

JOINT VENTURE FOR ENERGY & SUSTAINABILITY

PRE-QUALIFICATION QUESTIONNAIRE
TO PARTICIPATE IN COMPETITIVE
PROCEDURE WITH NEGOTIATION

MAY 2016



EASTBOURNE
Borough Council



Project:

Energy & Sustainability Joint Venture

Document Title:

Pre-Qualification Questionnaire

Date:

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Lead Client:

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CONTENTS

Standardised Pre-Qualification Questionnaire PQQ	4
1.0 Potential Partner Information	10
2.0 Grounds for Mandatory Exclusion	13
3.0 Grounds for Discretionary Exclusion Part 1	15
4.0 Grounds for Discretionary Exclusion Part 2	17
5.0 Economic and Financial Standing	18
6.0 Technical and Professional Ability	19
7.0 Additional PQQ Modules	20
8.0 Declaration	23
9.0 PQQ Template for Appendices	24
 Appendices	
Appendix 1 – Reference Request Form	25

IMPORTANT

This document should be read in conjunction with the accompanying Memorandum of Information (MOI).

The MOI and the guidance notes in this document should be studied carefully before completing and returning the Pre-Qualification Questionnaire as they contain important information which if not followed could mean that your submission is rejected or disqualified.

STANDARDISED PRE-QUALIFICATION QUESTIONNAIRE (PQQ)

NOTES FOR COMPLETION

1. The “authority” means the public sector contracting authority, or anyone acting on behalf of the contracting authority, that is seeking to invite suitable Potential Partners to participate in this procurement process.
2. “You”/ “Your” or “Potential Partner” means the body completing these questions **i.e. the legal entity seeking to be invited to the next stage of the procurement process and responsible for the information provided.** The ‘Potential Partner’ is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 and could be a registered company; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.
3. This Pre-Qualification Questionnaire (PQQ) has been designed to assess the suitability of a Potential Partner to deliver the authority’s contract requirement(s). If you are successful at this stage of the procurement process, you will be selected for the subsequent award stage of the process.
4. Please ensure that all questions are completed in full, and in the format requested. Failure to do so may result in your submission being disqualified. If the question does not apply to you, please state clearly ‘N/A’.
5. Should you need to provide additional Appendices in response to the questions, these should be numbered clearly and listed as part of your declaration. A template for providing additional information is provided at the end of this document.

Where it is intended to place reliance on the capacities of other entities in relation to financial or economic standing (such as a parent company) each entity is required to complete Section 2 Grounds for Mandatory Exclusion and Section 3 Grounds for Discretionary Exclusion and to sign a the declaration at Section 8.

6. **PLEASE RETURN A COMPLETED VERSION OF THIS DOCUMENT TO:**

Named procurement officer	Rachel Ayers
Name of contracting authority	Eastbourne Borough Council
Return address	https://www.sesharedservices.org.uk/esourcing NB: applicants will need to create a log in to take part in the process Subject: Energy & Sustainability Joint Venture
Deadline for receipt of PQQ	Midnight 18th July 2016

VERIFICATION OF INFORMATION PROVIDED

7. Whilst reserving the right to request information at any time throughout the procurement process, the authority may enable the Potential Partner to self-certify that there are no mandatory/ discretionary grounds for excluding their organisation. When requesting evidence that the Potential Partner can meet the specified requirements (such as the questions in section 7 of this PQQ relating to Technical and Professional Ability) the authority may only obtain such evidence after the final tender evaluation decision i.e. from the winning Potential Partner only.

SUB-CONTRACTING ARRANGEMENTS

8. Where the Potential Partner proposes to use one or more sub-contractors to deliver some or all of the contract requirements, a separate Appendix should be used to provide details of the proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for. Each sub-contractor is required to complete Section 2 Grounds for Mandatory Exclusion and Section 3 Grounds for Discretionary Exclusion and to sign a the declaration at Section 8.
9. The authority recognises that arrangements in relation to sub-contracting may be subject to future change, and may not be finalised until a later date. However, Potential Partners should be aware that where information provided to the authority indicates that sub-contractors are to play a significant role in delivering key contract requirements, any changes to those sub-contracting arrangements may affect the ability of the Potential Partners to proceed with the procurement process or to provide the supplies and/or services required. Potential Partners should therefore notify the authority immediately of any change in the proposed sub-contractor arrangements. The authority reserves the right to deselect the Potential Partners prior to any award of contract, based on an assessment of the updated information.

CONSORTIA ARRANGEMENTS

9. If the Potential Partner completing this PQQ is doing so as part of a proposed consortium, the following information must be provided;
 - names of all consortium members;
 - the lead member of the consortium who will be contractually responsible for delivery of the contract (if a separate legal entity is not being created); and
 - if the consortium is not proposing to form a legal entity, full details of proposed arrangements within a separate Appendix.
11. Please note that the authority may require the consortium to assume a specific legal form if awarded the contract, to the extent that a specific legal form is deemed by the authority as being necessary for the satisfactory performance of the contract.
12. All members of the consortium will be required to provide the information required in all sections of the PQQ as part of a single composite response to the authority i.e. each member of the consortium is required to complete the form.
13. Where you are proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV), you should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity in a separate Appendix.
14. The authority recognises that arrangements in relation to a consortium bid may be subject to future change. Potential Partners should therefore respond on the basis of the arrangements as currently envisaged. Potential Partners are reminded that the authority must be immediately notified of any changes, or proposed changes, in relation to the bidding model so that a further assessment can be carried out by applying the selection criteria to the new information provided. The authority reserves the right to deselect the Potential Partner prior to any award of contract, based on an assessment of the updated information.

CONFIDENTIALITY

10. When providing details of contracts in answering section 6 of this PQQ (Technical and Professional Ability), the Potential Partner agrees to waive any contractual or other confidentiality rights and obligations associated with these contracts.
11. The authority reserves the right to contact the named customer contact in section 6 regarding the contracts included in section 6. The named customer contact does not owe the authority any duty of care or have any legal liability, except for any deceitful or maliciously false statements of fact.
12. The authority confirms that it will keep confidential and will not disclose to any third parties any information obtained from a named customer contact, other than to the Cabinet Office and/or contracting authorities defined by the Public Contracts Regulations.

SELECTION METHODOLOGY AND CRITERIA

13. Selection Methodology

The objective of the selection process is to identify Potential Partners who are suitable to be invited to participate in the tender and negotiation stages of the procurement process. This section sets out the process that will be followed and a summary table of the assessment criteria and scoring.

The following staged process will be adopted:

13.1 Compliance Assessment: Pass/Fail

To establish that all the information requested has been provided and all questions answered.

The Council may seek clarification in the event of receiving incomplete or unclear PQQ responses; however the Council reserves the right to reject non-compliant/incomplete PQQ responses at this stage.

13.2 General Eligibility Assessment: Pass/Fail

Eligibility to participate in the procurement will be tested by reference to Regulation 57 Public Contract Regulations 2015 (the Regulations).

The PQQs of Potential Partners who do not pass all the requirements set out below will not be considered further.

The Council reserves the right in its absolute discretion not to select a Potential Partner where any of the circumstances for mandatory exclusion apply – see Section 2 – Grounds for Mandatory Exclusion.

The Council reserves the right in its absolute discretion not to select a Potential Partner where one of the grounds for discretionary exclusion applies – see Section 3 – Grounds for Discretionary Exclusion.

13.3 Minimum Standards Assessment: Pass/Fail

The Council has set out the minimum levels of financial standing and technical or professional ability, it requires Potential Partners to satisfy in order to be considered suitable for selection to participate.

The PQQ responses which require the Potential Partner to demonstrate it meets a minimum standard are identified in the summary table below.

The details of the minimum standards that a Potential Partner is required to meet are set out beneath each relevant PQQ section unless stated in the table.

Potential Partners must provide sufficient evidence to demonstrate that they meet those minimum standards in order to progress to the next stage of the procurement process and be invited to participate.

13.4 Application of Selection Criteria: Scored

The PQQs for all Potential Partners that reach this stage will be scored and the Potential Partners ranked in numerical order against their score. The Council intends to invite between 3 and 6 of the highest ranking Potential Partners to participate in the next stage of the procurement process and to be invited to submit initial tenders.

The criteria against which Potential Partners will be assessed, the weighting and the methodology are set out below.

The Council reserves the right to select the Potential Partner(s) with the highest score(s) in the following questions in the event that Potential Partners scores are equally ranked. The Council will proceed on the basis of the first question and only proceed to consider the following questions if needed to identify the 3 – 6 ranking Potential Partners:

Tie Break Question 1: Question 7A.1

Tie Break Question 2: Question 7A.2

Tie Break Question 3: Question 7A.3

Criteria	PQQ Question	Stage of Assessment	Marking Criteria and Weighting
Potential Partner Information	Section 1	Not marked other than for compliance	For information
Grounds for Mandatory Exclusion	Section 2	General Eligibility	Pass/Fail
Grounds for Discretionary Exclusion	Section 3	General Eligibility	Pass/Fail
Economic and Financial Standing	Section 5.2	Minimum Standard with respect to Turnover. If satisfied, application of financial assessment methodology set out below	Pass/Fail
Economic and Financial Standing	Section 5	<p>Application of financial assessment methodology set out below with Minimum Standard Requirement at question 5.2</p> <p>a) Minimum level of economic and financial standing and/or minimum financial threshold – the collective annual turnover of the Potential Partner must have exceeded £50 million (or equivalent sum in a foreign currency) in the most recent financial year.</p> <p>b) Credit check</p> <p>i) Equifax ScoreCheck - must achieve D- or above i.e. a score of 35 or above on the ScoreCheck ratings.</p> <p>ii) Equifax ProtectScore - must achieve a score of -50 or higher.</p> <p>c) Maintained a positive net current assets averaged over the past 3 years.</p> <p>If any of these are not achieved then Potential Partner will be given opportunity to provide explanation. If satisfied with explanation then “Pass with Caution” will be awarded.</p>	Pass/Pass with Caution/Fail

Criteria	PQQ Question	Stage of Assessment	Marking Criteria and Weighting
Technical and Professional Overview	Section 6	Application of Scoring System below	Scored with the weighting of 25%
Venture Specific Questions	Section 7A.1	Application of Scoring System below	Scored with the weighting of 8%
	Section 7A.2	Application of Scoring System below	Scored with the weighting of 8%
	Section 7A.3	Application of Scoring System below	Scored with the weighting of 8%
	Section 7A.4	Application of Scoring System below	Scored with the weighting of 8%
	Section 7A.5	Application of Scoring System below	Scored with the weighting of 8%
	Section 7A.6	Application of Scoring System below	Scored with the weighting of 25%
References	Scoring in accordance with Referee's rating: 1 point = contractual requirements partly met, 2 points = contractual requirements met 3 points = contractual requirements exceeded Each reference submitted will be scored up to maximum of three. . Maximum points available = 3 per reference, total of 9.		Scored with the weighting of 10% If zero references are provided it will be an automatic fail. Potential Partners must provide the reference forms completed by the referees as part of the PQQ submission
Insurance	Section 7B	Minimum Standards	Pass/Fail
Compliance with equality legislation	Section 7C	Minimum Standards	Pass/Fail
Environmental Management	Section 7D	Minimum Standards	Pass/Fail
Health and Safety	Section 7E	Minimum Standards	Pass/Fail

18.5 Scoring System

Where questions are to be scored and weighted, each question and sub-question will be scored in accordance with the scoring matrix below. The score will then be awarded and the percentage weighting applied to give the weighted score for that question.

Scoring Table			
Capability	Response	Remark	Marks
Potential Partner is likely to be able to meet the needs of the Authority.	Response exceeds the anticipated answer and is completely convincing and relevant to the Project with substantiation from independent sources and references.	Absolute Confidence	10
Potential Partner is likely to be able to meet the needs of the Authority.	Response exceeds the anticipated answer and is completely convincing and relevant to the Project with substantiation from independent sources and references.	Confidence	8
Small risk that Potential Partner will not be able to meet the needs of the Authority.	Response sufficiently answers the question without omission and is generally convincing and relevant to the Project.	Minor Concerns	6
Moderate risk that the Potential Partner will not be able to meet the needs of the Authority.	Response has minor omissions and is in part(s) unconvincing or irrelevant to the Project.	Moderate Concerns	4
Significant risk that the Potential Partner will not be able to meet the needs of the Authority.	Response has major omissions and is largely unconvincing or irrelevant to the Project.	Major Concerns	2
Potential Partner will not be able to meet the needs of the Authority.	No response or misleading response provided.	Not Acceptable	0

18.6 Approach to Financial Evaluation

The following definitions will be used in respect of the assessment of the economic financial standing of the Potential Partner:

- Pass - the economic financial standing of the Potential Partner is satisfactory and represents a low risk to the delivery of the Project;
- Pass with Caution - the economic financial standing of the Potential Partner is not unsatisfactory but represents a medium risk to the delivery of the Project;
- Fail - the economic financial standing of the Potential Partner is unsatisfactory and represents a high risk to the delivery of the Project.

The outcome of the evaluation will determine either that:

- the Council's minimum requirement for the Economic and Financial Standing has not been met and the Potential Partner may be excluded; or
- the Council's minimum requirement for Economic and Financial Standing has been met, either as a Pass or as a Pass with Caution.

18.7 Non-Disclosure Agreement

The MOI contains non-confidential information about Eastbourne Borough Council and this project. More detailed commercial information will be made available to Potential Partners invited to participate in the next stages. A condition of the invitation to participate will be that the Potential Partners sign and return a non-disclosure agreement with the Council before further documents are issued to them.

1.0 POTENTIAL PARTNER INFORMATION

1.1 Potential Partner details	Answer
Full name of the Potential Partner completing the PQQ	
Registered company address	
Registered company number	
Registered charity number	
Registered VAT number	
Name of immediate parent company	
Name of ultimate parent company	
Please mark 'X' in the relevant box to indicate your trading status	i) a public limited company <input type="checkbox"/> Yes
	ii) a limited company <input type="checkbox"/> Yes
	iii) a limited liability partnership <input type="checkbox"/> Yes
	iv) other partnership <input type="checkbox"/> Yes
	v) sole trader <input type="checkbox"/> Yes
	vi) other (please specify) <input type="checkbox"/> Yes
Please mark 'X' in the relevant boxes to indicate whether any of the following classifications apply to you	i) Voluntary, Community and Social Enterprise (VCSE) <input type="checkbox"/> Yes
	ii) Small or Medium Enterprise (SME) ¹ <input type="checkbox"/> Yes
	iii) Sheltered workshop <input type="checkbox"/> Yes
	iv) Public service mutual <input type="checkbox"/> Yes

¹ See EU definition of SME: <http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/>

1.2 Bidding model

Please mark 'X' in the relevant box to indicate whether you are;

a) Bidding as a Prime Contractor and will deliver 100% of the key contract deliverables yourself	<input type="checkbox"/> Yes
b) Bidding as a Prime Contractor and will use third parties to deliver some of the services If yes, please provide details of your proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for.	<input type="checkbox"/> Yes
c) Bidding as Prime Contractor but will operate as a Managing Agent and will use third parties to deliver all of the services If yes, please provide details of your proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for.	<input type="checkbox"/> Yes
d) Bidding as a consortium but not proposing to create a new legal entity. If yes, please include details of your consortium in the next column and use a separate Appendix to explain the alternative arrangements i.e. why a new legal entity is not being created. Please note that the authority may require the consortium to assume a specific legal form if awarded the contract, to the extent that it is necessary for the satisfactory performance of the contract.	<input type="checkbox"/> Yes Consortium members Lead member
e) Bidding as a consortium and intend to create a Special Purpose Vehicle (SPV). If yes, please include details of your consortium, current lead member and intended SPV in the next column and provide full details of the bidding model using a separate Appendix.	<input type="checkbox"/> Yes Consortium members Current lead member Name of Special Purpose Vehicle

1.3 Contact details

Potential Partner contact details for enquiries about this PQQ

Name	
Postal address	
Country	
Phone	
Mobile	
E-mail	

1.4 Licensing and registration (please mark 'X' in the relevant box)

1.4.1	Registration with a professional body If applicable, is your business registered with the appropriate trade or professional register(s) in the EU member state where it is established (as set out in Annex XI of directive 2014/24/EU) under the conditions laid down by that member state).	<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please provide the registration number in this box.
1.4.2	Is it a legal requirement in the state where you are established for you to be licensed or a member of a relevant organisation in order to provide the requirement in this procurement?	<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please provide additional details within this box of what is required and confirmation that you have complied with this.

2.0 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).

If you have answered “yes” to question 2.2 on the non-payment of taxes or social security contributions, and have not paid or entered into a binding arrangement to pay the full amount, you may still avoid exclusion if only minor tax or social security contributions are unpaid or if you have not yet had time to fulfil your obligations since learning of the exact amount due. If your organisation is in that position please provide details using a separate Appendix. You may contact the authority for advice before completing this form.

2.1 Within the past five years, has your organisation (or any member of your proposed consortium, if applicable), Directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?	Please indicate your answer by marking 'X' in the relevant box.	
	Yes	No
(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) 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:		
(i) the offence of cheating the Revenue;		
(ii) the 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;		

2.1 Within the past five years, has your organisation (or any member of your proposed consortium, if applicable), Directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?	Please indicate your answer by marking 'X' in the relevant box.	
	Yes	No
(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.		

Non-payment of taxes

2.2 Has it been established 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 your organisation is established (if outside the UK), that your organisation is in breach of obligations related to the payment of tax or social security contributions?

If you have answered Yes to this question, please use a separate Appendix to provide further details. Please also use this Appendix to confirm whether you have paid, or have entered into a binding arrangement with a view to paying, including, where applicable, any accrued interest and/or fines?

3.0 GROUNDS FOR DISCRETIONARY EXCLUSION – PART 1

The authority may exclude any Potential Partner who answers 'Yes' in any of the following situations set out in paragraphs (a) to (j);

3.1 Within the past three years, please indicate if any of the following situations have applied, or currently apply, to your organisation.	Please indicate your answer by marking 'X' in the relevant box.	
	Yes	No
(a) your organisation has violated applicable obligations referred to in regulation 56 (2) of the Public Contracts Regulations 2015 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 Public Contracts Directive as amended from time to time;		
(b) your organisation is bankrupt or is the subject of insolvency or winding-up proceedings, where your 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) your organisation is guilty of grave professional misconduct, which renders its integrity questionable;		
(d) your organisation has entered into agreements with other economic operators aimed at distorting competition;		
(e) your organisation has a conflict of interest within the meaning of regulation 24 of the Public Contracts Regulations 2015 that cannot be effectively remedied by other, less intrusive, measures;		
(f) the prior involvement of your organisation in the preparation of the procurement procedure has resulted in a distortion of competition, as referred to in regulation 41, that cannot be remedied by other, less intrusive, measures;		
(g) your organisation has 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) your organisation— (i) has 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 withheld such information or is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015; or		
(i) your organisation has undertaken to		
(aa) unduly influence the decision-making process of the contracting authority, or		
(bb) obtain confidential information that may confer upon your organisation undue advantages in the procurement procedure; or		
(j) your organisation has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.		

CONFLICTS OF INTEREST

In accordance with question 3.1 (e), the authority may exclude the Potential Partner if there is a conflict of interest which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.

Where there is any indication that a conflict of interest exists or may arise then it is the responsibility of the Potential Partner to inform the authority, detailing the conflict in a separate Appendix. Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by the authority should not represent a conflict of interest for the Potential Partner.

TAKING ACCOUNT OF BIDDERS' PAST PERFORMANCE

In accordance with question (g), the authority may assess the past performance of a Potential Partner (through a Certificate of Performance provided by a Customer or other means of evidence). The authority may take into account any failure to discharge obligations under the previous principal relevant contracts of the Potential Partner completing this PQQ. The authority may also assess whether specified minimum standards for reliability for such contracts are met.

In addition, the authority may re-assess reliability based on past performance at key stages in the procurement process (i.e. Potential Partner selection, tender evaluation, contract award stage etc.). Potential Partners 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).

'SELF-CLEANING'

Any Potential Partner that answers 'Yes' to questions 2.1, 2.2 and 3.1 should provide sufficient evidence, in a separate Appendix, that provides a summary of the circumstances and any remedial action that has taken place subsequently and effectively "self cleans" the situation referred to in that question. The Potential Partner has to demonstrate it has taken such remedial action, to the satisfaction of the authority in each case.

If such evidence is considered by the authority (whose decision will be final) as sufficient, the economic operator concerned shall be allowed to continue in the procurement process.

In order for the evidence referred to above to be sufficient, the Potential Partner shall, as a minimum, prove that it has;

- paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
- clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and
- taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

The measures taken by the Potential Partner shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the authority to be insufficient, the Potential Partner shall be given a statement of the reasons for that decision.

4.0 GROUNDS FOR DISCRETIONARY EXCLUSION – PART 2

The authority reserves the right to use its discretion to exclude a Potential Partner where it can demonstrate the Potential Partner's non-payment of taxes/social security contributions where no binding legal decision has been taken.

"Occasion of Tax Non-Compliance" means:

- (a) any tax return of the Potential Partner submitted to a Relevant Tax Authority on or after 1 October 2012 is found to be incorrect as a result of:
1. a Relevant Tax Authority successfully challenging the Potential Partner 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 Potential Partner 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
- (b) the Potential Partner'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).		
4.1	Given rise to a criminal conviction for tax related offences which is unspent, or to a civil penalty for fraud or evasion;	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.2	Been found to be incorrect as a result of: <ul style="list-style-type: none"> • 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 Potential Partner 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 Potential Partner is established. 	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>If answering "Yes" to either 4.1 or 4.2 above, the Potential Partner may provide details of any mitigating factors that it considers relevant and that it wishes the authority to take into consideration. This could include, for example:</p> <ul style="list-style-type: none"> • Corrective action undertaken by the Potential Partner 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. <p>In order that the authority can consider any factors raised by the Potential Partner, the following information should be provided:</p> <ul style="list-style-type: none"> • 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 Potential Partner, or date when the return was amended. • The level of any penalty or criminal conviction applied. 		

5.0 ECONOMIC AND FINANCIAL STANDING

FINANCIAL INFORMATION									
5.1	<p>Please provide one of the following to demonstrate your economic/financial standing;</p> <p>Please indicate your answer with an 'X' in the relevant box.</p> <table border="1"> <tr> <td>(a) A copy of the audited accounts for the most recent two years</td> <td></td> </tr> <tr> <td>(b) A statement of the turnover, profit & loss account, current liabilities and assets, and cash flow for the most recent year of trading for this organisation</td> <td></td> </tr> <tr> <td>(c) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position</td> <td></td> </tr> <tr> <td>(d) 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).</td> <td></td> </tr> </table>	(a) A copy of the audited accounts for the most recent two years		(b) A statement of the turnover, profit & loss account, current liabilities and assets, and cash flow for the most recent year of trading for this organisation		(c) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position		(d) 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).	
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5.2	<p>Where the authority has specified a minimum level of economic and financial standing and/or a minimum financial threshold within the evaluation criteria for this PQQ, please self-certify by answering 'Yes' or 'No' that you meet the requirements set out here:</p> <p>a) Minimum level of economic and financial standing and/or minimum financial threshold – the collective annual turnover of the Potential Partner must have exceeded £50 million (or equivalent sum in a foreign currency) in the most recent financial year.</p> <p>b) Credit check</p> <p>i) Equifax ScoreCheck - must achieve D- or above i.e. a score of 35 or above on the ScoreCheck ratings.</p> <p>ii) Equifax ProtectScore - must achieve a score of -50 or higher.</p> <p>c) Maintained positive net current assets averaged over the past 3 years.</p> <p>If any of these are not achieved then Potential Partner will be given opportunity to provide explanation. If satisfied with explanation then "Pass with Caution" will be awarded.</p> <div style="text-align: right;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div>								
5.3	<p>(a) Are you are part of a wider group (e.g. a subsidiary of a holding/parent company)?</p> <p>If yes, please provide the name below:</p> <p>Name of the organisation:</p> <p>Relationship to the Potential Partner completing the PQQ:</p> <div style="text-align: right;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </div> <table border="1"> <tr> <td>If yes, please provide Ultimate / parent company accounts if available.</td> <td> <input type="checkbox"/> Yes <input type="checkbox"/> No </td> </tr> <tr> <td>If yes, would the Ultimate / parent company be willing to provide a guarantee if necessary?</td> <td> <input type="checkbox"/> Yes <input type="checkbox"/> No </td> </tr> <tr> <td>If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank?)</td> <td> <input type="checkbox"/> Yes <input type="checkbox"/> No </td> </tr> </table>	If yes, please provide Ultimate / parent company accounts if available.	<input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, would the Ultimate / parent company be willing to provide a guarantee if necessary?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank?)	<input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, please provide Ultimate / parent company accounts if available.	<input type="checkbox"/> Yes <input type="checkbox"/> No								
If yes, would the Ultimate / parent company be willing to provide a guarantee if necessary?	<input type="checkbox"/> Yes <input type="checkbox"/> No								
If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank?)	<input type="checkbox"/> Yes <input type="checkbox"/> No								

6.0 TECHNICAL AND PROFESSIONAL OVERVIEW

RELEVANT EXPERIENCE AND EXAMPLES

Scored and Weighted 25%

Part 1 – Weighted 20%

Please provide details of up to five successful major ventures, in any combination from either the public or private sector that are relevant to the authority's ambitions and key themes i.e. Energy, Food, Transport, Waste, Water & Adaptation. These ventures should have been active during the past five years and clearly demonstrate (i) the scale of operation you can operate at (ii) the ability to transform the market or the sphere you operate in (iii) where you sit within the UK, European and Global markets. You should include at least one example for energy. If solar PV is used as the sole energy example then it should be able to reflect the Council's ambitions and not just be 'another solar PV installation'.

Part 2 – Weighted 5%

Can you also indicate what proportion of your overall business each key theme currently represents? With energy can you also indicate how much of your business relates to fossil fuels and renewables?

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 will 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 Potential Partner is a Special Purpose Vehicle, or a managing agent not intending to be the main provider of the supplies or services, the information requested should be provided in respect of the principal intended provider(s) or sub-contractor(s) who will deliver the supplies and services.

For each example please provide the following:

- i) Name of the venture
- ii) Point of contact for venture, their position, and their contact details
- iii) Venture start date and value
- iv) In no more than 500 words, please provide a brief description of the venture that will reflect your capabilities in this market.

7.0 ADDITIONAL PQQ MODULES

A – Project Specific Questions to Assess Technical and Professional Ability

The Council does not want to be prescriptive in terms of length of response, but Potential Partners are encouraged to be succinct in their responses and as guidance, it is suggested that your responses to each of the following questions are no longer than four A4 pages.

Question		Weighting
1.	Please provide details of your experience and ambitions of setting up or operating an energy hub(s). This can be for any technology and within your own estate, but has to include: an energy building or unit that delivers both heat and power in a local energy network; a site that has a significant energy load; and is operating profitability. If the answer is ambition only then it must be backed up by evidence that this can be taken forward and you have the ability to use your current skill set or attract new staff to make it happen (e.g. have or recruit engineers). It can not just be wishful thinking.	8%
2.	Please provide details of your experience and ambition of fresh food production bearing in mind the Council wishes to invest in commercial greenhouses and alternative protein sources. The Council recognises that divergence into this sector by non-traditional companies is new so you can include links you have made with companies to realise this ambition or key personal you have that can deliver it. If the answer is ambition only then it must be backed up by evidence that this can be taken forward - it can not just be wishful thinking.	8%
3.	Please provide details of your experience or ambition of waste management, including: collection and disposal; domestic, commercial and food waste streams; energy from waste; and the circular economy. If the answer is ambition only then it must be backed up by evidence that this will be taken forward and you have the skill set to make it happen – it can not just be wishful thinking.	8%
4.	Please provide details of your experience of data management, including your ability to (i) handle large volumes of real time data from a number of different sources (ii) present this data to non-technical users (iii) use a platform that is secure, reliable and easy to use (iv) how this can be used in the energy and sustainability market.	8%
5.	Please provide details of your experience or ambition of reducing car usage and reducing carbon emissions from transport (all vehicle types). Of particular interest is a shift to cycling and walking, car clubs, cleaner fuelled vehicles and local distribution hubs. If the answer is ambition only then it must be backed up by evidence that this will be taken forward and you have the skill set to make it happen – it can not just be wishful thinking.	8%
6.	Please provide details of your experience or ambitions of making long term investments as this is something that will be typical in the proposed joint venture with the Council. Within this you should explain how investment funds are or could be secured, the due diligence that is carried out, approach to feasibility studies what the length of investment is, a typical ROI, and how your approach could help deliver the Council's ambitions	25%

B - Insurance

Question		Weighting
1.	Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the minimum levels of insurance cover indicated below: Employer's (Compulsory) Liability Insurance = £10m Public Liability Insurance = £10m Professional Indemnity Insurance = £10m	<input type="checkbox"/> Yes <input type="checkbox"/> No

C – Compliance with Equality Legislation

For organisations working outside of the UK please refer to equivalent legislation in the country that you are located.		
1.	<p>In the last three years, has any finding of unlawful discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)?</p> <p>If you have answered “yes” please provide, as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.</p> <p>If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.</p> <p>Minimum Standard Requirement: You may be excluded if you are unable to demonstrate to the authority’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	<p>In the last three years, has your organisation 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?</p> <p>If you have answered “yes” please provide, as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.</p> <p>If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.</p> <p>Minimum Standard Requirement: You may be excluded if you are unable to demonstrate to the authority’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	<p>If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations?</p> <p>Minimum Standard Requirement: Potential Partners must answer “Yes”.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

D - Environmental Management

For organisations working outside of the UK please refer to equivalent legislation in the country that you are located.		
1.	<p>Has your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last three years by any environmental regulator or authority (including local authority)?</p> <p>If your answer to this question is “Yes”, please provide details in a separate Appendix of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served. Minimum Standard Requirement: The authority will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last 3 years, unless the authority is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	<p>If you use sub-contractors, do you have processes in place to check whether any of these organisations have been convicted or had a notice served upon them for infringement of environmental legislation? Minimum Standard Requirement: Potential Partners must answer “Yes”.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

E - Health and Safety

For organisations working outside of the UK please refer to equivalent legislation in the country that you are located.		
1.	Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements. Minimum Standard Requirement: Potential Partners must answer "Yes".	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	<p>Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years?</p> <p>If your answer to this question was "Yes", please provide details in a separate Appendix of any enforcement/remedial orders served and give details of any remedial action or changes to procedures you have made as a result. Minimum Standard Requirement: The authority will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to the authority's satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? Minimum Standard Requirement: Potential Partners must answer "Yes".	<input type="checkbox"/> Yes <input type="checkbox"/> No

8.0 DECLARATION

I declare that to the best of my knowledge the answers submitted to these questions are correct. 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, and I am signing on behalf of

(Insert name of Potential Partner).

I understand that the authority may reject my submission if there is a failure to answer all relevant questions fully or if I provide false/misleading information. I have provided a full list of any Appendices used to provide additional information in response to questions.

I also declare that there is no conflict of interest in relation to the authority's requirement.

The following appendices form part of our submission;

Section of PQQ	Appendix number

PQQ COMPLETED BY		
8.1	Name	
8.2	Role in organisation	
8.3	Date	
8.4	Signature	

9.0 PQQ – TEMPLATE FOR APPENDICES

Appendix Number -
PQQ section -
Question number -

APPENDIX 1 – REFERENCE REQUEST FORM

NOTE: the Potential Partner must submit the reference forms completed by the referees with the PQQ. The Council will not seek the references.

Eastbourne Borough Council Energy & Sustainability Joint Venture

Reference Request Form	
Name and address of referee organisation	
Contact name & phone number	
Type of organisation	
Name of Contractor	
Contract start and end dates	
Description of project	
Project value	

Reference Request Form			
Performance of Contractor	Partially met expectations	Met expectations	Exceeded expectations
Contractor's technical knowledge and competence of energy and sustainability technologies			
Contractor's approach to working in partnership			
Contractor having a positive impact on the area within which the project is sited			
Contractor's strategy for engaging stakeholders			
Contractor's ability to deliver high design standards and tackle complex problems			
Contractor's ability to manage development, resources, budgets and supply chain,			
Contractor's ability to work to high UK quality standards and deliver sustainable development and innovation			
Contractor's transparency over costs and issues that arise			
Contractor's honesty and ability to not over-promise			
Name			
Signature			
Position			
Date			