that the Provider has been awarded for the provision of requirements similar to this project. Battle Town Council reserves the right to contact any or all of these companies for a reference and may wish to visit their premises. Providers should ensure that companies listed would be willing to provide a reference for them and be willing to provide a reference for them and be willing to discuss the Provider’s performance with the Council.

Customer name and address	Contact name, phone no and email address	Date contract awarded plus start and finish dates	Brief description or requirements and value of contract	Names of sub-contractors and their role

PROJECT SPECIFIC QUESTIONS

24. Please provide details of any Quality Assurance systems operated by the Provider, both internally and externally (up to 300 words)

25. Please provide details of the Health and Safety Management System operated by the Provider

Health and Safety System information enclosed	Yes / No
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26. Please identify any specific (medium-high) Health and Safety risks the Provider would normally anticipate when constructing the Requirements of this project (up to 300 words)

27. Please provide sample standard method statements and associated risk assessments currently in use by the Provider covering the following type of works:

- Construction of pathways with edging, sub-base and surfacing
- Construction of no-dig pathways
- Installation of drainage to Provider's design, to be approved by Battle Town Council
- Preparation and grass seeding of amenity grass and grass grid system

Sample method statements enclosed	Yes / No
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28. Please provide details of how the Provider could construct the pathway in order to reduce disruption to users of the Recreation Ground and explain the time and cost implications.

29. Has the Provider been subject to any prosecutions, infringement notices or other actions by the Health & Safety Executive or Environment Agency within the last five (5) years? If yes. Please provide details.

Record details or state 'none'

30. Provider's plant and equipment resources

Does the Provider own and operate its own plant?	Yes / No
What percentage of plant for the Requirements of the project would be owned by and operated by the Provider?	%
What percentage of plant for the Requirements of the project would be provided by a nominated sub-contractor undertaking the works? (i.e. not plant hire)	%
What percentage of plant for the Requirements of the project would be outsourced by the Provider excluding nominated sub-contractors/	%
Does the Provider own and operate specialist plant pertaining to the Requirements of this project? If yes, provide details and usages below.	Yes / No

31. Employment Law

Is it the policy of the Provider and its sub-contractors to comply with their statutory obligations under the Race Relations Act 1976, the Sex Discrimination Act 1975, the Equal Pay Act 1970, the Disability Discrimination Act 1995 and the Equality Act 2006?	Yes / No
Has any finding of unlawful discrimination in the employment field been made against the Provider and/or its named sub-contractors by the employment tribunal or any court in the last three (3) years? If yes, record below what steps were taken as a result of that finding.	Yes / No

32. Please provide any environmental management certification that the Provider or any named sub-contractor holds.

Environmental management certificate enclosed	Yes / No
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33. Grounds for mandatory rejection

STATEMENT RELATING TO GOOD STANDING

PROJECT: Battle Health Pathway, Recreation Ground, Battle

We confirm that, to the best of our knowledge, the Tenderer is not in breach of the provisions of Regulation 57 of the Public Contracts Regulation 2015 and in particular that:

The Provider (or its directors or any other person who has powers of representation, decision or control of the named organisation) operator has not been convicted of any of the following offences:

- (a) conspiracy within the meaning of section 1 or 1A of the Criminal Law Act 1977 or article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime;
- (b) 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;
- (c) the common law offence of bribery;
- (d) bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010, or section 113 of the Representation of the People Act 1983;
- (e) where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities:
 - (i) the common law offence of cheating the Revenue;
 - (ii) the common law offence of conspiracy to defraud;
 - (iii) fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978;
 - (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;
 - (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;
 - (vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
 - (vii) destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969;
 - (viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or
 - (ix) the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act;
- (f) any offence listed—
 - (i) in section 41 of the Counter Terrorism Act 2008; or
 - (ii) in Schedule 2 to that Act where the court has determined that there is a terrorist connection;
- (g) any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subparagraph (f);

- (h) money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002;
- (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;
- (j) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004;
- (k) an offence under section 59A of the Sexual Offences Act 2003;
- (l) an offence under section 71 of the Coroners and Justice Act 2009;
- (m) 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
- (n) any other offence within the meaning of Article 57(1) of the Public Contracts Directive
 - (i) as defined by the law of any jurisdiction outside England and Wales and Northern Ireland; or
 - (ii) created, after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland.

Organisation's Name	
Signed	
Position	
Date	

34. Grounds for discretionary rejection

We confirm that, to the best of our knowledge, the Provider:

- (a) is not in violation of applicable obligations referred to in regulation 56(2);
- (b) is not bankrupt or is the subject of insolvency or winding-up proceedings, where its 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;
- (c) is not guilty of grave professional misconduct, which renders its integrity questionable;
- (d) has not entered into agreements with other economic operators aimed at distorting competition;
- (e) does not have a conflict of interest within the meaning of regulation 24 which cannot be effectively remedied by other, less intrusive, measures;
- (f) has not distorted competition from the prior involvement of the economic operator in the preparation of the procurement procedure, as referred to in regulation 41, which cannot be remedied by other, less intrusive, measures;
- (g) has not 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;
- (h)
 - (i) has not been 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; or
 - (ii) has not withheld such information or is not able to submit supporting documents required under regulation 59; or
- (i)
 - (i) has not undertaken to
 - (aa) unduly influence the decision-making process of the contracting authority, or
 - (bb) obtain confidential information that may confer upon it undue advantages in the procurement procedure; or
 - (ii) has not negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.

Organisation's Name	
Signed	
Position	
Date	

CHECKLIST OF ATTACHMENTS

Please ensure that the following attachments are included within your response:

Document	Applicable Question	Included
Ownership Structure	3	Yes / No
Banker's Reference	10	Yes / No
Accounts Information	11	Yes / No
Health & Safety Systems	25	Yes / No
Sample Method Statement	27	Yes / No
Environmental Management Information	32	Yes / No
Statement relating to Good Standing	33, 34	Yes / No