# **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**

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| --- | --- | --- | --- | --- | --- | --- | --- |
| **1.1 Tenderer details** | | **Answer** | | | | | |
| Full name of the Tenderer  completing the form | | Please include the contact details of the person responsible to whom the  University can address any inquires arising from the procurement exercise. | | | | | |
| 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 | | | ▢ 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 relevant  boxes to indicate whether any  of the following classifications  apply to you | | i) Voluntary, Community or Social  Enterprise (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 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-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 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-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 the  contract. | | | | ▢ Yes  **Consortium**  **members**  **Lead**  **member** | | ▢ No | |
| 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. | | | | ▢ 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 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). | | ▢ Yes  ▢ No  If Yes, please provide the  registration number in this  box. | | | | |
| 1.3.2 | 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 service  requirements in this procurement? | | ▢ Yes  ▢ No  If Yes, please provide  additional details within this  box of what is required and confirmation that you have  complied with this. | | | | |

**2. Grounds for mandatory exclusion**

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| --- | --- | --- |
| • 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 University for advice before  completing 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 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; | ▢ Yes | ▢ No |
| (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; | ▢ Yes | ▢ No |
| (c) the common law offence of bribery; | ▢ Yes | ▢ No |
| (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; | ▢ Yes | ▢ No |
| (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: | ▢ 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 Crime  Act 2007 which relates to an offence covered by  subparagraph (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 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; | ▢ Yes | ▢ No |
| (j) an offence under section 4 of the Asylum and  Immigration (Treatment of Claimants etc.) Act 2004; | ▢ Yes | ▢ No |
| (k) an offence under section 59A of the Sexual Offences Act  2003; | ▢ Yes | ▢ No |
| (l) an offence under section 71 of the Coroners and Justice  Act 2009 | ▢ Yes | ▢ No |
| (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 | ▢ Yes | ▢ No |
| (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 | ▢ 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 |

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| **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? | ▢ Yes | ▢ No |

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

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| • The University reserves the right to use its discretion to exclude a tenderer who cannot  meet the requirements below:  • The University may exclude any Tenderer 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.** | |
| (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; | ▢ Yes | ▢ No |
| (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; | ▢ 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 other  economic operators aimed at distorting competition; | ▢ Yes | ▢ No |
| (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; | ▢ Yes | ▢ No |
| (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; | ▢ Yes | ▢ No |
| (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; | ▢ 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 misleading  information that may have a material influence on decisions  concerning 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 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 tenderer to inform the University, 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 University should not represent a conflict of interest for the  tenderer. | | |
| • **Taking Account of Bidders’ Past Performance**  In accordance with question (g), the University may assess the past performance of a  Tenderer (through a Certificate of Performance provided by a Customer or other means of  evidence). The University may take into account any failure to discharge obligations under  the previous principal relevant contracts of the tenderer completing this form. The University  may also assess whether specified minimum standards for reliability for such contracts are  met.  In addition, the University may re-assess reliability based on past performance at key stages  in the procurement process (i.e. tender evaluation, contract award stage etc.). Tenderers  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 tenderer 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 tenderer has to demonstrate it has taken such remedial  action, 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 and  particular circumstances of the criminal offence or misconduct. Where the measures are  considered by the University to be insufficient, the tenderer shall be given a statement of the  reasons for that decision. | | |

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

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| • The University reserves the right to use its discretion to exclude a tenderer who cannot  meet 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 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). |  |

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

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| --- | --- | --- | --- |
| Tenderers who self-certify that they meet the requirements below will be required to  provide evidence of this if they are successful at contract award stage. Please indicate  your 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 = £5m  Public Liability Insurance = £5m  Professional 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 the  country 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 the  University’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 of  enforcement/remedial action orders unless the bidder(s) can  demonstrate to the University’s satisfaction that appropriate  remedial action has been taken to prevent future occurrences or  breaches. | | ▢ 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 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 Tenderer**).  I understand that the University 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 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 |  | | |