



**Highways England Company Limited**

**Area 3 Asset Delivery (AD)**

**Maintenance and Response (M&R) Contract**

**Instructions for Tenderers**

**Annex 1: Selection Questionnaire and  
Guidance**

# **1 Guidance on Completion of Selection Questionnaire (SQ)**

## **1.1 Definitions**

1.1.1 In this Selection Questionnaire (“SQ”):

- a) the “Authority” or “Highways England” means Highways England Company Limited;
- b) The “Regulations” means the Public Contracts Regulations 2015;
- c) “Applicant” or “You/Your” refers to the potential supplier completing this SQ, i.e. the legal entity responsible for the information provided. The term “Applicant” is intended to cover any economic operator as defined by 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

## **1.2 Structure**

1.2.1 The SQ is structured in three parts:

- Part 1 covers the basic information about Applicants, such as contact details, trade memberships, details of parent companies, group bidding and so on.
- Part 2 covers a self-declaration regarding whether or not any of the exclusion grounds apply.
- Part 3 covers questions related to economic and financial standing and technical and professional ability.

### **1.2.2 Part 1 Potential Supplier’s Information, Bidding Model, and Declaration**

- Question 1.1 Your Information - a separate response must be provided by the Applicant, the Applicant’s parent company (where the parent company is relied on to meet the selection criteria), each consortium member (where you are joining a group of organisations), and each sub-contractor that you rely on to meet the selection criteria (“Material Sub-contractors”).

- Question 1.2 Bidding model – a single combined response must be provided by the Applicant on behalf of itself, its parent company (where applicable), its consortium members (where applicable), and any Material Sub-contractors (where applicable).
- Question 1.3 Declaration – a separate response must be provided by the Applicant, its parent company (where applicable), its consortium members (where applicable), and any Material Sub-contractors (where applicable).

### 1.2.3 Part 2 Exclusion Grounds

Part 2 is a self-declaration, made by you 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).

A completed declaration of Section 2 and Section 3 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. A separate response must be provided by the Applicant, its parent company (where applicable), its consortium members (where applicable), and each Material Sub-contractor (where applicable).

### 1.2.4 Part 3 Supplier Selection Questions

For the following questions a separate response must be provided by the Applicant, each consortium member (where applicable), and each Material Sub-contractor (where applicable):

- 7 Modern Slavery
- 8.4 Suppliers' Past Performance
- 8.6 Health and Safety
- 8.7 Equal Opportunities
- 8.8 Environmental Management
- 8.9 Quality Management

For the following questions a separate response must be provided by the Applicant and each consortium member (where applicable):

- 4 Economic and Financial Standing
- 5. Wider group
- 8.2 Skills and Apprentices
- 8.3 Steel
- 8.5 Approach to payment of Supply Chain

For the following questions a single combined response must be provided by the Applicant on behalf of itself, its parent company (where applicable), its consortium members (where applicable), and any Material Sub-contractors (where applicable).

- 6 Technical and Professional ability
- 8.1 Insurance

### 1.3 **Consequences of misrepresentation**

If you seriously misrepresent any factual information in filling in the SQ, and so induce the 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.

### 1.4 **Notes for completion**

Please ensure that **all questions are completed in full**, and in the format requested. 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.

### 1.5 **Bidding model**

The Authority recognises that any arrangements set out in Section 1.2 of this SQ, in relation to a group of economic operators (for example, a consortium) and/or use of Material 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.

## 1.6 Customer contacts

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.

## 2 INSTRUCTIONS FOR SUBMISSION OF SQ RESPONSES

### 2.1 Constructionline (“CL”)

2.1.1 CL is a UK based pre-qualification certification service for construction-related contractors and suppliers. The SQ enables exemption from answering certain parts of the SQ where a CL registration is held.

2.1.2 To gain an exemption, CL registration must be:

- a) complete, in date and verified;
- b) held under the PAS91:2013 + A1: 2017 standard; and
- c) at a Gold or Platinum membership level.

2.1.3 To gain an exemption under CL all relevant modules and questions must have been completed and verified on your CL profile.

2.1.4 If an Applicant is registered with CL and wishes to claim an exemption it will need to provide its account number in the table below.

Constructionline Information		
Are you registered with Constructionline?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please provide your Constructionline account number.		

If 'yes' please provide your membership level (Silver, Gold, Platinum)		
Is your Constructionline account up to date and showing a "Verified" status?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

2.1.5 CL membership as described above enables exemption from completing the following questions in the SQ:

- 8.6 Health and Safety
- 8.7 Equal Opportunities
- 8.8 Environmental Management
- 8.9 Quality Management

2.1.6 The relevant parts of the SQ must be completed in full where:

- a) the required CL membership level is not held;
- b) CL modules have not been verified; or
- c) no CL registration is held.

2.1.7 Where an exemption has been claimed under CL, the Authority reserves the right to:

- a) check that the answers and information contained within CL are valid; and
- b) require the SQ part to be completed in full where the Authority deems the answers or information contained within CL to not be valid.

2.1.8 Applicants should note that registration with CL is not mandatory. If the Applicant is not registered with CL it will need to demonstrate that it meets the Authority's requirements by completing all parts of this SQ.

## 2.2 **Part 1 Information**

2.2.1 Part 1 of the SQ contains questions relation to organisational details, the bidding model and subcontracting arrangements. This part of the SQ requires you to make a declaration regarding the accuracy and completeness of your

SQ responses and commitment to providing additional evidence to support your SQ responses where requested by the Authority.

## **2.3 Part 2 Exclusion Grounds**

2.3.1 Part 2 of the SQ enables you to self-certify that there are no mandatory/discretionary grounds for exclusion.

2.3.2 You should refer to Regulation 57 of the Regulations before completing this part, which sets out the detailed grounds for mandatory and discretionary exclusion (see this link:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/551130/List\\_of\\_Mandatory\\_and\\_Discretionary\\_Exclusions.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf))

### **2.3.3 Self-cleaning**

In accordance with Regulation 57 of the Regulations, if an Applicant has breached certain exclusion grounds, it has an opportunity to explain how and what actions have been taken to rectify the situation (referred to as “self-cleaning”).

The Applicant is permitted to provide evidence of self-cleaning if it answers “Yes” to certain questions within the mandatory and discretionary exclusion parts of the SQ.

The evidence of self-cleaning must include:

- a) a summary of the circumstances; and
- b) remedial action that has taken place subsequently that effectively “self-cleans” the situation.

The Applicant must demonstrate that it has taken such remedial action, to the satisfaction of the Authority and in accordance with Regulation 57 of the Regulations.

### **2.3.4 Conflicts of interest**

Where a conflict of interest exists, or may arise, it is the Applicant’s responsibility to inform the Authority, providing details in 3.2.

You must explain the actual or potential conflict of interest; and measures you propose to implement to mitigate, remove or manage the conflict of interest.

You are required to demonstrate that you have mitigated, removed or managed the conflict of interest to the satisfaction of the Authority and in accordance with Regulation 24 of the Regulations.

## **2.4 Part 3 Selection Questions**

2.4.1 Part 3 of the SQ contains questions related to suitability in respect of:

- Section 4 Economic and Financial Standing;
- Section 5 the Applicant's wider group
- Section 6 Technical and Professional Ability.
- Section 7 Modern Slavery
- Section 8 Additional Questions.

### **2.4.2 Section 4 Economic and Financial Standing**

The Applicant is required to provide the information requested and the full methodology for the assessment is set out in the assessment process section below.

### **2.4.3 Section 5 Is the Applicant part of a wider group**

You should be aware that the Authority may require the benefit of a guarantee from the Parent Company of the Applicant.

The assessment process for Economic and Financial Standing sets out when a parent company guarantee may be required to pass the economic and financial standing tests.

### **2.4.4 Section 6 Technical and Professional Ability.**

The Applicant is required to provide the information requested and the full methodology for the assessment is set out in the assessment process section below.

### **2.4.5 Section 7 Modern Slavery**

This part of the SQ must be read in conjunction with Section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 prior to answering questions within this section



#### 2.4.6 Section 8 Additional Questions

The following sections of the SQ align to the PAS91:2013 + A1:2017 standard. This enables Applicants to submit previously compiled responses to these questions.

- a) 8.6 Health and Safety
- b) 8.7 Equal Opportunities
- c) 8.8 Environmental Management
- d) 8.9 Quality Management.

### 3 Selection Questionnaire

#### PART 1: APPLICANT INFORMATION

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.

Part 1 Section 1 - Applicant Information		
Question number	Question	Response
1.1(a)	Full name of the potential supplier submitting the information	
1.1(b) – (i)	Registered office address (if applicable)	
1.1(b) – (ii)	Registered website address (if applicable)	
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)	
1.1(d)	Date of registration in country of origin	
1.1(e)	Company registration number (if applicable)	
1.1(f)	Charity registration number (if applicable)	
1.1(g)	Head office DUNS number (if applicable)	
1.1(h)	Registered VAT number	
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?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
1.1(i) - (ii)	If you responded yes to 1.1(i) - (i), please provide the relevant details, including the registration number(s).	

Part 1 Section 1 - Applicant Information		
Question number	Question	Response
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 <input type="checkbox"/> No <input type="checkbox"/>
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.	
1.1(k)	Trading name(s) that will be used if successful in this procurement (if applicable).	
1.1(l)	Relevant classifications: state whether you fall within one of these, and if so which one 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> ?	Yes <input type="checkbox"/> No <input type="checkbox"/>
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);	

<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.](#)

Part 1 Section 1 - Applicant Information		
Question number	Question	Response
	<ul style="list-style-type: none"> <li>- Which conditions for being a PSC are met; <ul style="list-style-type: none"> <li>- Over 25% up to (and including) 50%,</li> <li>- More than 50% and less than 75%,</li> <li>- 75% or more. <sup>3</sup></li> </ul> </li> </ul> <p>(Please enter N/A if not applicable)</p>	
1.1(o)	<p>Details of immediate parent company:</p> <ul style="list-style-type: none"> <li>- Full name of the immediate 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>	
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>	

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

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

---

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

Part 1 Section 1 - Bidding Model		
Question number	Question	Response
1.2(a) - (i)	Are you bidding as the lead contact for a group of economic operators?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide details listed in questions 1.2(a)(ii), (a) (iii) and to 1.2(b)(i), (b)(ii), 1.3 and Section 2 and 3. 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.
1.2(a) - (ii)	Name of group of economic operators (if applicable)	
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.	
1.2(b) - (i)	Are you or, if applicable, the group of economic operators proposing to use sub-contractors?	Yes <input type="checkbox"/> No <input type="checkbox"/>

## Part 1 Section 1 - Bidding Model

Question number	Question	Response																																																												
1.2(b) - (ii)	<p>If you responded yes to 1.2(b)-(i) please provide additional details for each sub-contractor in the following table: we may ask them to complete this form as well.</p> <table border="1"> <tbody> <tr> <td>Name</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></tr> <tr> <td>Trading status</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></tr> <tr> <td>Head Office DUNS number (if applicable)</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></tr> <tr> <td>Type of organisation</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></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></tr> <tr> <td>The approximate % of contractual obligations assigned to each sub-contractor</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						
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																																																														

## **Declaration and Contact Details**

**I declare that to the best of my knowledge the answers submitted and the 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 criteria must complete and submit the Part 1 and Part 2 self-declaration.

Section 2	Grounds for mandatory exclusion	
Question number	Question	Response
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 this <a href="#">webpage</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 have been convicted anywhere in the world of any of the offences within the summary below and listed on the <a href="#">webpage</a>.</p>	
	Participation in a criminal organisation.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide details at 2.1(b)
	Corruption.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide details at 2.1(b)
	Fraud.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide details at 2.1(b)
	Terrorist offences or offences linked to terrorist activities	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide details at 2.1(b)
	Money laundering or terrorist financing	Yes <input type="checkbox"/> No <input type="checkbox"/>



Section 2		Grounds for mandatory exclusion
Question number	Question	Response
		If Yes, please provide details at 2.1(b)
	Child labour and other forms of trafficking in human beings	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide details at 2.1(b)
2.1(b)	<p>If you have answered yes to questions 2.1(a), please provide further details.</p> <p>Date of conviction, specify which of the grounds listed the conviction was for, and the reason 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>	
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 <input type="checkbox"/> No <input type="checkbox"/>

Section 2		Grounds for mandatory exclusion
Question number	Question	Response
2.3(a)	<p><b>Regulation 57(3)</b></p> <p>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?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
2.3(b)	<p>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.</p>	

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.

<b>Section 3</b>	<b>Grounds for discretionary exclusion</b>	
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 <a href="#">webpage</a> 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 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 <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide details at 3.2
3.1(b)	Breach of social obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide details at 3.2
3.1(c)	Breach of labour law obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/> 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 <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide details at 3.2

3.1(e)	Guilty of grave professional misconduct?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide details at 3.2
3.1(f)	Entered into agreements with other economic operators aimed at distorting competition?	Yes <input type="checkbox"/> No <input type="checkbox"/> 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 <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide details at 3.2
3.1(h)	Been involved in the preparation of the procurement procedure?	Yes <input type="checkbox"/> No <input type="checkbox"/> 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 <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide details at 3.2

Please answer the following statements

3.1(j)	Please answer the following statements	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide details at 3.2
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.	
3.1(j) – (ii)	The organisation has withheld such information.	Yes <input type="checkbox"/> No <input type="checkbox"/> 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 <input type="checkbox"/> No <input type="checkbox"/> 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 <input type="checkbox"/> No <input type="checkbox"/> If Yes, please provide details at 3.2
3.2	If you have answered Yes to any of the above, explain what measures have been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self-Cleaning)	

### PART 3: SELECTION QUESTIONS

Section 4	Economic and Financial Standing	
Question number	Question	Response
4.1	Are you able to provide a copy of your audited accounts for the last two years, if requested? If no, can you provide <b>one</b> of the following: answer with Y/N in the relevant box.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	(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 <input type="checkbox"/> No <input type="checkbox"/>
	(b) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	(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 <input type="checkbox"/> No <input type="checkbox"/>
4.2	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 <input type="checkbox"/> No <input type="checkbox"/>

Section 5	If you have indicated in the SQ question 1.2 that you are part of a wider group, please provide further details below:	
Name of organisation		
Relationship to the Applicant completing these questions		

<b>Section 5</b>		<b>If you have indicated in the SQ question 1.2 that you are part of a wider group, please provide further details below:</b>
5.1	Are you able to provide parent company accounts if requested to at a later stage?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5.2	If yes, would the parent company be willing to provide a guarantee if necessary?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5.3	If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)?	Yes <input type="checkbox"/> No <input type="checkbox"/>

<b>Section 6</b>	<b>Technical and Professional Ability</b>
6.1	<p><b>Relevant experience and contract examples</b></p> <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 (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>

	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			

6.2	<p>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)</p> <p>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)</p>

6.3	<p>If you cannot provide at least one example for question 6.1, 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>

Section 7	Modern Slavery Act 2015: Requirements under Modern Slavery Act 2015	
7.1	Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply	<p>Yes <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>



	chains etc.") of the Modern Slavery Act 2015 ("the Act")?	
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?</p> <p style="text-align: center;">○</p>	<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>

## 8. Additional Questions

Applicants 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	Additional Questions
8	
8.1 –	Insurance
	<p>Note: <i>Contractors</i> who self-certify that they already have, or can commit to obtain, prior to the commencement of the contract; the level of insurance cover indicated below will be required to provide evidence of this if they are successful at contract award stage.</p> <p>Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the type and level of insurance cover indicated below:</p> <p>1. Property Insurance being “All Risks” cover from any cause not excluded of physical loss, destruction or damage to the insured property being any plant, materials and equipment, relevant Roadside Technology, Equipment and Client Stocks.provided by the <i>Client</i>.</p> <p>The sum insured to represent the reinstatement or replacement cost of the relevant insured property.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>

	<p>2. Third Party Public and Products Liability Insurance to indemnify the insured in respect of all sums which the insured may become legally liable to pay as damages, including claimant's costs and expenses, in respect of accidental death or bodily injury to or sickness, illness or disease contracted by any person (other than employees of the insured) and / or loss of or damage to property happening during the period of insurance and arising out of or in connection with the contract.</p> <p>Limit of indemnity £50,000,000 in respect of any one occurrence without limit to the number of occurrences in any annual policy period, but £50,000,000 any one occurrence and in the aggregate per annum in respect of liability arising out of products and pollution or contamination liability (to the extent insured by the relevant policy).</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>3. Employer's (Compulsory) Liability Insurance. Limit of indemnity £10,000,000 in respect of any one occurrence the number of occurrences being unlimited in any annual policy period.</p> <p>It is a legal requirement that all companies hold Employer's Liability Insurance of £5,000,000 in respect of any one occurrence the number of occurrences being unlimited in any annual policy period as a minimum.</p> <p>Please note this requirement is not applicable to Sole Traders.</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>4. Motor Third Party Liability Insurance. Limit of indemnity the greater of the amount required by the applicable law or unlimited in respect of death/injury, £5,000,000 in respect of third party property damage by commercial vehicles and 20,000,000 in respect of third party property damage by cars</p> <p>It is a legal requirement that all companies operating vehicles hold Motor Third Party Liability Insurance</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>5. Motor Vehicle Damage Insurance. Comprehensive insurance in respect of loss, damage, destruction or theft of <i>Client's</i> Vehicles whilst the responsibility of the Contractor. The sum insured to represent the market value at the time when the loss, damage, destruction or theft occurred.</p>
--	---

	Yes <input type="checkbox"/> No <input type="checkbox"/>

<b>8.2</b>	<b>Skills and Apprentices<sup>4</sup> - (please refer to supplier selection guidance)</b>	
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 <input type="checkbox"/> No <input type="checkbox"/>
b.	<p>If yes, can you provide 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?</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>
c.	<p>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 if requested?</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>

<b>8.3</b>	<b>Steel<sup>5</sup> – (please refer to supplier selection guidance)</b>	
a.	Please describe the supply chain management systems, policies, standards and 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	

<sup>4</sup> [Procurement Policy Note 14/15– Supporting Apprenticeships and Skills Through Public Procurement](#)

<sup>5</sup> [Procurement Policy Note 16/15– Procuring steel in major projects](#)

	supply chain members involved in steel supply or production so that there was a sustainable and safe supply of steel.
<b>c.</b>	<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>

<b>8.4</b>	<b>Suppliers' Past Performance</b>	
<b>a.</b>	Can you supply a list of your relevant principal contracts for goods and/or services provided in the last three years?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>b.</b>	On request can you provide a certificate from those customers on the list?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>c.</b>	If you cannot obtain a certificate from a customer can you explain the reasons why?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>d.</b>	If the certificate states that goods and/or services supplied were not satisfactory are you able to supply information which shows why this will not recur in this contract if you are awarded it?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>e.</b>	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 <input type="checkbox"/> No <input type="checkbox"/>

Procurement Policy Note 04/15 Taking Account of Suppliers' Past Performance

8.5	Approach to payments																
Selection Questions 1- 4 Self-declarations																	
1	Please confirm if you intend to use a supply chain (1) for this contract. If you answer "No" you do not need to complete the rest of this section. <b>[INFORMATION ONLY]</b>	Yes <input type="checkbox"/> No <input type="checkbox"/> <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 <input type="checkbox"/> No <input type="checkbox"/> <b>PASS/FAIL</b>															
3	Please confirm you have procedures for resolving disputed invoices with those in your supply chain promptly and effectively.	Yes <input type="checkbox"/> No <input type="checkbox"/> <b>PASS/FAIL</b>															
4	Please confirm that for public sector contracts awarded under the Public Contracts 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 <input type="checkbox"/> No <input type="checkbox"/> <b>PASS/FAIL</b>															
5.(a)	<p>Please provide the percentage of invoices 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. This should include the percentage of invoices paid within each of the following categories:</p> <table border="1"> <thead> <tr> <th></th> <th>1st 6 months</th> <th>2<sup>nd</sup> 6 months</th> </tr> </thead> <tbody> <tr> <td>1. within 30 days</td> <td></td> <td></td> </tr> <tr> <td>2. in 31 to 60 days</td> <td></td> <td></td> </tr> <tr> <td>3. in 61 days or more</td> <td></td> <td></td> </tr> <tr> <td>4. due but not paid by the last date for payment under agreed contractual terms.</td> <td></td> <td></td> </tr> </tbody> </table> <p>It is acceptable to cross refer to information that has previously been submitted to Government or other bodies or is publicly</p>			1st 6 months	2 <sup>nd</sup> 6 months	1. within 30 days			2. in 31 to 60 days			3. in 61 days or more			4. due but not paid by the last date for payment under agreed contractual terms.		
	1st 6 months	2 <sup>nd</sup> 6 months															
1. within 30 days																	
2. in 31 to 60 days																	
3. in 61 days or more																	
4. due but not paid by the last date for payment under agreed contractual terms.																	

	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>
5.(b)	<i>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).</i>
5.(c)	<p><i>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:</i></p> <ol style="list-style-type: none"> <li>1. Identification of the primary causes of failure to pay: (a) 95% of all supply chain invoices within 60 days; and (b) if relevant under question 5(b), all invoices within agreed terms.</li> <li>2. Actions to address each of these causes.</li> <li>3. A mechanism for and commitment to regular reporting on progress to the bidder's audit committee (or equivalent).</li> <li>4. Plan signed off by director.</li> <li>5. Plan published on its website (this can be a shorter, summary plan).</li> </ol> <p><i>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.</i></p>
<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 "Y"s" 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), and 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.
---	---

(1) 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.

6	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 <input type="checkbox"/> No <input type="checkbox"/>
---	--	---

## NON-PROJECT SPECIFIC ADDITIONAL QUESTIONS

8.6 Health and Safety				
<b>Exemption:</b> If you meet the criterion below and you can provide supporting evidence, you do not need to complete the following health and safety questions numbers 2 to 11. <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>				
Q Ref.				
Q1	Are you claiming exemption?	Yes <input type="checkbox"/> No <input type="checkbox"/>	What is the name of the scheme/certificate? You must provide evidence of certification.	
	Are you providing a copy of the certificate?		Yes/No dropdown menu	<b>Supplier's unique reference to relevant supporting information</b> What is the name of the scheme/certificate?  Supplier to insert text.
C4-Q2	Are you able to show that you have a general policy and an organisation which is responsible for ensuring effective health and safety	Evidence of periodically reviewed general H&S policy, signed and dated by a senior person within the organisation. The H&S policy should also	Yes <input type="checkbox"/> No <input type="checkbox"/>	

	<b>(H&amp;S) management?</b>	contain the organisation and arrangements. These should be relevant to the anticipated nature and scale of activity to be undertaken and set out responsibilities for H&S management at all levels in the organisation. <i>(Organisations with fewer than 5 employees, see Note 1 to this Table)</i>		
<b>C4-Q3</b>	<b>Are you able to show your arrangements for ensuring that your H&amp;S measures are effective in reducing/preventing work-related incidents, occupational ill-health and accidents?</b>	Details of the arrangements for H&S management that are relevant to the anticipated nature and scale of activity to be undertaken, and how these arrangements are communicated to workers. <i>(Organisations with fewer than 5 employees, see Note 1 to this Table)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>C4-Q4</b>	<b>Do you have ready access to competent H&amp;S advice/assistance?</b>	Evidence of how your organisation has ready access to competent H&S advice. <i>(Access to competent in-house advice, in whole or part, is usually preferred. It is essential that H&amp;S adviser(s) are able to provide general H&amp;S.)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>C4-Q5</b>	<b>Do you have a process for providing your employees/other workforce with training and other information appropriate to the activities that your organisation is likely to undertake?</b>	Evidence that your organisation implements relevant training arrangements to ensure that employees/other workforce have sufficient skills and understanding to discharge their various	Yes <input type="checkbox"/> No <input type="checkbox"/>	



		duties. This should include refresher training on relevant good H&S practice		
<b>C4-Q6</b>	<b>Do your employees/other workforce have H&amp;S and other relevant knowledge, experience and skills to carry out activities that your organisation is likely to undertake?</b>	Evidence that your employees/other workforce have suitable knowledge, experience and skills for the activities assigned to them, unless there are specific situations where they need to work under competent control and/or supervision (e.g. apprentices and other trainees).	Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>C4-Q7</b>	<b>Do you check, review and, where necessary, improve your H&amp;S performance?</b>	Evidence that your organisation has an effective, ongoing system for monitoring H&S procedures, and for periodically reviewing and updating that system as necessary.	Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>C4-Q8</b>	<b>Do you have procedures for involving your employees/other workforce in the planning and implementation of H&amp;S measures?</b>	Evidence that your organisation implements a means of consulting with its employees/other workforce on H&S matters and how comments, concerns or complaints submitted by employees/other workforce are taken into account.	Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>C4-Q9</b>	<b>Do you routinely record and review accidents/incidents and undertake follow-up action?</b>	Evidence that your organisation maintains records of all RIDDOR-reportable (see note 2 to this Table) and other incidents for at least the last three years. Evidence that your organisation has an	Yes <input type="checkbox"/> No <input type="checkbox"/>	

		effective system for reviewing significant incidents, and recording any resulting action taken (including your response to any H&S enforcement activity).		
C4-Q10	Do you have arrangements for ensuring that your suppliers also apply H&S measures that are appropriate to the activities that your organisation is likely to undertake?	Evidence that your organisation implements arrangements for ensuring and monitoring H&S skills, knowledge and experience, and performance, throughout your entire supply chain, appropriate to the work likely to be undertaken.	Yes <input type="checkbox"/> No <input type="checkbox"/>	
C4-Q11	Do you operate a process of risk assessment, capable of supporting safe systems of work?	Evidence that your organisation implements procedures for carrying out relevant risk assessments and for developing and implementing safe systems of work ("method statements"). Please provide indicative examples, which must include: the identification and control of any significant occupational health (not just safety) issues, appropriate to the work likely to be undertaken. <i>(Organisations with fewer than 5 employees, see Note 1 to this Table)</i> <b>NOTE</b> Risk assessments should focus on, and be proportionate to, the risks arising from the	Yes <input type="checkbox"/> No <input type="checkbox"/>	

		<p><i>type of work to be undertaken. The need to reduce documentation requirements on micro-businesses in particular should be taken into account by buyers and assessment providers. Excessive bureaucracy associated with prequalification assessment can obscure the real H&amp;S issues to be considered, and even divert effort away from them.</i></p>		
--	--	--	--	--

**NOTE 1** If a supplier has fewer than five employees it is not legally required to write down its general policy, organization or arrangements. However, it does need to be able to show that its arrangements are adequate in relation to the type of activity likely to be undertaken.

**NOTE 2** RIDDOR: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.

8.7 Equal opportunity and diversity				
Q Ref	Question	Description of information expected, which will be taken into account in assessment	Yes/No	Supplier's unique reference to relevant supporting information
O1-Q1	As an employer, do you meet the requirements of the positive equality duties in relation to the	<p>If "Yes" please provide:</p> <p>1) relevant instructions or written statement/evidence of relevant actions</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	

	<b>Equalities Act 2010?</b>	2) relevant guidance or written statement/evidence of relevant actions  3) relevant policies/ literature or written statement/ evidence of relevant actions  4) evidence of where you believe these policies have made a difference		
<b>O1-Q2</b>	<b>Is it your policy as an employer to comply with anti-discrimination legislation, and to treat all people fairly and equally so that no one group of people is treated less favourably than others?</b>	No supporting evidence required	Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>O1-Q3</b>	<b>In the last three years has any finding of unlawful discrimination been made against your organisation by any court or industrial or employment tribunal or equivalent body?</b>	Details of any findings	Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>O1-Q4</b>	<b>In the last three years, has your organisation been subject to a compliance action by the Equality and Human Rights Commission or an equivalent body on grounds of alleged</b>	Details of any investigations	Yes <input type="checkbox"/> No <input type="checkbox"/>	

	<b>unlawful discrimination?</b>			
<b>O1-Q5</b>	<b>In the last three years, has your organisation been found in breach of section 15 of the Immigration, Asylum and Nationality Act 2006?</b>	Details of any findings	Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>O1-Q6</b>	<b>In the last three years, has your organisation been found in breach of section 21 of the Immigration, Asylum and Nationality Act 2006?</b>	Details of any findings	Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>O1-Q7</b>	<b>In the last three years, has your organisation been found to be in breach of the National Minimum Wage Act 1998?</b>	Details of any findings	Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>O1-Q8</b>	<b>If the answer to any of questions 3 to 7 is “yes”, what steps did your organisation take as a result of that finding or investigation?</b>	Details/evidence of remedial action		
<b>O1-Q9</b>	<b>Does your organisation operate appropriate arrangements to ensure that equality and diversity is embedded within your organization?</b>	Provide copies of any relevant policies or written statement/evidence of relevant actions	Yes <input type="checkbox"/> No <input type="checkbox"/>	

<b>O1-Q10</b>	<b>Do you actively promote good practice in terms of eliminating discrimination in all forms through:</b>			
	<b>O1-Q10-1 guidance to your employees/suppliers concerned with recruitment, training and promotion?</b>	In respect of <b>O1-Q10-1</b> , copies of any relevant guidance or written statement/evidence of relevant actions.	Yes <input type="checkbox"/> No <input type="checkbox"/>	
	<b>O1-Q10-2 making guidance or policy documents concerning how the organization embeds equality and diversity available to employees/ sub-contractors, recognized trade unions or other representative groups of employees?</b>	In respect of <b>O1-Q10-2</b> , copies of any relevant guidance, policies, or written statement/evidence of relevant actions.	Yes <input type="checkbox"/> No <input type="checkbox"/>	
	<b>O1-Q10-3 appropriate recruitment advertisements or other literature?</b>	In respect of <b>O1-Q10-3</b> , copies of any relevant advertisement or written statement/evidence of relevant actions.	Yes <input type="checkbox"/> No <input type="checkbox"/>	

8.8 Environmental Management				
Q Ref	Exemption		Exemption claimed	If exemption claimed, supplier's unique reference to relevant supporting information
O2-Q1	The questions in this module need not be completed if your organisation holds a certificate of compliance with BS EN ISO 14001 (or equivalent) issued by a Conformity Assessment Body accredited to provide conformity assessment services to that standard <sup>6</sup> , e.g. accredited by UKAS, or you have a valid EMAS certificate, and can provide information to evidence this.		Yes <input type="checkbox"/> No <input type="checkbox"/>	
Q Ref	Question	Description of information expected, which will be taken into account in assessment	Yes/No	Supplier's unique reference to relevant supporting information
O2-Q2	Do you have a documented policy and organisation for the management of construction-related environmental issues?	Evidence that you or your organization has an environmental management policy authorized 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 for environmental management throughout the organisation.	Yes <input type="checkbox"/> No <input type="checkbox"/>	

<sup>6</sup> In O2-Q,1 accredited means having undergone third-party attestation by an organization that is a signatory to either or both of the European Accreditation or International Accreditation Forum, multi-lateral agreements.

<b>O2-Q3</b>	<b>Do you have documented arrangements for ensuring that your environmental management procedures are effective in reducing/preventing significant impacts on the environment?</b>	<p>Evidence that your organisation's environmental policy implementation plan provides information as to how the company aims to discharge relevant legal responsibilities and provides clear indication of how these arrangements are communicated to employees/other workforce, in relation to environmental matters including: sustainable materials procurement; waste management; energy management.</p> <p>This should include the arrangements for responding to, monitoring and recording environmental incidents, emergencies and complaints.</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>O2-Q4</b>	<b>Do you have arrangements for providing employees who will engage in construction, with training and information on construction-related environmental issues?</b>	<p>Evidence that your organisation has in place, and implements, training arrangements to ensure that its workforce has sufficient skills and understanding to carry out their various duties.</p> <p>This should include a programme of refresher training that will keep employees/other workforce updated on relevant legal requirements and good environmental management practice.</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>O2-Q5</b>	<b>Do you check, review and where necessary improve your environmental</b>	<p>Evidence that your organisation has a system for monitoring environmental management procedures on an ongoing basis and for</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>	



	management performance?	updating them at periodic interval.		
O2-Q6	Do you have arrangements for ensuring that any suppliers you engage apply environmental protection measures that are appropriate to the activity for which they are being engaged?	Evidence that your organisation has procedures for monitoring supplier's environmental management arrangements and ensuring that environmental performance appropriate for the activity to be undertaken is delivered throughout the whole of your organisation's supply chain.	Yes <input type="checkbox"/> No <input type="checkbox"/>	

8.9 Quality Management				
Q Ref	Exemption		Exemption claimed	If exemption claimed, supplier's unique reference to relevant supporting information
O3-Q1	The questions O3-Q2 to O3-Q6, need not be completed if your organisation holds a certificate of compliance with BS EN ISO 9001(or equivalent) issued by a Conformity Assessment Body accredited to provide conformity assessment services to that standard <sup>7</sup> e.g. accredited by UKAS, and can provide information to evidence this.		Yes <input type="checkbox"/> No <input type="checkbox"/>	
Q Ref	Question	Description of information expected, which will be taken into account in assessment	Yes/No	Supplier's unique reference to relevant supporting information
O3-Q2	Do you have a policy and organisation	Evidence that your organisation has and implements a quality	Yes <input type="checkbox"/> No <input type="checkbox"/>	

<sup>7</sup> In O3-Q1 accredited means having undergone third-party attestation by an organization that is a signatory to either or both of the European Accreditation or International Accreditation Forum, multi-lateral agreements.

	<b>for quality management ?</b>	management policy that is authorized by the chief executive or equivalent that is periodically reviewed at a senior management level. The policy should be relevant to the nature and scale of the work to be undertaken and set out responsibilities for quality management throughout the organisation.		
<b>O3-Q3</b>	<b>Do you have arrangements for ensuring that your quality management, including the quality of construction output and general performance, is effective in reducing/preventing incidents of sub-standard delivery?</b>	Evidence that your organisation keeps copies of documentation setting out quality management organisation and procedures that meet currently agreed good practice. These should include the arrangements for quality management throughout the organisation. They should set out how the company will carry out its policy, with a clear indication of how the arrangements are communicated to employees/other workforce.	Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>O3-Q4</b>	<b>Do you have arrangements for providing your workforce with quality-related training and information appropriate to the type of work for which your organisation is likely to bid?</b>	Evidence that your organisation has in place and implements, training arrangements to ensure that its employees/other workforce has sufficient skills and understanding to discharge their various responsibilities. These arrangements should include a programme of training that will keep employees/other workforce up to date with required knowledge about quality related issues, including copies of job profiles; training manuals and training records.	Yes <input type="checkbox"/> No <input type="checkbox"/>	

<b>O3-Q5</b>	<b>Do you have procedures for periodically reviewing, correcting and improving quality performance?</b>	Evidence that your organization has a system for monitoring quality management procedures on an on-going basis. Your organisation should be able to provide evidence of systematic, periodic review and improvement of quality in respect of construction output and general performance.	Yes <input type="checkbox"/> No <input type="checkbox"/>	
<b>O3-Q6</b>	<b>Do you have arrangements for ensuring that your own suppliers apply quality management measures that are appropriate to the work for which they are being engaged?</b>	Evidence that your organisation has arrangements for monitoring supplier's quality management arrangements and ensuring that quality performance appropriate for the work to be undertaken is delivered throughout the whole of your organisation's supply chain.	Yes <input type="checkbox"/> No <input type="checkbox"/>	

## **4 SELECTION QUESTIONNAIRE ASSESSMENT PROCESS**

### **4.1 PART 1 – APPLICANT INFORMATION**

#### **4.1.1 Section 1 – Applicant Information**

- This section is for information only.

#### **4.1.2 Section 2 – Bidding Model**

- This section is for information only.

#### **4.1.3 Section 3 – Declaration and Contact Details**

- This section is pass/fail. You will fail and be rejected if you do not confirm acceptance of the declaration.

### **4.2 Part 2 – Exclusion Grounds**

#### **4.2.1 Sections 2 and 3 – Grounds for Mandatory and Discretionary Exclusion**

This part is pass/ fail.

If you answer “No” to every question this will be a pass.

If you answer “Yes” to a question you will fail and be rejected, unless you can demonstrate, to the satisfaction of the Authority and in accordance with Regulation 57 of the Regulations, that:

- the exceptions to exclusion apply in accordance with Regulation 57 of the Regulations; and/or
- remedial action has been taken.

### **4.3 Part 3 – SELECTION QUESTIONS**

#### **4.3.1 Part 3 Section 4 – Economic and Financial Standing**

The economic and financial standing assessment is designed to take an informed view of an Applicant’s financial status. The assessment methodology comprises three steps:

- Step 1 is an assessment using a Dun & Bradstreet comprehensive report;
- Step 2 is an assessment using turnover from your audited financial statements;
- Step 3 is an assessment of four calculated ratio analyses using information from your audited financial statements.

### Financial Information

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

- the information in Part 3 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

##### Step 1: Dun and Bradstreet information

Step 1 is an assessment using information from a Dun & Bradstreet (D&B) comprehensive report.

The D&B comprehensive report contains D&B scores, one of which is the Risk Indicator. D&B produce the scores using a combination of mathematical modelling, expert rules, business analysis and experience of insolvency trends.

The D&B Risk Indicator is based on daily monitoring of both the subject company's financial and other key strategic activities. The D&B Risk Indicator is a score from 1 to 4, where 1 is minimum risk and 4 is high risk.

An Applicant will pass Step 1 where its D&B Risk Indicator is less than 4. A D&B Risk Indicator of 4 is a PROVISIONAL FAIL.

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 the Applicant has provided.

## Assessment Methodology for Step 2

### Step 2: Turnover Assessment

Step 2 is an assessment, evidenced by an Applicant's audited financial statements and based on turnover (revenue).

An Applicant will pass Step 2 where its 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 1 below.

**Table 1 Step 2 Turnover Thresholds**

Estimated annualised contract value	Turnover Threshold
£18,750,000	£37,500,000

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

### Parent Company Guarantee

If you have failed Step 2 and you are a subsidiary as defined in the Companies Act 2006, 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.

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 of the Scope, then the provisional fail of the Step 2 assessment shall be converted to a pass.

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 of the Scope 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

#### Step 3: Ratio analysis

Step 3 is an assessment of an Applicant's financial standing, using information from its audited financial statements, to calculate the following ratio analyses:

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

An Applicant will provisionally pass Step 3 where its calculated ratios meet the required thresholds in each of sections A, B, C and D below.

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.

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.

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 for any 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% of 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.

4.3.2 Part 3 Section 5 – Group of Economic Operators

This is for information purposes and the notes on Part 3 Section 4 – Economic and Financial Standing, above, set out when this information may be needed.

4.3.3 Part 3 Section 6 – Technical and Professional Ability

This is assessed as pass/fail.

You shall fail and be rejected if you:

a) are unable to provide details of one, two or three contracts which combined are relevant to the Authority's requirement; and

b) are unable to provide details of contract(s) which are relevant to the Authority's requirement, you are unable to provide an explanation to the satisfaction of the Authority.

Where you intend to sub-contract a proportion of the contract, you shall fail and be rejected if you are

a) unable to demonstrate how you have previously maintained healthy supply chains with your sub-contractor(s); or

b) unable to provide evidence which includes details of your supply chain management tracking systems to ensure performance of the contract.

#### 4.3.4 Part 3 Section 7 – Modern Slavery Act 2015

This is assessed as pass/fail.

You shall fail and be rejected if you:

a) are unable to demonstrate that you are compliant, or have been found to be non-compliant, with the annual reporting requirements contained within Section 54 of the Modern Slavery Act 2015; and

b) where you are unable to demonstrate that you are compliant or have been found to be non-compliant with the annual reporting requirements contained within Section 54 of the Modern Slavery Act 2015, you are unable to provide an explanation and details of the remedial action taken, to the satisfaction of the Authority.

#### 4.3.5 Part 3 Section 8 – Additional Questions

##### 8.1 Insurance.

This is assessed as pass/fail.

Failure to self-certify whether you have or can commit to obtain prior to the commencement of the contract the level of insurance cover means that you shall fail and be rejected.

##### 8.2 Skills and Apprentices.

This is assessed as pass/fail.

You shall fail and be rejected if you do not commit to supporting

apprenticeships and skills development for the contract.

### 8.3 Steel

This is assessed as pass/fail.

You shall fail and be rejected if you do not commit to be compliant with the steel procurement principles contained within Procurement Policy Note 11/16 (Procuring Steel in Major Projects) for the contract.

### 8.4 Suppliers' Past Performance

This is assessed as pass/fail.

You shall pass if you answer "Yes" to questions a, b and e and the certificates state that the goods and/or services supplied were satisfactory.

If you answer "No" to questions a or c or d or e you shall fail and be rejected.

If you answer "No" to question b you shall fail and be rejected unless you are able to provide an explanation to the satisfaction of the Authority.

If you answer "Yes" to question d you shall fail and be rejected unless the information you supply provides a demonstration which is satisfactory to the Authority of why this will not recur in this contract if you are awarded it.

### 8.5 Approach to Payment.

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.

Questions 2, 3 and 4 are assessed on a pass/fail basis. You shall fail and be

rejected if you answer “No” to any of the questions.

Question 5(a) is for information.

Question 5(b) is assessed in accordance with the table below

8.5 Approach to Payment - Assessment methodology for question 5(b)		
Applicant's performance	Assessment criteria and methodology	Outcome
Applicant pays all supply chain invoices within agreed terms.	Meets the required standard	Pass
Applicant does not pay all supply chain invoices within agreed terms but provides a satisfactory explanation why.	Meets the required standard	Pass
Applicant does not pay all supply chain invoices within agreed terms and does not provide a satisfactory	Does not meet the required standard	Fail

explanation why.		
------------------	--	--

Questions 5(c) is assessed in accordance with the table below.- (g) if an Applicant has not met the required standard of payment of 95% of all invoices in 60 days in at least one reporting period (6 months) it will still pass provided:

- after removing intercompany payments from the calculations, the Applicant paid 95% of all invoices within 60 days in at least one of the previous two reporting periods.
- the Applicant has paid between 75% and 95% of all invoices within 60 days in at least one of the previous two reporting periods (after removing intercompany payments if relevant) and can demonstrate that it has a compliant action plan to achieve the required standard in future.
- the Applicant is a new entrant to the market (trading for less than 12 months).

<b>8.5 Approach to Payment - Assessment methodology for question 5(c)</b>		
<b>Applicant's performance</b>	<b>Assessment criteria and methodology</b>	<b>Outcome</b>
The Applicant pays ≥95% of all supply chain invoices in 60 days in at least one of the previous two six-month reporting periods.	Meets the required standard	Pass
The Applicant	Meets the required standard	Pass

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.		
The Applicant pays ≥75% < 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>The Applicant 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>	Pass
	No action plan or action plan does not include all of the above features.	Fail

The Applicant does not pay ≥75% 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).	The Applicant's payment performance falls substantially below the required standard.	Fail
---	--	------

### 8.6 Health and Safety

This is assessed as pass/fail.

You shall fail and be rejected if:

- a) you have not claimed an exemption either under Constructionline or in accordance with the instructions within the Health and Safety Table 8.6; and
- b) you answer "No" to any question from c4-Q2 to C4-Q11 or are unable to provide supporting evidence on request.

### 8.7 Equal Opportunities

This is assessed as pass/fail.

You shall fail and be rejected if:

- a) you are unable to demonstrate that you are compliant, or have been found

to be non-compliant with your statutory obligations under the Equality Act 2010; and

b) where you are unable to demonstrate that you are compliant, or have been found to be non-compliant with your statutory obligations under the Equality Act 2010, you are unable to provide an explanation and details of the remedial action taken for the purposes of complying with the duty, to the satisfaction of the Authority.

#### 8.8 Environmental Management

This is assessed as pass/fail.

You shall fail and be rejected if:

a) you have not claimed an exemption, and do not hold a UKAS (or equivalent) accredited certificate of compliance with BS EN ISO 14001 (or equivalent) or a valid EMAS certificate; and

b) you are unable to provide relevant evidence, to the satisfaction of the Authority, which demonstrates equivalent capability,

#### 8.9 Quality Management

This is assessed as pass/fail.

You shall fail and be rejected if:

a) you have not claimed an exemption, and do not hold UKAS (or equivalent) accredited independent third-party certificate of compliance with BS EN ISO 9001; and

b) you are unable to provide relevant evidence, to the satisfaction of the Authority, which demonstrates equivalent capability.



## **Appendix**

### **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

## **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

### **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).