



**South West**

**Maintenance and Response Contract**

**Instructions for Tenderers**

**Volume 1A: Selection Questionnaire**  
**Notes for Completion**

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

**VOLUME 1A: SELECTION QUESTIONNAIRE  
 NOTES FOR COMPLETION**

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<b>Amend. No.</b>	<b>Revision No.</b>	<b>Amendments</b>	<b>Initials</b>	<b>Date</b>
0	0	Tender Issue	TT	Aug 16

**1 NOTES FOR COMPLETION**

- 1.1 “You”/ “Your” or “Supplier” means the body completing these questions i.e. the legal entity seeking to be invited to the next stage of the procurement process and responsible for the information provided. The ‘Supplier’ is intended to cover any economic operator as defined by the Public Contract Regulations 2015 and could be a registered company; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.
- 1.2 Please ensure that all questions are completed in full, and in the format requested. Failure to do so may result in your submission being disqualified. All mandatory questions must be completed in order to submit the Selection Questionnaire; Bravo will not let you continue until you have done so. You must be explicit and comprehensive in your responses to this Selection Questionnaire as this will be the single source of information on which responses will be assessed. You are advised neither to make any assumptions about your past or current supplier relationships with Highways England, nor to assume that such prior business relationships will be taken into account in the evaluation procedure.
- 1.3 Some questions ask the Supplier to self-certify. Suppliers who self-certify that they meet the requirements stated will be required to provide evidence of this if they are successful at contract award stage.
- 1.4 Supporting information should be presented in the same order as, and should be referenced to, the relevant question.
- 1.5 The Selection Questionnaire contains a combination of both financial and non-financial factors and considers:
- Organisation and contact details (not assessed, for information only)
  - Mandatory and discretionary rejection criteria (pass/fail) (Regulation 57 of the Public Contracts Regulations 2015)
  - Measures to promote tax compliance (pass/fail)
  - Economic and Financial Standing (pass/fail) (Regulation 58 of the Public Contracts Regulations 2015)
  - Technical Ability and Relevance Criteria (pass/fail) (Regulation 58 of the Public Contracts Regulations 2015)
  - Insurances (pass/fail)
  - Compliance with Equality Legislation (pass/fail)
  - Environmental Management (pass/fail)
  - Health and Safety (pass/fail)
- 1.6 Constructionline

- a) If tenderers have a Constructionline account, tenderers can submit their Constructionline account number(s) on Bravo and this will provide exemptions to some questions in the Selection Questionnaire. Tenderers' Constructionline accounts must be valid and up to date. "Up to date" means that an account must include all relevant information and be accurate at the time of tendering. Tenderers that do not have a Constructionline account will need to respond to further questions in the Bravo Qualification Envelope. Having such an account is not mandatory.
- b) Tenderers must note that for the purposes of Bravo question 1.48.9 Significant or Persistent Deficiencies:

(your organisation has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions;)

for the purposes of this clause Highways England would regard a quality warning notice under any Highways England contract, or an equivalent under any other contract, to be a comparable sanction.

#### **Verification of Information Provided**

- 1.7 Whilst reserving the right to request information at any time throughout the procurement process, Highways England may enable the Supplier to self-certify that there are no mandatory/ discretionary grounds for excluding their organisation.

#### **Sub-contracting arrangements**

- 1.8 Where the Supplier proposes to use one or more subcontractors to deliver some or all of the contract requirements, a separate attachment is required to provide the subcontracting information. This includes members of the supply chain, the percentage of work being delivered by each subcontractor and the key contract deliverables each subcontractor will be responsible for. If this is applicable, there is a question on Bravo available for you to do this.
- 1.9 Highways England recognises that arrangements in relation to subcontracting may be subject to future change, and may not be finalised until a later date. However, Suppliers should be aware that where information provided to Highways England indicates that subcontractors are to play a significant role in delivering key contract requirements, any changes to those subcontracting arrangements may affect the ability of the Supplier to proceed with the procurement process or to provide the supplies and/or services required. Suppliers must therefore notify Highways England immediately of any change in the proposed subcontractor arrangements. Highways England reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

**Consortia arrangements**

- 1.10 If the Supplier completing this Selection Questionnaire (SQ) is doing so as part of a proposed consortium, the following information must be provided;
- names of all consortium members;
  - the lead member of the consortium who will be contractually responsible for delivery of the contract (if a separate legal entity is not being created); and
  - if the consortium is not proposing to form a legal entity, full details of proposed arrangements within a separate Appendix.
- 1.11 Please note that Highways England may require the consortium to assume a specific legal form if awarded the contract, to the extent that a specific legal form is deemed by Highways England as being necessary for the satisfactory performance of the contract.
- 1.12 All members of the consortium will be required to provide the information required in all sections of the SQ as part of a single composite response to Highways England i.e. each member of the consortium is required to complete the form.
- 1.13 Where you are proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV), you must provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity in a separate Appendix.
- 1.14 Highways England recognises that arrangements in relation to a consortium bid may be subject to future change. Suppliers must therefore respond on the basis of the arrangements as currently envisaged. Suppliers are reminded that Highways England must be immediately notified of any changes, or proposed changes, in relation to the bidding model so that a further assessment can be carried out by applying the selection criteria to the new information provided. Highways England reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

**Confidentiality**

- 1.15 When providing details of contracts in answering section E of this SQ (Technical and Professional Ability), the Supplier agrees to waive any contractual or other confidentiality rights and obligations associated with these contracts.
- 1.16 Highways England reserves the right to contact the named customer contact in section E regarding the contracts included in section E. The named customer contact does not owe Highways England any duty of care or have

any legal liability, except for any deceitful or maliciously false statements of fact.

- 1.17 Highways England 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 Public Contract Regulations

**Self-Cleaning**

- 1.18 Any Supplier that answers 'Yes' to Bravo Qualification Questionnaire questions in Section C, D, G & H must provide sufficient evidence in the conditional questions that follow in form of an attachment, that provides a summary of the circumstances and any remedial action that has taken place subsequently and effectively "self-cleans" the situation referred to in that question. The supplier has to demonstrate it has taken such remedial action, to the satisfaction of Highways England in each case.