

**Peterlee Town Council**

**Contract for Draught Beers, Wine and Packaged Goods**

**2017 - 2019**

**Selection Questionnaire**

**INTRODUCTION AND PRE-SUBMISSION INSTRUCTIONS**

*Please read the information in this section before beginning to complete the Selection Questionnaire. Further post-submission guidance is given at the very end of this document.*

1.1 Introduction to Peterlee Town Council

Peterlee Town Council, the contracting authority undertaking this procurement exercise, is a local council within the east of County Durham, serving an electorate of over 15,000. The Town Council provides a range of local services including allotments, cemeteries, looking after public recreation grounds and open spaces, and supporting community sports and activities.

The Town Council currently operates two premises at which licensed refreshments are served. These are Shotton Hall, built in 1760, which we operate as a venue for conferences, weddings, and social events, and The Pavilion a sports and community building, which has a function suite as well as a public bar. For more general information regarding the Town Council please visit [www.peterlee.gov.uk](http://www.peterlee.gov.uk)

1.2 Introduction to the Proposed Contract

This contract is for the provision of the bar supplies and related services, divided into three lots:

* Supply of draught beer, lager, cider, and associated equipment and services including bar taps / fonts, branded glassware etc.
* Supply of wines.
* Supply of packaged goods (spirits, soft drinks, etc.)

Bidding organisations will have the option of submitting an offer for **one** lot, for **more than one lot**, or for **all of the lots** as a single contract.

Supplies are to be made to the following locations:

* **Shotton Hall, Old Shotton, Peterlee SR8 2PH**
* This location has two bars and two cellars.
* **The Pavilion, Helford Road, Peterlee SR8 1ER**
* This location has two bars served by a single cellar.

A full and detailed specification will be issued with the final tender to those organisations which are successful in being shortlisted.

This procurement is issued under a Restricted Procedure as defined in the Public Contracts Regulations 2015. The contracting authority, Peterlee Town Council, is working in partnership with Durham County Council. Durham County Council’s specialist procurement officers are providing support to this procedure. However for the avoidance of doubt, the final contract shall be between Peterlee Town Council and the successful bidder(s) only.

As part of the tender process, it is proposed to hold a product sampling / demonstration day at our Shotton Hall premises on the date indicated in the timetable. Only the shortlisted bidders will be invited to attend this demonstration day.

The expected **start date** for the proposed contract is 1st April 2017.

The expected **end date** for the proposed contract is 31st March 2019.

The proposed contract is to be let with an **option to extend** for a further 12 months from the actual end date.

**Contact Details**

The Lead Officer for this procurement is Julian Hunt, Facilities Manager.

Any queries relating to this exercise should be communicated via email, to: **julian@peterlee.gov.uk**

**1.3 Procurement timetable**

The timetable for this procurement is as follows.

| **Stage** | **Date/time** |
| --- | --- |
| *Publication of OJEU Contract Notice* | 01/11/16 |
| Deadline for submission of questions or requests for clarification | 23/12/16 at 12:00 |
| **Deadline for submission of completed Selection Questionnaire** | 05/01/17 at 12:00 |
| Evaluation of Selection Questionnaire submissions | From 05/01/17 to 11/01/17 |
| Expected issue of Invitation to Tender (ITT) | 11/01/17 |
| Supplier presentation / demonstration to selection panel at Shotton Hall, Peterlee *(suppliers shortlisted for ITT only)* | 20/01/17 |
| Deadline for submission of completed Tender | 10/02/17 |
| Evaluation of Tender submissions | From 13/02/17 to 15/02/17 |
| Approval under Council schemes of delegation | 16/02/17 |
| Notification of Tender evaluation results | 17/02/17 |
| *ALCATEL standstill period* | From 17/02/17 to 28/02/17 |
| Expected contract award date | 28/02/17 |
| Expected contract start date | 01/04/17 |

*This timetable is indicative only. Whilst the Council does not intend to depart from the timetable, it reserves the right to do so at any time. The Council also reserves the right to cancel this procurement process at any point. The Council is not liable for any costs or other losses resulting from the cancellation of this process.*

**1.4 About Your Organisation**

You should use this section as a guide to how your organisation will need to complete the Selection Questionnaire.

Bidding organisations (“bidders” or “the bidder”) are advised to familiarise themselves with the requirements of this Selection Questionnaire – in particular, any financial and technical requirements – in order to understand how they may need to structure their bid. The Council welcomes bids from organisations in consortium, partnership or other arrangement, where this assists organisations in meeting the minimum financial thresholds and/or enhancing the quality of their responses to technical questions.

Please read the following definitions and instructions carefully to determine how you will need to bid. If you require any further guidance or clarification, you should submit a question by email to **julian@peterlee.gov.uk**. Queries will not be dealt with by telephone or any other means.

**1.4.1 Sole Bidding Organisations**

You are a sole bidding organisation if you are the only organisation bidding for this contract as part of your submission. You may intend to use subcontractors, consultants or other partner organisations to deliver against the requirements of the contract, but you do not need to identify them in your Selection Questionnaire submission. Your organisation will be liable to the Council for the delivery of the requirements of the contract,

**1.4.2 Consortia, Partnerships and Joint Ventures**

You are a consortium if you are submitting a bid in partnership with another organisation or organisations, with the intention that all named bidders will be jointly awarded the contract. You will be jointly and severally liable to the Council for the delivery of the requirements of the contract, regardless of the value of your contribution in respect of the contract sum, time, volume, quality or any other considerations. You must inform the Council of any withdrawal of members of the consortium, partnership or joint venture during or subsequent to the Selection Questionnaire so that the implications of such a withdrawal may be assessed.

**1.4.3 Special Purpose Vehicles**

You are a special purpose vehicle (“SPV”) if you have formed (or will form) a new legal entity for the purpose of bidding for this contract, with the intention that this organisation will be awarded the contract. The member organisations of the special purpose vehicle will be jointly and severally liable to Council for the delivery of the requirements of the contract, regardless of (i) the value of their contributions in respect of the contract sum, time, volume, quality or any other considerations, or (ii) the future organisational or legal standing of the special purpose vehicle. You must inform the Council of any withdrawal of members of the SPV during or subsequent to the Selection Questionnaire so that the implications of such a withdrawal may be assessed.

**1.4.4 Multiple Bids**

In some cases, organisations may wish to submit bids as both a sole bidding organisation and as part of a consortium or SPV. The Council will handle submissions from such bidding organisations as follows:

1. An organisation may bid as a sole bidding organisation and as a member of no more than one consortium or SPV. In such cases, both Selection Questionnaire submissions need to be fully completed as set out in these instructions.

2. Organisations may not bid as a member of more than one consortium or SPV. The Council reserves the right to disqualify any such bids.

3. Organisations may not submit multiple bids as a sole bidding organisation. The Council reserves the right to disqualify any such bids.

4. Where a bidding organisation chooses to submit multiple bids as described in (1) above, their turnover and financial standing will not be counted towards that of the consortium or SPV. Any consortium or SPV of which they are a member must be able to pass any relevant financial requirements *without* the contribution of the organisation bidding in multiple.

**1.5 Completing the Selection Questionnaire – general notes**

**Terminology**

“You”, “your organisation”, “the bidding organisation” or “potential supplier” means the body completing these questions – *i.e. the legal entity responsible for the information provided.* These terms are intended to cover any economic operator as defined by the Public Contracts Regulations 2015 and could be a registered company, a charitable organisation, voluntary and community sector (VCS) organisation, social enterprise, special purpose vehicle (SPV), a consortium of such operators, or any other form of entity.

**The purpose of this questionnaire**

This Selection Questionnaire has been designed to assess the suitability of bidding organisations to deliver the Council’s requirement(s), to exclude any unsuitable bidders, and to produce a shortlist of those bidders most suited to proceed to the Invitation To Tender (ITT) stage.

If you are successful at this stage of the procurement process, you will proceed to the ITT.

This questionnaire is divided into three parts, explained as follows:

**Part 1: Potential Supplier Information, and Part 2: Exclusion Grounds**

Parts 1 and 2 of the Selection Questionnaire are a self-declaration, made by you (the potential supplier), that you do not meet any of the grounds for exclusion[[1]](#footnote-1). If there are grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (we call this self-cleaning).

A completed declaration of Part 1 and Part 2 provides a formal statement that the organisation making the declaration has not breached any of the exclusion grounds. Consequently we require all the organisations that you will rely on to meet the selection criteria to provide a completed Part 1 and Part 2. For example these could be parent companies, affiliates, associates, or essential sub-contractors, if they are relied upon to meet the selection criteria. This means that where you are joining in a group of organisations, including joint ventures and partnerships, each organisation in that group must complete Part 1 and Part 2. Sub-contractors that you rely on to meet the selection criteria must also complete a self-declaration (although sub-contractors that are not relied upon do not need to complete the self-declaration).

**Part 3: Additional Supplier Selection Questions**

Part 3 contains additional questions, specific to the proposed contract, which you must answer to be considered for selection. If you are bidding on behalf of a group (consortium) or you intend to use sub-contractors, you should complete all of the selection questions on behalf of the consortium and/or any sub-contractors.

If the relevant documentary evidence referred to in the Selection Questionnaire is not provided upon request and without delay, we reserve the right to amend the contract award decision and award to the next compliant bidder.

**Completing the Questionnaire**

Unless submitting an ESPD (see below), the bidding organisation must complete and return their Selection Questionnaire submission using this document - the template issued by the Council. Bidding Organisations must not use any other template(s) and must not alter the page layout or other formatting of the template issued by the Council.

All responses and correspondence must be in English and in typeface Arial, black, font size 11. Bidding organisations must not include any images, charts, logos or other graphics unless explicitly permitted or required to do so by the instructions of a particular question. Any information submitted in this form that has not been so permitted will not be considered.

No other documents, appendices or information (including policies or general marketing literature) should be submitted with the completed Selection Questionnaire response, other than those specifically requested. Any such information will not be considered.

When evaluating Selection Questionnaire responses, the Council will only consider information that is provided in the submission for this Selection Questionnaire. The Council will not cross-reference to previous Selection Questionnaires, tenders or any other submissions previously made to the Council, nor act on any information other than which has been provided as part of the current prequalification process. Information requested by the Council in this Selection Questionnaire must therefore be supplied in your response to this Selection Questionnaire – do not rely on the assumption that the Council is already aware of any information about your organisation, even where the Council has previously dealt with your organisation.

**1.6 Questions and clarifications prior to submission**

You are welcome to submit questions, or other relevant requests for clarification, if you feel this is necessary in helping you to complete the Selection Questionnaire. The Council aims to respond in a timely manner, although may need to request further information in order to respond appropriately. The Council reserves the right not to respond to questions that it considers are unreasonable or irrelevant.

Questions and requests for clarification must be submitted by email to **julian@peterlee.gov.uk**. Queries will not be dealt with by telephone or any other means.

The deadline for the submission of a question or request for clarification for this Selection Questionnaire is as per the timetable above, unless an amendment to this is issued by the procurement officer. In such cases, questions or requests for clarification must then be submitted by no later than the amended date.

The identity of bidding organisations that submit questions or clarification requests will not be disclosed to other bidding organisations. Requests for clarification and responses to requests for clarification will not be treated as confidential by the Council unless this is specifically requested by a bidding organisation. The Council reserves the right not to accept that a question or request for clarification be treated as confidential, and will notify the bidding organisation making such a request where this is the case, in order that the bidding organisation may have the opportunity to withdraw their request. In such circumstances, should the bidder fail to withdraw the request within three working days, the Council reserves the right to notify other bidders of the question which has been raised, and the Council’s response to it.

**1.7 Submitting your Selection Questionnaire response**

Completed Selection Questionnaires must be returned, by the indicated deadline, to:

TENDER SUBMISSIONS

PETERLEE TOWN COUNCIL

SHOTTON HALL

OLD SHOTTON

PETERLEE

COUNTY DURHAM

SR8 2PH

**Submissions (including any part thereof) received after the stated deadline will not be accepted.** It is entirely the responsibility of the bidding organisation to ensure that it submits its response in line with the stated deadline date and time.

**1.8 European Single Procurement Document (ESPD)**

The European Union has introduced a “European Single Procurement Document” (ESPD) with the intention of harmonising certain elements of the qualification process to take part in public procurement procedures across the EU.

If a bidding organisation wishes to submit a completed ESPD at this stage of the procedure, the Council will accept this document - as we are generally required to do under Regulation 59 of the Public Contracts Regulations 2015. However, the ESPD is not a requirement of this procurement process – bidders may simply complete the Council’s Selection Questionnaire document (this document), as the Council’s Selection Questionnaire covers all the required information.

If your organisation does decide to submit an ESPD, the Council will use the information in that document in place of your response to **Part 1** and **Part 2** of the Selection Questionnaire. However, the ESPD does not fully cover the information required for **Part 3** of the questionnaire.

**If submitting an ESPD you must therefore make sure you also answer the questions in Part 3 of this Questionnaire.**

1.9 **Consequences of misrepresentation**

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

**Part 1: Potential supplier Information**

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

|  |  |  |
| --- | --- | --- |
| Section 1 | Potential supplier information | |
| Question number | Question | Response |
| 1.1(a) | Full name of the potential supplier submitting the information |  |
| 1.1(b) – (i) | Registered office address (if applicable) |  |
| 1.1(b) – (ii) | Registered website address (if applicable) |  |
| 1.1(c) | Trading status   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 in country of origin |  |
| 1.1(e) | Company registration number (if applicable) |  |
| 1.1(f) | Charity registration number (if applicable) |  |
| 1.1(g) | Head office DUNS number (if applicable) |  |
| 1.1(h) | Registered VAT number |  |
| 1.1(i) - (i) | If applicable, is your organisation registered with the appropriate professional or trade register(s) in the member state where it is established? | Yes  No  N/A |
| 1.1(i) - (ii) | If you responded yes to 1.1(i) - (i), please provide the relevant details, including the registration number(s). |  |
| 1.1(j) - (i) | Is it a legal requirement in the state where you are established for you to possess a particular authorisation, or be a member of a particular organisation in order to provide the services specified in this procurement? | Yes  No |
| 1.1(j) - (ii) | If you responded yes to 1.1(j) - (i), please provide additional details of what is required and confirmation that you have complied with this. |  |
| 1.1(k) | Trading name(s) that will be used if successful in this procurement |  |
| 1.1(l) | Relevant classifications (state whether you fall within one of these, and if so which one)   1. Voluntary Community Social Enterprise (VCSE) 2. Sheltered Workshop 3. Public service mutual |  |
| 1.1(m) | Are you a Small, Medium or Micro Enterprise (SME)[[2]](#footnote-2)? | Yes  No |
| 1.1(n) | Details of Persons of Significant Control (PSC), where appropriate: [[3]](#footnote-3)  - Name;  - Date of birth;  - Nationality;  - Country, state or part of the UK where the PSC usually lives;  - Service address;  - The date he or she became a PSC in relation to the company (for existing companies the 6 April 2016 should be used);  - Which conditions for being a PSC are met;  - Over 25% up to (and including) 50%,  - More than 50% and less than 75%,  - 75% or more. [[4]](#footnote-4)  (Please enter N/A if not applicable) |  |
| 1.1(o) | Details of immediate parent company:    - Full name of the immediate parent company  - Registered office address (if applicable)  - Registration number (if applicable)  - Head office DUNS number (if applicable)  - Head office VAT number (if applicable)  (Please enter N/A if not applicable) |  |
| 1.1(p) | 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 suppliers and the persons of significant in control of them.

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

|  |  |  |
| --- | --- | --- |
| Section 1 | Bidding model | |
| Question number | Question | Response |
| 1.2(a) - (i) | Are you bidding as the lead contact for a group of economic operators? | Yes  No  If yes, please provide details listed in questions 1.2(a) (ii), (a) (iii) and to 1.2(b) (i), (b) (ii), 1.3, Section 2 and 3.  If no, and you are a supporting bidder please provide the name of your group at 1.2(a) (ii) for reference purposes, and complete 1.3, Section 2 and 3. |
| 1.2(a) - (ii) | Name of group of economic operators (if applicable) |  |
| 1.2(a) - (iii) | Proposed legal structure if the group of economic operators intends to form a named single legal entity prior to signing a contract, if awarded. If you do not propose to form a single legal entity, please explain the legal structure. |  |
| 1.2(b) - (i) | Are you or, if applicable, the group of economic operators proposing to use sub-contractors? | Yes  No |
| 1.2(b) - (ii) | If you responded yes to 1.2(b)-(i) please provide additional details for each sub-contractor in the following table: we may ask them to complete this form as well.   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | Name |  |  |  |  |  | | Registered address |  |  |  |  |  | | Trading status |  |  |  |  |  | | Company registration number |  |  |  |  |  | | Head Office DUNS number (if applicable) |  |  |  |  |  | | Registered VAT number |  |  |  |  |  | | Type of organisation |  |  |  |  |  | | SME (Yes/No) |  |  |  |  |  | | The role each sub-contractor will take in providing the works and /or supplies e.g. key deliverables |  |  |  |  |  | | The approximate % of contractual obligations assigned to each sub-contractor |  |  |  |  |  | | |

**Contact details and declaration**

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

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

I understand that the information will be used in the selection process to assess my organisation’s suitability to be invited to participate further in this procurement.

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

I am aware of the consequences of serious misrepresentation.

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

**Part 2: Exclusion Grounds**

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

|  |  |  |
| --- | --- | --- |
| Section 2 | Grounds for mandatory exclusion | |
| Question number | Question | Response |
| 2.1(a) | **Regulations 57(1) and (2)**  The detailed grounds for mandatory exclusion of an organisation are set out on this [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.  Please indicate if, within the past five years you, your organisation or any other person who has powers of representation, decision or control in the organisation been convicted anywhere in the world of any of the offences within the summary below and listed on the [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf). | |
|  | Participation in a criminal organisation. | Yes  No  If Yes please provide details at 2.1(b) |
|  | Corruption. | Yes  No  If Yes please provide details at 2.1(b) |
|  | Fraud. | Yes  No  If Yes please provide details at 2.1(b) |
|  | Terrorist offences or offences linked to terrorist activities | Yes  No  If Yes please provide details at 2.1(b) |
|  | Money laundering or terrorist financing | Yes  No  If Yes please provide details at 2.1(b) |
|  | Child labour and other forms of trafficking in human beings | Yes  No  If Yes please provide details at 2.1(b) |
| 2.1(b) | If you have answered yes to question 2.1(a), please provide further details.  Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction,  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. |  |
| 2.2 | If you have answered Yes to any of the points above have measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self Cleaning) | Yes  No |
| 2.3(a) | **Regulation 57(3)**  Has it been established, for your organisation by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which the organisation is established (if outside the UK), that the organisation is in breach of obligations related to the payment of tax or social security contributions? | Yes  No |
| 2.3(b) | If you have answered yes to question 2.3(a), please provide further details. Please also confirm you have paid, or have entered into a binding arrangement with a view to paying, the outstanding sum including where applicable any accrued interest and/or fines. |  |

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

|  |  |  |
| --- | --- | --- |
| Section 3 | Grounds for discretionary exclusion | |
|  | Question | Response |
| 3.1 | **Regulation 57 (8)**  The detailed grounds for discretionary exclusion of an organisation are set out on this [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.  Please indicate if, within the past three years, anywhere in the world any of the following situations have applied to you, your organisation or any other person who has powers of representation, decision or control in the organisation. | |
| 3.1(a) | Breach of environmental obligations? | Yes  No  If yes please provide details at 3.2 |
| 3.1 (b) | Breach of social obligations? | Yes  No  If yes please provide details at 3.2 |
| 3.1 (c) | Breach of labour law obligations? | Yes  No  If yes please provide details at 3.2 |
| 3.1(d) | Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation’s assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State? | Yes  No  If yes please provide details at 3.2 |
| 3.1(e) | Guilty of grave professional misconduct? | Yes  No  If yes please provide details at 3.2 |
| 3.1(f) | Entered into agreements with other economic operators aimed at distorting competition? | Yes  No  If yes please provide details at 3.2 |
| 3.1(g) | Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure? | Yes  No  If yes please provide details at 3.2 |
| 3.1(h) | Been involved in the preparation of the procurement procedure? | Yes  No  If yes please provide details at 3.2 |
| 3.1(i) | Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions? | Yes  No  If yes please provide details at 3.2 |
| 3.1(j)  3.1(j) - (i)  3.1(j) - (ii)  3.1(j) –(iii)  3.1(j)-(iv) | Please answer the following statements  The organisation is guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria.  The organisation has withheld such information.  The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015.  The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award. | Yes  No  If Yes please provide details at 3.2  Yes  No  If Yes please provide details at 3.2  Yes  No  If Yes please provide details at 3.2  Yes  No  If Yes please provide details at 3.2 |

|  |  |  |
| --- | --- | --- |
| 3.2 | If you have answered Yes to any of the above, explain what measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self Cleaning) |  |

**Evaluation Criteria**

Part 2 is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Grounds for**  **Exclusion Evaluation Criteria** | **Fail** | **Pass** |
| --- | --- | --- |
| Identified grounds for exclusion under regulation 57 of the Public Contracts Regulations 2015. | No grounds for exclusion identified under regulation 57 of the Public Contracts Regulations 2015 |

**Important note:** The Council may, at its discretion and in consideration of any additional information provided or mitigating circumstances, disregard any grounds for exclusion if it is satisfied that there are overriding requirements in the general interest that justify doing so – see the note on “Self-Cleaning” below.

ADDITIONAL NOTE 1 – CONFLICTS OF INTEREST

In accordance with the relevant question above, the Council may exclude the bidding organisation if there is a conflict of interest which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.

Where there is any indication that a conflict of interest exists or may arise then it is the responsibility of the bidding organisation to inform the Council. Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by the Council should not represent a conflict of interest for a bidding organisation.

ADDITIONAL NOTE 2 – TAKING ACCOUNT OF BIDDERS’ PAST PERFORMANCE

In accordance with the relevant question above, the Council may assess the past performance of a bidding organisation. The Council may take into account any failure to discharge obligations under previous relevant contracts of the bidding organisation completing this Selection Questionnaire. This may include deficiencies in contracts with other public contracting authorities – not just contracts involving the Council.

In addition, the Council may re-assess reliability based on past performance at key stages in the procurement process (i.e. supplier selection, tender evaluation, contract award stage etc.). Bidding organisations may also be asked to update the evidence they provide in this section to reflect more recent performance on new or existing contracts (or to confirm that nothing has changed).

ADDITONAL NOTE 3 - SELF-CLEANING

Any Bidding Organisation that answers “yes” to any of the questions in Part 2 should provide sufficient evidence that provides a summary of the circumstances and any remedial action that has taken place subsequently, which may effectively “self-clean” the situation referred to. The bidding organisation must demonstrate that it has taken such remedial action, to the satisfaction of the Council in each case.

If such evidence is considered by the Council (whose decision will be final) as sufficient, the bidding organisation concerned shall be allowed to continue in the procurement process.

In order for the evidence referred to above to be sufficient, the bidding organisation shall, as a minimum, prove that it has:

* paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
* clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and
* taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

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

**Part 3: Selection Questions**

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| --- | --- |
| **Section 4** | **Economic and Financial Standing** |
| 4.0 | Please note: An evaluation of financial standing is not included as part of this procurement exercise. No financial information is required from bidding organisations on this occasion. |

|  |  |  |
| --- | --- | --- |
| **Section 5** | **Contract Lots** | |
| Please indicate which of the contract Lots you wish to be invited to tender for. You may select as many Lots, or as few Lots, as you are interested in.  If selecting Lot 4, you are indicating that you intend to make an offer (if shortlisted) for the entire contract provision, as a single contract. | | **Lot 1.** Supply of draught beer, lager, cider and associated equipment and services.  **Lot 2.** Supply of wines.  **Lot 3.** Supply of packaged goods  (spirits, soft drinks, etc.)  **Lot 4.** Full service – whole contract as single package combining all three of the above lots. |

|  |  |  |
| --- | --- | --- |
| **Section 6** | **Modern Slavery Act 2015:** **Requirements under Modern Slavery Act 2015** | |
| **6.1** | Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")? | Yes  No |
| **6.2** | If you have answered “yes” to question 6.1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015? | Yes  Please provide the relevant URL in the box below.  No  Please provide an explanation in the box below. |
| Supplementary information to 6.2: | | |

**Evaluation Criteria for Section 6**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Modern Slavery:**  **Evaluation Criteria** | **Fail** | **Pass** |
| --- | --- | --- |
| The bidding organisation is an relevant commercial organisation as defined by the Act, but does not, or cannot confirm that it complies with the annual reporting requirements. | The bidding organisation is an relevant commercial organisation as defined by the Act, and it has demonstrated that it complies with the annual reporting requirements,  Or:  The bidding organisation is not a relevant commercial organisation as defined by the Act. |

**7. Additional Pass / Fail Questions**

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

**7.1: Insurance**

|  |  |  |
| --- | --- | --- |
| **Section 7.1** | **Insurance** | **Response** |
|  | 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 = **£5m**  Public Liability Insurance = **£5m**  \* 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. | Yes  No |

ADDITIONAL NOTE for CONSORTIA and SPV bidders:

**Consortia, partnerships and joint ventures**

Consortia must confirm that the consortium collectively has the required levels of insurance, except for employer’s liability – each consortium member that employs staff must have an individual policy at the required level for this.

**Special Purpose Vehicles**

Special purpose vehicles must confirm that either the vehicle itself, or one of the members of the vehicle, where the policy specifically extends cover to the vehicle, has the required levels of insurance.

**Evaluation Criteria for Section 7.1**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Insurance Evaluation Criteria** | **Fail** | **Pass** |
| --- | --- | --- |
| Failure by the bidding organisation to confirm that it has or, if successful, will buy the specified minimum levels of insurance. | The bidding organisation confirms that it has or, if successful, will buy the specified minimum levels of insurance. |

**7.2: Health & Safety**

The bidding organisation must:

* Ensure that its entire workforce and subcontractors will comply with all relevant health and safety legislation as well as any requirements or instructions from the Council.
* Have appointed a competent person with overall responsibility for health and safety that is duly authorised in the organisation.
* Have processes in place for the identification of training needs and delivery of training to its workforce appropriate to the work for which it is bidding.
* Have processes in place for the development of risk assessments and method statements relevant to the nature of the work for which it is bidding that will identify, manage and mitigate associated risks and hazards.
* *(If it is an organisation with five or more employees)* have in place a written health and safety policy as required by Section 2(3) of the Health and Safety at Work etc Act 1974 and issue any codes of safe working practices to your workforce. This policy must provide details of the competent person or persons that have been appointed on behalf of the organisation to undertake the measures needed to comply with the requirements and prohibitions of the Management of Health and Safety at Work Regulations 1999.

The Council may verify your compliance with the above requirements at any stage of the procurement process or during the life of the contract, by means of policy checking, validation of accreditations, site audits or any other method it deems appropriate.

For further information on employers’ health and safety obligations, please visit the Health and Safety Executive website at: <http://www.hse.gov.uk/simple-health-safety/index.htm>.

Specific guidance on how to write a policy and risk assessment is available at <http://www.hse.gov.uk/simple-health-safety/write.htm>.

|  |  |  |
| --- | --- | --- |
| **Section 7.2** | **Health & Safety** | **Response** |
|  | I confirm that the bidding organisation understands and agrees to the undertakings as described above. | Yes  No |

ADDITIONAL NOTE for CONSORTIA and SPV bidders:

**Consortia, partnerships and joint ventures**

The lead consortium member must ensure that the information in this section regarding Health & Safety is effectively communicated to all consortium members. The lead consortium member must provide assurance that all consortium members understand, and have the ability to fulfil all health and safety requirements relating to the work being undertaken.

**Special Purpose Vehicles**

The lead SPV member must ensure that the information in this section regarding Health & Safety is effectively communicated to all of the organisations represented by the SPV. The lead SPV member must provide assurance that all SPV members understand, and have the ability to fulfil, all health and safety requirements relating to the work being undertaken.

**Evaluation Criteria**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

**Evaluation Criteria for Section 7.2**

| **Health & Safety** | **Fail** | **Pass** |
| --- | --- | --- |
| Failure by the bidding organisation to confirm they agree to the Health & Safety undertakings as described. | The bidding organisation confirms they agree to the Health & Safety undertakings as described. |

**7.3: Equality & Diversity**

|  |  |
| --- | --- |
| **Section 7.3.1**  **Does the bidding organisation comply with its legal obligations under the Equality Act 2010, relating to the following?** | |
| ***Confirm as appropriate*** | |
| Age | Yes  No |
| Disability | Yes  No |
| Gender reassignment | Yes  No |
| Marriage and civil partnership | Yes  No |
| Pregnancy and maternity | Yes  No |
| Race | Yes  No |
| Religion or belief | Yes  No |
| Sex | Yes  No |
| Sexual orientation | Yes  No |
| ***NOTE TO ORGANISATION:***  ***It is the responsibility of the bidding organisation to keep up to date with relevant legislation and ensure it has a current understanding.*** | |

|  |  |  |
| --- | --- | --- |
| **Section 7.3.2** | **Unlawful Discrimination at Tribunal** | **Response** |
|  | In the last three years has any finding of unlawful discrimination been made against the bidding organisation by any court or industrial or employment tribunal? | Yes  No |

|  |  |  |
| --- | --- | --- |
| **Section 7.3.3** | **Unlawful Discrimination at Statutory Investigation** | **Response** |
|  | In the last three years has any finding of unlawful discrimination been made against the bidding organisation as a result of a formal investigation by the Equality and Human Rights Commission (EHRC) or any relevant statutory European Body? | Yes  No |

|  |  |  |
| --- | --- | --- |
| **Section 7.3.4** | **Taking Remedial Action** | **Response** |
|  | ONLY complete this section if you answered “YES” to 7.3.2 and/or 7.3.3:  If the bidding organisation was required to take action, did the action taken satisfy the relevant  organisation? | Yes  No |
|  | Outline what action the bidding organisation was required to take: |  |
|  | Outline what action the bidding organisation actually took. If the required action was not taken, explain why not: |  |

|  |  |  |
| --- | --- | --- |
| **Section 7.3.5** | **Sub-Contractors** | **Response** |
|  | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | Yes  No  Do not use any sub-contractors |

**Evaluation Criteria for Section 7.3**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Equality and Diversity Evaluation Criteria** | **Fail** | **Pass** |
| --- | --- | --- |
| Failure to confirm that the bidding organisation complies with any of its legal obligations as outlined  OR  Evidence of findings of unlawful discrimination by any court or industrial or employment tribunal or formal investigation and no evidence of adequate steps (or evidence of inadequate steps) taken as a consequence of any findings. | The bidding organisation confirms that it complies with all of its legal obligations as outlined  AND  No evidence of findings of unlawful discrimination by any court or industrial or employment tribunal or formal investigation; OR evidence of findings of unlawful discrimination by a court, tribunal, or formal investigation but evidence is provided of adequate steps taken as a consequence. |

**7.4: Environmental Management**

|  |  |  |
| --- | --- | --- |
| **Section 7.4.1** | **Breach of Environmental Legislation** | **Response** |
|  | In the last three years, has your organisation been convicted of breaching environmental legislation, or had any formal notice served upon it, by any environmental regulator or authority (including local authority), either in the UK or any other EU member state? | Yes  No |
|  | If “YES” please give details of the conviction or notice, including any action taken to resolve the situation: | |

|  |  |  |
| --- | --- | --- |
| **Section 7.4.2** | **Sub-Contractors** | **Response** |
|  | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | Yes  No  Do not use any sub-contractors |

**Evaluation Criteria for Section 7.4**

This section is evaluated on a pass/fail basis. Bidders who fail will be disqualified from the procurement process.

| **Environmental Management - Evaluation Criteria** | **Fail** | **Pass** |
| --- | --- | --- |
| A relevant and material prosecution, notice or sanction has been made against the bidding organisation and there is insufficient evidence of adequate steps (or evidence of inadequate steps) taken as a consequence of any findings. | No evidence of relevant prosecution, notice or sanction having been made against the bidding organisation  **Or:**  Evidence of a relevant prosecution, notice or sanction having been made, but evidence is provided of adequate steps taken as a consequence of any findings. |

**8. Additional Technical (Scored) Questions**

**Instructions for All Bidding Organisations**

You must answer all the Technical Questions in this section. Failure to respond to any question shall result in the bidder receiving a zero score for that question.

You must not exceed the stipulated word limit allowed. If a response exceeds the maximum number of words allowed for a particular question, then the responses to that question will be evaluated only up to the stipulated limit. Any information provided that falls outside of the word limit will not be considered, regardless of its relevance or quality.

All responses must be submitted in the main body of the Selection Questionnaire, in the box provided underneath the relevant Technical Question. Do not include any part of your response as appendices, attachments, web links or other cross-referencing, unless specifically requested; these will not be considered.

Responses to Technical Questions will only be assessed on the basis of the question for which the response is provided. Each question is evaluated separately, and evaluators will not cross reference information from answers to other questions, regardless of its relevance or quality.

*(For example: if your response to Question 1 makes reference to a particular achievement, which you consider also to be relevant to Question 2, you must mention it again in your response to Question 2 in order for it to be taken into account when that question is evaluated).*

**Sole Bidding Organisations**

You must answer each of the technical questions in respect of your own organisation only.

**Consortia, Partnerships, Joint Ventures and Special Purpose Vehicles**

The lead consortium member must answer each of the technical questions on behalf of the whole consortium or SPV. You may draw on the experience, skills, and capability of any combination of the consortium or SPV members you have named in Section A, but these must be submitted by the lead consortium or SPV member in the form of a single response to each question. Do not submit more than one Selection Questionnaire or attach responses as appendices; these will not be considered.

**Evaluation Criteria**

Each question will be evaluated on a scored basis. For ease of reference, the evaluation criteria for each technical question are printed below the relevant question.

**Weightings**

Each technical question has been given a percentage weighting which will be used to calculate the bidding organisation’s final score. The questions in this Selection Questionnaire carry the following weightings:

|  |  |  |  |
| --- | --- | --- | --- |
| **Question Number** | **Question Title** | **Percentage Weighting** | **Tie Break Priority** |
| 8.1 | References | 60% | 1st |
| 8.2 | Business Continuity Planning | 15% | 2nd |
| 8.3 | Customer Service | 15% | 4th |
| 8.4 | Social Value: Creating Opportunities | 10% | 3rd |

The Council intends to invite the **5** highest scoring bidding organisations to tender, subject to having also passed Part 1, Part 2, and the other sections of Part 3.

**Tie Break Methodology**

Where two or more organisations are tied for invitation to tender and this exceeds the number that the Council intends to invite, a tie break methodology will be applied.

The order of priority for tie break questions is shown in the table above.

In the unlikely event that a tie cannot be broken by comparing bidding organisations’ scores for all of the technical questions in the tie break priority order indicated, the Council will invite all bidding organisations tied to proceed to the ITT, even if this exceeds the maximum number it would otherwise have intended to invite.

**Question 8.1 References (Weighting 60%)**

You are required to provide references from **three clients or customers**. The references must relate to the following key services relevant to this contract:

* Supply of draught beer, lager, cider, and associated equipment and services including bar taps / fonts, branded glassware etc.
* Supply of wines.
* Supply of packaged goods (spirits, soft drinks, etc.)

Where you have indicated that you are only applying for **one** or **two** of the three lots, the services you have provided need only relate to those specific lots. For example, if you are only seeking to be considered for Lot 2 – Supply of wines, then it is appropriate to provide three client references from clients to whom you have only supplied wine.

For this purpose, you may treat different clients within the same corporate group as separate referees.

Responses must be completed by the referee using the template provided under Appendix 4 (Questionnaire for Customer Reference) and returned as part of your submission.

The Council may verify the references provided, by contacting referees directly. Your organisation must therefore ensure that referees have given their prior consent to this before submitting the required references. **The references must be completed by the referees themselves.**

Referees will be asked as follows:

* To verify whether the key services have been provided.
* To indicate their agreement (or otherwise) with three statements regarding your performance.

A reference in which the referee indicates that the bidder has not the key services **relevant to the lots they wish to be shortlisted for**, will be given zero points.

In evaluating the reference, the following points will initially be allocated:

|  |  |
| --- | --- |
| **Response** | **Points** |
| For each ‘strongly disagree’ response or blank response | 0 |
| For each ‘disagree’ response | 2 |
| For each ‘agree’ response | 8 |
| For each ‘strongly agree’ response | 12 |

Evaluation Criteria

|  |  |
| --- | --- |
| Points | Criteria |
| 0 | 0 points |
| 1 | More than 0 points but fewer than or equal to 6 points |
| 2 | More than 6 points but fewer than 28 points |
| 3 | 28 points (i.e. two ‘agree’ responses and one ‘strongly agree’ response |
| 4 | 32 points (i.e. two ‘strongly agree’ responses and one ‘agree’ response) |
| 5 | 36 points (i.e. three ‘strongly agree’ responses) |

The average of these marks across the different referees will determine the bidding organisation’s final score for this question (i.e. we will add the scores from each of your individual references together and divide by 3 to determine your average score). We will round up to two decimal places.

If a Bidder fails to provide the required number of references, then any missing references will be given a score of zero.

**Question 8.2 Business Continuity Planning (Weighting 15%)**

Unexpected events such as adverse weather or a sudden change in market conditions can have a significant impact on delivery. Suppliers who provide goods and services which underpin council services should be able to continue to provide these goods and services in the event of unexpected events.

Describe how you plan for and manage unexpected events in order to ensure continuity of supply for goods and services supplied by your organisation.

Evaluation criteria

|  |  |
| --- | --- |
| Points | Criteria |
| 0 | No evidence of any approach to planning for or managing unexpected events is provided. |
| 1 | The response shows some experience of having managed the impacts of unexpected events on past occasions. However it does not demonstrate a defined approach to business continuity planning. |
| 2 | The response demonstrates a defined approach to planning for and managing unexpected events in order to ensure business continuity. The organisation shows an ability to react promptly to ensure that service is maintained to an adequate standard in the context of whatever unexpected events may occur. |
| 3 | The response demonstrates a systematic and robust approach to planning for and managing unexpected events in order to ensure business continuity. The organisation demonstrates an ability to react and adjust in a prompt and flexible manner to the specific needs of different customers to ensure that service is maintained to a high standard in the context of whatever unexpected events may occur. |

|  |
| --- |
| Your response to this question must be provided in the space below*.*  *Written response: maximum of 1,500 words in total.*  If a bidder exceeds the number of words set for this question, then the response to the question will be evaluated only up to the stipulated number of words detailed.  Evaluators will only consider information that is provided in this box. Any other information will be disregarded.  Tables, graphs, and other graphics should not be used.  Bidders are requested *NOT* to include any acronyms or abbreviations in their response.  ***Please respond here*** |

**Question 8.3 Customer Service and Complaints (Weighting 15%)**

Please provide a statement setting out your organisation’s customer service and complaints handling procedures, including procedures for escalating complaints. Please also explain how your procedure is communicated to both employees and customers.

Evaluation criteria

|  |  |
| --- | --- |
| Points | Criteria |
| 0 | No evidence of any approach to customer service and complaints handling is provided. |
| 1 | The organisation demonstrates some knowledge of customer service and complaints handling considerations on a general basis. However there is little or no evidence of a defined and documented approach. |
| 2 | The organisation demonstrates some experience of a defined and documented approach to customer service and complaints handling, but this is not in the form of a sufficiently developed or robust system. |
| 3 | The organisation has a well-developed customer service and complaints handling procedure in place, which demonstrates a s**ystematic and effective approach**. |

|  |
| --- |
| Your response to this question must be provided in the space below*.*  *Written response: maximum of 1,500 words in total.*  If a bidder exceeds the number of words set for this question, then the response to the question will be evaluated only up to the stipulated number of words detailed.  Evaluators will only consider information that is provided in this box. Any other information will be disregarded.  Tables, graphs, and other graphics should not be used.  Bidders are requested *NOT* to include any acronyms or abbreviations in their response.  ***Please respond here*** |

**Question 8.4 Creating Opportunities (Weighting 10%)**

The Town Council is committed to creating positive social value outcomes for our local economy, and we are keen to select potential suppliers who can demonstrate a commitment to social value in their recruitment and training practices.

Provide **one example** of your experience of creating positive economic and social outcomes through employment and training opportunities, making reference to *at least one* of the following:

* Targeting recruitment at those not in employment, education or training
* Creating apprenticeships and other training opportunities (e.g. NVQs and or work experiences)
* Targeting opportunities at those in typically disadvantaged employment categories, e.g. the long-term unemployed, people with disabilities
* Working with relevant public sector bodies and voluntary & community sector organisations (VCOs) to target those most in need of employment and training opportunities within specific communities

References to activities within a ‘local economy’ include any economy or community within the EU that was local to the example given. Therefore your response does not necessarily need to refer to activities within County Durham and no preference will be given to responses that make reference to undertakings in County Durham.

**Guidance:**

Please make your example clear by providing your response in the box provided. Any subsequent examples will be disregarded. Any words over the word count will also be disregarded. (i.e. 501 words and over)

**Definitions:**

**Measurable evidence:** is facts and figures/statistics relating to the number of individuals engaged in the targeted recruitment and training activity (i.e. those benefiting from within the target groups above), the retention rate of those individuals during the project and or achievement rates in training these target groups. If targets were set for the project, please provide these as an example with the progress against these clearly identified. *(e.g. x no. of apprentices completed an x no of years programme duration, x % achieved Level x and x no. were employed within the organisation or secured alternative employment post training =x % employment gained post training). This is an example only, do not limit your example to this specific output.*

**A significant outcome:** is where there is evidence of a hard to reach client group engaged where there are notable high levels of achievement or retention. Or high levels of those engaged relative to project size and or value demonstrating high levels of success rate into sustained employment. It is important to provide an outline of the nature, size, duration and value of a project, for the evaluators to determine the significance of an outcome.

Evaluation criteria

|  |  |
| --- | --- |
| **Points** | **Criteria** |
| 0 | No response is provided or the response provided is not relevant to the employment and training activities outlined above. |
| 1 | The response provided is of little relevance to the employment and training activities outlined above. It may show some knowledge of employment and training issues in general. |
| 2 | The response provides one example that is relevant to the employment and training activities outlined above, but is lacking in sufficient detail and/or measurable evidence. |
| 3 | The response provides one example that is relevant to the employment and training activities outlined above. This example is supported by measurable evidence. |
| 4 | The response provides one example that is relevant to the employment and training activities outlined above. The example is supported by measurable evidence and demonstrates having achieved a significant positive outcome. |

Your response to this question must be provided in the space below*.*

*Written response: maximum of 500 words in total.*

If a bidder exceeds the number of words set for this question, then the response to the question will be evaluated only up to the stipulated number of words detailed.

Evaluators will only consider information that is provided in this box. Any other information will be disregarded.

Tables, graphs, and other graphics should not be used.

Bidders are requested *NOT* to include any acronyms or abbreviations in their response.

***Please respond here***

**POST-SUBMISSION GUIDANCE, CONFIDENTIALITY, FURTHER GENERAL INFORMATION**

**Requests for Clarification after Submission**

The Council may seek clarification of any information contained in responses to the Selection Questionnaire from bidding organisations during the evaluation period. For example, this may include, where relevant, requests for the organisations audited financial statements, where a financial check forms part of the Selection Questionnaire.

It is the responsibility of the bidding organisation from which clarification is sought to provide the requested information within the time specified by the Council. If an organisation does not supply the requested information, within the time specified, this may have the following results:

* The Council may be forced to disqualify the organisation’s bid; for example, in such cases where the information requested by clarification is necessary to determine the organisation’s eligibility for selection; or
* The bid may be otherwise disadvantaged; for example, in such instances where the information requested by clarification is necessary to determine the organisation’s score for a response to a technical question, failure to clarify is likely to lead to a lower score being assigned.

**Confidentiality**

When providing details of previous contracts, in answering any Selection Questionnaire questions requiring case studies, or references from previous customers, the bidding organisation agrees to waive any contractual or other confidentiality rights and obligations associated with these contracts.

The Council reserves the right to contact any customers or clients named by the bidding organisation, to verify any statements made by the bidding organisation. The named customer or client does not owe the Council any duty of care or have any legal liability, except for any deceitful or maliciously false statements of fact.

The Council confirms that it will keep confidential and will not disclose to any third parties any information obtained from a named customer or client contact, other than where it is necessary to disclose this to the Cabinet Office and/or other contracting authorities as defined by the Public Contracts Regulations 2015.

**Freedom of Information**

The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 impose duties of openness on the Town Council which determine how we treat any information provided by bidding organisations as part of the Selection Questionnaire process, whether or not this would generally be considered confidential or you have requested that it be treated as confidential.

Bidding organisations must satisfy themselves that they understand and accept the requirements of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

**Use of this Document and Accompanying Documents**

This document, the Selection Questionnaire it has been issued with and any accompanying documents are for use by organisations which wish to be considered for the award of this contract, their professional advisers and other parties contributing to responses to the Selection Questionnaire. The Council authorises the use of these documents for this purpose only. They must not be used for any other purpose.

The Council has issued these documents, the accompanying Selection Questionnaire and any other documentation that it issues for this tender process on the basis that they remain the property of the Council and you must treat the contents as confidential. You must not share the contents, in part or whole, of any documents issued with any organisations or individuals that are not directly supporting your organisation in the tender process. Any organisations or individuals with whom you share the contents, in part of whole, of any documents issued will also be bound by the full terms and conditions found within. If you are unable or unwilling to comply with this you must:

* + destroy this document, the accompanying Selection Questionnaire and all associated documents at once; and
  + not keep any electronic or physical copies.

This Selection Questionnaire is made available in good faith. The Council gives no warranty as to the accuracy or completeness of the information contained in it, and disclaims any liability for any inaccuracy or omission.

The Council reserves the right to cancel this procurement process at any point. The Council is not liable for any costs or other losses resulting from the cancellation of this process, nor for any costs incurred by organisations by taking part in the procurement process.

**Canvassing**

The Town Council reserves the right to disqualify (without limiting the remedies the Council may seek, or the other action the Council may take) any bidding organisation which:

* offers any inducement, fee or reward to any member or officer of the Council or any person acting as an adviser for the Council in connection with this Selection Questionnaire;
* does anything which would constitute a breach of the Prevention of Corruption Acts 1889 to 1916;
* canvasses any member or officer of the Council in connection with this Selection Questionnaire; or
* contacts any member or officer of the Council prior to contract signature about any aspect of this Selection Questionnaire in a manner not permitted under the terms of this Selection Questionnaire.
* offers or agrees to pay or give or does pay or give any sum of money, inducement or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done any act or omission in relation to any other tender.

1. For the list of exclusion please see: <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf> [↑](#footnote-ref-1)
2. See EU definition of SME <https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en> [↑](#footnote-ref-2)
3. UK companies, Societates European (SEs) and limited liability partnerships (LLPs) will be required to identify and record the people who own or control their company. Companies, SEs and LLPs will need to keep a PSC register, and must file the PSC information with the central public register at Companies House. [See PSC guidance](https://www.gov.uk/government/publications/guidance-to-the-people-with-significant-control-requirements-for-companies-and-limited-liability-partnerships). [↑](#footnote-ref-3)
4. Central Government contracting authorities should use this information to have the PSC information for the preferred supplier checked before award. [↑](#footnote-ref-4)