



# **Asset Delivery Maintenance and Response Contract Area 12**

## **Instructions for Tenderers**

### **Annex 1: Selection Questionnaire Guidance**

**This document should be read in conjunction with the SQ in Bravo.  
Submitting without consulting this guidance may lead to incomplete  
responses and a rejected submission.**

**INSTRUCTIONS FOR TENDERERS FOR  
MAINTENANCE AND RESPONSE CONTRACT  
AREA 12**

**ANNEX 1: SELECTION QUESTIONNAIRE GUIDANCE  
CONTENTS AMENDMENT SHEET**

<b>Amend. No.</b>	<b>Revision No.</b>	<b>Amendments</b>	<b>Initials</b>	<b>Date</b>

## List of Contents

<b>1</b>	<b>GUIDANCE ON COMPLETION OF SELECTION QUESTIONNAIRE .....</b>	<b>4</b>
1.1	General.....	4
1.2	Constructionline.....	5
1.3	Potential Supplier Information and Exclusion Grounds: Parts 1 and 2.....	6
1.4	Supplier Selection Questions: Part 3.....	6
1.5	Consequences of misrepresentation .....	6
	<b>PART 1: POTENTIAL SUPPLIER INFORMATION .....</b>	<b>6</b>
	Section 1 - Potential Supplier Information.....	7
	Section 1 - Bidding Model .....	9
	Section 1 - Contact Details and Declaration .....	11
	<b>PART 2: EXCLUSION GROUNDS.....</b>	<b>12</b>
	Section 2 - Grounds for Mandatory Exclusion .....	12
	Section 3 - Grounds for Discretionary Exclusion .....	14
	<b>PART 3: SELECTION QUESTIONS .....</b>	<b>16</b>
	Section 4 - Economic and Financial Standing .....	16
	Section 5 - Group of Economic Operators? .....	17
	Section 6 - Technical and Professional Ability .....	17
	Section 7 - Modern Slavery Act 2015 .....	22
	Section 8 - Additional Questions.....	24
<b>2</b>	<b>SELECTION QUESTIONNAIRE EVALUATION PROCESS.....</b>	<b>33</b>
2.1	General.....	33
	<b>PART 1 – POTENTIAL SUPPLIER INFORMATION.....</b>	<b>33</b>
2.2	Section 1 – Potential Supplier Information .....	33
2.3	Section 1 – Bidding Model.....	34
2.4	Section 1 – Contact Details and Declaration .....	34
	<b>PART 2 – EXCLUSION GROUNDS .....</b>	<b>34</b>
2.5	Section 2 – Grounds for Mandatory Exclusion .....	34
2.6	Section 3 – Grounds for Discretionary Exclusion .....	35
	<b>PART 3 - ECONOMIC AND FINANCIAL STANDING .....</b>	<b>37</b>
2.7	Section 4 – Economic and Financial Standing .....	37
2.8	Section 5 – Group of Economic Operators.....	40
2.9	Section 6 – Technical Ability and Relevance Criteria .....	40
2.10	Section 7 – Modern Slavery Act 2015 .....	45
2.11	Section 8 – Additional Questions.....	45
	<b>APPENDIX A - MANDATORY EXCLUSION GROUNDS .....</b>	<b>47</b>
	<b>APPENDIX B - DISCRETIONARY EXCLUSIONS.....</b>	<b>50</b>

## **1 GUIDANCE ON COMPLETION OF SELECTION QUESTIONNAIRE**

### **1.1 General**

- 1.1.1 This document provides a guidance on how to complete the Selection Questionnaire (SQ) using Bravo.
- 1.1.2 The “authority” means Highways England Company Ltd or anyone acting on behalf of Highways England that is seeking to invite suitable Applicants to participate in this procurement process.
- 1.1.3 “You”/ “Your” refers to the potential supplier completing this standard Selection Questionnaire i.e. the legal entity responsible for the information provided. The term “potential supplier” is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 (referred to as the “regulations”) and could be a registered company; the lead contact for a group of economic operators; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.
- 1.1.4 Please ensure that all questions are completed in full, and in the format requested. All responses must be uploaded directly into the Qualification Envelope on Bravo. If the question does not apply to you, please state ‘N/A’. Should you need to provide additional information in response to the questions, please submit a clearly identified annex in the additional attachments section of the Qualification Envelope.
- 1.1.5 The authority recognises that arrangements set out in section 1.2 of the standard Selection Questionnaire, in relation to a group of economic operators (for example, a consortium) and/or use of sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the authority immediately of any change in the proposed arrangements and ensure a completed Part 1 and Part 2 is submitted for any new organisation relied on to meet the selection criteria. The authority will make a revised assessment of the submission based on the updated information.
- 1.1.6 For Part 1 and Part 2 every organisation that is being relied on to meet the selection must complete and submit the self-declaration.
- 1.1.7 For answers to Part 3 - If you are bidding on behalf of a group, for example, a consortium, or you intend to use sub-contractors, you should complete all of the questions on behalf of the consortium and/ or any sub-contractors, providing one composite response and declaration.
- 1.1.8 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 regulations, or pursuant to an order of the court or demand made by any competent authority or body where the authority is under a legal or regulatory obligation to make such a disclosure.

## 1.2 Constructionline

- 1.2.1 Constructionline is a UK based pre-qualification certification service for construction-related contractors and consultants. If you are already registered with Constructionline, you will need to provide your account number in section 1 in the Bravo Qualification Envelope. Constructionline members are requested to ensure their account is valid, up to date and is showing a “Verified” status.

Constructionline Information		
Are you registered with Constructionline?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide your Constructionline account number.		
Is your Constructionline account up to date and showing a “Verified” status?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

- 1.2.2 For Unincorporated Joint Ventures or Consortiums, each member of the group must ensure their accounts are up to date as described above. If you supply Highways England with a Constructionline account which is not up to date at the time of tender as mentioned above, then you may be excluded from this competition.
- 1.2.3 Provided that all relevant information in Constructionline is complete and as described in paragraph 1.2.1, Constructionline members will be exempt from completing the following questions in the Selection Questionnaire:
- (a) Section 2 – Grounds for Mandatory Exclusion
  - (b) Section 2 – Grounds for Discretionary Exclusion
- 1.2.4 The Selection Questionnaire Assessment Panel will assess the tenderers Constructionline information entered in the Bravo Qualification Envelope (if applicable). If you have entered Constructionline details that are found to be invalid, then the tender may be rejected.
- 1.2.5 Tenderers should note that registration with Constructionline is not mandatory. Tenderers not registered with Constructionline will need to demonstrate that they meet our requirements by completing the Selection Questionnaire within this Annex. Both members and non-members of Constructionline will be evaluated against the same criteria and using the same methodology for the purpose of this competition.

**1.3 Potential Supplier Information and Exclusion Grounds: Parts 1 and 2.**

- 1.3.1 The standard Selection Questionnaire is a self-declaration, made by you (the potential supplier), that you do not meet any of the grounds for exclusion. If there are grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (we call this self-cleaning).
- 1.3.2 A completed declaration of Part 1 and Part 2 provides a formal statement that the organisation making the declaration has not breached any of the exclusions grounds. Consequently, we require all the organisations that you will rely on to meet the selection criteria to provide a completed Part 1 and Part 2. For example, these could be parent companies, affiliates, associates, or essential sub-contractors, if they are relied upon to meet the selection criteria. This means that where you are joining in a group of organisations, including joint ventures and partnerships, each organisation in that group must complete one of these self-declarations. Sub-contractors that you rely on to meet the selection criteria must also complete a self-declaration (although sub-contractors that are not relied upon do not need to complete the self-declaration).

**1.4 Supplier Selection Questions: Part 3**

- 1.4.1 This document provides instructions on the selection questions you need to respond to and how to submit those responses. If you are bidding on behalf of a group (consortium) or you intend to use sub-contractors, you should complete all of the selection questions on behalf of the consortium and/or any sub-contractors.
- 1.4.2 If the relevant documentary evidence referred to in the Selection Questionnaire is not provided upon request and without delay, we reserve the right to amend the contract award decision and award to the next compliant bidder.

**1.5 Consequences of misrepresentation**

- 1.5.1 If you seriously misrepresent any factual information in filling in the Selection Questionnaire, and so induce an authority to enter into a contract, there may be significant consequences. You may be excluded from the procurement procedure, and from bidding for other contracts for three years. If a contract has been entered into you may be sued for damages and the contract may be rescinded. If fraud, or fraudulent intent, can be proved, you or your responsible officers may be prosecuted and convicted of the offence of fraud by false representation, and you must be excluded from further procurements for five years.

**PART 1: POTENTIAL SUPPLIER INFORMATION**

Please answer the following questions in full in the Bravo Qualification Envelope. Note that every organisation that is being relied on to meet the selection must complete and submit the Part 1 and Part 2 self-declaration.

Section 1 - Potential Supplier Information		
Question number	Question	Response Type
1.1(a)	Full name of the potential supplier submitting the information	Text
1.1(b) – (i)	Registered office address (if applicable)	Text
1.1(b) – (ii)	Registered website address (if applicable)	Text
1.1(c)	Trading status a) public limited company b) limited company c) limited liability partnership d) other partnership e) sole trader f) third sector g) other (please specify your trading status)	Select option from dropdown menu
1.1(d)	Date of registration in country of origin	Date
1.1(e)	Company registration number (if applicable)	Text
1.1(f)	Charity registration number (if applicable)	Text
1.1(g)	Head office DUNS number (if applicable)	Text
1.1(h)	Registered VAT number	Text
1.1(i) - (i)	If applicable, is your organisation registered with the appropriate professional or trade register(s) in the member state where it is established?	Select option from dropdown menu
1.1(i) - (ii)	If you responded yes to 1.1(i) - (i), please provide the relevant details, including the registration number(s).	Text
1.1(j) - (i)	Is it a legal requirement in the state where you are established for you to possess a particular authorisation, or be a member of a particular organisation in order to provide the services specified in this procurement?	Yes/ No dropdown menu
1.1(j) - (ii)	If you responded yes to 1.1(j) - (i), please provide additional details of what is required and confirmation that you have complied with this.	Attachment
1.1(k)	Trading name(s) that will be used if successful in this procurement	Text
1.1(l)	Relevant classifications (state whether you fall within one of these, and if so which one)	Select option from dropdown menu

Section 1 - Potential Supplier Information		
Question number	Question	Response Type
	a) Voluntary Community Social Enterprise (VCSE) b) Sheltered Workshop c) Public service mutual	
1.1(m)	Are you a Small, Medium or Micro Enterprise (SME) <sup>1</sup> ?	Select option from dropdown menu
1.1(n)	Details of Persons of Significant Control (PSC), where appropriate: <sup>2</sup> - Name; - Date of birth; - Nationality; - Country, state or part of the UK where the PSC usually lives; - Service address; - The date he or she became a PSC in relation to the company (for existing companies the 6 April 2016 should be used); - Which conditions for being a PSC are met; - Over 25% up to (and including) 50%, - More than 50% and less than 75%, - 75% or more. <sup>3</sup>  (Please enter N/A if not applicable)	Text
1.1(o)	Details of immediate parent company: - Full name of the immediate parent company - Registered office address (if applicable) - Registration number (if applicable) - Head office DUNS number (if applicable) - Head office VAT number (if applicable)  (Please enter N/A if not applicable)	Text

<sup>1</sup> See EU definition of SME [https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition\\_en](https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en)

<sup>2</sup> UK companies, Societates European (SEs) and limited liability partnerships (LLPs) will be required to identify and record the people who own or control their company. Companies, SEs and LLPs will need to keep a PSC register, and must file the PSC information with the central public register at Companies House. [See PSC guidance.](#)

<sup>3</sup> Central Government contracting authorities should use this information to have the PSC information for the preferred supplier checked before award.



<b>Section 1 - Potential Supplier Information</b>		
Question number	Question	Response Type
1.1(p)	<p>Details of ultimate parent company:</p> <ul style="list-style-type: none"> <li>- Full name of the ultimate parent company</li> <li>- Registered office address (if applicable)</li> <li>- Registration number (if applicable)</li> <li>- Head office DUNS number (if applicable)</li> <li>- Head office VAT number (if applicable)</li> </ul> <p>(Please enter N/A if not applicable)</p>	Text

Please note: A criminal record check for relevant convictions may be undertaken for the preferred suppliers and the persons of significant in control of them.

Please provide the following information about your approach to this procurement:

<b>Section 1 - Bidding Model</b>		
Question number	Question	Response Type
1.2(a) - (i)	Are you bidding as the lead contact for a group of economic operators?	<p>Yes/ No dropdown menu</p> <p>If yes, please provide details listed in questions 1.2(a) (ii), (a) (iii) and to 1.2(b) (i), (b) (ii), 1.3, Section 2 and 3.</p> <p>If no, and you are a supporting bidder please provide the name of your group at 1.2(a) (ii) for reference purposes, and complete 1.3, Section 2 and 3.</p>
1.2(a) - (ii)	Name of group of economic operators (if applicable)	Text
1.2(a) - (iii)	Proposed legal structure if the group of economic operators intends to form a named single legal entity prior to signing a contract, if awarded. If you do not propose to form a single legal entity, please explain the legal structure.	Attachment
1.2(b) - (i)	Are you or, if applicable, the group of economic operators proposing to use sub-contractors?	Yes/ No dropdown menu

Section 1 - Bidding Model																																																																												
Question number	Question	Response Type																																																																										
1.2(b) - (ii)	<p>If you responded yes to 1.2(b)-(i) please provide additional details for each sub-contractor in the format shown in the following table: we may ask them to complete this form as well. Please upload your completed table as an attachment to Question 1.2 (b)- (ii).</p> <table border="1"> <tbody> <tr> <td>Name</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Registered address</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Trading status</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Company registration number</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Head Office DUNS number (if applicable)</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Registered VAT number</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Type of organisation</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>SME (Yes/No)</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>The role each sub-contractor will take in providing the works and /or supplies e.g. key deliverables</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>The approximate % of contractual obligations assigned to each sub-contractor</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>						Name							Registered address							Trading status							Company registration number							Head Office DUNS number (if applicable)							Registered VAT number							Type of organisation							SME (Yes/No)							The role each sub-contractor will take in providing the works and /or supplies e.g. key deliverables							The approximate % of contractual obligations assigned to each sub-contractor						
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**Contact details and declaration**

A copy of the SQ declaration is shown below. Please complete this and upload a signed copy in section 1 of the Bravo Qualification Envelope.

**Declaration**

I declare that to the best of my knowledge the answers submitted, and information contained in this document are correct and accurate.

I declare that, upon request and without delay I will provide the certificates or documentary evidence referred to in this document.

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.

I understand that the authority may reject this submission in its entirety if there is a failure to answer all the relevant questions fully, or if false/misleading information or content is provided in any section.

I am aware of the consequences of serious misrepresentation.

Section 1 - Contact Details and Declaration		
Question number	Question	Response
1.3(a)	Contact name	
1.3(b)	Name of organisation	
1.3(c)	Role in organisation	
1.3(d)	Phone number	
1.3(e)	E-mail address	
1.3(f)	Postal address	
1.3(g)	Signature (electronic is acceptable)	
1.3(h)	Date	

**PART 2: EXCLUSION GROUNDS**

Please answer the following questions in full. Note that every organisation that is being relied on to meet the selection must complete and submit the Part 1 and Part 2 self-declaration.

Section 2 - Grounds for Mandatory Exclusion		
Question number	Question	Response Type
2.1(a)	<p><b>Regulations 57(1) and (2)</b></p> <p>The detailed grounds for mandatory exclusion of an organisation are set out in Appendix A, which should be referred to before completing these questions.</p> <p>Please indicate if, within the past five years you, your organisation or any other person who has powers of representation, decision or control in the organisation been convicted anywhere in the world of any of the offences within the summary below and listed in Appendix A.</p>	
	Participation in a criminal organisation.	Yes/ No dropdown menu If Yes, please provide details at 2.1(b)
	Corruption.	Yes/ No dropdown menu If Yes, please provide details at 2.1(b)
	Fraud.	Yes/ No dropdown menu If Yes, please provide details at 2.1(b)
	Terrorist offences or offences linked to terrorist activities	Yes/ No dropdown menu If Yes, please provide details at 2.1(b)
	Money laundering or terrorist financing	Yes/ No dropdown menu If Yes, please provide details at 2.1(b)
	Child labour and other forms of trafficking in human beings	Yes/ No dropdown menu If Yes, please provide details at 2.1(b)
2.1(b)	<p>If you have answered yes to question 2.1(a), please provide further details.</p> <p>Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction,</p> <p>Identity of who has been convicted</p> <p>If the relevant documentation is available electronically please provide the web address, issuing authority, precise reference of the documents.</p>	Attachment
2.2	If you have answered Yes to any of the points above have measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self Cleaning)	Yes/ No dropdown menu
2.3(a)	<b>Regulation 57(3)</b>	Yes/ No dropdown menu

Section 2 - Grounds for Mandatory Exclusion		
Question number	Question	Response Type
	Has it been established, for your organisation by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which the organisation is established (if outside the UK), that the organisation is in breach of obligations related to the payment of tax or social security contributions?	
2.3(b)	If you have answered yes to question 2.3(a), please provide further details. Please also confirm you have paid, or have entered into a binding arrangement with a view to paying, the outstanding sum including where applicable any accrued interest and/or fines.	Attachment

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

Section 3 - Grounds for Discretionary Exclusion		
Question number	Question	Response
3.1	<p><b>Regulation 57 (8)</b></p> <p>The detailed grounds for discretionary exclusion of an organisation are set out on this Appendix B, which should be referred to before completing these questions.</p> <p>Please indicate if, within the past three years, anywhere in the world any of the following situations have applied to you, your organisation or any other person who has powers of representation, decision or control in the organisation.</p>	
3.1(a)	Breach of environmental obligations?	Yes/ No dropdown menu If yes, please provide details at 3.2
3.1 (b)	Breach of social obligations?	Yes/ No dropdown menu If yes, please provide details at 3.2
3.1 (c)	Breach of labour law obligations?	Yes/ No dropdown menu If yes, please provide details at 3.2
3.1(d)	Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation's assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State?	Yes/ No dropdown menu If yes, please provide details at 3.2
3.1(e)	Guilty of grave professional misconduct?	Yes/ No dropdown menu If yes, please provide details at 3.2
3.1(f)	Entered into agreements with other economic operators aimed at distorting competition?	Yes/ No dropdown menu If yes, please provide details at 3.2
3.1(g)	Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure?	Yes/ No dropdown menu If yes, please provide details at 3.2
3.1(h)	Been involved in the preparation of the procurement procedure?	Yes/ No dropdown menu If yes, please provide details at 3.2
3.1(i)	Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions?	Yes/ No dropdown menu If yes, please provide details at 3.2

3.1(j)	Please answer the following statements	
3.1(j) - (i)	The organisation is guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria.	Yes/ No dropdown menu If Yes, please provide details at 3.2
3.1(j) - (ii)	The organisation has withheld such information.	Yes/ No dropdown menu If Yes, please provide details at 3.2
3.1(j) –(iii)	The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015.	Yes/ No dropdown menu If Yes, please provide details at 3.2
3.1(j)-(iv)	The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.	Yes/ No dropdown menu If Yes, please provide details at 3.2
3.2	If you have answered Yes to any of the above, explain what measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self Cleaning)	Attachment

**PART 3: SELECTION QUESTIONS<sup>4</sup>**

Section 4 - Economic and Financial Standing		
Question number	Question	Response
4.1	<p>Please select the one organisation description that most closely matches your organisation and provide information, via attachment (in the following question) accordingly.</p> <p>A) Financial information for a start-up business that has not reported accounts to the Revenue or Companies House</p> <p>B) Accounts for an unincorporated business (sole traders and partnerships)</p> <p>C) Accounts for a small company or limited liability partnership with a turnover of below the audit threshold (currently £10.2 million) that is not required to prepare audited accounts</p> <p>D) Accounts for a medium to large incorporated entity and all other organisations that are required to prepare audited accounts</p> <p>E) Accounts for other organisation types (e.g. not for profit entities, local authorities, housing associations, charities)</p>	Select option from dropdown menu
4.2	<p>Are you able to provide a copy of your audited accounts for the last two years, if requested?</p> <p>If no, can you provide <b>one</b> of the following: answer with Y/N in the relevant box.</p>	Yes/ No dropdown menu
	(a) A statement of the turnover, Profit and Loss Account/Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year of trading for this organisation.	Yes/ No dropdown menu
	(b) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position.	Yes/ No dropdown menu

<sup>4</sup> [See Action Note 8/16 Updated Standard Selection Questionnaire](#)



	(c) 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).	Yes/ No dropdown menu
4.3	Where we have specified a minimum level of economic and financial standing and/ or a minimum financial threshold within the evaluation criteria for this procurement, please self-certify by answering 'Yes' or 'No' that you meet the requirements set out.	Yes/ No dropdown menu

### Section 5 - Group of Economic Operators?

	If you have indicated in the Selection Questionnaire question 1.2 that you are part of a wider group, please provide further details below:	
Name of organisation		Text
Relationship to the Supplier completing these questions		Text
5.1	Are you able to provide parent company accounts if requested to at a later stage?	Yes/ No dropdown menu
5.2	If yes, would the parent company be willing to provide a guarantee if necessary?	Yes/ No dropdown menu
5.3	If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)?	Yes/ No dropdown menu

### Section 6 - Technical and Professional Ability

6.1	<p>Please confirm that you or the proposed supply chain have accreditation to the relevant National Highway Sector Schemes (NHSS) for the work you are tendering for.</p> <p>The relevant NHSS are:</p>	Yes/ No dropdown menu
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	<p>Scheme 2A – The Design and/or Supply, Installation and Repair of Fences for Infrastructure Works</p> <p>Scheme 2B – The Supply, Installation, Maintenance and Repair of Vehicle Restraint Systems</p> <p>Scheme 2C – The Design, Supply, Installation and Repair of Environmental Barriers (Structural) for Infrastructure Works</p> <p>Scheme 5B – The Installation of Parapets for Road Restraint Systems</p> <p>Scheme 7 – The application of Road Marking Materials and Road Studs to Road Surfaces</p> <p>Scheme 8 – The Overseeing and / or Installation and / or Maintenance of Highway Electrical Equipment and Supporting Works</p> <p>Scheme 9A – The Design, Assembly and/or Provision of Permanent and Temporary Road Traffic Signs</p> <p>Scheme 12A/B – Static Temporary Traffic Management on Motorways and High Speed Dual Carriageways including On-line Widening Schemes</p> <p>Scheme 12C: Mobile Lane Closure Traffic Management on Motorways and other Dual Carriageways.</p> <p>Scheme 12D: Installation, Maintaining and Removing Temporary Traffic Management on Rural and Urban Roads.</p> <p>Scheme 13: The Supply and Application of Surface Treatment to Road Surfaces</p> <p>Scheme 16: The Laying of Asphalt mixes</p> <p>Scheme 18: The Natural Environment and Landscape including Ecology</p> <p>Scheme 19A: Corrosion Protection of Ferrous Materials by Industrial Coatings</p> <p>Scheme 20: The Installation, Maintenance and Repair of Modular Paving</p>	
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6.2	<p>Please provide details of up to three contracts, in any combination from either the public or private sector; voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. VCSEs may include samples of grant-funded work. Contracts for supplies or services should have been performed during the past three years. Works contracts may be from the past five years.</p> <p>The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.</p> <p>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 is to 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).</p> <p>Where the Supplier 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 main intended provider(s) or sub-contractor(s) who will deliver the contract.</p> <p>If you cannot provide examples, see question 6.3</p> <p>Please provide your response in the format below and upload as an attachment to Question 6.2 in the Qualification Envelope.</p>
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	Contract 1	Contract 2	Contract 3
Name of customer organisation			
Point of contact in the organisation			
Position in the organisation			
E-mail address			
Description of contract			
Contract Start date			
Contract completion date			
Estimated contract value			

6.3	<p>If you cannot provide at least one example for questions 6.2, in no more than 500 words please provide an explanation for this e.g. your organisation is a new start-up or you have provided services in the past but not under a contract.</p>
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	Please insert your response as an attachment to Question 6.3 in the Qualification Envelope.
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6.4	Where you intend to sub-contract a proportion of the contract, please demonstrate how you have previously maintained healthy supply chains with your sub-contractor(s) Evidence should include, but is not limited to, details of your supply chain management tracking systems to ensure performance of the contract and including prompt payment or membership of the UK Prompt Payment Code (or equivalent schemes in other countries)
	Please insert your response as an attachment to Question 6.4 in the Qualification Envelope.

<b>Supplier's approach to payment in the procurement of major contracts (subject to the Public Contracts Regulations 2015 and in excess of £5 million per annum).</b>		
6.5	If you intend to use a supply chain for this contract, you must demonstrate you have effective systems in place to ensure a reliable supply chain. This criterion is focused on exploring your payment systems. If your response to question 1 is that you do not intend to use a supply chain for this contract, you are not required to complete the rest of this section.	
<b>Selection Questions 1- 4 Self-declarations</b>		
1	Please confirm if you intend to use a supply chain <sup>3</sup> for this contract. If you answer "No" you do not need to complete the rest of this section. <b>[INFORMATION ONLY]</b>	Yes/No <b>NOT SCORED</b>
2	Please confirm that you have systems in place to pay those in your supply chain promptly and effectively, i.e. within your agreed contractual terms.	Yes/No <b>PASS/FAIL</b>
3	Please confirm you have procedures for resolving disputed invoices <sup>4</sup> with those in your supply chain promptly and effectively.	Yes/No <b>PASS/FAIL</b>
<b>PUBLIC SECTOR CONTRACTS ONLY – Requirement under the Public Contracts Regulations 2015 (Regulation 113)</b>		

4	Please confirm that for public sector contracts awarded under the Public Contract Regulations 2015 you have systems in place to include (as a minimum) 30-day payment terms in all of your supply chain contracts and require that such terms are passed down through your supply chain.	Yes/No <b>PASS/FAIL</b>
<b>PUBLIC AND PRIVATE SECTOR CONTRACTS</b>		
5	<p>(a) Please provide the percentage of invoices<sup>5</sup> paid by you to those in your immediate supply chain on all contracts for <b>each</b> of the two previous six-month reporting periods<sup>6</sup>. This should include the percentage of invoices paid within each of the following categories:</p> <ol style="list-style-type: none"> <li>1. within 30 days</li> <li>2. in 31 to 60 days</li> <li>3. in 61 days or more</li> <li>4. due but not paid by the last date for payment under agreed contractual terms.</li> </ol> <p>It is acceptable to cross refer to information that has previously been submitted to Government or other bodies or is publicly available (provided it covers the required reporting periods), including data published in accordance with the Reporting on Payment Practices and Performance Regulations 2017. <b>If you do wish to cross refer, please provide details and/or insert link(s).</b></p> <p>(b) If you are unable to demonstrate that all invoices have been paid within the agreed contractual terms, please explain why. Note: if you are required to submit an action plan under question 5(c), this action plan must also set out steps to address your payment within agreed terms, in order to achieve a pass for question 5 (c).</p> <p>(c) If you are unable to demonstrate that ≥95% of invoices payable to your supply chain on all contracts have been paid within 60 days of the receipt of the invoice in at least one of the last two six months reporting periods please provide an action plan for improvement which includes (as a minimum) the following:</p> <ol style="list-style-type: none"> <li>1. Identification of the primary causes of failure to pay: <ol style="list-style-type: none"> <li>(a) 95% of all supply chain invoices within 60 days; and</li> <li>(b) if relevant under question 5(b), all invoices within agreed terms.</li> </ol> </li> <li>2. Actions to address each of these causes.</li> </ol>	Attachment

	<p>3. A mechanism for and commitment to regular reporting on progress to the bidder's audit committee (or equivalent).</p> <p>4. Plan signed off by director.</p> <p>5. Plan published on its website (this can be a shorter, summary plan).</p> <p>If you have an existing action plan prepared for a different purpose, it is acceptable to attach this but it should contain the above features.</p>	
<p><sup>3</sup> References to supply chain means suppliers or sub-contractors of any tier that execute any works, supply any products or provide any services that are used wholly or substantially for the purpose of performing (or contributing to the performance of) the whole or any part of the contract.</p> <p><sup>4</sup> This should include all situations where payments are due; not all payments involve an invoice (see FAQs). You should explain this in the tender documents</p> <p><sup>5</sup> This should include all situations where payments are due; not all payments involve an invoice (see FAQs). You should explain this in the tender documents</p> <p><sup>6</sup> You should explain in the tender documents what a reporting period is by referring to the BEIS Guidance: <a href="https://www.gov.uk/government/publications/business-payment-practices-and-performance-reporting-requirements">https://www.gov.uk/government/publications/business-payment-practices-and-performance-reporting-requirements</a></p>		

**Table 2: Evidence Requirements (questions 2 – 4)**

<b>Evidence for self-declarations (questions 2-4):</b> Prior to contract award the following evidence will be required from the successful bidder (where the bidder has answered "Yes" to question 1 above) in order to verify the bidder's responses	
<b>Question</b>	<b>Evidence</b>
2	A copy of your standard payment terms for all of your supply chain contracts.
3	A copy of your procedures for resolving disputed invoices promptly and effectively.
3	Details of any payments of interest for late payments you have paid in the past twelve months or which became due during the past twelve months and remain payable (contractually or under late payment legislation) and, if any such payment has been made (or arose), an explanation as to why this occurred and an outline of what remedial steps have been taken to ensure this does not occur again.
4	A copy of your standard payment terms used with sub-contractors on public sector contracts subject to the Public Contract Regulations 2015

**Section 7 - Modern Slavery Act 2015**

Requirements under Modern Slavery Act 2015		
7.1	<p>Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")?</p> <p>Note: A relevant commercial organisation is one that carries on a business in the UK with a total annual turnover of £36m or more.</p>	<p>Yes <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>
7.2	<p>If you have answered yes to question 7.1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015?</p> <p>Note: The relevant organisation must prepare a slavery and human trafficking statement for each financial year. The statement sets out the steps the organisation has taken in the financial year to ensure that slavery and human trafficking is not taking place:</p> <ul style="list-style-type: none"> <li>○ in any of its supply chains, and</li> <li>○ in any part of its own business.</li> </ul>	<p>Yes <input type="checkbox"/></p> <p>Please provide the relevant url ...</p> <p>No <input type="checkbox"/></p> <p>Please provide an explanation</p>
<p>Section 54 of the Act is available at <a href="http://www.legislation.gov.uk/ukpga/2015/30/section/54/enacted#section-54-2">http://www.legislation.gov.uk/ukpga/2015/30/section/54/enacted#section-54-2</a></p> <p>Further guidance is available at <a href="https://www.gov.uk/government/publications/transparency-in-supply-chains-a-practical-guide">https://www.gov.uk/government/publications/transparency-in-supply-chains-a-practical-guide</a></p>		

**8. Additional Questions**

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

Section 8 - Additional Questions	
8.1 – Insurance	
a.	<p>Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover detailed in the Scope Annex 4</p> <p>Please upload your response as an attachment to Question 8.1 in the Qualification Envelope.</p>

8.2 - Skills and Apprentices <sup>5</sup>		(please refer to supplier selection guidance)
a.	<p>Public procurement of contracts with a full life value of £10 million and above and duration of 12 months and above should be used to support skills development and delivery of the apprenticeship commitment. This policy is set out in detail in Procurement Policy Note 14/15.</p> <p>Please confirm if you will be supporting apprenticeships and skills development through this contract.</p>	Yes/ No dropdown menu
b.	If yes, can you provide at a later stage documentary evidence to support your commitment to developing and investing in skills, development and apprenticeships to build a more skilled and productive workforce and reducing the risks of supply constraints and increasing labour cost inflation?	Yes/ No dropdown menu
c.	Do you have a process in place to ensure that your supply chain supports skills, development and apprenticeships in line with PPN 14/15 (see guidance) and can provide evidence?	Yes/ No dropdown menu

8.3 - Steel <sup>6</sup>		(please refer to supplier selection guidance)
a.	Please describe the supply chain management systems, policies, standards and	

<sup>5</sup> [Procurement Policy Note 14/15– Supporting Apprenticeships and Skills Through Public Procurement](#)

<sup>6</sup> [Procurement Policy Note 11/16– Procuring steel in major projects](#)



	procedures you currently have in place to ensure robust supply chain management
b.	Please provide details of previous similar projects where you have demonstrated a high level of competency and effectiveness in managing of all supply chain members involved in steel supply or production so that there was a sustainable and safe supply of steel.
c.	<p>Please provide all the relevant details of previous breaches of health and safety legislation in the last 5 years, applicable to the country in which you operate, on comparable projects, for both:</p> <p>(i) Your company</p> <p>(ii) All your supply chain members involved in the production or supply of steel.</p>

8.4 - Suppliers' Past Performance <sup>7</sup>		(please refer to supplier selection guidance - this question should only be included by central government contracting authorities)
a.	Can you supply a list of your relevant principal contracts for goods and/or services provided in the last three years?	Yes/ No dropdown menu
b.	On request can you provide a certificate from those customers on the list?	Yes/ No dropdown menu
c.	<p>If you cannot obtain a certificate from a customer can you explain the reasons why?</p> <p>Please provide, as a separate Appendix, an explanation of why you cannot obtain a certificate from a customer.</p>	<p>Yes/ No dropdown menu</p> <p>Attachment if required</p>
d.	If the certificate states that goods and/or services supplied were not satisfactory are you able to supply	Yes/ No dropdown menu

<sup>7</sup> [Procurement Policy Note 04/15 Taking Account of Suppliers' Past Performance](#)

8.4 - Suppliers' Past Performance <sup>7</sup>		(please refer to supplier selection guidance - this question should only be included by central government contracting authorities)
	information which shows why this will not recur in this contract if you are awarded it?	
e.	Can you supply the information in questions a. to d. above for any sub-contractors [or consortium members] who you are relying upon to perform this contract?	Yes/ No dropdown menu

8.5 - 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 dropdown menu
b.	<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 or alleged unlawful discrimination?</p> <p>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.</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>You may be excluded if you are unable to demonstrate to Highways England's satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring.</p>	<p>Yes/ No dropdown menu</p> <p>Attachment if required</p>
c.	If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations?	Yes/ No dropdown menu

8.6 - Environmental Management		
a.	<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.</p> <p>Highways England will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last 3 years, unless Highways England is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches.</p>	Yes/ No dropdown menu
b.	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?	Yes/ No dropdown menu

8.7 - Health and Safety Policy and Capability Part 1			
<p>You must provide all the information/evidence required in this section upon request if you are not claiming an exemption. Where required please provide details as separate attachments in section 8.7 of the Bravo Qualification Envelope.</p> <p>Scoring: PASS/FAIL</p>			
<p><b>Exemptions:</b> If you meet the criteria below and you can provide supporting evidence, you do not need to complete the following health and safety questions in section 8.7 n° c. to l. However, you must still complete Section 8.8 (Part 2).</p> <ul style="list-style-type: none"> <li>You hold a UKAS or equivalent, accredited independent third-party certificate of compliance with ISO 45001.</li> </ul>			
a.	Are you claiming exemption?	Yes/ No dropdown menu	What is the name of the scheme/certificate?  Text
b.	Are you providing a copy of the certificate?	Yes/ No dropdown menu	
Question			Response
c.	Are you able to demonstrate that you have a policy/procedure for Health & Safety Management for your organisation?		Select option from dropdown menu

8.7 - Health and Safety Policy and Capability Part 1		
	<p>If 'Yes', please provide evidence that you or your organisation has a Health &amp; Safety policy authorised by the Chief Executive or equivalent that is regularly reviewed. The policy should be relevant to the nature and scale of the activity and set out the responsibilities and arrangements for Health and Safety throughout the organisation.</p>	Attachment
d.	<p>Are you able to demonstrate arrangements/ procedures for ensuring that your H&amp;S measures are effective in reducing/preventing incidents, occupational ill-health and accidents?</p> <p>These should set out the arrangements for health and safety management within the organisation and should be relevant to the nature and scale of your work.</p> <p>They should set out how the company will discharge their duties under CDM2015.</p> <p>There should be a clear indication of how these arrangements are communicated to the workforce.</p>	Yes/ No dropdown menu
e.	<p>Do you have access to competent H&amp;S advice/assistance – both general and construction sector related?</p> <p>The HSE define competence as “the combination of training, skills, experience and knowledge that a person has and their ability to apply them to perform a task safely”</p> <p><a href="http://www.hse.gov.uk/competence/what-is-competence.htm">http://www.hse.gov.uk/competence/what-is-competence.htm</a></p>	Yes/ No dropdown menu

8.7 - Health and Safety Policy and Capability Part 1		
	<p>Your organisation, and your employees, must have ready access to competent health and safety advice, preferably from within your own organisation.</p> <p>The advisor must be able to provide general health and safety advice, and also (from the same source or elsewhere) advice relating to construction health and safety issues.</p>	
f.	<p>Do you have a policy and process for providing your workforce with training and information appropriate to the type of work for which your organization is likely to bid?</p> <p>You should have in place, and implement, training arrangements to ensure your employees have the skills and understanding necessary to discharge their duties as contractors, designers or principal designers.</p> <p>You should have in place a programme for refresher training, for example a Continuing Professional Development (CPD) programme or life-long learning which will keep your employees updated on new developments and changes to legislation or good health and safety practice. This applies throughout the organisation - from Board or equivalent, to trainees.</p>	Yes/ No dropdown menu
g.	<p>Does your workforce have H&amp;S or other relevant qualifications and experience sufficient to implement your H&amp;S policy to a standard appropriate to the work for which your organization is likely to bid?</p> <p>Employees are expected to have the appropriate qualifications and experience for the assigned tasks, unless they are under controlled and competent supervision.</p>	Yes/ No dropdown menu

8.7 - Health and Safety Policy and Capability Part 1		
h.	<p>Do you check, review and where necessary improve your H&amp;S performance?</p> <p>You should have a system for monitoring your procedures, for auditing them at periodic intervals, and for reviewing them on an ongoing basis.</p>	Yes/ No dropdown menu
i.	<p>Do you have procedures in place to involve your workforce in the planning and implementation of H&amp;S measures?</p> <p>You should have, and implement, an established means of consulting with your workforce on health and safety matters.</p>	Yes/ No dropdown menu
j.	<p>Do you operate a process of risk assessment capable of supporting safe methods of working and reliable project delivery where necessary?</p> <p>You should have a formal means of recording and communicating safe systems of work. Identification and control of any significant occupation health (not just safety) issues should be prominent</p> <p>Can you provide evidence upon request?</p>	Yes/ No dropdown menu
k.	<p>Do you have arrangements for co-operating and co-ordinating your work with others (including other suppliers notably contractors)?</p> <p>You should have arrangements in place to ensure co-operation and co-ordination between you and others you are working with.</p>	Yes/ No dropdown menu
l.	<p>Do you have arrangements for ensuring that on-site welfare provisions meet legal requirements and the needs/expectations of your employees</p>	Yes/ No dropdown menu

8.7 - Health and Safety Policy and Capability Part 1		
	You should be able to demonstrate how you ensure suitable welfare facilities will be in place before starting work on site.	

8.8 - Health and Safety Policy and Capability Part 2		
<p>You must provide all the information/evidence required in this section. Please provide details in separate Appendices.</p> <p>Scoring: PASS/FAIL</p>		
<p>Assessment of suitability to be registered for the intended works will be made by Highways England based on the supplier being able to demonstrate an acceptable level of safety performance with the ability to learn from experience and apply appropriate improvement measures. Highways England's target Accident Frequency Rate (AFR) is 0.06 however the assessment of suitability seeks to be based on sound judgement, rather than just the application of an AFR test.</p>		
<p>The following information must be provided for the last three years (from 1st January 2017 to present day):</p>		
	Question	Response
a.	<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)?</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.</p> <p>Highways England will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to Highways England's satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches.</p>	<p>Select option from dropdown menu</p> <p>If yes please upload Appendix as an attachment</p>
b.	Has your organisation or any of its Directors or Executive Officers been prosecuted by Health and Safety	Attachment

8.8 - Health and Safety Policy and Capability Part 2		
	<p>Executive (or equivalent body) for a health or safety matter?</p> <p>If your answer to this question was "Yes", please provide details in a separate Appendix.</p> <p>Highways England will exclude bidder(s) that have been prosecuted for a health or safety matter unless the bidder(s) can demonstrate to Highways England's satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches.</p>	
c.	If you use sub-contractors, give a short summary of the processes in place to check whether any of the above circumstances apply to these other organisations.	Attachment
d.	Confirm the total number of work-related fatalities and (if any) provide brief details to explain what happened.	Attachment
e	Provide the total number of all lost time incidents in the period (where lost time is equal to or greater than one working shift) and give brief details of each one.	Attachment
f.	Provide (in a separate annex) your 12-month rolling accident frequency rate for all lost time incidents (where lost time is equal to or greater than one working shift) for the period. (month by month detail is required)	Attachment
g.	Provide your 12-month rolling RIDDOR accident frequency rate for the period. (month by month detail is required)	Attachment
h	Provide details of actions taken to improve safety performance over the last three years. (250 words max)	Attachment
i.	Is your organisation a member of an accredited scheme for managing work-related road risk?	Yes/ No dropdown menu
j	If yes, please state which scheme and provide evidence.	Attachment



8.8 - Health and Safety Policy and Capability Part 2		
k	If no, please provide evidence to demonstrate that your organisation complies with the note HSE. INDG 382 and that you have processes /systems in place to manage road safety.	Attachment

## 2 SELECTION QUESTIONNAIRE EVALUATION PROCESS

### 2.1 General

2.1.1 The economic and financial standing of the Tenderer will be assessed by the Selection Questionnaire Assessment Panel using the information supplied in the Selection Questionnaire and information supplied by Dun and Bradstreet. The assessment will be completed on a pass/fail basis against the financial tests outlined in the Selection Questionnaire. If the Tenderer fails a test and cannot provide a guarantee in line with these instructions, then the tender will be rejected.

2.1.2 The Selection Questionnaire Assessment Panel will assess the responses to the mandatory and discretionary rejection criteria entered in the Bravo Qualification Envelope. Assessments will be made in the event of a 'yes' response being given against one or more of the discretionary rejection criteria questions, with details of the relevant incident and remedial actions taken subsequently forming the information to be assessed. Following this further assessment, if Highways England is not satisfied then the tender will be rejected.

#### Important Notice

2.1.3 Highways England will exclude a Tenderer who is guilty of serious misrepresentation in providing any information referred to within the Public Contracts Regulations 2015 or who fails to provide any such information requested by Highways England.

### PART 1 – POTENTIAL SUPPLIER INFORMATION

### 2.2 Section 1 – Potential Supplier Information

2.2.1 For information only, but if not fully completed or relevant additional information is not provided, the Supplier may be excluded. This includes information taken from a Tenderers Construction line account.

**2.3 Section 1 – Bidding Model**

- 2.3.1 For information only, but if not fully completed or relevant additional information is not provided, the Supplier may be excluded.

**2.4 Section 1 – Contact Details and Declaration**

- 2.4.1 If not fully completed and signed, the Supplier may be excluded.

**PART 2 – EXCLUSION GROUNDS****2.5 Section 2 – Grounds for Mandatory Exclusion**

- 2.5.1 This is a pass/fail test. This includes assessing the relevant information taken from a Tenderers Constructionline account. A Supplier who does not pass the test will be excluded from further consideration and their tender will be rejected.
- 2.5.2 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).
- 2.5.3 If you have answered “yes” to question 2.3(a) 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.

**‘Self-cleaning’**

- 2.5.4 Any Supplier that answers ‘Yes’ to any questions in Section 2 must provide sufficient evidence, via conditional questions that follow, which 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 supplier has to demonstrate it has taken such remedial action, to the satisfaction of Highways England in each case.
- 2.5.5 If such evidence is considered by Highways England (whose decision will be final) as sufficient, the economic operator concerned shall be allowed to continue in the procurement process.
- 2.5.6 In order for the evidence referred to above to be sufficient, the Supplier 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.

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

2.5.8 A Supplier who does not pass the test will be excluded from further consideration if it cannot demonstrate to Highways England's satisfaction that appropriate remedial action has been taken to prevent further non-compliances.

## **2.6 Section 3 – Grounds for Discretionary Exclusion**

2.6.1 This is a pass/fail test. This includes assessing the relevant information taken from a Tenderers Constructionline account.

2.6.2 Highways England may exclude any Supplier who answers 'Yes' in any questions;

2.6.3 Highways England considers a Quality Warning Notice issued under a Highways England contract, or similar sanction under other contracts, to be an "other comparable sanction" in accordance with Question 3.1(i).

### 'Self-cleaning'

2.6.4 Any Supplier that answers 'Yes' to any questions in Section D must provide sufficient evidence, via the conditional questions that follow, which 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 supplier has to demonstrate it has taken such remedial action, to the satisfaction of Highways England in each case.

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

2.6.6 In order for the evidence referred to above to be sufficient, the Supplier 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.
- 2.6.7 The measures taken by the Supplier shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by Highways England to be insufficient, the Supplier shall be given a statement of the reasons for that decision.
- 2.6.8 A Supplier who does not pass the test will be excluded from further consideration if it cannot demonstrate to Highways England's satisfaction that appropriate remedial action has been taken to prevent further non-compliances.

#### Conflicts of interest

- 2.6.9 Highways England may exclude the Supplier 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.
- 2.6.10 Where there is any indication that a conflict of interest exists, or may arise then it is the responsibility of the Supplier to inform Highways England, detailing the conflict via the details that follow 3.1(g). Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by Highways England should not represent a conflict of interest for the Supplier.
- 2.6.11 Suppliers are required to notify of any potential conflicts of interest. Where a 'no' response is provided for questions in Section 3 the Supplier will receive a pass. Where a 'no' response cannot be given,
- (a) Highways England is entitled to exclude a Supplier from further consideration;
  - (b) Suppliers may set out in a separate document the relevant details and may offer a written demonstration that the factors that might give rise to a conflict of interest are not capable of distorting competition or contract delivery and management or that appropriate measures can be put in place to minimise the risk. Highways England will consider such written demonstration and may fail the Supplier from any further consideration in this procurement process if the written demonstration does not satisfy Highways England that the conflict of interest or its risk will be fully mitigated.

**PART 3 - ECONOMIC AND FINANCIAL STANDING****2.7 Section 4 – Economic and Financial Standing****2.7.1 General**

- (a) The economic and financial standing assessment described below is designed to take an informed view of your financial status. The assessment methodology comprises three steps:
- (b) Step 1 is a pass/fail assessment using a Dun & Bradstreet comprehensive report;
- (c) Step 2 is a pass/fail assessment using turnover;
- (d) Step 3 is a pass/fail assessment of four (4) calculated ratio analyses using information from your audited financial statements.
- (e) The full methodology for the economic and financial standing assessment is provided in paragraphs 2.7.3- 2.7.18.

**Financial Information**

2.7.2 For the economic and financial standing assessment, you are required to provide:

- the information in section 4 of the SQ; and
- any mitigating information / explanations that you wish Highways England to take into consideration for the economic and financial standing assessment. Highways England reserves the right at its discretion to request further information to explain the financial information you provide.

**Assessment Methodology for Economic and Financial Standing****Assessment Methodology for Step 1**

2.7.3 Step 1 is a provisional pass/fail assessment, evidenced by a Dun & Bradstreet (D&B) comprehensive report.

2.7.4 The D&B comprehensive report contains D&B scores and ratings which are produced using a combination of mathematical modelling, expert rules, skilled business analysis and many years of experience of insolvency trends. D&B carefully analyse all business failures, and compare them with the normal population of actively trading companies, to identify those events which are most significant and predictive in nature, and which could affect the status of a business.

- 2.7.5 The D&B Risk Indicator is based on daily monitoring of both the subject company's financial and other key strategic activities, and is therefore reflective of the company's current financial status. The D&B Risk Indicator is a score from 1 to 4, where 1 is minimum risk and 4 is high risk.
- 2.7.6 You shall pass Step 1 where your D&B Risk Indicator is less than 4. A D&B Risk Indicator of 4 is a PROVISIONAL FAIL.
- 2.7.7 Highways England reserves the right, at its sole discretion, to determine whether to change a provisional fail of Step 1 into a pass using any mitigating information that you have provided.

#### Assessment Methodology for Step 2

- 2.7.8 Step 2 is a pass/fail assessment, evidenced by your audited financial statements and based on turnover (revenue).
- 2.7.9 You shall pass Step 2 where your turnover (for the most recent year of financial statements) is at least equal to two times the estimated annualised contract value as set out in Table 3 below.

**Table 3 Step 2 Turnover Thresholds**

Estimated annualised contract value	Turnover Threshold
£22,500,000.00	£45,000,000.00

- 2.7.10 A turnover of less than the turnover threshold is a PROVISIONAL FAIL.

#### Parent Company Guarantee

- 2.7.11 If you have failed Step 2 and you are a subsidiary as defined in the Companies Act 2013, the provisional fail of step 2 shall be changed to a pass if you are able to provide a parent company guarantee ("PCG") in accordance with the following paragraph.
- 2.7.12 If your ultimate or intermediate parent company passes the economic and financial standing tests stated above, and confirms that it will provide a parent company guarantee in the form set out in Annex 24, then the provisional fail of the Step 2 assessment shall be converted to a pass.
- 2.7.13 In the following cases:
- a) organisations without a parent company, or
  - b) organisations whose parent company is unwilling to provide a parent company guarantee in the form set out in Annex 24 or whose parent company does not pass the economic and financial standing tests stated above,

Highways England reserves the right, at its sole discretion, to determine whether to change a provisional fail of Step 2 into a pass if you are able to provide an alternative form of guarantee or security. If you propose to provide an alternative form of guarantee or security you must contact the Procurement Officer via the e-procurement portal to discuss your proposal.

### Assessment Methodology for Step 3

2.7.14 Step 3 is a provisional pass/fail assessment of your financial standing, using information from your audited financial statements, to calculate the following ratio analysis:

- Current ratio;
- Total Liabilities/Shareholder Funds ratio;
- Profit/Loss before tax; and
- Interest cover ratio.

2.7.15 You shall provisionally pass Step 3 where your calculated ratios meet the required thresholds in each of paragraphs A, B, C and D below.

2.7.16 Highways England reserves the right, at its sole discretion, to determine whether to change a provisional fail of Step 3 into a pass using any mitigating information that you have provided.

2.7.17 Highways England reserves the right, at its sole discretion, to determine whether to change a provisional pass of Step 3 into a fail using any information that you have made publicly available since your last published financial statements, such as official profit warnings.

2.7.18 Where you have provided Constructionline details and your Constructionline account company details and financial and insurance information are verified, Highways England reserves the right, at its sole discretion, to determine that you pass the Step 3 assessment if your Constructionline notation value in the relevant category is at least equal to the estimated annualised contract value.

### A Current Ratio (Current Assets/Current Liabilities)

This indicates whether a business has sufficient liquid assets e.g. cash, short term debtors and stock to meet its outstanding current liabilities e.g. trade creditors, bank overdraft, lease payments, interest due.

The test is applied to each of the last 3 years audited financial statements.

A current ratio of less than 0.8 in any one year is a PROVISIONAL FAIL

**B Total Liabilities/Shareholder Funds Ratio**

This is a basic test of a company's solvency.

The test is applied to each of the last 3 years audited financial statements.

A total liabilities/shareholder funds ratio of more than 4 in any one year is a PROVISIONAL FAIL.

**C Profit/Loss before tax**

The test is applied to each of the last 3 years audited financial statements.

A pre-tax loss of more than 50% of net assets in any one year is a PROVISIONAL FAIL.

A pre-tax loss of more than 5% turnover in any one year is a PROVISIONAL FAIL.

A pre-tax loss in all 3 years is a PROVISIONAL FAIL.

**D Interest Cover Ratio (Profit before interest and tax/Interest expense)**

This is a test of whether a company is generating enough profit to service its interest-bearing debt.

The test is applied to each of the last 3 years audited financial statements.

An interest cover ratio of less than 2 in any one year is a PROVISIONAL FAIL.

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**2.8 Section 5 – Group of Economic Operators**

2.8.1 See 2.7 above.

**2.9 Section 6 – Technical Ability and Relevance Criteria**

2.9.1 This is assessed on a Pass/Fail basis.

2.9.2 The tenderer or their supply chain must be accredited to the relevant sector schemes. If they are not, this will be a Fail and the tender will be rejected.

2.9.3 The assessment of the Technical Ability and Relevance Criteria will be based on all the information supplied in the Reference Contract Data Sheets, using the attributes and scoring criteria in the table below. All Reference Contracts must achieve a Pass:



2.9.4 The Selection Questionnaire Assessment Panel will also assess the responses to the technical ability and relevance criteria. The assessment will be completed on a pass/fail basis. In the event of a tender being given a “fail” against any of the technical ability and relevance criteria, the tender will be rejected.

Technical Ability and Relevance Criteria		Attributes	Criteria which constitute a “Pass”
1.1	Description of Contract	Is the Reference Contract similar to the technical content of the contract being advertised?	<p>e.g. <i>Highways asset and cyclic / routine maintenance based?</i> (mandatory requirement)</p> <p><i>-Is an incident response service included? (mandatory requirement)</i></p> <p><i>- Is severe weather delivery included</i></p> <p><i>- principal contractor role (mandatory requirement)</i></p>
1.2	Contract Management	Is the Reference Contract demonstrating good Contract Management?	<ul style="list-style-type: none"> <li>• Evidence of contract delivered according to contract requirements</li> <li>• Evidence of alternative solutions/methods</li> <li>• Evidence of contract completed within time and budget</li> <li>• Evidence of relevant competent behaviours</li> <li>• Evidence of meeting performance requirements</li> </ul>

2.9.5 **Supplier’s approach to payment in the procurement of major contracts** (subject to the Public Contracts Regulations 2015 and in excess of £5 million per annum) (Question 6.5)

2.9.6 This is assessed on a Pass/Fail basis.

2.9.7 The key issue to be assessed is whether a bidder that intends to use a supply chain to deliver the contract, on behalf of Highways England has effective payment systems in place to ensure the reliability of that supply chain.

2.9.8 A bidder will only be excluded if they do not meet the selection criterion having taken into account the self-declarations and an assessment of their systems and recent payment performance, or if the successful bidder is unable to verify its self-declarations with the required evidence.

**Self-declaration (Questions 1 to 4)**

2.9.9 Question 1 is for information only and will not be scored. If the answer to question 1 is “No”, the bidder is not required to answer the remaining questions.

2.9.10 Questions 2, 3 and 4 will be assessed on a pass/fail basis based on self-declarations made and provided by the bidder.

**Payment performance (question 5)**

2.9.11 Assessments will be made of the bidder’s responses to question 5 in order to determine whether the supplier has an effective and reliable supply-chain management system in place. This is done by looking at two aspects of the supply chain management system:

- Whether the bidder has paid its suppliers in accordance with the contractual terms that it applies to its supply chain; and
- Whether, overall, the bidder has paid its suppliers promptly; payment of 95% of invoices within 60 days is considered an appropriate measure of overall payment promptness.

2.9.12 Subject to paragraph 2.9.13, question 5 will be measured over a twelve-month period and the bidder must demonstrate that they meet the required standard (i.e. paid their supply chain within agreed terms and paid 95% of invoices within 60 days) in at least one of the two previous six-month periods (“reporting periods”<sub>1</sub>).

2.9.13 Where a bidder has reported payment data every six months in accordance with the Reporting on Payment Practices and Performance Regulations 2017, the two most recent reports can be submitted in response to question 5. If the bidder has recent data for the previous three or more months which has not yet been reported under the regulations, then this this can also be submitted as a reporting period. Where bidders are not required to publish their data in accordance with the regulations, they should still submit the previous twelve months’ worth of available data in two (six month) periods in line with the BEIS Guidance to Reporting Payment Practices and Performance.

2.9.14 With respect to question 5(b), if a bidder has not paid all invoices within the agreed contractual terms in at least one reporting period, they must explain why in order to pass. And, if they need to submit an action plan under 5(c), that plan must also cover what actions they are taking to improve payment of their suppliers within the agreed terms.

2.9.15 The evaluation methodology to be applied when assessing 5(b) is set out below.

<b>Bidder’s performance</b>	<b>Assessment criteria and methodology</b>	<b>Outcome</b>
Bidder pays all supply chain invoices within agreed terms.	Bidder meets the required standard.	Pass

Bidder does not pay all supply chain invoices within agreed terms but provides an explanation why.	Bidder meets the required standard.	Pass
Bidder does not pay all supply chain invoices within agreed terms and does not provide explanation why.	Bidder does not meet the required standard.	Fail

<sup>1</sup> A reporting period is a period of six calendar months as set out in the BEIS Guidance to Reporting Payment Practices and Performance under the Reporting on Payment Practices and Performance Regulations 2007.  
<https://www.gov.uk/government/publications/business-payment-practices-and-performance-reporting-requirements>.

2.9.16 In relation to question 5(c), if the bidder has not met the required standard of payment of 95% of all invoices in 60 days in at least one reporting period, they will still pass provided:

- After the bidder has removed intercompany payments from the calculations, it pays 95% of all invoices within 60 days in at least one of the previous two reporting periods.
- The bidder has paid between 75%<sup>2</sup> and 95% of all its invoices within 60 days in at least one of the previous two reporting periods (after removing intercompany payments if this is relevant) and it demonstrates that it has a compliant action plan to achieve the required standard in future.
- The bidder is a new entrant to the market (trading for less than 12 months).  
The bidder is still expected to respond to questions 1-4 and pass.

2.9.17 The evaluation methodology to be applied when assessing question 5(c) is set out below.

Bidder's performance	Assessment criteria and methodology	Outcome
Bidder pays ≥95% of all supply chain invoices in 60 days in at least one of the previous two six month reporting periods.	Bidder meets the required standard.	Pass
Bidder pays ≥95% of all supply chain invoices in 60 days in at least one of the two previous six month reporting periods after removing intercompany payments.	Bidder meets the required standard.	Pass

<p>Bidder pays <math>\geq 75\%</math> &lt; 95% of all supply chain invoices in 60 days in at least one of the two previous six month reporting periods after removing intercompany payments (if relevant).</p>	<p>Bidder demonstrates action plan that includes (as a minimum) the following:</p> <ol style="list-style-type: none"> <li>1. Identification of the primary causes of failure to pay:               <ol style="list-style-type: none"> <li>(a) 95% of all supply chain invoices within 60 days; and</li> <li>(b) (if relevant) all supply-chain invoices within agreed terms.</li> </ol> </li> <li>2. Actions to address each of these causes.</li> <li>3. Regular reporting on progress to the bidder's audit committee (or equivalent).</li> <li>4. Plan signed off by a director.</li> <li>5. Plan published on its website. (This can be a shorter, summary plan)</li> </ol>	<p>Pass</p>
	<p>No action plan or action plan does not include all of the above features.</p>	<p>Fail</p>
<p>Bidder does not pay <math>\geq 75\%</math> of all supply chain invoices in 60 days in at least one of the two previous six month reporting periods after removing intercompany payments (if relevant).</p>	<p>Bidder's payment performance falls substantially below the required standard.</p>	<p>Fail</p>
<p><sup>2</sup> The 75% threshold will be ratcheted up over time until it reaches 95%. Cabinet Office will update the guidance to alert departments and bidders as and when it is to be raised.</p>		

**2.10 Section 7 – Modern Slavery Act 2015**

- 2.10.1 Assessed as pass/fail based on satisfying Highways England that there is compliance with the Modern Slavery Act 2015.

**2.11 Section 8 – Additional Questions****2.11.1 8.1 - Insurance**

- (a) Assessed as pass/fail that the required insurances are in place or the tenderer can commit to obtaining them.

**2.11.2 8.2 - Skills and Apprentices**

- (a) Assessed as pass/fail based on satisfying Highways England that skills development and apprenticeships will be supported.

**2.11.3 8.3 - Steel**

- (a) Assessed as pass/fail based on satisfying Highways England that there will be a high level of competency and effectiveness in managing all supply chain members involved in steel supply or production so that there will be a sustainable and safe supply of steel.

**2.11.4 8.4 - Suppliers Past Performance**

- (a) Highways England may assess the past performance of a Supplier (through a Certificate of Performance provided by a Customer or other means of evidence). Highways England may take into account any failure to discharge obligations under the previous principal relevant contracts of the Supplier completing this SQ. Highways England may also assess whether specified minimum standards for reliability for such contracts are met.
- (b) In addition, Highways England may re-assess reliability based on past performance at key stages in the procurement process (i.e. supplier selection, tender evaluation, contract award stage etc.). Suppliers 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).

**2.11.5 8.5 - Compliance with Equality Legislation**

- (a) Assessed as pass/fail based on satisfying Highways England that equality legislation will be complied with.

**2.11.6 8.6 - Environmental Management**

- (a) Assessed as pass/fail based on satisfying Highways England that environmental legislation will be complied with.

2.11.7 8.7 - Health and Safety Policy and Capability Part 1

- (a) Assessed as pass/fail based on meeting Highways England's health and safety requirements.

2.11.8 8.8 - Health and Safety Policy and Capability Part 2

- (a) Assessed as pass/fail based on meeting Highways England's health and safety requirements.

**APPENDIX A - MANDATORY EXCLUSION GROUNDS****Public Contract Regulations 2015 R57(1), (2) and (3)****Public Contract Directives 2014/24/EU Article 57(1)****Participation in a criminal organisation**

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

Conspiracy within the meaning of

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

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

**Corruption**

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

The common law offence of bribery;

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

**Fraud**

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

- the common law offence of cheating the Revenue;
- the common law offence of conspiracy to defraud;
- fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978;
- fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006;
- fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;
- an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;

- destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969;
- fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006;
- the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act;

**Terrorist offences or offences linked to terrorist activities**

Any offence:

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

**Money laundering or terrorist financing**

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

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

**Child labour and other forms of trafficking human beings**

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

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

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

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

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

**Non-payment of tax and social security contributions**

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



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

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

**Other offences**

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

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

**APPENDIX B - DISCRETIONARY EXCLUSIONS****Obligations in the field of environment, social and labour law.**

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

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

**Bankruptcy, insolvency**

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

**Grave professional misconduct**

Guilty of grave professional misconduct

**Distortion of competition**

Entered into agreements with other economic operators aimed at distorting competition

**Conflict of interest**

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

**Been involved in the preparation of the procurement procedure.****Prior performance issues**

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

**Misrepresentation and undue influence**

The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.

**Additional exclusion grounds**

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

**ANNEX X Extract from Public Procurement Directive 2014/24/EU****LIST OF INTERNATIONAL SOCIAL AND ENVIRONMENTAL CONVENTIONS REFERRED TO IN ARTICLE 18(2) —**

- ILO Convention 87 on Freedom of Association and the Protection of the Right to Organise;
- ILO Convention 98 on the Right to Organise and Collective Bargaining;
- ILO Convention 29 on Forced Labour;
- ILO Convention 105 on the Abolition of Forced Labour;
- ILO Convention 138 on Minimum Age;
- ILO Convention 111 on Discrimination (Employment and Occupation);
- ILO Convention 100 on Equal Remuneration;
- ILO Convention 182 on Worst Forms of Child Labour;
- Vienna Convention for the protection of the Ozone Layer and its Montreal Protocol on substances that deplete the Ozone Layer;

- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention);
- Stockholm Convention on Persistent Organic Pollutants (Stockholm POPs Convention)
- Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (UNEP/FAO) (The PIC Convention) Rotterdam, 10 September 1998, and its 3 regional Protocols.

**Consequences of misrepresentation**

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

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