# **UNIVERSITY OF THE ARTS LONDON**

##### PROVISION OF ARCHITECURAL DESIGN SERVICES IN RESPECT OF

## **FITTING OUT AND ALTERATION WORKS AT CAMBERWELL CAMPUS**

## **Ref CCA16/001**

**Annex A – Section 1 to 6 Mandatory / Discretionary Requirements**

**Supporting Information**

**1. Statement of Requirements**

1.1 To assess the suitability of a tenderer to deliver the University’s contract requirements,

please ensure that all questions listed under Annex A are completed in full, and in the

format requested.

1.2 Failure to do so may result in your tender submission being rejected. If the question

does not apply to you, please state clearly ‘N/A’.

1.3 Should you need to provide additional Appendices in response to the questions, these

should be numbered clearly and listed as part of your declaration.

**2. Verification of Information Provided**

2.1 Whilst reserving the right to request information at any time throughout the procurement process, the University may enable the tenderer to self-certify that there are no mandatory / discretionary grounds for excluding their organisation.

2.2 When requesting evidence that the tenderer can meet the specified requirements (such as the questions in Annex A - Section 4 relating to Economic and Financial Standing) the University may only obtain such evidence after the final tender evaluation decision i.e. from the winning tenderer(s) only.

**3. Sub-consulting arrangements**

3.1 Where the tenderer proposes to use one or more sub-consultants 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-consultant and the key contract deliverables each sub-consultant will be responsible for.

3.2 The University recognises that arrangements in relation to sub-consulting may be subject

to future change, and may not be finalised until a later date.

3.3 However, tenderers should be aware that where information provided to the University

indicates that sub-consultants are to play a significant role in delivering key contract requirements, any changes to those sub-consulting arrangements may affect the ability of the tenderer to proceed with the procurement process or to provide the services required.

3.4 Tenderers should therefore notify the University immediately of any change in the

proposed sub-consultant arrangements.

3.5 The University reserves the right to deselect the tenderer prior to any award of contract,

based on an assessment of the updated information.

**4. Consortia arrangements**

4.1 If the tenderer responding to this invitation 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.

4.2 Please note that the University 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 University

as being necessary for the satisfactory performance of the contract.

4.3 All members of the consortium will be required to provide the information required in all

sections of the form as part of a single composite response to the University i.e. each

member of the consortium is required to complete the form.

4.4 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.

4.5 The University recognises that arrangements in relation to a consortium bid may be

subject to future change. Tenderers should therefore respond on the basis of the

arrangements as currently envisaged.

4.6 Tenderers are reminded that the University 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.

4.7 The University reserves the right to deselect the tenderer prior to any award of contract,

based on an assessment of the updated information.

**Mandatory / Discretionary Form**

**1. Tenderer Information**

|  |  |
| --- | --- |
| **1.1 Tenderer details**  | **Answer** |
| Full name of the Tenderercompleting the form | Please include the contact details of the person responsible to whom theUniversity can address any inquires arising from the procurement exercise. |
| Registered company address |  |
| Registered company number |  |
| Registered charity number |  |
| Registered VAT number |  |
| Name of immediate parentcompany |  |
| Name of ultimate parentcompany |  |
| Please mark ‘X’ in the relevantbox to indicate your tradingstatus | i) a public limited company  | ▢ Yes | ▢ No |
| ii) a limited company  | ▢ Yes | ▢ No |
| iii) a limited liability partnership  | ▢ Yes | ▢ No |
| iv) other partnership  | ▢ Yes | ▢ No |
| v) sole trader  | ▢ Yes | ▢ No |
| vi) other (please specify)  | ▢ Yes | ▢ No |
| Please mark ‘X’ in the relevantboxes to indicate whether anyof the following classificationsapply to you | i) Voluntary, Community or SocialEnterprise (VCSE) | ▢ Yes | ▢ No |
| ii) Small or Medium Enterprise(SME) (See EU definition of SME: http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/) | ▢ Yes | ▢ No |
| iii) Sheltered workshop | ▢ Yes | ▢ No |
| iv) Public service mutual | ▢ Yes | ▢ No |
| **1.2 Bidding model** |
| **Please mark ‘X’ in the relevant box to indicate whether you are;** |
| a) Bidding so as to deliver 100% of the service requirements yourself | ▢ Yes | ▢ No |
| b) Bidding so as to use third parties to deliver some of the servicesIf 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-consultant and the key contract deliverables each sub-consultant will be responsible for. | ▢ Yes | ▢ No |
| c) Bidding so as to operate as a Managing Agent and will use third parties to deliver all of the servicesIf 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-consultant and the key contract deliverables each sub-consultant will be responsible for. | ▢ Yes | ▢ No |
| 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 University 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 thecontract. | ▢ Yes**Consortium****members****Lead****member** | ▢ No |
| e) Bidding as a consortium and intend to create a SpecialPurpose Vehicle (SPV).If yes, please include details of your consortium, current leadmember and intended SPV in the next column and provide fulldetails of the bidding model using a separate Appendix. | ▢ Yes**Consortium****members****Current lead****member****Name of****Special****Purpose****Vehicle** | ▢ No |
| **1.3 Licensing and registration (please mark ‘X’ in the relevant box)** |
| 1.3.1 | Registration with a professional bodyIf applicable, is your business registered with theappropriate trade or professional register(s) in theEU member state where it is established (as set outin Annex XI of directive 2014/24/EU) under theconditions laid down by that member state). | ▢ Yes▢ NoIf Yes, please provide theregistration number in thisbox. |
| 1.3.2 | Is it a legal requirement in the state where you areestablished for you to be licensed or a member of arelevant organisation in order to provide the servicerequirements in this procurement? | ▢ Yes▢ NoIf Yes, please provideadditional details within thisbox of what is required and confirmation that you havecomplied with this. |

**2. Grounds for mandatory exclusion**

|  |
| --- |
| • You will be excluded from the procurement process if there is evidence of convictionsrelating 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 abinding legal decision which found a breach of legal obligations to pay tax or socialsecurity obligations (except where this is disproportionate e.g. only minor amountsinvolved). |
| • If you have answered “yes” to question 2.2 on the non-payment of taxes or socialsecurity contributions, and have not paid or entered into a binding arrangement to paythe full amount, you may still avoid exclusion if only minor tax or social securitycontributions are unpaid or if you have not yet had time to fulfil your obligations sincelearning of the exact amount due. If your organisation is in that position please providedetails using a separate Appendix. You may contact the University for advice beforecompleting this form. |
| **2.1 Within the past five years, has your organization (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.** |
| (a) conspiracy within the meaning of section 1 or 1A of theCriminal Law Act 1977 or article 9 or 9A of the CriminalAttempts and Conspiracy (Northern Ireland) Order 1983where that conspiracy relates to participation in a criminalorganisation as defined in Article 2 of Council FrameworkDecision 2008/841/JHA on the fight against organisedcrime; | ▢ Yes | ▢ No |
| (b) corruption within the meaning of section 1(2) of the PublicBodies Corrupt Practices Act 1889 or section 1 of thePrevention of Corruption Act 1906; | ▢ Yes | ▢ No |
| (c) the common law offence of bribery; | ▢ Yes | ▢ No |
| (d) bribery within the meaning of sections 1, 2 or 6 of theBribery Act 2010; or section 113 of the Representation ofthe People Act 1983; | ▢ Yes | ▢ No |
| (e) any of the following offences, where the offence relates tofraud affecting the European Communities’ financialinterests as defined by Article 1 of the Convention on theprotection of the financial interests of the EuropeanCommunities: | ▢ Yes | ▢ No |
|  (i) the offence of cheating the Revenue; | ▢ Yes | ▢ No |
|  (ii) the offence of conspiracy to defraud; | ▢ Yes | ▢ No |
|  (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; | ▢ Yes | ▢ No |
|  (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; | ▢ Yes | ▢ No |
|  (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; | ▢ Yes | ▢ No |
|  (vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993; | ▢ Yes | ▢ No |
|  (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; | ▢ Yes | ▢ No |
|  (viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or | ▢ Yes | ▢ No |
|  (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; | ▢ Yes | ▢ No |
| (f) any offence listed |  |  |
|  (i) in section 41 of the Counter Terrorism Act 2008; | ▢ Yes | ▢ No |
|  (ii) in Schedule 2 to that Act where the court has determined that there is a terrorist connection | ▢ Yes | ▢ No |
| (g) any offence under sections 44 to 46 of the Serious CrimeAct 2007 which relates to an offence covered bysubparagraph (f); | ▢ Yes | ▢ No |
| (h) money laundering within the meaning of sections 340(11)and 415 of the Proceeds of Crime Act 2002; | ▢ Yes | ▢ No |
| (i) an offence in connection with the proceeds of criminalconduct within the meaning of section 93A, 93B or 93C ofthe Criminal Justice Act 1988 or article 45, 46 or 47 of theProceeds of Crime (Northern Ireland) Order 1996; | ▢ Yes | ▢ No |
| (j) an offence under section 4 of the Asylum andImmigration (Treatment of Claimants etc.) Act 2004; | ▢ Yes | ▢ No |
| (k) an offence under section 59A of the Sexual Offences Act2003; | ▢ Yes | ▢ No |
| (l) an offence under section 71 of the Coroners and JusticeAct 2009 | ▢ Yes | ▢ No |
| (m)an offence in connection with the proceeds of drugtrafficking within the meaning of section 49, 50 or 51 ofthe Drug Trafficking Act 1994; or | ▢ Yes | ▢ No |
| (n) any other offence within the meaning of Article 57(1) ofthe Public Contracts Directive— |  |  |
|  (i) as defined by the law of any jurisdiction outside England and Wales and Northern Ireland; or | ▢ Yes | ▢ No |
|  (ii) created, after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland. | ▢ Yes | ▢ No |

|  |
| --- |
| **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 usethis 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? | ▢ Yes | ▢ No |

**3. Grounds for discretionary exclusion – Part 1**

|  |
| --- |
| • The University reserves the right to use its discretion to exclude a tenderer who cannotmeet the requirements below:• The University may exclude any Tenderer who answers ‘Yes’ in any of the followingsituations 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.** |
| (a) your organisation has violated applicable obligationsreferred to in regulation 56 (2) of the Public ContractsRegulations 2015 in the fields of environmental, social andlabour law established by EU law, national law, collectiveagreements or by the international environmental, socialand labour law provisions listed in Annex X to the PublicContracts Directive as amended from time to time; | ▢ Yes | ▢ No |
| (b) your organisation is bankrupt or is the subject of insolvencyor winding-up proceedings, where your assets are beingadministered by a liquidator or by the court, where it is in anarrangement with creditors, where its business activities aresuspended or it is in any analogous situation arising from asimilar procedure under the laws and regulations of anyState; | ▢ Yes | ▢ No |
| (c) your organisation is guilty of grave professional misconduct,which renders its integrity questionable; | ▢ Yes | ▢ No |
| (d) your organisation has entered into agreements with othereconomic operators aimed at distorting competition; | ▢ Yes | ▢ No |
| (e) your organisation has a conflict of interest within themeaning of regulation 24 of the Public ContractsRegulations 2015 that cannot be effectively remedied byother, less intrusive, measures; | ▢ Yes | ▢ No |
| (f) the prior involvement of your organisation in the preparationof the procurement procedure has resulted in a distortion ofcompetition, as referred to in regulation 41, that cannot beremedied by other, less intrusive, measures; | ▢ Yes | ▢ No |
| (g) your organisation has shown significant or persistentdeficiencies in the performance of a substantiverequirement under a prior public contract, a prior contractwith a contracting entity, or a prior concession contract,which led to early termination of that prior contract,damages or other comparable sanctions; | ▢ Yes | ▢ No |
| (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 | ▢ Yes | ▢ No |
| (i) your organisation has undertaken to   (aa) unduly influence the decision-making process of the contracting University, or (bb) obtain confidential information that may confer upon your organisation undue advantages in the procurement procedure; or | ▢ Yes | ▢ No |
| (j) your organisation has negligently provided misleadinginformation that may have a material influence on decisionsconcerning exclusion, selection or award. | ▢ Yes | ▢ No |
| • **Conflicts of interest**In accordance with question 3.1 (e), the University may exclude the tenderer if there is aconflict of interest which cannot be effectively remedied. The concept of a conflict of interestincludes any situation where relevant staff members have, directly or indirectly, a financial,economic or other personal interest which might be perceived to compromise theirimpartiality 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 theresponsibility of the tenderer to inform the University, detailing the conflict in a separateAppendix. Provided that it has been carried out in a transparent manner, routine pre-marketengagement carried out by the University should not represent a conflict of interest for thetenderer. |
| • **Taking Account of Bidders’ Past Performance**In accordance with question (g), the University may assess the past performance of aTenderer (through a Certificate of Performance provided by a Customer or other means ofevidence). The University may take into account any failure to discharge obligations underthe previous principal relevant contracts of the tenderer completing this form. The Universitymay also assess whether specified minimum standards for reliability for such contracts aremet.In addition, the University may re-assess reliability based on past performance at key stagesin the procurement process (i.e. tender evaluation, contract award stage etc.). Tenderersmay also be asked to update the evidence they provide in this section to reflect more recentperformance on new or existing contracts (or to confirm that nothing has changed). |
| • **‘Self-cleaning’**Any tenderer that answers ‘Yes’ to questions 2.1, 2.2 and 3.1 should provide sufficientevidence, in a separate Appendix, that provides a summary of the circumstances and anyremedial action that has taken place subsequently and effectively “self cleans” the situationreferred to in that question. The tenderer has to demonstrate it has taken such remedialaction, to the satisfaction of the University in each case.If such evidence is considered by the University (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 tenderer 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 tenderer shall be evaluated taking into account the gravity andparticular circumstances of the criminal offence or misconduct. Where the measures areconsidered by the University to be insufficient, the tenderer shall be given a statement of thereasons for that decision. |

**4. Grounds for discretionary exclusion – Part 2**

|  |
| --- |
| • The University reserves the right to use its discretion to exclude a tenderer who cannotmeet the requirements below: |
| **4.1 Economic and Financial Standing** |
| **Please provide any one of the following to demonstrate your economic/financial****standing;**Please indicate your answer with an ‘X’ in the relevant box. |
| (a) A copy of the audited accounts for the most recent two years |  |
| (b) A statement of the turnover, profit & loss account, current liabilitiesand assets, and cash flow for the most recent year of trading for thisorganisation |  |
| (c) A statement of the cash flow forecast for the current year and a bankletter outlining the current cash and credit position |  |
|  (d) Alternative means of demonstrating financial status if any of theabove are not available (e.g. Forecast of turnover for the current yearand a statement of funding provided by the owners and/or the bank,charity accruals accounts or an alternative means of demonstratingfinancial status). |  |

**5. Grounds for discretionary exclusion – Part 3**

|  |
| --- |
| Tenderers who self-certify that they meet the requirements below will be required toprovide evidence of this if they are successful at contract award stage. Please indicateyour answer by marking ‘X’ in the relevant boxes. |
| **5.1 Insurance** |
| (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 = £5mPublic Liability Insurance = £5mProfessional Indemnity Insurance = £2m\* 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. | ▢ Yes | ▢ No |
| **5.2 Compliance with equality legislation** |
| For organisations working outside of the UK please refer to equivalent legislation in thecountry that you are located. |
| (a) 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)? | ▢ Yes | ▢ No |
|  (b) 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?If you have answered “yes” to one or both of the questions in this module, 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.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.You may be excluded if you are unable to demonstrate to theUniversity’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring. | ▢ Yes | ▢ No |
| (c) If you use sub-consultants, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | ▢ Yes | ▢ No |
| * 1. **Environmental Management**
 |
| (a) 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 University (including local University)?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.The University will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last 3 years, unless the University is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches. | ▢ Yes | ▢ No |
| (b) If you use sub-consultants, 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? | ▢ Yes | ▢ No |
| **5.4 Health & Safety** |
| (a) Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements. | ▢ Yes | ▢ No |
|  (b) 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 24 months?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.The University will exclude bidder(s) that have been in receipt ofenforcement/remedial action orders unless the bidder(s) candemonstrate to the University’s satisfaction that appropriateremedial action has been taken to prevent future occurrences orbreaches. | ▢ Yes | ▢ No |
| (c) If you use sub-consultants, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | ▢ Yes | ▢ No |
| **6. Declaration** |
| I declare that to the best of my knowledge the answers submitted to these questions arecorrect. I understand that the information will be used in the selection process to assessmy organisation’s suitability to be invited to participate further in this procurement, and Iam signing on behalf of...........................................................(**Insert name of Tenderer**).I understand that the University may reject my submission if there is a failure to answerall relevant questions fully or if I provide false/misleading information. I have provided afull 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 University’s requirement.The following appendices form part of our submission;**Section of Annex A Appendix number****……………………… .…………………….****……………………… .…………………….****……………………… .…………………….** |
| **COMPLETED BY** |
| Name |  |
| Role in organisation |  |
| Date |  |
| Signature |  |