**712071450 - THE PROVISION OF NFS ENGINEERING SUPPORT**

**SUITABILITY ASSESSMENT QUESTIONNAIRE (SAQ) EVALUATION PLAN**

1. **Introduction**

1.1 This guidance document supports the issue of the Suitability Assessment Questionnaire (SAQ) for **The Provision of NFS Engineering Support**. It provides Potential Providers with guidance and clarity over the SAQ process. The following definitions are used in this document and the SAQ:

i) “We” or “Authority” means the Ministry of Defence (MOD)

ii “You” or “Your” or the “Potential Provider” means the business, company or organisation which is completing the SAQ.

1.2 The Authority has issued the SAQ to explore whether industry has the ability to provide service delivery solutions that will meet Defence’s requirements. The competition will be conducted in accordance with the **Above Threshold, Open Procedure under the Public Contract Regulations (PCR) 2015**.

1.3 The Authority requires the information sought in the SAQ from each Potential Provider that wishes to proceed further in the competition. Only Potential Providers who are successful at the SAQ stage will be allowed to proceed to the next stage of the Commercial Process.

1.4 Please ensure that the questionnaire is completed as requested. Failure to do so may result in the application to participate in the process being rejected at this stage. If a question does not apply, please write N/A (‘Not Applicable’). If, either there is zero knowledge or the Potential Provider is unable to answer the question, please write N/K (‘Not Known’). Where questions cannot be completed, the Authority reserves the right to require further clarification or supplementary information. Any such requests for information will be issued within 5 working days of the start of the evaluation process.

1.5 Where you have a valid reason for being unable to provide the specific information requested, other relevant information may be accepted but only if it is considered appropriate by the Authority. It is the Authority’s absolute discretion as to whether the alternative information is acceptable. Industry will not have the opportunity to challenge their de-selection on the basis of the Authority rejecting any supplementary information.

1.6 All questions should be answered without reference to general marketing or promotional material.

1.7 The exercise will be conducted in the English language. If any of the required information (e.g. text in financial accounts) is not available in English, please supply a copy of the original document and an English translation of that information.

1.8 Where financial information is quoted in figures other than Pounds Sterling; the sum should be stated in both the original currency and pounds sterling. You should use exchange rates quoted (by national central banks, international institutions or commercial banks operating in the foreign exchange market) on the day the Contract notice and SAQ were available for completion. For all currency conversions, the exchange rate used in the response must be identified.

1.9 You must inform the Authority of any material changes to the information provided as soon as you become aware of any such change. This applies throughout all stages of the competition process and as such is not limited to this SAQ process.

2. **Purpose of SAQ evaluation**

2.1 For the avoidance of doubt, the objective of the SAQ evaluation is to pre-qualify and select Potential Providers to participate in the next stage of the competitive process.

2.2 To aid in the selection of the Potential Providers, the SAQ has been designed to reflect the Authority’s intention to select credible Potential Providers who may have the capability and capacity to deliver the requirements.

3.0 **Evaluation Phases**

3.1 The evaluation phases will be as follows:

* Phase 1 – **Completeness/Compliance Check**. Upon receipt, through the DSP portal, SAQs will be checked for completeness and compliance in accordance with the instructions issued by the Authority. Should a Candidate not provide a positive response to any of the requirements, or alternatively provide a detailed justification, as to why a positive response cannot be given, the Authority reserves the right to either exclude the Candidate from the evaluation process or, at its discretion, seek clarification. In the case of the latter, a failure by the Candidate to provide a satisfactory response within the deadline specified in the request for clarification **will** result in disqualification from the SAQ evaluation process. This includes question sections 1.1 – 1.32
* Phase 2 – **Legal Compliance**. Part 1, Question sections 1.5 -1.9 of the SAQ deal with the grounds for rejecting requests to participate by suppliers in accordance with the Public Contracts Regulations 2015 (as applicable). This element will be designated as a compliancy issue (i.e. Pass/Fail). A Candidate’s SAQ **will** be deemed non-compliant and therefore excluded from the remainder of the evaluation process if marked as a Fail on any aspect.
* Phase 3 – **Economic and Financial Standing for this Procurement; Cyber Essentials**. Part 1, Question sections 1.10 – 1.12 of the SAQ will also be designated as a compliancy issue (i.e. Pass/Fail). The compliancy test (applying, but not limited to, a range of standard accounting ratios covering the areas of profitability, solvency and gearing) will be based on a risk assessment of the supplied information carried out by the Authority’s Subject Matter Expert, the aim of which shall be that the Candidate **must** have a level of financial/economic solvency and strength such that he achieves an assessment of **moderate** or better based on the following scale:

None – Pass

Minimal – Pass

Moderate – Pass

Substantial – Fail

Severe – Fail

A Candidate’s SAQ **will** be deemed non-compliant and therefore excluded from the remainder of the evaluation process if marked as a Fail on this aspect.

* Phase 4 – **Satisfactory Past Performance**. Part 1, Question Section 1.13 of the SAQ will also be designated as a compliancy issue (i.e. Pass/Fail). The compliancy test will be based on a risk assessment of the supplied information carried out by the Authority’s Subject Matter Expert, the aim of which shall be that the Candidate **must** have a level of satisfactory past performance such that he achieves an assessment of **moderate** or better based on the following scale:

None – Pass

Minimal – Pass

Moderate – Pass

Substantial – Fail

Severe – Fail

A Candidate’s SAQ **will** be deemed non-compliant and therefore excluded from the remainder of the evaluation process if marked as a Fail on this aspect.

* Phase 5 – **Technical and Professional Ability, Electronic Trading, Licencing and Registration, Compliance with Equality Legislation, Environmental Management, Health & Safety and Insurance**. Part 2, Question Sections 1.14 – 1.32 of the SAQ will also be designated as a compliancy issue (i.e. Pass/Fail). The compliancy test will be based on a risk assessment of the supplied information carried out by the Authority’s Subject Matter Expert, the aim of which shall be that the Candidate **must** have a level of capability in each question such that he achieves an assessment of **moderate** or better based on the following scale:

None – Pass

Minimal – Pass

Moderate – Pass

Substantial – Fail

Severe – Fail

A Candidate’s SAQ **will** be deemed non-compliant and therefore excluded from the remainder of the evaluation process if marked as a Fail on this aspect. The Authority’s Subject Matter Experts will provide input and participate in the evaluation process. Guidance for evaluators will be available in order to assist them in their assessment.

* Phase 6 – **Joint Evaluation Team Meeting (JET)**. On completion of the online SAQ evaluation process, a JET may convene to confirm the selection of those Candidates to be taken forward to the Invitation to Tender (ITT) stage.
* Phase 7 – **Evaluation Report and Recommendation**. A full Evaluation Report will be produced for this SAQ exercise. This report shall document the reasons why, where applicable, a Candidate is deemed successful/unsuccessful. The end of the Evaluation Report will contain a template for signatory approval of the recommendations.
* Phase 8 – **Approvals**. The over-riding principles governing the approvals shall include, but not be limited to:

1. Assurance that the SAQ exercise has been undertaken in an open and transparent manner by the Authority.

2. Risk to the subsequent procurement process is minimised.

3. The selected Candidates will offer the Authority proposals that are both technically proficient and demonstrate best Value for Money at the ITT stage.

**4. Scoring and Weighting Methodology**

The following rationale shall be applied in the SAQ where the designation Pass/Fail applies:

|  |  |
| --- | --- |
| **Pass** | Information provided as required and/or sufficient to indicate that there would be no risk, or an acceptable level of risk should the Authority invite the Candidate to tender. |
| **Fail** | Information not provided and/or demonstrates that the level of risk associated with inviting the Candidate to tender is unacceptably high to the Authority. |

N.B. A FAIL mark **will** result in a Candidate’s automatic disqualification from the evaluation process regardless of any other mark achieved.

The following markings shall apply to the SAQ:

|  |  |
| --- | --- |
| **SAQ Section** | **Marking** |
| Question Section: 1.1 Tender Documentation | Pass/Fail |
| Profile Question Section: 1.2 Organisation Details | Pass/Fail |
| Question Section: 1.3 Organisation Details (PSC) | Pass/Fail |
| Profile Question Section: 1.4 Supplier Contact Details | Pass/Fail |
| Profile Question Section: 1.5 Part 1: Suitability: Grounds for Rejecting Requests to Participate | Pass/Fail |
| Profile Question Section: 1.6 Non-Payment of Taxes | Pass/Fail |
| Profile Question Section: 1.7 Prior Conduct | Pass/Fail |
| Profile Question Section: 1.8 Supporting documentation | Pass/Fail |
| Question Section: 1.9 Conflict of Interest | Pass/Fail |
| Profile Question Section: 1.10 Part 1: Economic and Financial Standing for this Procurement; Cyber Essentials | Pass/Fail |
| Profile Question Section: 1.11 Financial Records | Pass/Fail |
| Profile Question Section: 1.12 Cyber Essentials | Pass/Fail |
| Question Section: 1.13 Satisfactory Past Performance | Pass/Fail |
| Part 2: Question Section: 1.14 Technical and Professional Ability | Note details |
| Question Section: 1.15 Technician and Technical Staff | Pass/Fail |
| Question Section: 1.16 Technical Facilities | Pass/Fail |
| Question Section: 1.17 Technical Ability | Pass/Fail |
| Question Section: 1.18 Technical Quality | Pass/Fail |
| Question Section: 1.19 Technical Qualifications | Pass/Fail |
| Question Section: 1.20 Contractor’s Location | Pass/Fail |
| Question Section: 1.21 Sub-Contracting Network | Pass/Fail |
| Question Section: 1.22 Tax-Exempt NATO SOFA agreement | Pass/Fail |
| Question Section: 1.23 Storage Space | Pass/Fail |
| Profile Question Section: 1.24 Electronic Trading | Pass/Fail |
| Profile Question Section: 1.25 Licensing and Registration | Pass/Fail |
| Supporting Documentation 1.26 | Pass/Fail |
| Profile Question Section: 1.27 Insurance | Pass/Fail |
| Profile Question Section: 1.28 Compliance with Equality Legislation | Pass/Fail |
| Profile Question Section 1.29 Environmental Management | Pass/Fail |
| Supporting Documentation 1.30 | Pass/Fail |
| Question Section: 1.31 Health and Safety | Pass/Fail |
| Question Section:1.32 Signature Declaration | Pass/Fail |

**5. Supplier Selection Process**

5.1 The Authority will reserve the right to seek independent financial and market advice to validate information declared, or to assist in any pre-qualification evaluation.

**6. Contact Point**

6.1 All communications and clarifications in connection with the SAQ should be sent via the DSP portal to the Authority.

6.2 Potential Providers should address all communications and clarifications to the Army Commercial Procure Team Field Army in the subject header and quote tender reference **712071450**.

6.3 The Authority will endeavour to acknowledge receipt of all communications and requests for clarification within 1 working day and then respond within a further 2 working days of receipt of said communication or request for clarification.

**7. Clarification Process**

*From the Authority to Potential Providers*

7.1 To the extent that there is a need for the Authority to seek clarification from Potential Providers, such clarification will be raised via email from the contact point and should be responded to via email to the contact point.

*From Potential Providers to the Authority*

7.2 Potential Providers may seek clarification on elements of the SAQ. This should be done by submitting the clarification via DSP.

7.3 The cut-off date for clarification questions to the Authority is before **1200hrs on 25 September 2024**. The Authority reserves the right not to respond to queries submitted after this time and date.

7.4 All responses received and any communication that is received will be treated in confidence. However, where the Authority considers any communication or clarification request, and its associated response, to be of significance to all participants in the Process, it may communicate both, without identifying the originator, to all Potential Providers who are participating in the process.

7.5 If you do not wish a request for clarification or question, or its associated response, to be disclosed to other Potential Providers for proprietary reasons, you must tell the Authority along with the reason why when raising the request for clarification or question. The Authority will consider the request and may choose to discuss with you whether it is appropriate to disclose the request for clarification or question or the response to other Potential Providers. In cases where the Authority concludes that it is appropriate to disclose the question and the proposed response to other Potential Providers, you will be entitled to withdraw the question or request for clarification prior to its release.

**8. Feedback**

Potential Providers will be notified of their success or otherwise in the Selection process. Unsuccessful Potential Providers will receive written feedback which will outline the reasons why they did not proceed to the next stage.

**9. Verification of Information Provided**

**9.**1 Each question in the SAQ will identify the documentary evidence that is required in support of the question. The Authority may ask to see these documents at a later stage. Accordingly, Potential Providers are requested to ensure they can be made available upon request.

9.2 Potential Providers may also be asked to clarify their answers or provide more details about certain issues.

9.3 Any serious misrepresentation in providing the information requested or failure to provide any of the information requested in the SAQ or in response to a request for clarification by the Authority may result in the Potential Provider’s exclusion from the competition on discretionary grounds under PCR 2015.

9.4 The Authority may seek independent financial and market advice to validate information declared by you or to assist in the evaluation. Site visits or demonstrations are unlikely to be requested at this stage, but the Authority reserves the right to request these as a part of the SAQ process.

**10. SAQ Documents**

10.1 This document (the SAQ Guidance Document) and the SAQ itself (collectively referred to as the “SAQ Documents”) have been prepared by the Authority for the purpose of providing an application procedure for individuals or organisations interested in tendering for this requirement and to assist Potential Providers in making their own evaluation of the potential opportunity.

10.2 Any persons considering making a decision to enter into contractual relationships with the Authority following receipt of the SAQ Documents should make their own investigations and their own independent assessment of the Authority and their requirements and should seek their own professional financial and legal advice.

10.3 None of the Authority, its advisors, or the directors, officers, members, partners, military or civilian personnel, employees, other staff, agents or advisers of any such body or person:

1. makes any representation or warranty (express or implied) as to the accuracy, reasonableness or completeness of the SAQ Documents;
2. accepts any responsibility for the information contained in the SAQ Documents or for its accuracy or completeness; or
3. Shall be liable for any loss or damage (other than in respect of fraudulent misrepresentation) arising as a result of reliance on such information or any subsequent communication.

10.4 Nothing in the SAQ Documents is, or should be, relied upon as a promise or a representation as to the Authority’s ultimate decisions in relation to this requirement. The publication of the SAQ Documents in no way commits the MOD to award any contract or pursue any tender process for this requirement.

**11. Conflicts of Interests**

11.1 The Authority is required under PCR 2015 to ensure that all Potential Providers are treated equally and in a non-discriminatory way during the procurement process. The Authority therefore needs to eliminate or mitigate conflicts of interest so to ensure a fair and non-discriminatory procurement process.

11.2 Potential Providers should note that, subject to the terms of this SAQ, the Authority reserves the right to disqualify a Potential Provider where there is an actual or potential conflict of interest, including in relation to any other party identified in response to this SAQ. Such identified parties may include an associated company or member of any consortium or proposed sub-contractors.

11.3 Potential Providers are required to review carefully the prior or current involvement of the Potential Provider or any other identified party before submission of the completed SAQ.

11.4 Potential Providers must report to the Authority whether or not they have identified from this review actual or potential conflicts of interest arising from the Potential Provider or any other identified party’s participation in the procurement.

11.5 If the Authority considers there is a conflict of interest, it is a condition precedent for participation in the Process for the Potential Provider to demonstrate to the absolute satisfaction of the Authority that the Potential Provider or the other identified party has or will put in place measures to eliminate any unfair advantage it may have and ensure that its participation will not distort the competition.

11.6 The measures mentioned above are likely to include physical separation, protection of information, control of personnel and managerial and administrative separation, as appropriate.

11.7 If the Potential Provider puts in place measures to mitigate any risk from a conflict of interest, the Authority may make such measures contractually binding commitments on the part of a Potential Provider or the other identified party.

11.8 Any Potential Provider should take this condition into account when deciding whether to participate in this Process.

**12. Anti-Competitive Behaviour**

12.1 The Authority is required to ensure that all Potential Providers are treated equally and in a non-discriminatory way during the Process. The Authority therefore needs to prohibit anti-competitive behaviour so as to ensure a fair and non-discriminatory procurement process.

12.2 You are required to report any final convictions or settlements with regard to anti-competitive behaviour in your response to the appropriate SAQ question(s).

12.3 If the Authority suspects anti-competitive behaviour, the Authority will require evidence from you that your arrangements are not anti-competitive. Any evidence of any anti-competitive behaviour in relation to this procurement may result in you being disqualified from the Process.

**13. Right to Cancel or Vary the Process**

13.1 The Authority reserves the right to:

1. cancel the pre-qualification process and evaluation process at any stage;
2. amend the terms and conditions of the procurement process; and
3. not to award a contract as a result of the procurement process.

13.2 For the avoidance of doubt, in the event of the circumstances detailed in i), ii) and iii) above occurring, Potential Providers will be solely responsible for any costs and expenses incurred as a result of participating in this process.

**14. Right to Reject and/or Disqualify**

* 1. The Authority reserves the right to reject or disqualify a Potential Provider where:

1. the SAQ response is submitted late, is completed incorrectly, is incomplete or fails to meet the Authority’s submission requirements in the SAQ or as otherwise notified to Potential Providers prior to the deadline for submission of SAQ responses;
2. the Potential Provider would be excluded under PCR 2015 at any stage during the pre-qualification and evaluation process;
3. the Potential Provider is guilty of serious misrepresentation in relation to its application and/or the process;
4. following pre-qualification of a Potential Provider for the next stage of the procurement there is a change in identity, control, financial standing or other factor affecting the Potential Provider unless approved by the Authority;
5. If the Authority becomes aware that information provided by the Potential Provider in response to the SAQ is intentionally or unintentionally false, misleading or incorrect.

**15. Right to Revisit SAQ Evaluation**

15.1 The Authority reserves the right to revisit, and if necessary, amend the result of the evaluation if after completion of the evaluation:

1. new information emerges which gives the Authority reason to doubt the original pre-qualification; or
2. in relation to a bid by a consortium, a member of the consortium changes (where approved by the Authority).

15.2 The MOD also reserves the right at a later stage of this process to ask for evidence as to the claims made by and information provided by the Potential Provider pursuant to the SAQ.