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**PARTICIPATION REQUIREMENTS AND SELECTION QUESTIONNAIRE AND
GUIDANCE**

DEMAND SIDE RESPONSE SERVICES

REFERENCE NUMBER

RM3792

ATTACHMENT 2

DEMAND SIDE RESPONSE SERVICES

RM3792

OPEN PROCUREMENT PROCEDURE

Notes for completion

1. This document provides representations of the online 'participation requirements' and the online 'selection questionnaire'. You cannot submit your responses using this document – you must complete and submit only the online version of the participation requirements questionnaire and selection questionnaire in the eSourcing suite.
2. This document provides an overview of the methodology which will be adopted by the Authority to evaluate your response to each question set out within the Participation Requirements and Selection Questionnaire.
3. For the avoidance of doubt "You" / "Your" refers to the Potential Provider completing this Participation Requirements and Selection Questionnaire i.e. the legal entity responsible for the information provided. The term "Potential Provider" 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.
4. Unless the context provides otherwise, capitalised expressions in this Participation Requirements and Selection Questionnaire have the meaning given to them in the glossary to the Invitation to Tender document – Attachment 1.
5. The Authority recognises that arrangements set out in section 1.2 of the Selection Questionnaire, in relation to a Group of Economic Operators 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.
6. 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'.
7. If you are tendering on behalf of a Group of Economic Operators, or you intend to use Sub-Contractors, you should complete all of the questions on behalf of the Group of Economic Operators and/or any Sub-Contractors, providing one composite response and declaration.
8. You must read this document in conjunction with the Invitation to Tender – Attachment 1, specifically paragraph 11 - Selection Stage Evaluation.

Standard Selection Questionnaire

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

This Selection Questionnaire is a self-declaration, made by you (the Potential Provider), that you do not meet any of the grounds for exclusion¹. 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). If you are bidding on behalf of a Group of Economic Operators or you intend to use Sub-Contractors, you should complete all of the selection questions on behalf of the Group of Economic Operators and/or any Sub-Contractors

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. For example these could be parent companies, affiliates, associates, or essential Sub-Contractors, if they are relied upon to meet the selection criteria.

Selection Questions: Part 3

If you are bidding on behalf of a Group of Economic Operators or you intend to use Sub-Contractors, you should complete all of the selection questions on behalf of the Group of Economic Operators and/or any Sub-Contractors.

If the relevant documentary evidence referred to in the Selection 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.

Participation Requirements (you must complete and submit the online version)

Below is a representation of the Participation Requirements in the eSourcing Suite. **You must complete the online version. You cannot submit your responses using this document.**

For the avoidance of doubt in the Participation Requirements questions “we” refers to the Potential Provider (Lead Contact for a Group of Economic Operators).

PARTICIPATION REQUIREMENTS		
PART A - Conditions of Participation		
PR1	We accept the Terms of Participation as set out in Attachment 6 - Terms of Participation	<input type="checkbox"/> Yes <input type="checkbox"/> No
PR2	We accept the draft Terms and Conditions as set out in Attachment 4 – Framework Agreement, Attachment 9 – Framework Schedule 2: Part A: Goods and Services Specification and Attachment 5 – Call Off Contract	<input type="checkbox"/> Yes <input type="checkbox"/> No
PR3	We accept and comply with all the statements in Attachment 7 - Declaration Of Compliance	<input type="checkbox"/> Yes <input type="checkbox"/> No

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
Attachment 2 – Participation Requirements and Selection Questionnaire and Guidance
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PR1 - PR3 Response Guidance

If you are Tendering as a Group of Economic Operators and you are the Lead Contact, as the Lead Contact, you are required to respond Yes to confirm your acceptance of the conditions set out in these documents.

If you do not answer Yes to these questions you will be disqualified from further participation in this Procurement.

If you respond **No** to these questions your Tender will be deemed to be non-compliant. If a Tender is deemed to be non-compliant, the Tender may be rejected and excluded from further participation in this Procurement.

PART B - eSourcing Suite Tool Guidance

PR4	We have read the document 'eSourcing Suite Supplier Guidance Part B - Tendering and Further Competitions' https://www.gov.uk/government/publications/esourcing-tool-guidance-for-suppliers (select the eSourcing Suite guidance: how to respond to Tenders and Further Competitions)	<input type="checkbox"/> Yes <input type="checkbox"/> No
PR5	We understand that it is essential to press the red 'Submit all Draft Bids' button to correctly submit our completed Tender and confirm we have read and understood the instructions on where and how to do this in paragraph 8.9 of the 'eSourcing Suite Guidance Part B - Tendering and Further Competitions' https://www.gov.uk/government/publications/esourcing-tool-guidance-for-suppliers (select the eSourcing Suite guidance: how to respond to Tenders and Further Competitions)	<input type="checkbox"/> Yes <input type="checkbox"/> No
PR6	We understand that to send a message to the CCS Procurement team we must ensure that the name of the Procurement is in the context field and 'ALL HOSTS' is selected in the 'TO' box	<input type="checkbox"/> Yes <input type="checkbox"/> No

PR4 – PR6 Response Guidance

If you are Tendering as a Group of Economic Operators and you are the Lead Contact, as the Lead Contact, you are required to answer "Yes" to confirm your understanding of how to use the e-Sourcing tool appropriately in this Procurement. **If you cannot answer "Yes" to these questions you are at significantly increased risk of misunderstanding the Procurement and of submitting a sub-optimal or a non-compliant Tender Submission.**

Selection Questionnaire

Part 1: Potential Providers information (you must complete and submit the online version)

Below is a representation of the online **Selection Questionnaire** in the eSourcing Suite. **You must complete the online version. You cannot submit your responses using this document.**

Please answer all questions in full.

Section 1	Potential Provider Information	
Question number	Question	Response
SQ1.1(a)	Full name of the Potential Provider submitting the information	Complete table in eSourcing Suite
SQ1.1(b) (i)	Registered office address (if applicable)	
SQ1.1(b) (ii)	Registered website address (if applicable)	
SQ1.1 (c) (i)	Trading status a) public limited company b) limited company c) limited liability partnership d) other partnership e) sole trader f) third sector g) other (please specify your trading status at SQ1.1 (c) (ii) below	
SQ1.1(c) (ii)	If you selected g) to question SQ1.1(c) (i) above please specify in the following text field, your trading status.	Complete text box in eSourcing Suite (character limit 255)
SQ1.1 (d)	Date of registration in country of origin	Complete table in eSourcing Suite
SQ1.1 (e)	Company registration number (if applicable)	
SQ1.1 (f)	Charity registration number (please enter N/A if not applicable)	
SQ1.1 (g)	Head office DUNS number	
SQ1.1 (h)	Registered VAT number	
SQ1.1(i) (i)	If applicable, is your organisation registered with the appropriate professional or trade register(s) in the member state where it is established? (Please enter N/A if not applicable)	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>

SQ1.1(i) (ii)	If you responded Yes to SQ1.1(i) (i), please provide the relevant details, including the registration number(s). (Please enter N/A if not applicable)	Complete text box in eSourcing Suite (character limit 255)
SQ1.1(j) (i)	Organisation/Services Membership Is it a legal requirement in the state where you are established for you to possess a particular authorisation, or be a member of a particular organisation in order to provide the services specified in this procurement?	Yes <input type="checkbox"/> No <input type="checkbox"/>
SQ1.1(j) (ii)	Organisation/Services Membership - Details If you responded Yes to SQ1.1(j) (i), please provide additional details of what is required and confirmation that you have complied with this. (Please enter N/A if not applicable)	Complete text box in eSourcing Suite (character limit 255)
SQ1.1(k)	Trading name(s) that will be used if successful in this procurement?	Complete text box in eSourcing Suite (character limit 255)
SQ1.1(l)	Relevant classifications (state whether you fall within one of these, and if so which one?) a) Voluntary Community Social Enterprise (VCSE) b) Sheltered Workshop c) Public service mutual	Use Pick List a) b) c) N/A
SQ1.1(m)	Are you a Small, Medium or Micro Enterprise (SME) ² ?	Yes <input type="checkbox"/> No <input type="checkbox"/>
SQ1.1(n)	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)	Complete table in eSourcing Suite
SQ1.1(o)	Details of ultimate parent company: - Full name of the ultimate parent company - Registered office address (if applicable)	Complete table in eSourcing Suite

² See EU definition of SME: <http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/>

	<ul style="list-style-type: none">- Registration number (if applicable)- Head office DUNS number (if applicable)- Head office VAT number (if applicable) <p>(Please enter N/A if not applicable)</p>	
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Please provide the following information about your approach to this procurement:

Section 1.2	Bidding model	
Question number	Question	Response
SQ1.2(a) (i)	<p>Are you tendering as the lead contact for a Group of Economic Operators?</p> <p>If yes, please provide details listed in questions SQ1.2(a) (ii), (a) (iii) and to SQ1.2(b) (i), (b) (ii), SQ1.3, Section 2 and 3.</p> <p>If no, and you are a supporting tenderer please provide the name of your group at SQ1.2(a) (ii) for reference purposes, and complete SQ1.3, Section 2 and 3.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
SQ1.2(a) (ii)	<p>Name of Group of Economic Operators (if applicable)</p> <p>(Please enter N/A if not applicable)</p>	<p>Complete text box in eSourcing Suite (character limit 255)</p>
SQ1.2(a) (iii)	<p>Proposed legal structure if the Group of Economic Operators intends to form a named single legal entity prior to signing a Framework Agreement/Contract, if awarded. If you do not propose to form a single legal entity, please explain the legal structure.</p>	<p>Complete text box in eSourcing Suite (character limit 4096)</p>
SQ1.2(a) (iv)	<p>If you responded Yes to SQ1.2(a)-(i) please provide additional details for each Group of Economic Operator members in the following table:</p> <ul style="list-style-type: none"> - Name - Registered office address – (if applicable) - Trading Status - Company registration number – (if applicable) - Head office DUNS number - Registered VAT number - SME - The role each Group of Economic Operator member(s) will take in providing the Goods and Services - The approximate % of contractual obligations assigned to each Group of Economic Operator member(s) <p>Enter N/A in the first table cell if Not Applicable</p>	<p>Complete table in eSourcing Suite</p>
SQ1.2(b) (i)	<p>Are you or, if applicable, the Group of Economic Operators proposing to use Sub-Contractors?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>

SQ1.2(b) (ii)	<p>If you responded Yes to SQ 1.2(b) (i) please provide additional details for each Sub-Contractor in the following table:</p> <ul style="list-style-type: none"> - Full name - Head office VAT number (if applicable) - Type of Organisation - SME - 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 - Registered office address (if applicable) - Trading Status - Registration number (if applicable) - Head office DUNS number (if applicable) 	Complete table in eSourcing Suite
SQ1.3	<p>Framework Population Template</p> <p>Please select option Yes or No to confirm you have uploaded, using the paperclip icon aligned to this question, whether or not you have populated and uploaded as an attachment to this question the Framework Agreement Population Template – Attachment 11.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Part 2: Exclusion Grounds

Please answer the following questions in full. The information that you provide in this Section will be assessed in accordance with paragraph 11.2 of Invitation to Tender – Attachment 1.

Section 2	Grounds for mandatory exclusion	
Question number	Question	Response
SQ2.1(a)	<p>Regulations 57(1) and (2)</p> <p>The detailed grounds for mandatory exclusion of an organisation are set out on this webpage, which should be referred to before completing these questions.</p> <p>Please indicate if, within the past five (5) 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.</p>	
	Participation in a criminal organisation.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at SQ2.1(b)
	Corruption.	Yes <input type="checkbox"/>

		No <input type="checkbox"/> If Yes please provide details at SQ2.1(b)
	Fraud.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at SQ2.1(b)
	Terrorist offences or offences linked to terrorist activities	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at SQ2.1(b)
	Money laundering or terrorist financing	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at SQ2.1(b)
	Child labour and other forms of trafficking in human beings	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at SQ2.1(b)
SQ2.1(b)	If you have answered Yes to question SQ2.1(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 convicted If the relevant documentation is available electronically please provide the web address, issuing authority, precise reference of the documents.	Complete text box in eSourcing Suite (character limit 4096)
SQ2.1(c)	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) (Please enter N/A if not applicable)	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
SQ2.1(d)	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	Yes <input type="checkbox"/> No <input type="checkbox"/>

	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?	
SQ2.1(e)	<p>If you have answered Yes to question SQ2.1(d), 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.</p> <p>Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction.</p> <p>Identity of who has been convicted.</p> <p>(Please enter N/A if not applicable)</p>	Complete text box in eSourcing Suite (character limit 4095)

Please Note: The Authority reserves the right to use its discretion to exclude a Potential Provider where it can demonstrate by any appropriate means that the Potential Provider is in breach of its obligations relating to the non-payment of taxes or social security contributions.

The information that you provide in this Section will be assessed in accordance with paragraph 11.2 of Invitation to Tender – Attachment 1.

Section 3		
Grounds for discretionary exclusion		
Question Number	Question	Response
SQ3.1	<p>Regulation 57 (8)</p> <p>The detailed grounds for discretionary exclusion of an organisation are set out on this webpage, which should be referred to before completing these questions.</p> <p>Please indicate if, within the past three years, anywhere in the world any of the following situations have applied to you, your organisation or any other person who has powers of representation, decision or control in the organisation.</p>	
SQ3.1(a)	<p>Breach of environmental obligations?</p> <p>If Yes please provide details at SQ3.2</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
SQ3.1 (b)	<p>Breach of social obligations?</p> <p>If Yes please provide details at SQ3.2</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
SQ3.1 (c)	<p>Breach of labour law obligations?</p> <p>If Yes please provide details at SQ3.2</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>

SQ3.1(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? If Yes please provide details at SQ3.2	Yes <input type="checkbox"/> No <input type="checkbox"/>
SQ3.1(e)	Guilty of grave professional misconduct? If Yes please provide details at SQ3.2	Yes <input type="checkbox"/> No <input type="checkbox"/>
SQ3.1(f)	Entered into agreements with other economic operators aimed at distorting competition? If Yes please provide details at SQ3.2	Yes <input type="checkbox"/> No <input type="checkbox"/>
SQ3.1(g)	Aware of any conflict of interest within the meaning of Regulation 24 due to the participation in the procurement procedure? If Yes please provide details at SQ3.2	Yes <input type="checkbox"/> No <input type="checkbox"/>
SQ3.1(h)	Been involved in the preparation of the procurement procedure? If Yes please provide details at SQ3.2	Yes <input type="checkbox"/> No <input type="checkbox"/>
SQ3.1(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? If Yes please provide details at SQ3.2	Yes <input type="checkbox"/> No <input type="checkbox"/>
SQ3.1(j)	Please answer the following statements	
SQ3.1(j)(i)	The 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. If Yes please provide details at SQ3.2	Yes <input type="checkbox"/> No <input type="checkbox"/>

SQ3.1(j) (ii)	The organisation has withheld such information. If Yes please provide details at SQ3.2	Yes <input type="checkbox"/> No <input type="checkbox"/>
SQ3.1(j) (iii)	The organisation is not able to submit supporting documents required under Regulation 59 of the Public Contracts Regulations 2015. If Yes please provide details at SQ3.2	Yes <input type="checkbox"/> No <input type="checkbox"/>
SQ3.1(j) (iv)	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 provide misleading information that may have a material influence on decisions concerning exclusion, selection or award. If Yes please provide details at SQ3.2	Yes <input type="checkbox"/> No <input type="checkbox"/>
SQ3.2	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) (Please enter N/A if not applicable)	Complete text box in eSourcing Suite (character limit 4095)

Part 4: Selection Questions³

The information that you provide in this Section will be assessed in accordance with paragraph 11.3 of Invitation to Tender – Attachment 1.

Section 4 Economic and Financial Standing		
Question number	Question	Response
SQ4.1(a)	<p>For your organisation and, if applicable, each member of your Group of Economic Operators, The Authority will use the details you have provided in Section 1.1 Potential Provider Information and Section 1.2 Bidding Model to obtain financial risk assessments.</p> <p>If you and/or members of your Group of Economic Operators would prefer to have this financial assessment carried out in respect of a Framework Guarantor, such as a parent company, then each member may elect to choose this option on the understanding that, if awarded a Framework Agreement, a Framework Guarantee</p>	

³ See Action Note 8/16 Updated Standard Selection Questionnaire

	as laid out in Framework Schedule 13 must be completed by each Framework Guarantor and accepted by the Authority prior to Framework Award.	
SQ4.1(b)	Do you or, if applicable, any members of your Group of Economic Operators, wish the financial risk assessment to be carried out in respect of a Framework Guarantor?	Yes <input type="checkbox"/> No <input type="checkbox"/>
SQ4.1(c)	If you responded Yes to question SQ4.1(b), please provide details of the Framework Guarantor: - Full name of the Framework Guarantor - Registered office address (if applicable) - Company registration number (if applicable) - Head office DUNS number Please enter N/A in first table cell if not applicable	Complete table in the eSourcing Suite
SQ4.1(d)	If you responded Yes to question SQ4.1(b) and if you or, if applicable, any members of your Group of Economic Operators have elected to have financial risk assessment carried out in respect of a Framework Guarantor, please confirm that the Framework Guarantor has committed to complete, prior to Call Off Contract, a Framework Guarantee as laid out in Framework Schedule 13 if a Framework Agreement is awarded. Please enter N/A from the pick list if not applicable	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>

Section 5	Not Used
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The information that you provide in this Section will be assessed in accordance with paragraph 11.4 of Invitation to Tender – Attachment 1.

Section 6 Technical and Professional Ability – Previous Supply (Evaluated)		
Question Number	Question	Response
SQ6.1 -Technical and Professional Ability - Proof of previous experience in delivering Demand Side Response services.		
SQ6.1(a-c) Please provide details of two contracts, where you have delivered Goods and Services as listed in the description of the requirements of Framework Agreement Schedule 2: Part A Goods and Services – Attachment 9. These contracts can be from either the public or private where similar requirements have been performed within the last three years prior to the publication of the OJEU Notice.		
SQ6.1(a)	Contract Example 1 - Name of customer organisation - Name of the organisation which signed the contract	Complete table in the eSourcing Suite

	<p>with the customer organisation</p> <ul style="list-style-type: none"> - Point of contact in customer organisation <ul style="list-style-type: none"> o Position in the organisation o Email address - Contract start date - Contract completion date - Estimated Contract Value <p>Contract Example 2</p> <ul style="list-style-type: none"> - Name of customer organisation - Name of the organisation which signed the contract with the customer organisation - Point of contact in customer organisation <ul style="list-style-type: none"> o Position in the organisation o Email address - Contract start date - Contract completion date - Estimated Contract Value 	
SQ6.1(b)	<p>Contract Example 1</p> <p>Provide a description of the contract including:</p> <ul style="list-style-type: none"> A) Network Operator Services B) Transmission Network Charge Management C) Distribution Network Charge Management – as outlined in the specification. <ul style="list-style-type: none"> • Clear identification of the Goods and Services provided which must demonstrate experience of delivering the mandatory requirements for the Goods and Services as described in Framework Agreement Schedule 2: Part A: Goods and Services Attachment 9; • Describe the actual technology and/or service delivered; • The role you undertook in delivery of the service including any relationships with third parties; • The process you utilised to understand the customer’s specific requirements; and • The process you utilised to monitor performance against the contract deliverables. 	Complete text box in eSourcing Suite (character limit 4095)
SQ6.1(c)	<p>Contract Example 2</p> <p>Provide a description of the contract including:</p> <ul style="list-style-type: none"> A) Network Operator Services 	Complete text box in eSourcing Suite (character limit 4095)

	<p>B) Transmission Network Charge Management</p> <p>C) Distribution Network Charge Management – as outlined in the specification.</p> <ul style="list-style-type: none"> • Clear identification of the Goods and Services provided which must demonstrate experience of delivering the mandatory requirements for the Goods and Services as described in Framework Agreement Schedule 2: Part A; Goods and Services Attachment 9: • Describe the actual technology and/or service delivered; • The role you undertook in delivery of the service including any relationships with third parties; • The process you utilised to understand the customer’s specific requirements; and • The process you utilised to monitor performance against the contract deliverables. 	
Marking Scheme SQ6.1 (a-c)	Evaluation Guidance	
PASS	You have provided two (2) contract examples which demonstrate you have the necessary technical service delivery and experience to deliver the Goods and Services listed to enable you to perform the Framework Agreement to the required standard.	
FAIL	<p>You have not provided two (2) contract examples which demonstrate you have the necessary technical service delivery and experience to deliver the Goods and Services listed to enable you to perform the Framework Agreement to be the required standard.</p> <p>OR</p> <p>You have not provided a response to this question.</p>	

The information that you provide in this Section will be assessed in accordance with paragraph 11.4.2 of Invitation to Tender – Attachment 1.

Section 7	Modern Slavery Act 2015: Requirements under Modern Slavery Act 2015⁴	
Question Number	Question	Response

⁴ [Procurement Policy Note 9/16 Modern Slavery Act 2015](#)
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If **you meet** the minimum turnover requirements, as stipulated in the Regulations under section 54, you are required to answer **Yes** to question SQ7.1a and are required to provide a response to question SQ7.1b.

If you answer **Yes** to question SQ7.1b you are required to provide the relevant website url in response to question SQ7.1c.

If you answer **No** to question SQ7.1b you are required to provide an explanation in response to question SQ7.1d.

If you answer **No** to question SQ7.1(a) please enter **N/A** for questions SQ7.1(b), SQ7.1(c) and SQ7.1(d)

SQ7.1(a)	Are you a relevant commercial organisation as defined by section 54 (“Transparency in supply chains etc.”) of the Modern Slavery Act 2015 (“the Act”)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
SQ7.1(b)	If you have answered Yes to question SQ7.1a are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015 www.legislation.gov.uk/ukpga/2015/30/section/54/enacted Please enter N/A from the pick list if not applicable	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>
SQ7.1(c)	If you have answered Yes to question SQ7.1b and your organisation has a website, please provide the relevant link to the slavery and human trafficking statement that appears in a prominent place on that website’s homepage.	character limit 4096
SQ7.1(d)	If you have answered No to question SQ7.1b please provide an explanation.	character limit 4096

8. Additional Questions

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

The information that you provide in this Section will be assessed in accordance with paragraph 11.4.3.1 of Invitation to Tender – Attachment 1.

Section 8	Additional Questions	
SQ8.1	Insurance and Quality and Environmental Accreditations	
Question Number	Question	Response
SQ8.1(a)	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: Employer’s (Compulsory) Liability Insurance =	Yes <input type="checkbox"/> No <input type="checkbox"/>

	£5,000,000.00 *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	
SQ8.1(b)	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: Public Liability Insurance = £10,000,000.00	Yes <input type="checkbox"/> No <input type="checkbox"/>
SQ8.1(c).	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: Professional Indemnity Insurance = £10,000,000.00	Yes <input type="checkbox"/> No <input type="checkbox"/>
SQ8.1(d)	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: Product Liability Insurance = £10,000,000.00	Yes <input type="checkbox"/> No <input type="checkbox"/>
SQ8.1(e)	Please confirm that you can provide copies of your Organisations Quality Accreditations if you are awarded a contract on this Framework?	Yes <input type="checkbox"/> No <input type="checkbox"/>
SQ8.1(f)	Please confirm that you can provide copies of your Organisations Environmental Accreditations if you are awarded a contract on this Framework?	Yes <input type="checkbox"/> No <input type="checkbox"/>
SQ8.1(g)	Aggregator status The Authority requires the Potential Provider to confirm that they are listed as a commercial Aggregator on the National Grid website (http://www2.nationalgrid.com/UK/Services/Balancing-services/Demand-Side-Response), or will be by the commencement date of the first Call Off Contract.	Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/>

The information that you provide in this Section will be assessed in accordance with paragraph 11.4.3.3 of Invitation to Tender – Attachment 1.

SQ8.2	Skills and Apprenticeship⁵
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⁵ [Procurement Policy Note 14/15– Supporting Apprenticeships and Skills Through Public Procurement](#)

	<p>and valid Cyber Essentials certificate by one of the government approved accreditation bodies, by the commencement date of the first Call Off Contract, and where your organisation proposes to use Sub-Contractors to carry out the Goods and Services and these Sub-Contractors shall be involved in handling sensitive and personal information with regard to the Goods and Services, such Sub-Contractors will have in place a valid Cyber Essentials certificate by the commencement date of the first Call Off Contract where your organisation proposes to use the Sub-Contractor;</p> <p>OR</p> <p>(iii) You have not got a current and valid Cyber Essentials certificate which has been awarded by one of the government approved Cyber Essentials accreditation bodies, but you can demonstrate (or, will be able to demonstrate) by the commencement date of the first Call Off Contract that your organisation meets the technical requirements prescribed by the Cyber Essentials Scheme as detailed in the following link: https://www.cyberstreetwise.com/cyberessentials/files/requirements.pdf</p> <p>AND that you can provide evidence of verification by a technically competent and independent third party (which has taken place within the most recent 12 months) that your organisation demonstrates compliance with Cyber Essentials technical requirements. Also where your organisation proposes to use Sub-Contractors to carry out the Goods and Services and these Sub-Contractors shall be involved in handling sensitive and personal information with regard to the Goods and Services, such Sub-Contractors will have in place a valid Cyber Essentials certificate by the commencement date of the first Call Off Contract where your organisation proposes to use the Sub-Contractor;</p> <p>OR</p> <p>(iv) Your organisation is exempt from complying with the requirements at questions i), ii) and iii) because your organisation conforms with the ISO27001 standard and the Cyber Essentials requirements have been included in the scope of that standard, and verified as such and the certification bodies carrying out this verification is approved to issue a Cyber Essentials certificate by one of the government approved Cyber Essentials accreditation bodies referred to in i) and where your organisation proposes to use Sub-Contractors to carry out the Goods and Services and these Sub-Contractors shall be involved in handling sensitive and personal information with regard to the Goods and Services, such Sub-Contractors will have in place a valid Cyber Essentials certificate by the commencement date of the first Call Off Contract where your organisation proposes to use the Sub-Contractor.</p>	<p><input type="checkbox"/> (iii) Yes</p> <p><input type="checkbox"/> (iv) Yes</p> <p><input type="checkbox"/> No</p>
SQ8.3(b)	In relation to the Services, please confirm that you comply with all of the following criteria you agree to undertake CHECK compliant CESG Penetration Testing, with a CESG	Please select an option from the drop down list.

	<p>approved provider, prior to 'Go Live' and annually thereafter.</p> <p>Further information can be found at ;</p> <p>https://www.cesg.gov.uk/articles/using-check-provider</p> <p>https://www.cesg.gov.uk/scheme/penetration-testing</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
SQ8.3(c)	<p>As an attachment to question SQ8.3(b) you are required to download and confirm that you have read Attachment 14 – Security Guidance of the ITT Suite.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

Mandatory Exclusion Grounds

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

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

Participation in a criminal organisation

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

Conspiracy within the meaning of

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

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

Corruption

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

The common law offence of bribery;

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

Fraud

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

- the common law offence of cheating the Revenue;
- the common law offence of conspiracy to defraud;
- fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978;
- fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006;
- fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;
- an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
- destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969;
- fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006;
- the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act;

Terrorist offences or offences linked to terrorist activities

Any offence:

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

Money laundering or terrorist financing

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

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

Child labour and other forms of trafficking human beings

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

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

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

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

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

Non-payment of tax and social security contributions

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

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

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

Other offences

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

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

Discretionary exclusions

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

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

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

Bankruptcy, insolvency

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

Grave professional misconduct

Guilty of grave professional misconduct

Distortion of competition

Entered into agreements with other economic operators aimed at distorting competition

Conflict of interest

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

Been involved in the preparation of the procurement procedure.

Prior performance issues

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

Misrepresentation and undue influence

The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provide misleading

information that may have a material influence on decisions concerning exclusion, selection or award.

Additional exclusion grounds

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

Extract from Public Procurement Directive 2014/24/EU

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

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

Consequences of misrepresentation

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

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