**Selection Questionnaire (SQ)**

**For**

**National Highways**

**Strategic Transformation Partnership (STP)**

Selection Questionnaire

**Annex A**

Supplier Selection Questionnaire

**TRANSFORMATION DELIVERY PARTNER**

**PQQ 42**

**RESTRICTED PROCEDURE**

**Notes for completion**

1. The “Authority” has the meaning given to it in the SQ Guidance

2. “You” / “Your” refers to the potential supplier completing this standard Selection Questionnaire i.e. the legal entity responsible for the information provided. The term “potential supplier” is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 (referred to as the “regulations”) and could be a registered company; the lead contact for a group of economic operators; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.

3. 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.

4. The Authority recognises that arrangements set out in section 1.2 of the standard Selection Questionnaire, in relation to a group of economic operators (for example, a Consortium) and/or use of subcontractors, 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.

5. For part 1 and part 2 every member of your bidding group/Consortium, and any subcontractor that is being relied on to meet the selection criteria, must complete and submit the self-declaration.

6. For the mandatory exclusion grounds only (Q2.1(a)), you must complete the declaration for all relevant persons and entities. There are two categories of persons and entities:

* members of your administrative, management or supervisory board; secondly, entities and persons who have powers of representation, decision or control. You must decide, depending on the nature and structure of the entity or person who is bidding, which entities and persons this applies to in your particular circumstances. Clearly, members of your administrative, management or supervisory board should be easily identifiable and will cover company directors (or equivalent for other types of corporate entities) and members of an executive board.
* the second category of those with powers of representation, decision or control, is likely to be more complicated. As an illustration, entities or persons with 25% or more shareholding (or equivalent for other types of corporate entities) are likely to have powers or representation, decision or control, although those with a lower shareholding may still have the relevant powers depending on their particular rights. Similarly, your ultimate parent company (or equivalent for other types of corporate entities) is likely to have powers of representation, decision or control. Depending on your particular structure, intermediate parent companies who do not have a direct shareholding, directors or members of an executive board of your immediate parent company (for example in the case of an SPV set up specifically to bid for a particular contract), and holders of mortgages or liens may be covered. It isn’t necessary to identify which entities and persons you think are covered but you must be satisfied that your declaration is made in respect of all of those that are covered.

7. For answers to part 3 – If you are bidding on behalf of a group, for example, a Consortium, or you intend to use subcontractors, you should complete all of the questions on behalf of the Consortium and/ or any subcontractors, providing one composite response and declaration.

9. The Public Procurement Review Service allows government suppliers and potential government suppliers to raise concerns anonymously about unfair public sector procurement practice. The government can then investigate and resolve these concerns for contracting authorities as listed in Schedule 1 of the Public Contracts Regulations 2015. To use the Public Procurement Review Service, read the terms and email publicprocurementreview@cabinetoffice.gov.uk or phone 0345 010 3503.

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| **Part 1 – Your Information and the Bidding Model** | | |
| You must answer all questions in parts 1 and 2. Suppliers must ensure that every organisation on which they will rely to meet the selection criteria completes and submits their own answers and declaration for part 1 and 2.  If you are the Supplier and/or lead contact in a bidding group/Consortium, you must answer all questions in part 3 as well on behalf of yourself and/or bidding group/Consortium | | |
| **Section 1** | **Potential Supplier Information** | |
| **Question no.** | **Question** | **Response** |
| **1.1 (a)** | Name (if registered, please give the registered name) |  |
| **1.1 (b) – (i)** | Registered address (if applicable) or head office address |  |
| **1.1 (b) – (ii)** | Registered website address (if applicable) |  |
| **1.1 (c)** | Trading Status:   1. public limited company 2. limited company 3. limited liability partnership 4. other partnership 5. sole trader 6. third sector 7. other (please specify your trading status) |  |
| **1.1 (d)** | Date of registration (if applicable) or date of formation. |  |
| **1.1 (e)** | Registration number (company, partnership, charity, etc if applicable). |  |
| **1.1 (f)** | Registered VAT number |  |
| **1.1 (g) - (i)** | Are you registered with the appropriate professional or trade register(s) specified for this procurement in the  Member State where your organisation is established? | Yes  No  N/A |
| **1.1 (g) - (ii)** | If you responded yes to 1.1(h) - (i), please provide the relevant details, including the name of the register and  registration number(s), and if evidence of registration is available electronically, please provide   * the website address, * issuing body * reference number. |  |
| **1.1 (h) - (i)** | For procurements for services only, is it a legal requirement in the country where you are established for you to:  a) possess a particular authorisation, or  b) be a member of a particular organisation,  to provide the requirements specified in this procurement? | Yes  No  N/A |
| **1.1 (h) - (ii)** | If you responded yes to 1.1(j) - (i), please provide additional details of what is required, confirmation that you have complied with this and, if evidence of compliance is available electronically, please give the website address, issuing body and reference number |  |
| **1.1 (i)** | 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 (j)** | Are you a Small, Medium or Micro Enterprise (SME[[1]](#footnote-2))? | Yes  No |
| **1.1 (k)** | Details of Persons of Significant Control (PSC[[2]](#footnote-3)), where appropriate[[3]](#footnote-4):   * 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 6 April 2016 should be used); * Which conditions for being a PSC are met; * Over 25% up to (and including) 50%, * More than 50% and less than 75%, * 75% or more.   (Please enter N/A if not applicable) |  |
| **1.1 (l)** | Details of immediate parent company:   * Full name of the immediate parent company * Registered office address (if applicable) * Registration number (if applicable) * Head office DUNS number (if applicable) * Head office VAT number (if applicable)   (Please enter N/A if not applicable) |  |
| **1.1 (m)** | Details of ultimate parent company:   * Full name of the ultimate parent company * Registered office address (if applicable) * Registration number (if applicable) * Head office DUNS number (if applicable) * Head office VAT number (if applicable)   (Please enter N/A if not applicable) |  |
| **Please note: A criminal record check for relevant convictions may be undertaken for the preferred supplier and all relevant persons and entities (as described above).** | | |

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| Please provide the following information about your approach to this procurement: | | |
| **Section 1** | **Bidding model** | |
| **Question no.** | **Question** | **Response** |
| **1.2** | Please indicate if you are bidding as a single supplier or as part of a group or consortium?  If you are bidding as a single supplier please go to Q 1.3.  If you are bidding as part of a group or consortium (including where you intend to establish a legal entity to deliver the contract, or you are a subcontractor), please tell us:   1. The name of the group/consortium. 2. The proposed structure of the group/consortium, including the legal structure where applicable. 3. The name of the lead member in the group/consortium. 4. Your role in the group/consortium (e.g. lead member, consortium member, subcontractor). 5. If you are the lead member in the group/consortium, whether you are relying on other consortium members to meet the selection criteria (i.e. are you relying on other consortium members for economic and technical standing and/or technical and professional ability?) and, if so, which criteria you are relying on them for |  |

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| Please provide the following information about your approach to this procurement: | | |
| **Section 1** | **Bidding model** | |
| **Question no.** | **Question** | **Response** |
| **1.2** | Please indicate if you are bidding as a single supplier or as part of a group or consortium?  If you are bidding as a single supplier please go to Q 1.3.  If you are bidding as part of a group or consortium (including where you intend to establish a legal entity to deliver the contract, or you are a subcontractor), please tell us:  a) The name of the group/consortium.  b) The proposed structure of the group/consortium, including the legal structure where applicable.  c) The name of the lead member in the group/consortium.  d) Your role in the group/consortium (e.g. lead member, consortium member, subcontractor).  e) If you are the lead member in the group/consortium, whether you are relying on other consortium members to meet the selection criteria (i.e. are you relying on other consortium members for economic and technical standing and/or technical and professional ability?) and, if so, which criteria you are relying on them for |  |

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| 1.3 | If you are proposing’ to use sub-contractors/a supply chain, please provide the details for each one[[4]](#footnote-5). **Note**: Suppliers may wish to copy the table below into a separate file to provide more space for responses.   |  |  |  |  |  | | --- | --- | --- | --- | --- | | Name |  |  |  |  | | Registration number |  |  |  |  | | Registered or head office address |  |  |  |  | | Trading Status  a. Public limited company  b. Private limited company  c. Limited liability partnership  d. Other partnership  e. Sole trader  f. Third sector  g. Other (please specify your trading status) |  |  |  |  | | Head Office DUNS number (if applicable) |  |  |  |  | | Registered VAT number |  |  |  |  | | SME (Yes/No) |  |  |  |  | | The role each sub-contractor will take in providing the works and /or supplies e.g. key deliverables – if known |  |  |  |  | | The approximate % of contractual obligations assigned to each sub-contractor – if known |  |  |  |  | | Is the subcontractor being relied upon to meet the selection criteria (i.e. are  you relying on the subcontractor for economic and technical standing and/or  technical and professional ability?) and, if so, which criteria are you relying on  them for? |  |  |  |  | | |
| 1.4 | **Lots – NOT USED** |  |

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| **Part 2: Exclusion Grounds** | | |
| Please answer the following questions in full. Note that every organisation that forms part of your bidding group/consortium, as well as every organisation that is being relied on (including subcontractors being relied on) to meet the selection criteria must complete and submit responses to part 1 and the declarations in part 2. | | |
| **Section 2** | **Grounds for mandatory exclusion** | |
| **Question no.** | **Question** | **Response** |
| **2.1(a)** | Within the past five years, anywhere in the world, have you or any person who:   * is a member of the supplier’s administrative, management or supervisory body or * has powers of representation, decision or control in the supplier, * been convicted of any of the offences within the summary below and listed in full on the webpage[[5]](#footnote-6)? | |
|  | Participation in a criminal organisation. | Yes  No |
| Corruption. | Yes  No |
| Fraud. | Yes  No |
| Terrorist offences or offences linked to terrorist activities | Yes  No |
| Money laundering or terrorist financing | Yes  No |
| Child labour and other forms of trafficking in human beings | Yes  No |
| Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any jurisdiction outside England, Wales or Northern Ireland. | Yes  No |
| Any other offence within the meaning of Article 57(1) of the Directive created after 26th February 2015 in England, Wales or Northern Ireland. | Yes  No |

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| **2.1(b)** | If you have answered yes to any part of question 2.1(a), please provide further details, including:  ● date of conviction and the jurisdiction,  ● which of the grounds listed the conviction was for,  ● the reasons for conviction,  ● the identity of who has been convicted.  If the relevant documentation is available electronically please provide:  ● the web address,  ● issuing authority,  ● precise reference of the documents. |  |
| **2.1(c)** | If you have answered yes to any part of the question above please explain what measures have been taken to demonstrate your reliability despite the existence of relevant grounds for exclusion. (Self cleaning). |  |

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| **Section 3** | **Mandatory and discretionary grounds relating to the payment of taxes and social security contributions** | |
| The detailed grounds for mandatory and discretionary exclusion of a supplier for non-payment of taxes and social security contributions, are set out on this webpage[[6]](#footnote-7), and should be referred to before completing these questions. | | |
| **Question no.** | **Question** | **Response** |
| **3.1(a)** | Please confirm that you have met all your obligations relating to the payment of taxes and social security contributions, both in the country in which you are established and in the UK. If documentation is available electronically please provide:   * the web address, * issuing authority, * precise reference of the documents | Yes  No |
| **3.1(b)** | If you have answered no to 3.1(a) please provide further details including the following:   * Country concerned, * what is the amount concerned * how the breach was established, i.e. through a judicial or administrative decision or by other means. * if the breach has been established through a judicial or administrative decision please provide the date of the decision, * if the breach has been established by other means please specify the means. |  |
| **3.2** | Please also confirm whether 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. | Yes  No |
| **Please Note: We reserve our right to use our discretion to exclude your bid where we can demonstrate by any appropriate means that you are in breach of your obligations relating to the payment of taxes or social security contributions** | | |

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| **Section 4** | **Grounds for discretionary exclusion** | |
| The detailed grounds for discretionary exclusion of an organisation are set out on this webpage[[7]](#footnote-8) and should be referred to before completing these questions. | | |
| **Question no.** | **Question** | **Response** |
| **4.1** | Within the past three years, anywhere in the world, have any of the situations summarised below and listed in full on the webpage applied to you? | Yes  No |
| **4.1(a)** | Breach of environmental obligations?  To note that environmental law obligations include Health and Safety obligations. See webpage. | Yes  No |
| **4.1(b)** | Breach of social law obligations? | Yes  No |
| **4.1(c)** | Breach of labour law obligations? | Yes  No |
| **4.1(d)** | Bankrupt or is the subject of insolvency? | Yes  No |
| **4.1(e)** | Guilty of grave professional misconduct? | Yes  No |
| **4.1(f)** | Distortion of competition? | Yes  No |
| **4.1(g)** | Conflict of interest? | Yes  No |
| **4.1(h)** | Been involved in the preparation of the procurement procedure? | Yes  No |
| **4.1(i)** | Prior performance issues? | Yes  No |
| **4.1 (j)** | Do any of the following statements apply to you? |  |
| **4.1(j) –(i)** | You have been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria. | Yes  No  **If ‘Yes’, please provide details at question 4.3** |
| **4.1(j) – (ii)** | You have withheld such information | Yes  No  **If ‘Yes’, please provide details at question 4.3** |
| **4.1(j) – (iii)** | The organisation is not able to submit supporting documents required under Regulation 59 of the Public Contracts Regulations 2015. You are not able, without delay, to submit documents if/when required. | Yes  No  **If ‘Yes’, please provide details at question 4.3** |
| **4.1(j) – (iv)** | You have undertaken to unduly influence the decision- making process of the contracting authority to obtain confidential information that may confer upon you undue advantages in the procurement procedure, or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award. | Yes  No  **If ‘Yes’, please provide details at question 4.3** |
| **4.2** | You are a relevant commercial organisation subject to Section 54 of the Modern Slavery Act 2015 if you carry on your business, or part of your business in the UK, supplying goods or services and you have an annual turnover of at least £36 million.  If you are a relevant commercial organisation please:   * confirm that you have published a statement as required by Section 54 of the Modern Slavery Act | Yes  No |
| * confirm that the statement complies with the requirements of Section 54 | Yes  No |
| **4.3** | If you have answered ‘Yes’ to any of the questions in 4.1, or ‘No’ to any of the Modern Slavery Act questions, please explain what measures have been taken to demonstrate your reliability despite the existence of a relevant ground for exclusion. (Self-cleaning) |  |

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| **Part 3: Selection Questions** |

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| **Section 5** | **Economic and Financial Standing** | |
| **Question no.** | **Question** | **Response** |
| **5.1** | If documentary evidence of economic and financial standing is available electronically (e.g. financial statements filed with Companies House), please provide:   * the web address * issuing authority * precise reference of the documents |  |
| **5.2** | If documentary evidence of economic and financial standing is not available electronically, please provide a copy of your detailed accounts for the last two years (audited if required by law).  Also, for any other person or entity on whom you are relying to meet the selection criteria relating to economic and financial standing, please provide a copy of their detailed accounts for the  last two years (audited if required by law). |  |
| **5.3**  **5.3(a)**  **5.3(b)** | If you are not able to provide a response to questions 5.1 or 5.2, please provide any of the following alternatives.  A statement of your annual turnover, Profit and Loss Account/Income  statement, Balance Sheet/statement of Financial Position and Statement of Cash Flow for the most recent year(s) of trading and a bank letter outlining the current cash and credit facility position.  Alternative information to evidence economic and financial standing (e.g. forecast financial statements and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status). |  |
| **5.4** | Where we have specified a minimum level of economic and financial standing and/ or a minimum financial threshold within the evaluation criteria for this procurement, please self-certify by answering ‘Yes’ or ‘No’ that you meet the requirements set out. | Yes  No |

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| 5.5 | Where you are relying on another member of your bidding group/consortium or any subcontractors or other security in order to meet the selection criteria relating to economic and financial standing, please confirm that the relevant person or entity is willing to provide a guarantee or other security if required. | Yes  No |

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| **Section 6** | **Technical and Professional Ability** | | |
| **Question no.** | **Question** | | **Response** |
| **6.1** | **Relevant experience and contract examples**  Please provide details of up to three contracts, relevant to the services being procured as described in the Tender Briefing Note at Schedule 2 to the SQ Guidance in any combination from either the public or private sectors; voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. VCSEs may include samples of grant-funded work. As this procurement is for services, the examples must be from the past three years.  The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.  For consortium bids, or where you have indicated that you are relying on a subcontractor in order to meet the technical and professional ability, you should provide relevant examples of where the consortium/subcontractors have 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 members of the Special Purpose Vehicle or subcontractors (three examples are not required from each member).  Where the Supplier is a Special Purpose Vehicle, or a managing agent not intending to be the main provider of the services, the information requested should be provided in respect of the main intended provider(s) or subcontractor(s) who will deliver the contract.  For each contract please provide the following information  If you cannot provide examples see question 6.2 | | |
| **Contract 1** | | | |
| Name of customer organisation who signed the contract | |  | |
| Name of supplier who signed the contract | |  | |
| Point of contact in the customer’s organisation | |  | |
| Position in the customer’s organisation | |  | |
| E-mail address | |  | |
| Description of contract  (maximum of 500 words) | |  | |
| Contract start date | |  | |
| Contract completion date | |  | |
| Estimated contract value | |  | |
| **Contract 2** | | | |
| Name of customer organisation who signed the contract | |  | |
| Name of supplier who signed the contract | |  | |
| Point of contact in the customer’s organisation | |  | |
| Position in the customer’s organisation | |  | |
| E-mail address | |  | |
| Description of contract  (maximum of 500 words) | |  | |
| Contract start date | |  | |
| Contract completion date | |  | |
| Estimated contract value | |  | |
| **Contract 3** | | | |
| Name of customer organisation who signed the contract | |  | |
| Name of supplier who signed the contract | |  | |
| Point of contact in the customer’s organisation | |  | |
| Position in the customer’s organisation | |  | |
| E-mail address | |  | |
| Description of contract (maximum of 500 words) | |  | |
| Contract start date | |  | |
| Contract completion date | |  | |
| Estimated contract value | |  | |
| **6.2** | If you cannot provide at least one example for questions 6.1, in no more than 500 words please provide an explanation for this and how you are nevertheless capable of delivering the services being procured as described in the Tender Briefing Note e.g. your organisation is a new start-up but your team has the relevant experience or you have provided services in the past but not under a contract. | | |
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| **6.3** | Where you intend to subcontract a proportion of the contract, please demonstrate how you have previously maintained healthy supply chains with your subcontractor(s).  The description 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 and whether you are a signatory of the UK Prompt Payment Code (or have given commitments under other equivalent schemes). | | |
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| **Section 7** | **Additional Questions including Project Specific Questions** | | | | |
| **Question no.** | **Question** | | | **Response** | |
| **7.1** | **Insurance**  Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:  Employer’s (Compulsory) Liability Insurance = £10,000,000  Public Liability Insurance = £5,000,000  Professional Indemnity Insurance = £1,000,000  Please note the insurance cover values shall not be less than the amounts detailed above for each and every claim.  \* It is a legal requirement that all companies hold Employer’s (Compulsory) Liability Insurance of £5 million as a minimum. Please note this requirement is not applicable to Sole Traders.  See the Health and Safety Executive website for more information:  <http://www.hse.gov.uk/pubns/hse39.pdf> | | | Yes  No  Yes  No  Yes  No | |
| **7.2** | **Data protection** | | | |
| **7.2(a)** | Please confirm that you have in place, or that you will have in place by contract award, the human and technical resources to perform the contract to ensure compliance with the General Data Protection Regulation and to ensure the protection of the rights of data subjects. | | | Yes  No |
| **7.2(b)** | Please provide details of the technical facilities and measures (including systems and processes) you have in place, or will have in place by contract award, to ensure compliance with the General Data Protection Regulation and to ensure the protection of the rights of data subjects. Your response should include, but should not be limited to facilities and measures:   * to ensure ongoing confidentiality, integrity, availability and resilience of processing systems and services; * to comply with the rights of data subjects in respect of receiving privacy information, and access, rectification, deletion and portability of personal data; * to ensure that any consent based processing meets standards of active, informed consent, and that such consents are recorded and auditable; * to ensure legal safeguards are in place to legitimise transfers of personal data outside the EU (if such transfers will take place); * to maintain records of personal data processing activities; and   to regularly test, assess and evaluate the effectiveness of the above measures. | | | |
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| **7.3** | **Health, Safety and Wellbeing**  Please describe in 7.3(b) the arrangements you have in place to manage health, safety and wellbeing effectively and control significant risks relevant to the requirement (including risks from the use of contractors, where relevant). **Please use no more than 500 words.**  **Exemption:** If you meet the criterion below and you can provide supporting evidence, you do not need to complete question 7.3(b)   * You hold a UKAS or equivalent accredited independent third-party certificate of compliance with ISO 45001. | | | |
| **7.3(a)** | Are you claiming an exemption? If yes, please upload a copy of your evidence with the response. | | Yes  No | |
| **7.3(b)** |  | | | |
| **7.4** | **Payment in Contracts Above £5m per annum (Central Government Contracts)**  If you intend to use a supply chain for this contract, you must demonstrate you have effective systems in place to ensure a reliable supply chain. This question is focused on exploring your payment systems.  If your response to (a) and (b) below is **NO** and you do not intend to use a supply chain for this contract, you are not required to complete the subsequent questions | | | |
| **7.4(a)** | Please confirm if you intend to use a supply chain for this contract (i.e. services that are used wholly or substantially for the purpose of performing or contributing to the performance of the whole or part of the contract) | | Yes  No  If “No” you do not need to complete the rest of this section  NOT SCORED | |
| **7.4(b)** | Please confirm that you have systems in place to pay those in your supply chain promptly and effectively, i.e. within your agreed contractual terms. | | Yes  No  PASS/FAIL | |
| **7.4(c)** | Please confirm you have procedures for resolving disputed invoices with those in your supply chain promptly and effectively.  This should include all situations where payments are due; not all payments involve an invoice[[8]](#footnote-9).  You should explain this in the tender documents | | Yes  No  PASS/FAIL | |
| **7.5** | **Requirement under the Public Contracts Regulations 2015 (Regulation 113)**  Please confirm that for public sector contracts awarded under the Public Contract Regulations 2015 you have systems in place to include (as a minimum) 30-day payment terms in all of your supply chain contracts and require that such terms are passed down through your supply chain | | Yes  No  PASS/FAIL | |
| **7.6** | **Public and Private Sector Contracts**  (a) Please provide the percentage of invoices paid by you to those in your immediate supply chain on all contracts for each of the two previous six month reporting periods. This should include the percentage of invoices paid within each of the following categories:   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.   It is acceptable to cross refer to information that has previously been submitted to Government or other bodies or is publicly available (provided  it covers the required reporting periods), including data published in accordance with the Reporting on Payment Practices and Performance Regulations 2017. If you do wish to cross refer, please provide details and/or insert link(s).  (b) If you are unable to demonstrate that all invoices have been paid within the agreed contractual terms, please explain why.  (c) If you are unable to demonstrate that ≥95% of invoices payable to your  supply chain on all contracts have been paid within 60 days of the receipt of the invoice in at least one of the last two six months reporting periods please provide an action plan for improvement which includes (as a minimum) the following:   * Identification of the primary causes of failure to pay:   + 95% of all supply chain invoices within 60 days; and   + if relevant under question 6.4(b), all invoices within agreed terms. * Actions to address each of these causes. * A mechanism for and commitment to regular reporting on progress to the bidder’s audit committee (or equivalent). * A plan signed off by your director * Plan published on its website (this can be a shorter, summary plan).   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  **Note: if you are required to submit an action plan under question 7.6 (c), this action plan must also set out steps to address your payment within agreed terms, in order to achieve a pass for question 7.4 (c).** | |  | |
| **7.7**  **7.7(a)**  **7.7(b)** | **Carbon Reduction In Contracts Above £5m per annum (Central Government Contracts)[[9]](#footnote-10)**  Please confirm that you have detailed your environmental management measures by completing and publishing a Carbon Reduction Plan which meets the required reporting.  Provide a link to your most recently published Carbon Reduction Plan here: | | Yes  No  PASS/FAIL | |
| **7.7(c)** | Please confirm that your organisation is taking steps to reduce your GHG Emissions over time and is publicly committed to achieving Net Zero by 2050 | | Yes  No  PASS/FAIL | |
| **7.7(d)** | Please provide your current Net Zero Target Date: | |  | |
| **7.7(e)** | Supplier Emissions Declaration | | | |
| **7.7(e)(i)** | Baseline Year: |  | | |
| **7.7(e)(ii)** | Scope 1 emissions: |  | | |
| **7.7(e)(iii)** | Scope 2 emissions: |  | | |
| **7.7(e)(iv)** | Scope 3 emissions: |  | | |
| **7.7(f)(i)** | Current/Most Recent Reporting Year: |  | | |
| **7.7(f)(ii)** | Scope 1 emissions: |  | | |
| **7.7(f)(iii)** | Scope 2 emissions: |  | | |
| **7.7(f)(iv)** | Scope 3 emissions: |  | | |
| **7.8**  **7.8(a)** | **Skills and Apprentices In Contracts Above £10m per annum (Central Government Contracts)**  Please state whether you will be supporting apprenticeships and skills development through this contract. | | Yes  No | |
| **7.8(b)** | If ‘YES’ please set out how you will develop and maintain skills relevant to  the contract to build a more skilled and productive workforce. Please also provide details of the process in place to ensure that your supply chain  supports skills, development and apprenticeships | | | |
|  | | | |
| **7.9** | **Steel in Major Projects (Not Used)** | | | |
| **7.10** | **Suppliers’ Past Performance**[**[1]**](https://euc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en-gb&rs=en-gb&wopisrc=https%3A%2F%2Fhighways.sharepoint.com%2Fsites%2FTransformationalConsultancy2023widerteam%2F_vti_bin%2Fwopi.ashx%2Ffiles%2F42787513a93d4e9b9914aa09dd7278b2&wdenableroaming=1&mscc=1&hid=9b5180fe-4c92-4e00-9726-e9f7281e530b.0&uih=teams&uiembed=1&wdlcid=en-gb&jsapi=1&jsapiver=v2&corrid=815cfd8d-3b92-49eb-9755-162f63f2e6d3&usid=815cfd8d-3b92-49eb-9755-162f63f2e6d3&newsession=1&sftc=1&uihit=UnifiedUiHostTeams&muv=v1&accloop=1&sdr=6&scnd=1&sat=1&rat=1&sams=1&mtf=1&sfp=1&halh=1&hch=1&hmh=1&hwfh=1&hsth=1&sih=1&unh=1&onw=1&dchat=1&sc=%7B%22pmo%22%3A%22https%3A%2F%2Fwww.microsoft365.com%22%2C%22pmshare%22%3Atrue%7D&ctp=LeastProtected&rct=Normal&wdorigin=TEAMS-ELECTRON.teamsSdk.openFilePreview&wdhostclicktime=1696509504836&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush#_ftn1) **(Central Government Contracts) (Not Used)**  [[1]](https://euc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en-gb&rs=en-gb&wopisrc=https%3A%2F%2Fhighways.sharepoint.com%2Fsites%2FTransformationalConsultancy2023widerteam%2F_vti_bin%2Fwopi.ashx%2Ffiles%2F42787513a93d4e9b9914aa09dd7278b2&wdenableroaming=1&mscc=1&hid=9b5180fe-4c92-4e00-9726-e9f7281e530b.0&uih=teams&uiembed=1&wdlcid=en-gb&jsapi=1&jsapiver=v2&corrid=815cfd8d-3b92-49eb-9755-162f63f2e6d3&usid=815cfd8d-3b92-49eb-9755-162f63f2e6d3&newsession=1&sftc=1&uihit=UnifiedUiHostTeams&muv=v1&accloop=1&sdr=6&scnd=1&sat=1&rat=1&sams=1&mtf=1&sfp=1&halh=1&hch=1&hmh=1&hwfh=1&hsth=1&sih=1&unh=1&onw=1&dchat=1&sc=%7B%22pmo%22%3A%22https%3A%2F%2Fwww.microsoft365.com%22%2C%22pmshare%22%3Atrue%7D&ctp=LeastProtected&rct=Normal&wdorigin=TEAMS-ELECTRON.teamsSdk.openFilePreview&wdhostclicktime=1696509504836&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush#_ftnref1) [Procurement Policy Note 04/15 Taking Account of Suppliers’ Past Performance](https://www.gov.uk/government/publications/procurement-policy-note-0415-taking-account-of-suppliers-past-performance) | | | |

|  |  |  |
| --- | --- | --- |
| 7.11  7.11 (a)  7.11 (b)  7.11 (c)  7.11 (d) | **Tackling Modern Slavery in Supply Chains[[10]](#footnote-11)**  **(Central Government Contracts)**  If you are a relevant commercial organisation subject to Section 54 of the Modern Slavery Act 2015, and if your latest statement is available electronically please provide:   * the web address, * precise reference of the documents.   If your latest statement is not available electronically, please provide a copy.  If you are not a relevant commercial organisation subject to Section 54 of the Modern Slavery Act 2015 (for example if your turnover is less than £36 million or you do not carry on your business, or part of your business, in the UK), please provide the above information in relation of any published statements on modern slavery or other relevant documents containing information of a similar type/level.  Any modern slavery statement or other statement or document should contain at least the following information:  a. the organisation’s structure, its business and its supply chains;  b. its policies in relation to slavery and human trafficking;  c. its due diligence processes in relation to slavery and human trafficking in its business and supply chains;  d. the parts of its business and supply chains where there is a risk of slavery and human trafficking taking place, and the steps it has taken to assess and manage that risk;  e. its effectiveness in ensuring that slavery and human trafficking is not taking place in its business or supply chains, measured against such performance indicators as it considers appropriate;  f. the training and capacity building about slavery and human trafficking available to its staff; or  If all of this information is not included in your modern slavery statement or other statement or documents, please provide an explanation as to why not and/or assurances that it will be included before contract award. |  |

|  |  |  |
| --- | --- | --- |
| **7.12** | **Additional questions on Technical and Professional Ability**  Candidates should provide an answer to all questions below, giving examples as required.  Examples are limited to the past three years.  Suppliers may reuse examples provided in section 6.1 or 6.2 of this SQ.  Where your organisation is a new start up and has needed to complete question 6.2 above with alternative methods of demonstrating capability, you may use examples of previous experience held by senior members of your proposed delivery team in order to demonstrate that your organisation has the relevant experience but only on the condition that such individuals are named and put forward in the Supplier's Tender should they be successfully selected to Tender at Stage Two. Should such individuals subsequently not be included in the Tender, the Authority reserves the right to re-assess this SQ response, which may result in the Bidder being de-selected if it would no longer achieve the same score for selection. Previous client contact details will also still be required to validate such experience. | |
| **7.12a** | Demonstrate, using examples, where you have successfully led the delivery of enterprise level transformation and change programmes for large (5,000+ employees), high profile, service provider organisations with responsibility for significant volumes of assets and infrastructure (Regional/National/International) .    Up to three examples may be used and must address the following sub-criteria:   1. Shows experience of enabling a client to design organisational level transformation and change programmes. 2. Shows experience of successful implementation and embedment of change and delivery of programme outcomes throughout a large organisation (more than 5,000 employees). 3. Shows that the project was successful and demonstrates that you were fundamental to that delivery success. 4. At least one example must show the provision of transformation and/or change advice to a client with responsibility for the service provision associated with the operation, maintenance and renewal of significant volumes of assets and infrastructure at a regional, national or international level, for example un the road, rail or utilities sectors.     Each example should be accompanied by contact details of a person at your previous client’s organisation who, on request, would be willing to confirm the details provided for that example and your contribution. | This question has a weighting of 40%  Responses should be completed using “Volume 0 SQ Response template for section 7.”    Responses have a page limit of 3 sides of A4 for this question.    Further instructions on formatting the responses are included in the template. |
| **7.12b** | Demonstrate, using examples, where you integrated with a client team to build, enable and drive strong collaboration in a way that ensured programme delivery success.    A maximum of three examples may be used and must address the following points:   1. Shows experience of integrating with the client team 2. Shows that the integration was successful 3. Shows that you overcame difficulties or problems at programme and project level in relation to integration and/or delivery. 4. Shows how you ensured the delivery of a stable and highly experienced team, with at least one example demonstrating the management of a change in key personnel or supply chain during the lifecycle of a high-profile project with minimal impact on delivery.     Each example should be accompanied by contact details of a person at your previous client’s organisation who, on request, would be willing to confirm the details provided for that example and your contribution. | This question has a weighting of 30%  Responses should be completed using “Volume 0 SQ Response template for section 7.12.”    Responses have a page limit of 3 sides of A4 for this question.    Further instructions on formatting the responses are included in the template. |
| **7.12c** | Demonstrate, using examples, where you have worked with clients to build client capability and ensure that project and programme deliverables are fully embedded and sustained in the business upon completion.    Up to three examples may be used and must address the following sub-criteria:   1. Provide evidence of where you have successfully integrated, developed and built internal client change capability to ensure the successful delivery of required objectives & outcomes 2. Provide evidence of where you have both delivered programme and project outcomes, but most importantly where you embedded and sustained the new approaches in the business upon completion. 3. Shows experience of successful implementation of change that has resulted in significant efficiency of operation and delivered sustainable benefits 4. At least one example must show the provision of transformation and/or change advice to a client with responsibility for the service provision associated with the operation, maintenance and renewal of significant volumes of assets and infrastructure at a national or international level     Each example should be accompanied by contact details of a referee at your previous client’s organisation who, on request, would be willing to confirm the details provided for that example and your contribution. | This question has a weighting of 30%  Responses should be completed using “Volume 0 SQ Response template for section 7.12.”    Responses have a page limit of 3 sides of A4 for this question.    Further instructions on formatting the responses are included in the template. |
| **7.13** | **Certifications and accreditations**  Please confirm you hold a UKAS (or equivalent) accredited independent third-party certificate of compliance with (or will obtain within 12 months following framework contract award) the following accreditations.  Where a required standard has no formal certification process, please confirm instead that you will provide National Highways with sufficient evidence to demonstrate compliance with the standard within 12 months following framework contract award. | |
| **7.13a** | ISO 9001 | Yes  No |
| **7.13b** | ISO 9004 | Yes  No |
| **7.13c** | ISO 45001 | Yes  No |

Annex B

Contact Details and Declaration

I declare that to the best of my knowledge the answers submitted and information contained in this complete document are correct and accurate, including parts 1, 2 and part 3.

I declare that, upon request and without delay I will provide the certificates and/or documentary evidence referred to in this document except where this documentation can be accessed by the contracting authority via a national database free of charge or the contracting authority already possesses the documentation.

I understand that the information will be used in the selection process to assess my suitability 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.

**Signature (electronic is acceptable)**

**Date**

Contact details of those making the declaration

|  |  |
| --- | --- |
| Contact Name |  |
| Name of Organisation |  |
| Role in Organisation |  |
| Phone number |  |
| E-mail address |  |
| Postal address |  |

Annex C

Exclusion Grounds: Public Procurement

**Mandatory Exclusion Grounds**

**Part 2 Section 2 of the standard Selection Questionnaire.**

Listed in Public Contract Regulations 2015 (as amended) R57(1), (2) and (3) and the 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.

**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 1, 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 26th February 2015 in England, Wales or Northern Ireland.

**Discretionary Exclusions Grounds**

**Part 2 Section 3 of the standard Selection Questionnaire.**

Listed in Public Contract Regulations 2015 (as amended) R57(8) and the Public Contract Directives 2014/24/EU Article 57(4).

**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, but not limited to, the following:-

● In the last 3 years, 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 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 the organisation has been convicted of a breach of the Health and Safety legislation.

● In the last three years, where any finding of unlawful discrimination has been made against the organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or incomparable proceedings in any jurisdiction other than the UK).

● Where the organisation has been in breach of section 15 of the Immigration, Asylum, and Nationality Act 2006;

● Where the organisation has a conviction under section 21 of the Immigration, Asylum, and Nationality Act 2006;

● Where the organisation has been in breach of the National Minimum Wage Act 1998.

**Bankruptcy, insolvency**

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

**Grave professional misconduct**

■ Guilty of grave professional misconduct

**Distortion of competition**

■ Entered into agreements with other economic operators aimed at distorting competition.

**Conflict of interest**

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

**Been involved in the preparation of the procurement procedure.**

■ Advised the contracting authority or contracting entity or otherwise been involved in the preparation of the procurement procedure.

**Prior performance issues**

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

**Misrepresentation and undue influence**

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

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

■ The contracting 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.

**Additional grounds**

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).

1. See definition of SME https://ec.europa.eu/growth/smes/business-friendly-environment/smedefinition\_En [↑](#footnote-ref-2)
2. UK companies, Societates European (SEs) and limited liability partnerships (LLPs) are required to identify and record the people who own or control their company. Companies, SEs and LLPs are required to keep a PSC register, and must file the PSC information with the central public register at Companies House. See PSC guidance. Overseas bidders are required to

   provide equivalent information. [↑](#footnote-ref-3)
3. Only information that relates to the persons with powers of representation, decision or control within the meaning of regulation 57(2) can be considered in relation to the mandatory exclusion grounds and other details are requested for information only. [↑](#footnote-ref-4)
4. This applies to all supply chain members and/or subcontractors, where their identity is known at this stage, irrespective of whether you are relying on them to meet the selection criteria. Where a supply chain member and/or subcontractor has been identified in response to this question, any resulting subcontract entered into with that subcontractor for that part of the works, services or supplies identified in response to that question will not be subject to the requirement for contracts to advertise the subcontracting opportunity, as set out in PPN 01/18. [↑](#footnote-ref-5)
5. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/5511

   30/List\_of\_Mandatory\_and\_Discretionary\_Exclusions.pdf [↑](#footnote-ref-6)
6. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/5511

   30/List\_of\_Mandatory\_and\_Discretionary\_Exclusions.pdf [↑](#footnote-ref-7)
7. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/5511

   30/List\_of\_Mandatory\_and\_Discretionary\_Exclusions.pdf [↑](#footnote-ref-8)
8. See PPN 08/21 FAQs. [↑](#footnote-ref-9)
9. Procurement Policy Note 06/21: Taking account of Carbon Reduction Plans in the procurement of major government contracts https://www.gov.uk/government/publications/procurement-policy-note-0621-taking-account-of-carbon-reduction-plans-in-the-procurement-of-major-government-contracts [↑](#footnote-ref-10)
10. https://www.gov.uk/government/publications/ppn-0223-tackling-modern-slavery-in-government-supply-chains [↑](#footnote-ref-11)