****

**Invitation to Tender for Leasehold Property Search and Negotiation Services**

**[insert name of Tendering organisation here]**

**APPENDIX B**

**TENDER SUBMISSION DOCUMENT**

**Closing Date for Tenders: 21 April 2023 (Noon)**

**Contract Commencement Date: 1 May 2023**

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Appendix B

leasehold property search and negotiation services

TENDER SUBMISSION PACK

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All the above sections must be completed by the tenderer, and completed tenders must be submitted by **Noon on 21 April 2023**, in accordance with the instructions given in the invitation to tender.

1. CONTACT DETAILS

PROVISION OF leasehold property search and negotiation services FOR London Councils

|  |  |
| --- | --- |
| **Tenderer’s Contact Details** | |
| **Name of ORGANISATION:** |  |
| **Name of Person completing this tender** *(to whom all enquiries shall be directed)* |  |
| **Address:** |  |
| **Telephone:** |  |
| **Email:** |  |
| **Website:** |  |

2. Form of Tender

**[Insert contractor’s name]**

Having carefully examined the subject Invitation to Tender dated **21 April 2023** and the documents detailed therein:-

We confirm that we have fully satisfied ourselves as to the nature of the requirements of the **contract.**

We hereby offer to supply the goods and related services in accordance with your Invitation to Tender and its enclosures as follows:

* + - 1. Instructions to Tenderers
      2. Form of Tender (including Certificate of Tender)
      3. Suitability Assessment Questionnaire (including pricing schedule and method statements)
      4. Qualification of offer
      5. Freedom of Information Exclusion Schedule
      6. Acceptance of London Councils’ terms and conditions

In the event that our Tender is accepted we undertake to execute a formal contract with London Councilsembodying all of the terms and conditions contained within this offer. Unless and until a formal agreement is executed, this Tender together with London Councilswritten acceptance shall constitute a binding Contract between us.

We agree to abide by our Tender for a period of 90 days fixed from the lodgement date of tenders, and it shall be binding upon us at any time before expiration of that period.

We understand that you are not bound to accept the lowest or any Tender received, nor assign a reason for the rejection of any Tender. We accept that any costs incurred in

Tender preparations are for our own account. We understand that this shall be deemed to be our only and final offer, and unsolicited re-tenders shall not be considered.

We understand that if our Tender is accepted we shall be reimbursed for the goods and services in accordance with the terms and conditions of the Contract to be executed between us.

|  |  |  |
| --- | --- | --- |
| 7 | I declare that to the best of my knowledge the answers submitted in this Suitability Assessment Questionnaire are correct. I understand that the information will be used in the process to assess my organisation’s suitability to be the selected to provide the services to the Authority. I am signing on behalf of my organisation. I understand that the Contracting Authority may reject the tender if there is a failure to answer all relevant questions fully or if I provide false/misleading information. | |
| **FORM COMPLETED BY** | |
| Name: |  |
| Position in organisation: |  |
| Date: |  |
| Signature: |  |

3. Suitability Assessment Questionnaire

**Suitability Assessment Questionnaire under Regulation 111 Public Contracts Regulations 2015**

This Suitability Assessment Questionnaire (“SAQ”) has been issued by the Authority in connection with a tender under Part 4 of the Public Contracts Regulations 2015 (“the Regulations”). Your response to the SAQ will be used by the Authority to understand the nature of the bidding organisation and to undertake a financial assessment of bidders.

**Notes for completion**

Please ensure that you complete this SAQ fully, as requested as part of the tender submission. Failure to do so may result in your tender being disqualified. If the question does not apply to you please write N/A; if you do not know the answer please write N/K.

“Authority” means the purchasing organisation that is seeking to award a contract.

“You”/ “Your” or “Supplier” means the business or company which is completing this SAQ.

**Verification of Information Provided**

Please do not send any supporting documents with your tender. **However, the Authority may ask to see these documents at a later stage, so it is advisable you ensure they can be made available upon request.** You may also be asked to clarify your answers or provide more details about certain issues.

|  |  |
| --- | --- |
| **Single Sole Bidder** | Where you are tendering for this contract individually, you do not need to provide details of other partners or sub-contractors. The Authority will enter into the Contract with you directly.  **Exception** – where sub-contractors will play a significant role in the delivery of the services or products under any contract (more than 50%), please indicate on a separate **Schedule** (by inserting the relevant company/organisation name) the composition of the supply chain, indicating which member of the supply chain will be responsible for the elements of the requirement |
| **Consortia,**  **Partnerships and**  **Joint Ventures** | If you are tendering for this contract on behalf of a consortium, partnership or joint venture, the following information must be provided:   * full details of the consortium partnership or joint venture, and * information sought in this SAQ in respect of each of the consortia, partnership or joint venture constituent members as part of a single response.   Where Suppliers are proposing to create a separate corporate entity, they should provide details of the actual or proposed percentage shareholding of the constituent members within the consortium in a separate **Schedule**. If a consortium is not proposing to form a corporate entity, full details of alternative proposed arrangements should be provided in the **Schedule**. However, please note the Authority reserves the right to require a successful consortium to form a single legal entity in accordance with Regulation 63 of the Public Contracts Regulations 2015.  If there is a subsequent change in the consortium partnership or joint venture, you must inform the Authority immediately. |

## Legal Status - Organisation Details

This Section is for information only. It must however be **completed in full.**

|  |  |  |
| --- | --- | --- |
| **Full name of organisation tendering (or of organisation acting as lead contact where a consortium, partnership or joint venture response is being submitted)** |  | |
| **Organisation Details** | | |
| **Registered office address** | Company or charity registration number |  |
|  | VAT registration number |  |
|  | Name of immediate parent company |  |
|  | Previous names/ registered names (if different): |  |
|  | | **Please Tick** |
| **Type of organisation** | i) a public limited company |  |
| ii) a limited company |  |
| iii) a limited liability partnership |  |
| iv) other partnership |  |
| v) sole trader |  |
| vi) other (please specify in box) |  |
| **Consortia and Sub-Contracting** | 1. Your organisation is tendering to provide the services/goods required itself |  |
| 1. Your organisation is tendering in the role of Prime Contractor and intends to use third parties to provide some services |  |
| 1. The Supplier is a consortium |  |
| If your answer is (b) or (c) please indicate in a separate Schedule (by inserting the relevant company/organisation name) the composition of the supply chain, indicating which member of the supply chain (which may include the Supplier solely or together with other providers) will be responsible for the elements of the requirement. | | |

**1B. For completion by Non-UK Businesses Only**

| **Tick as Appropriate** | |
| --- | --- |
| Registration with professional or trade body:  Is your business registered with the appropriate trade or professional register(s) in the EU member state where it is established (as set out in Annex XI of Directive 2014/24/EU) under the conditions laid down by that member state). | Yes  No |
| Is it a legal requirement in the State where you are established for you to be licensed or a member of a relevant organisation in order to provide the requirement in this procurement? | Yes  No |
| If yes, please provide details of what is required and confirm that you have complied with this. | |

## Grounds for Mandatory Rejection under Regulation 57

**Important Notice:**

**If you answer ‘Yes’ to any question in this section your tender will be rejected. If unsure how to respond, you should contact us for advice before completing this form.**

Please state ‘Yes’ or ‘No’ to each question below.

| **Within the last 5 years, has your organisation or any directors or partner or any other person who has powers of representation, supervision decision or control been convicted of any of the following offences?** | **Answer** |
| --- | --- |
| 1. conspiracy within the meaning of [section 1](http://www.lexisnexis.com:80/uk/legal/search/runRemoteLink.do?langcountry=GB&linkInfo=F%23GB%23UK_ACTS%23section%251%25sect%251%25num%251977_45a%25&risb=21_T12077301839&bct=A&service=citation&A=0.2630909849289865) 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 |  |
| 1. corruption within the meaning of [section 1](http://www.lexisnexis.com:80/uk/legal/search/runRemoteLink.do?langcountry=GB&linkInfo=F%23GB%23UK_ACTS%23section%251%25sect%251%25num%251889_69a%25&risb=21_T12077301839&bct=A&service=citation&A=0.774070316337072)(2) of the Public Bodies Corrupt Practices Act 1889 or [section 1](http://www.lexisnexis.com:80/uk/legal/search/runRemoteLink.do?langcountry=GB&linkInfo=F%23GB%23UK_ACTS%23section%251%25sect%251%25num%251906_34a%25&risb=21_T12077301839&bct=A&service=citation&A=0.24433813672949012) of the Prevention of Corruption Act 1906; where the offence relates to active corruption |  |
| 1. the common law offence of bribery, where the offence relates to active corruption |  |
| (d) bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010, or section 113 of the Representation of the People Act 1983 |  |
| (e) 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: |  |
| 1. the common law offence of cheating the Revenue; |  |
| 1. the common law offence of conspiracy to defraud; |  |
| 1. fraud or theft within the meaning of the [Theft Act 1968](http://www.lexisnexis.com:80/uk/legal/search/runRemoteLink.do?langcountry=GB&linkInfo=F%23GB%23UK_ACTS%23num%251968_60a_Title%25&risb=21_T12077301839&bct=A&service=citation&A=0.35766330215827113), the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978; |  |
| 1. fraudulent trading within the meaning of [section 458](http://www.lexisnexis.com:80/uk/legal/search/runRemoteLink.do?langcountry=GB&linkInfo=F%23GB%23UK_ACTS%23section%25458%25sect%25458%25num%251985_6a%25&risb=21_T12077301839&bct=A&service=citation&A=0.5972529271560607) of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006; |  |
| 1. fraudulent evasion within the meaning of section 170 of the [Customs and Excise Management Act 1979](http://www.lexisnexis.com:80/uk/legal/search/runRemoteLink.do?langcountry=GB&linkInfo=F%23GB%23UK_ACTS%23num%251979_2a_Title%25&risb=21_T12077301839&bct=A&service=citation&A=0.22540552446837803)  [or section 72 of the Value Added Tax Act 1994](http://www.lexisnexis.com:80/uk/legal/search/runRemoteLink.do?langcountry=GB&linkInfo=F%23GB%23UK_ACTS%23num%251994_23a_Title%25&risb=21_T12077301839&bct=A&service=citation&A=0.9838628229561671); |  |
| 1. an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993; |  |
| 1. destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of [section 20](http://www.lexisnexis.com:80/uk/legal/search/runRemoteLink.do?langcountry=GB&linkInfo=F%23GB%23UK_ACTS%23section%2520%25sect%2520%25num%251968_60a%25&risb=21_T12077301839&bct=A&service=citation&A=0.5036676212568264) of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969; |  |
| 1. fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or |  |
| 1. 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; |  |
| (f) any offence listed: |  |
| (i) in section 41 of the Counter Terrorism Act 2008; or |  |
| (ii) in Schedule 2 to that Act where the court has determined that there is a terrorist connection |  |
| (g) any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subparagraph (f); |  |
| (h) Money laundering within the meaning of section 340(11) of the Proceeds of Crime Act 2002; |  |
| (i) an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996; or |  |
| (j) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 |  |
| (k) an offence under section 59A of the Sexual Offences Act 2003 |  |
| (l) an offence under section 71 of the Coroners and Justice Act 2009 |  |
| (m) an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994; or |  |
| (n) any other offence within the meaning of Article 57(1) of the Public Sector Directive as defined by the national law of any relevant State. |  |
| **Has it been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which your organisation is established (if outside the UK), that your organisation is in breach of obligations related to the payment of tax or social security contributions?**  If you have answered Yes to this question, please use a separate **Schedule** to provide further details. Please also use this Schedule to confirm whether you have paid, or have entered into a binding arrangement with a view to paying, including, where applicable, any accrued interest and/or fines? |  |

## Grounds for discretionary rejection under Regulation 57(3) & 57 (8)

**Important Notice.**

**The Authority may exclude you from the procurement exercise if any of the following apply, but may decide, having considered all the relevant circumstances, to allow you to proceed further. If you answer ‘yes’ to any question, please set out (in a separate Schedule) full details**

**of the relevant incident (including dates and any remedial action or arrangements made/ taken subsequently). The Authority will evaluate this evidence before making a decision on whether to exclude you.**

**The Authority is also entitled to exclude you in the event that you are guilty of serious misrepresentation in providing any information or you fail to provide any such information requested by us.**

Please state ‘Yes’ or ‘No’ to each question below.

| **Within the past three years, please indicate if any of the following situations have applied, or currently apply, to your organisation.** | **Answer** |
| --- | --- |
| **Conflicts of Interest** – Is any officer, employee or consultant of your company an employee or ex-employee of the Authority or in any way connected to an employee or ex-employee of the Authority? |  |
| Is any officer, employee or consultant of your company an elected member of the Authority or someone who has been an elected member in the last 4 years? |  |
| Is any officer, employee or consultant of your company involved in any other organisation/company that may be interested in bidding for the Authority’s services under this tender process? |  |
| Have any officers (directors or senior managers) been bankrupt or involved in any company, which has gone into liquidation or receivership? |  |
| Being a partnership constituted under Scots law, has granted a trust deed or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of its estate; or |  |
| Has the company been or is currently subject to proceedings for the appointment of a receiver, manager or administrator on behalf of a creditor appointed (in respect of the company’s business or any part thereof)? |  |
| **Has your organisation:** | |
| (a) been convicted of a criminal offence relating to the conduct of your business or profession; |  |
| (b) your organisation is guilty of grave professional misconduct, which renders its integrity questionable; |  |
| (c) failed to fulfil obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which you are established; or |  |
| (d) failed to fulfil obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which you are established? |  |
| (e) failed to comply with applicable obligations relating to environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions? |  |
| (f) attempted or obtained confidential information, entered into unlawful agreements with competitors whose aim or effect is to impede, restrain or distort competition in respect of this tender, or influence the evaluation committee or the contracting authority during the process of examining, clarifying, evaluating and comparing tenders |  |
| (g) in respect of any services equivalent to or similar to the Services, has your company ever had to pay liquidated damages or financial penalties levied in respect of a failure to perform the terms of a contract? |  |

## Economic and Financial Standing

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FINANCIAL INFORMATION** | | | | | |
|  | | | | | **Answer** |
| 1 | What was the annual turnover in your last audited accounts?  **This must relate directly to the supply of goods and services similar to the tender.** | | | |  |
| 2 | If the response to **Q1** above was based on audited accounts which are dated more than 6 months ago from the date of tender, please confirm that there has been no material change in the financial or trading conditions of the Company? | | | | **Yes/No** |
| 3 | If the organisation has been trading for less than 12 months, please confirm that your projected turnover (based on management accounts) was greater than £240,000 | | | | **Yes/No** |
| 4 | Please confirm whether you do not have any outstanding or threatened claims or litigation in which the applicant or any member of a consortium of applicants are currently involved or which have been settled during the past three years? | | | | **Yes/No** |
| 5\* | Do you have professional indemnity insurance of £1,000,000? | | | | **Yes/No** |
| 6\* | Do you have Public Liability insurance £2,000,000? | | | | **Yes/No** |
| 7\* | Do you have Employers liability insurance of at least £5,000,000? | | | | **Yes/No** |
| 8 | Would you be prepared to increase your insurance levels to the amounts we require if you win this tender? | | | | **Yes/No** |
| The Authority reserves the right to request further financial information and or request a credit agency report to confirm that the supplier satisfactorily meets the Authority’s minimum financial requirements. The Authority uses Equifax as its credit reference agency for returning turnover and credit scores. This information will be requested from Credit Safe Portal.  If you are bidding as a consortium, partnership, joint venture or special purpose vehicle, we will obtain this information for each member of the bidding entity. The threshold for turnover can be met in entirety by one or a combination of members; it is not necessary for each member to individually meet the turnover threshold.  \* You do not need to have the above level of insurance when submitting your tender, however, you must confirm that in the event that you are successful with this tender, you will have the appropriate levels of insurance in place from the contract commencement date. | | | | | |
|  |  |  |  |  | |

## Capability

(Where the Supplier is a special purpose vehicle and not intending to be the main provider of the goods or services, the information requested should be provided in respect of the principal intended provider of the goods or services.)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **EXPERIENCE AND CONTRACT EXAMPLES** | | | | | |
| Please provide details of at least two contracts from either or both the public or private sector, that are relevant to the Authority’s requirement of research/consultancy (See ITT for details). Contracts for the supply of goods or services should have been performed during the past three years. Works contracts may be from the past five years. (The customer contact should be prepared to speak to the purchasing organisation to confirm the accuracy of the information provided below if we wish to contact them). | | | | | |
|  |  | Contract 1 | Contract 2 | | Contract 3 | |
|  | Customer Organisation (name): |  |  | |  | |
|  | Customer contact name, phone number and email |  |  | |  | |
|  | Contract start date |  |  | |  | |
| Contract completion date |  |  | |  | |
| Contract Value |  |  | |  | |
| If you cannot provide at least one example, please briefly explain why (50 words max) | | | | | | |
| In respect of any similar tenders in which your organisation was involved, have you had the contract terminated or did you withdraw before the end of the contract? | | | | Yes | | No |
|  | |  |
| Please confirm that you have understood the Authority’s requirements for this Tender and you have the necessary qualifications, competence and key personnel with relevant experience to fulfil this contract? | | | |  | |  |

3.1 METHOD STATEMENTS

Tenderers must provide method statements in response to the questions below, to describe how they will meet the requirements of the Contract. There are 5 method statements in total.

For each method statement, there is a maximum word limit of 1,000 words for each response. Please adjust as necessary the size of the ‘response’ box in order to accommodate your response and ensure all text and any graphics/tables inserted are readable in print format and on screen.

Tenderers are referred to Section 3 of the Invitation to Tender and reminded that evaluation of their method statements will account for 70% of their total tender score. Each method statement carries the same weighting.

| method statements | |
| --- | --- |
| 1. | Approach and methodology (20%)  Please describe the approach and methodology you will adopt to search for a property and negotiate the terms of the new lease and the dilapidation claims on the existing leases to fulfil the requirements set out in the tender specification. |
| Response (maximum limit 1,000 words): |
| 2. | Expertise and performance (20%)  Please describe your organisation’s experience and performance in:   * commercial leasehold property searches and negotiations; and * dilapidation cost assessments and negotiations. |
| Response (maximum limit 1,000 words): |
| 3. | Local knowledge (20%)  Please provide details of recent successful searches and negotiations of commercial property leases that your organisation has had in the locations set out in the tender specification. |
| Response (maximum limit 1,000 words): |
| 1. 4. | Team (20%)  Please describe the experience and qualifications of the members of the team that will carry out the search, assessments and negotiations |
| Response (maximum limit 1,000 words): |
| 1. 5. | Timetable (20%)  Please describe how you would deliver the contract within timescales set out in the specification, including any risks that may affect the timing or delivery of outcomes and contingencies. |
| Response (maximum limit 1,000 words): |

4. Pricing Schedule

PROVISION OF leasehold property search and negotiation services  
FOR London Councils

Having regard to the Client’s requirements (as set out in the Invitation to Tender), please set out the fee at which you will provide the required services.

Tenderers are referred to Section 3 of the Invitation to Tender for further information on how price will be evaluated. Price will make up 30% of the overall score.

Tenderers are allowed to provide both a percentage-based fee and a fixed fee. Tenderers must provide a breakdown of the different elements of their fee. When presenting the fee, please ensure that:

* All prices are quoted in Sterling and exclude VAT.
* The prices quoted are inclusive of all costs and expenses, such as labour, materials, management and use of equipment etc.
* Any assumptions you have made in arriving at your tendered price are stated.

|  |
| --- |
| Pricing  Response: |
|  |

5. Qualification of Offer

PROVISION OF LEASEHOLD PROPERTY SEARCH AND NEGOTIATION SERVICES  
FOR London Councils

Please delete A or B as appropriate:

A I/We do not wish to make any qualification of offer:

B I/We wish to make the following qualification(s) of our offer:

Signed: …………………………………………………………………………………………………………

For and on behalf of: ………………………………………………………………………………………….

Date: ……………………………………………………………………………………………………………

**6. FREEDOM OF INFORMATION EXCLUSION SCHEDULE**

PROVISION OF LEASEHOLD PROPERTY SEARCH AND NEGOTIATION SERVICES  
FOR London Councils

Please state in writing what information, if any, relating to the information provided in London Councils Quotation that you wish to reserve in accordance with the provisions of the Freedom of Information Act 2000. **NB:** information relating to contract records and/or administration, overall value performance, or completion may not be reserved by you.

*Information which may be reserved includes: -*

*Trade secrets*

*Commercial interest*

*Obligation of confidentiality due to the nature of the information, or the circumstances under which it is imparted*

*Personal data relating to an individual*

*Unit Prices or detailed pricing information*

Please state the section of the Freedom of Information Act 2000 under which you wish to reserve the information. Please state the reasons for the reservation. Please state how long you wish the reservation to last, e.g. the number of years.

**NB:** It is tenderers’ responsibility to obtain independent legal advice on the provisions of the Act; London Councils is not offering advice in regard to the Act and nor are its officers responsible or authorised to provide any such advice.

I hereby certify that the information supplied in this application and supporting documents is accurate to the best of my knowledge. I understand that false information may result in exclusion from further consideration and that it is a criminal offence to offer any gift or consideration to any employee of the London Councils in connection with this contract. I also understand that canvassing of Members or officers of London Councils will result in disqualification. I confirm that I am prepared to answer any questions relating to this questionnaire and attend for interview if so required. Such interview(s) may include the requirement to make a presentation to a panel in support of the tender submission.

Signed:

Date:

Name (in block capitals):

For and on behalf of:

Position in Organisation:

Telephone Number:

Email:

7. EQUAL OPPORTUNITIES QUESTIONNAIRE

London Councils is committed to providing services of the highest standard within the resources available for all existing and potential users of our services.

The promotion of equality of opportunity is one of London Councils core values, and tackling social exclusion one of our key aims. We believe that the best way to provide high quality, best value services is to ensure that these core values and key aims are reflected in all the things we do. That is why we ask you to complete the following questions concerning equal opportunities.

|  |  |
| --- | --- |
| 1. | Does your company have an Equal OpportunitiesPolicy or similar statement? Yes/No  If yes please attach a copy |
| 2. | In the last 3 years has your company been the subject to any court or employment tribunal proceedings in relation to: -   * The Equality Act 2010   Yes/No  If yes, please give details of each incident including both the findings and any subsequent action taken by your company.  ……………………………………………………………………………………  ……………………………………………………………………………………  ……………………………………………………………………………………  …………………………………………………………………………………… |
| 3. | Does your company have procedures in place to ensure that you are observing as far as possible the Equality Act 2010 relevant Codes of Practice with regard to:   * Employment * Equal Pay * Services   Yes/No |