



Department for
Business, Energy
& Industrial Strategy

**Invitation to Tender for: Global Gas Market
Future Outlook**

Tender Reference Number: 5680/02/2022

Deadline for Tender Responses: 24th February 2022,
14.00 GMT

Department for Business, Energy & Industrial Strategy

Date: 10th February 2022

The Department for Business, Energy & Industrial Strategy ("BEIS") wishes to commission a project to provide a Global Gas Market Future Outlook.

Enclosed are the following sections:

- Section 1 Instructions and Information on Tendering Procedures
- Section 2 Specification of Requirements
- Section 3 Further Information on Tender Procedure
- Section 4 Declarations to be submitted by the Tenderer
 - Statement of Non-Collusion
 - Form of Tender
 - Conflict of Interest
 - Standard Selection Questionnaire
 - The General Data Protection Regulation Assurance Questionnaire for Contractors
 - Code of Practice for Research
- Annex A: Authority's Terms and Conditions
- Annex B: Code of Practice for Research

Please register your interest in submitting a tender for this project by emailing internationalclimateandenergy.procurement@beis.gov.uk and include the tender reference number and title in the email subject. **This will ensure you receive immediate notification of updates to the ITT process or answers to questions raised by potential bidders.** Failure to register would result in you not receiving these notifications.

Please read the instructions on the tendering procedures carefully since failure to comply with them may invalidate your tender. Your tender must be returned by email to internationalclimateandenergy.procurement@beis.gov.uk by **24th February 2022**, 14:00 GMT clearly marked as "TENDER".

I look forward to receiving your response.

Yours sincerely,
Charlotte Finlay
Commercial Lead
International Energy and Climate Finance

Email: internationalclimateandenergy.procurement@beis.gov.uk

Privacy Notice

This notice sets out how we will use your personal data, and your rights. It is made under Articles 13 and/or 14 of the General Data Protection Regulation (GDPR).

YOUR DATA

We will process the following personal data:

Names and contact details of employees involved in preparing and submitting the bid;
Names and contact details of employees proposed to be involved in delivery of the contract;

Names, contact details, age, qualifications and experience of employees whose CVs are submitted as part of the bid.

Purpose

We are processing your personal data for the purposes of the tender exercise described within the remainder of this Invitation to Tender, or in the event of legal challenge to such tender exercise.

Legal basis of processing

The legal basis for processing your personal data is processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller, such as the exercise of a function of the Crown, a Minister of the Crown, or a government department; the exercise of a function conferred on a person by an enactment; the exercise of a function of either House of Parliament; or the administration of justice.

Recipients

Your personal data will be shared by us with other Government Departments or public authorities where necessary as part of the tender exercise. We may share your data if we are required to do so by law, for example by court order or to prevent fraud or other crime.

Retention

We reserve the right to retain personal data collected in the procurement exercise to evaluate the procurement exercise and obtain feedback from tenderers. We reserve the right to contact all those organisations whom submitted a response to this competition, should we choose to, at the point of re-tendering this requirement in the future, if this is required.

All tenders will be retained for a period of 6 years from the date of contract expiry, unless the contract is entered into as a deed in which case it will be kept for a period of 12 years from the date of contract expiry.

YOUR RIGHTS

You have the right to request information about how your personal data are processed, and to request a copy of that personal data.

You have the right to request that any inaccuracies in your personal data are rectified without delay.

You have the right to request that any incomplete personal data are completed, including by means of a supplementary statement.

You have the right to request that your personal data are erased if there is no longer a justification for them to be processed.

You have the right in certain circumstances (for example, where accuracy is contested) to request that the processing of your personal data is restricted.

You have the right to object to the processing of your personal data where it is processed for direct marketing purposes.

You have the right to object to the processing of your personal data.

INTERNATIONAL TRANSFERS

Your personal data will not be processed outside the European Union.

COMPLAINTS

If you consider that your personal data has been misused or mishandled, you may make a complaint to the Information Commissioner, who is an independent regulator. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
0303 123 1113
casework@ico.org.uk

Any complaint to the Information Commissioner is without prejudice to your right to seek redress through the courts.

CONTACT DETAILS

The data controller for your personal data is the Department for Business, Energy & Industrial Strategy (BEIS).

You can contact the BEIS Data Protection Officer at:

BEIS Data Protection Officer,
Department for Business, Energy and Industrial Strategy,
1 Victoria Street, London
SW1H 0ET.
Email: dataprotection@beis.gov.uk.

Section 1

Instructions and Information on Tendering Procedures

Section 1

Instructions and Information on Tendering Procedures

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A. Indicative Timetable

The anticipated timetable for this tender exercise is as follows. BEIS reserves the right to vary this timetable. Any variations will be published on contracts finder and circulated to all organisations who have registered an interest in notifications.

Tender Timeline	Date
Advert and full invitation to tender issued	10 th February 2022
Deadline for clarifications relating to the tender	14:00 GMT 21 st February 2022
Deadline for receipt of tender	14:00 GMT 24 th February 2022
Invite suppliers for bid clarification (if needed)	From 24 th February 2022
All suppliers alerted of outcome (indicative)	From week commencing 28 th February 2022
Contract award on signature by both parties	From week commencing 28 th February 2022
Anticipated contract start date	1 st March 2022
Anticipated contract end date	31 st March 2022

The contract is to be for a period of 1 month unless terminated or extended by the Department in accordance with the terms of the contract. The Department reserves the right to extend the contract by up to 1 month without further competition.

B. Procedure for Submitting Tenders

The maximum page limit for tenders is 16 sides of A4 (excluding declarations, annexes and budget).

Please email your proposal by the deadline of 14:00 GMT on 24th February 2022 to internationalclimateandenergy.procurement@beis.gov.uk.

For questions regarding the procurement process please contact the BEIS International Energy and Climate Finance Commercial team on internationalclimateandenergy.procurement@beis.gov.uk.

Tenders will be received up to the time and date stated. Please ensure that your tender is delivered not later than the appointed time on the appointed date. The Department does not undertake to consider tenders received after that time. The Department requires tenders to remain valid for a period indicated in the specification of requirements.

BEIS shall have the right to disqualify you from the procurement if you fail to fully complete your response, or do not return all the fully completed documentation and declarations requested in this ITT. BEIS shall also have

the right to disqualify you if it later becomes aware of any omission or misrepresentation in your response to any question within this invitation to tender.

Clarification Questions

If you require further information concerning the tender process, or the nature or scope of the proposed contract, please email these to internationalclimateandenergy.procurement@beis.gov.uk. All questions should be submitted by 14:00 21st February 2022. Questions submitted after this date may not be answered.

Should questions arise during the tendering period, which in our judgement are of material significance, we will publish these questions with our formal reply and circulate – unnamed – to all organisations that have expressed an interest in bidding via email. All tenderers should then take that reply into consideration when preparing their own bids, and we will evaluate bids on the assumption that they have done so.

If you consider your question to be confidential, please state this in the submission. Responses to confidential questions will not be circulated. If in the opinion of BEIS your question is not confidential you will be given the option to withdraw the question before it is answered.

You will not be entitled to claim from the Department any costs or expenses that you may incur in preparing your tender whether or not your tender is successful.

C. Conflict of Interest

The Department's standard terms and conditions of contract include reference to conflict of interest and require contractors to declare any potential conflict of interest to the Secretary of State.

For research and analysis, conflict of interest is defined the presence of an interest or involvement of the contractor, subcontractor (or consortium member) which could affect the actual or perceived impartiality of the research or analysis.

Where there may be a potential conflict of interest, it is suggested that the consortia or organisation designs a working arrangements such that the findings cannot be influenced (or perceived to be influenced) by the organisation which is the owner of a potential conflict of interest. For example, consideration should be given to the different roles which organisations play in the research or analysis, and how these can be structured to ensure maintain an impartial approach to the project is maintained.

The process by which this is managed in the procurement process is as follows:

- 1. During the bidding process, organisations may contact BEIS to discuss whether or not their proposed arrangement is likely to yield a conflict of interest.** Any responses given to individual organisations or consortia will be published on contract finder (in a form

which does not reveal the questioner's identity). Any organisation thinking of submitting a bid, should share their contact details with the staff member responsible for this procurement, to ensure they receive an update when any responses to questions are published.

- 2. Contractors are asked to sign and return Declaration 3 to indicate whether or not any conflict of interest may be, or be perceived to be, an issue.** If this is the case, the contractor or consortium should give a full account of the actions or processes that it will use to ensure that conflict of interest is avoided. In any statement of mitigating actions, contractors are expected to outline how they propose to achieve a robust, impartial and credible approach to the research.
- 3. When tenders are scored, this declaration will be subject to a pass/fail score,** according to whether, on the basis of the information in the proposal and declaration, there remains a conflict of interest which may affect the impartiality of the research.

Failure to declare or avoid conflict of interest at this or a later stage may result in exclusion from the procurement competition, or in the Department exercising its right to terminate any contract awarded.

D. Evaluation of Responses

The tender process will be conducted to ensure that bids are evaluated fairly and transparently, in accordance with agreed assessment criteria. Further details are provided in the specification.

E. Terms and conditions applying to this Invitation to Tender

The Terms and Conditions of Contract and provided in Annex A will apply to this contract. These are included in the tender pack.

The successful Tenderer's submission will form part of the agreed contract.

The successful Tenderer will comply with the Department Code of Practice for Research provided at Annex B.

F. Further Instructions to Bidders

The Department reserves the right to amend the enclosed tender documents at any time prior to the deadline for receipt of tenders. Any such amendment will be numbered, dated and issued. Where amendments are significant, the Department may at its discretion extend the deadline for receipt of tenders.

The Department reserves the right to withdraw this contract opportunity without notice and will not be liable for any costs incurred by contractors during any stage of the process. Contractors should also note that, in the event a tender is considered to be fundamentally unacceptable on a key issue, regardless of its other merits, that tender may be rejected. By issuing this invitation the Department is not bound in any way and does not have to accept the lowest or

any tender and reserves the right to accept a portion of any tender unless the tenderer expressly stipulates otherwise in their tender.

G. Consortia

In the case of a consortium tender, only one submission covering all of the partners is required but consortia are advised to make clear the proposed role that each partner will play in performing the contract as per the requirements of the technical specification. We expect the bidder to indicate who in the consortium will be the lead contact for this project, and the organisation and governance associated with the consortia.

If a consortium is not proposing to form a corporate entity, full details of alternative proposed arrangements should be provided in the Annex. However, please note BEIS reserves the right to require a successful consortium to form a single legal entity in accordance with Regulation 28 of the Public Contracts Regulations 2006.

BEIS recognises that arrangements in relation to consortia may (within limits) be subject to future change. Potential Providers should therefore respond in the light of the arrangements as currently envisaged. Potential Providers are reminded that any future proposed change in relation to consortia must be notified to BEIS so that it can make a further assessment by applying the selection criteria to the new information provided.

H. Price validity

In submitting full tenders, Tenderers confirm in writing that the price offered will be held for a minimum of 8 weeks from the date of submission.

I. Checklist of Documents to be Returned

- Technical Proposal including Annexes for Project Plan and Organogram
- Price
- Signed and completed Declaration Documents 1-6

J. Evaluation and Scoring Methodology

Tenderers are invited to submit full tenders of no more than 16 A4 sides, excluding Annexes and Declarations. These 16 pages should not include a cover letter or index page, CVs, declarations or the Pricing Annex.

BEIS will select the successful Tenderer that scores highest against the criteria and weighting listed below:

Criterion	Description	Weighting
Qualification	Declarations	Pass/Fail
	Conflict of Interest	Pass/Fail
Technical Proposal	Q1: Understanding of requirements, methodology and approach	35%
	Q2: Skills and expertise to deliver	25%
	Q3: Previous experience and quality assurance	10%
Price	Cost	30%
	Total	100%

1. Scoring Method

Declarations

Failure to provide completed declaration forms will result in the Tender not being evaluated. BEIS reserves the right to clarify if omissions are intentional.

Conflict of interest

See Part 1 Section C of the ITT for further information. Should a Tenderer identify a conflict of interest which in the opinion of BEIS not be mitigated then the response will be scored a fail and the Tenderer removed from the evaluation.

Quality Criteria

Tenders responses to each of the questions asked will be scored against each of the criteria below, according to the extent to which they meet the requirements of the Tender. The meaning of each score is outlined in the table below.

Score	Description
1	Not Satisfactory: Proposal contains significant shortcomings and does not meet the required standard
2	Partially Satisfactory: Proposal partially meets the required standard, with one or more moderate weaknesses or gaps
3	Satisfactory: Proposal mostly meets the required standard, with one or more minor weaknesses or gaps.
4	Good: Proposal meets the required standard, with moderate levels of assurance
5	Excellent: Proposal fully meets the required standard with high levels of assurance

The total score for quality criteria will be calculated by applying the weighting set against the score given for each criterion, outlined above; the maximum number of marks possible will be 70.

Should any Tenderer score 1 in any of the criteria, they will be excluded from the tender competition.

Price Criteria

Price will be marked using proportionate pricing. Please see the example below. There will be a maximum of 30 marks

The lowest priced bid will receive the full 30 marks, all other bids will then be marked as set out below.

Proportionate Pricing scoring example

If 30% = 30 marks

Supplier	Price	Marks
1 (lowest bid)	£30,000	30
2	£35,000	$30,000/35,000 * 30 = 25.7$
3	£45,000	$30,000/45,000 * 30 = 20$

Tenderers will be scored on the value of their core service submission, up to the stated budgeted threshold of **£50,000 (excluding VAT)**.

Most Economically Advantageous Tender (MEAT)

The Tenderer's Quality criteria score will be added to their Price score in order to create a final score for their submission. These final scores from all Tenderers will be ranked and the highest scoring Tenderer identified to award the Contract to. If for any reason the highest scoring Tenderer is unable to sign the contract, BEIS reserves the right to approach the next highest scoring bidder and so on.

2. Technical Proposal

Tenderers are required to respond to each of the below questions in their proposal. Tenderers should structure their submission to clearly identify their response to each of these question areas. The total proposal excluding annexes must be no more than 16 sides of A4.

Responses should be font size 11 and all page limits refer to sides of A4. Text included in tables should clearly legible.

Where the page limits are exceeded, BEIS reserves the right to not evaluate any text beyond the stated page limit.

Unless clearly requested in the question, Tenderers should not include hyperlinks to external information to support their response. BEIS will not consider these links in their evaluation.

Unless clearly stated in the question, annexes containing additional information are not to be included and BEIS reserves the right not to review their content.

Question 1: Understanding of requirements, methodology and approach – 35%

Please outline your understanding of the technical requirements contained in this ITT.

Please outline your approach and methodology on a technical and practical level to delivering the research as detailed in the requirements. This should include:

- Information on the data sources you will use
- Details on scenario or background modelling approach you will use
- An analysis of the limitations and benefits of the approach you are suggesting
- Your project management approach
- Your anticipated engagement with the Department and expectations of BEIS in delivery of the work
- A high-level project plan to be provided as a separate annex

Higher marks will be awarded to those responses/methodologies which contain:

- Clear demonstration of strong understanding and data availability of recent history and activities in the global gas markets
- Demonstration of a range of existing gas market pathways/scenarios that can be utilised for medium-term and longer-term analysis
- Demonstration of a clear understanding of the risks and their potential impact as well as the range of potential mitigating activities.
- An understanding of the potential links, likelihood and combined impact of risks occurring together.
- Demonstrate the ability to develop tangible mitigations relevant to the UK and an appropriate appraisal approach to analyse the mitigation options.
- The ability to deliver the work within the timescale detailed in the requirements – i.e. before the end of March 2022.

Question 2: Skills and expertise to deliver - 25%

Detailed understanding of the global and regional gas markets is essential for successful delivery of this project. Please provide:

- Detail on how your organisation has expertise and knowledge of these markets and capability to undertake the necessary analysis within the tight timeframes required.
- Detail on who would be delivering the work, what they will be doing and their experience. Please indicate the grade/seniority of staff and number of days allocated to specific tasks within the workplan.

- A team organogram illustrating those responsible for review of deliverables. This can be provided in an Annex.
- A list of any corporate policies which you may have regarding equality, diversity and inclusion and or sustainability and how these factors have been applied to your proposed solution.

Higher marks will be awarded to those responses where:

- There is demonstration of expertise on the current events in the global gas market and understanding of the key factors influencing short-term market activity
- The response gives confidence to BEIS that the team who will be delivering this requirement have detailed knowledge of these markets and have the ability to undertake the analysis as required.
- There is a suitable level of expertise and capability from all team members tasked with undertaking analysis to provide high quality and error free deliverables to the satisfaction of BEIS.
- The response demonstrates to BEIS that the project team size is suitable to deliver the requirements within the timeframes and measures are in place to manage staff absences which are not detrimental to the service to be provided.
- The response gives confidence to BEIS that the Tenderer has appropriate levels of corporate responsibility with regard to either equality, diversity and inclusivity or sustainability, preferably both, and it is clear how these policies are manifest in the solution proposed.

Please do not submit CVs or copies of corporate policies. CVs are not required to be submitted, but short profiles of individual's experience may be provided and included in the overall page limit.

Question 3: Previous experience and quality assurance - 10%

Please ensure you demonstrate your ability to provide the services as outlined in the specification to a high quality, supported with evidence.

Please provide examples of up to three similar products produced and the approach taken to ensure a customer focussed high quality output. These examples may include hyperlinks to existing work.

The final report should aim to be within 50 pages and include an executive summary. Annexes with additional information and data to be made available to BEIS were appropriate, with the potential to be used for further internal analysis by BEIS.

Higher marks will be awarded to those responses where:

- The response gives confidence to BEIS that the requirements can be met in full.
- Clear understanding of the requirements and how to present the work is demonstrated with examples of similar products.
- The response demonstrates and confirms that the bidder can provide data and analysis to BEIS for further internal analysis.

- The response clearly grants permission for BEIS to reproduce products and information in internal documents and the access to deliverables is clear and proportionate to the requirements.

There should be no additional attachments with this response.

3. Price

Please provide a budget detailing your price for delivery of this service and submit this with your tender as a separate document.

Do not refer to this value in the technical proposal.

As part of this response please indicate (in terms of monetary value) how much of the service will be sub-contracted.

Contractors should provide a full and detailed breakdown of costs (including options where appropriate). This should include staff (and day rate) allocated to specific tasks if appropriate.

Prices should be in GBP and be provided exclusive of VAT.

4. Bid Clarification

After reviewing and evaluating the written proposals, BEIS may decide to hold bid clarifications with Tenderers. Please ensure that when submitting your response you confirm email addresses for persons whom will be available during this time to expedite a response.

5. Feedback

Feedback will be given in the unsuccessful letters or emails.

Section 2

Specification of Requirements

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1. Introduction

International Gas markets have experienced a significant change within a year, with prices turning from record lows to record highs. The question is whether there are structural shifts that may sustain higher prices, what caused this change, what are the future risks to the market and what impact might they have. This information is needed to help the UK better understand and manage the UK's net zero transition alongside ensuring energy security of supply in a global energy market and the UK's role within a global just energy transition.

This research project will benefit BEIS and HMG more widely by increasing the understanding of future gas market risks, enabling BEIS to better prepare for future gas market events and put in place mitigations to protect and prepare UK businesses and consumers. The project will increase the evidence base on gas market risks which will help to structure future BEIS analysis and policy proposals.

2. Requirements

The proposed project is to produce a report broken down into four parts as detailed below but will be expected to form one document with appropriate supporting annexes and analysis (spreadsheets/models). The report's findings must be clearly data and evidence driven.

1. What has happened to the gas market in the past?
 - Recent (last two to five years) history of international gas markets, the interconnectedness of the different regions, investment decisions, and demand and supply levels for both piped and LNG gas markets.
 - Outline the key supply/demand trends and market differences between different gas market regions
 - Outlining the role that LNG has played to connect certain markets
 - Discussion of the types of contracts traded in the gas market
2. What are the potential future scenarios for the gas market, in the short, medium and long term?
 - Key developments that might occur in the gas market in the short to medium term (short term being Winter 2022/23, medium term being up to 2025). Clearly setting out what these developments might be and their potential impact (and likelihood?).
 - Link the medium term outlook to long-term scenarios for the role of gas and gas markets
 - Implications of different energy pathways and market signals and actions needed.
 - Investment trends that might be expected under different pathways.

3. What are the emerging risks to the gas market (or from the gas market)?
 - Are these risks short-term, or fundamental shifts to the market?
 - Are they endogenous or Exogenous, how might they impact the market and are they interconnected?
 - What are the ongoing geopolitics risks (e.g. Russia, Algeria, China)?
 - What are the risks of increased import dependency in Europe? And LNG market tightness?
4. What are effective mitigations to these risks?
 - These may include policies (domestic and international) to increase the UK's resilience to future gas market shocks, suggestions around energy security and diplomacy, or indeed any other domestic or international policy area affected by gas markets.
 - This could include but not is not limited to; Balancing the intermittency of renewables; The role of gas storage; The role of long-term contracts.

The final report should aim to be within 50 pages and include an executive summary. Annexes with additional information and data to be made available to BEIS were appropriate, with the potential to be used for further internal analysis by BEIS.

3. Ownership

BEIS will be authorised to utilise the report and accompanying analysis to reproduce products and information in internal documents (including those shared with other Government Departments). BEIS may seek to publish all or parts of the final document, but will ensure that they are appropriately referenced to the authors.

4. Working Arrangements

The Contractor will be expected to identify one named point of contact through whom all communications and project management can be filtered.

It is expected that queries throughout the project are dealt with promptly. A BEIS project manager will be assigned to the project and will be the central point of contact.

5. Skills and experience

The Contractor should have the experience and capabilities to undertake the project.

The Contractor should propose named members of the project team, and identify the tasks and responsibilities of each team member. This should be clearly linked to the work programme, indicating the grade/ seniority of staff and

number of days allocated to specific tasks. Contingency requirements in the event of staff absences should also be identified.

Contractors should identify the individual(s) who will be responsible for managing the project.

6. Quality Management

The Contractor should have measures in place to ensure that the deliverables produced are of a high quality and free from error.

7. Social Value

The Contractor should have its own corporate policies in place which address areas of social value such as equality, diversity and inclusivity of its staff as well as sustainability.

8. Sub-contractors

The Contractor must have measures in place to manage any sub-contractors and ensure that their selection is conducted in an open and transparent manner.

9. Timeline

The report must be completed by 31 March 2022.

In the event that Tenderers are unable to deliver the report before 31 March they should detail clearly in their Technical Proposal what could be done before 31 March 2022 and provide a breakdown in their budget of the associated costs.

BEIS reserves the right to reject proposals that are unable to meet the delivery timeline.

10. Budget

BEIS has created a 'genuine pre-estimate' of costs for this service and it is expected that the Service should be able to be delivered with the available budget of up to £50,000 excluding VAT.

BEIS reserves the right to not award the Contract to the highest scoring Tenderer if its submitted proposal exceeds this value. In such instances, BEIS may consider rejecting this top ranked Tender submission and awarding the Contract to a lower ranked tender which is within this budget range.

11. Payment

BEIS policy is not to pay for services "up front" and all payments will be made in arrears following acceptance of deliverables by BEIS. Given the short duration of this work, invoices will be submitted and paid following completion and acceptance of the report.

The pricing basis for the contract will be a fixed price to deliver the work based on the budget of the successful Tenderer.

BEIS aims to pay all correctly submitted invoices as soon as possible with a target of 10 days from the date of receipt and within 30 days at the latest in line with standard terms and conditions of contract. We expect that this will be replicated in any sub-contractor arrangements and BEIS may request evidence that this is the case.

12. Performance

BEIS will manage the contract and have ad hoc performance discussions with the Contractor. Where the quality of deliverables are failing to meet BEIS' expectations identified in both these requirements and the Contractor's tender submission, BEIS will work with the Contractor to identify measures to remedy these performance issues.

13. Due Diligence

BEIS reserves the right to perform additional due diligence on any Tenderer being considered for a contract before that contract is awarded.

14. Data Protection

The Contractor will be compliant with the Data Protection Legislation, as defined in the terms and conditions applying to this Invitation to Tender. A guide to The General Data Protection Regulation published by the Information Commissioner's Office can be found [here](#).

The only processing that the Contractor is authorised to do is listed below by BEIS, "the Authority" and may not be determined by the Contractor.

Processing, Personal Data and Data Subjects

(1) The contact details of the Authority's Data Protection Officer are:

BEIS Data Protection Officer
Department for Business, Energy and Industrial Strategy
1 Victoria Street
London
SW1H 0ET

Email: dataprotection@beis.gov.uk

(2) The contact details of the Contractor's Data Protection Officer (or if not applicable, details of the person responsible for data protection in the organisation) are to be identified in the Contract

(3) The Contractor shall comply with any further written instructions with respect to processing by the Authority.

(4) Any such further instructions shall be incorporated into this section.

Description	Details
Subject matter of the processing	<p>The processing is needed in order to ensure that the Contractor can effectively deliver the contract to provide this service.</p> <p>The processing of names and business contact details of staff of both the Authority and the Contractor will be necessary to deliver the services exchanged during the course of the Contract, and to undertake contract and performance management.</p> <p>The Contract itself will include the names and business contact details of staff of both the Authority and the Contractor involved in managing the Contract.</p>
Duration of the processing	Processing will take place from Contract Commencement for the duration of the Contract plus a 7 year retention period. The Contract will end on 31 st March 2022 but may be extended for up to one month.
Nature and purposes of the processing	The nature of processing will include the storage and use of names and business contact details of staff of both the Authority and the Contractor as necessary to deliver the services and to undertake contract and performance management. The Contract itself will include the names and business contact details of staff of both the Authority and the Contractor involved in managing the Contract.
Type of Personal Data	Names, business telephone numbers and email addresses, office location and position of staff of both the Authority and the Contractor as necessary to deliver the services and to undertake contract and performance management. The Contract itself will include the names and business contact details of staff of both the Authority and the Contractor involved in managing the Contract.
Categories of Data Subject	Staff of the Authority and the Contractor, including where those employees are named within the Contract itself or involved within contract management.
Plan for return and destruction of the data once the processing is complete UNLESS requirement under European Union or European member state law to preserve that type of	The Contractor will provide the Authority with a complete and uncorrupted version of the Personal Data in electronic form (or such other format as reasonably required by the Authority) and erase from any computers, storage devices and storage media that are to be retained by the Contractor after the expiry of the Contract. The Contractor will certify to the Authority that it has

Description	Details
data	<p>completed such deletion.</p> <p>Where Personal Data is contained within the Contract documentation, this will be retained in line with the Department's privacy notice found within the Invitation to Tender.</p>

Section 3

Further Information on Tender Procedure

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A. Definitions

Please note that references to the "Department" throughout these documents mean The Secretary of State for Business, Energy and Industrial Strategy acting through his/her representatives in the Department for Business, Energy & Industrial Strategy.

The Freedom of Information Act 2000 ("FOIA") and the Environmental Information Regulations 2004 ("EIR") apply to the Department. You should be aware of the Department's obligations and responsibilities under FOIA or EIR to disclose, on written request, recorded information held by the Department. Information provided in connection with this procurement exercise, or with any contract that may be awarded as a result of this exercise, may therefore have to be disclosed by the Department in response to such a request, unless the Department decides that one of the statutory exemptions under the FOIA or the exceptions in the EIR applies. If you wish to designate information supplied as part of this response as confidential, or if you believe that its disclosure would be prejudicial to any person's commercial interests, you must provide clear and specific detail as to the precise information involved and explain (in broad terms) what harm may result from disclosure if a request is received, and the time period applicable to that sensitivity. Such designation alone may not prevent disclosure if in the Department's reasonable opinion publication is required by applicable legislation or Government policy or where disclosure is required by the Information Commissioner or the First-tier Tribunal (Information Rights).

Additionally, the Government's transparency agenda requires that tender documents (including ITTs such as this) are published on a designated, publicly searchable web site. The same applies to other tender documents issued by the Department (including the original advertisement and the pre-qualification questionnaire (if used)), and any contract entered into by the Department with its preferred supplier once the procurement is complete. By submitting a tender you agree that your participation in this procurement may be made public. The answers you give in this response will not be published on the transparency web site (but may fall to be disclosed under FOIA or EIR (see above)). Where tender documents issued by the Department or contracts with its suppliers fall to be disclosed the Department will redact them as it thinks necessary, having regard (inter alia) to the exemptions/exceptions in the FOIA or EIR.

B. Data security

The successful tenderer must comply with all relevant Data Protection Legislation, as defined in the terms and conditions applying to this Invitation to Tender.

Section 4 contains a "The General Data Protection Regulation Assurance Questionnaire for Contractors" (Declaration 5) to evidence the extent of readiness. The Authority may ask the Contractor to provide evidence to support the position stated in the questionnaire. The Authority may require the successful Contractor to increase their preparedness where the Authority is not satisfied that the Contractor will be in a position to meet its obligations under the terms and conditions. If the Contractor fails to satisfy the Authority that it

will be in a position to meet its obligations under the terms and conditions in the event that the Contractor is successful, the Authority reserves the right to exclude the bidder from this procurement.

C. Non-Collusion

No tender will be considered for acceptance if the contractor has indulged or attempted to indulge in any corrupt practice or canvassed the tender with an officer of BEIS. Section 4 contains a "Statement of non-collusion" (declaration 1); any breach of the undertakings covered under items 1 - 3 inclusive will invalidate your tender. If a contractor has indulged or attempted to indulge in such practices and the tender is accepted, then grounds shall exist for the termination of the contract and the claiming damages from the successful contractors. You must not:

- Tell anyone else what your tender price is or will be, before the time limit for delivery of tenders.
- Try to obtain any information about anyone else's tender or proposed tender before the time limit for delivery of tenders.
- Make any arrangements with another organisation about whether or not they should tender, or about their or your tender price.

Offering an inducement of any kind in relation to obtaining this or any other contract with the Department will disqualify your tender from being considered and may constitute a criminal offence.

Section 4

Declarations to be submitted by the Tenderer

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An editable copy of all Declarations to be completed is provided on the Contracts Finder portal accompanying this Tender document

Declaration 1: Statement of non-collusion

To: The Department for Business, Energy & Industrial Strategy

1. We recognise that the essence of competitive tendering is that the Department will receive a bona fide competitive tender from all persons tendering. We therefore certify that this is a bona fide tender and that we have not fixed or adjusted the amount of the tender or our rates and prices included therein by or in accordance with any agreement or arrangement with any other person.

2. We also certify that we have not done and undertake not to do at any time before the hour and date specified for the return of this tender any of the following acts:

- (a) communicate to any person other than the Department the amount or approximate amount of our proposed tender, except where the disclosure, in confidence, of the approximate amount is necessary to obtain any insurance premium quotation required for the preparation of the tender;
- (b) enter into any agreement or arrangement with any other person that he shall refrain from submitting a tender or as to the amount included in the tender;
- (c) offer or pay or give or agree to pay or give any sum of money, inducement or valuable consideration directly or indirectly to any person doing or having done or causing or having caused to be done, in relation to any other actual or proposed tender for the contract any act, omission or thing of the kind described above.

3. In this certificate, the word "person" shall include any person, body or association, corporate or unincorporated; and "any agreement or arrangement" includes any such information, formal or informal, whether legally binding or not.

.....
Signature (duly authorised on behalf of the tenderer)

.....
Print name

.....
On behalf of (organisation name)

.....
Date

Declaration 2: Form of Tender

To: The Department for Business, Energy & Industrial Strategy

1. Having considered the invitation to tender and all accompanying documents (including without limitation, the terms and conditions of contract and the Specification) we confirm that we are fully satisfied as to our experience and ability to deliver the goods/services in all respects in accordance with the requirements of this invitation to tender.
2. We hereby tender and undertake to provide and complete all the services required to be performed in accordance with the **terms and conditions** of contract and the Specification for the amount set out in the Pricing Schedule.
3. We agree that any insertion by us of any conditions qualifying this tender or any unauthorised alteration to any of the terms and conditions of contract made by us may result in the rejection of this tender.
4. We agree that this tender shall remain open to be accepted by the Department for 8 weeks from the date below.
5. We understand that if we are a subsidiary (within the meaning of section 1159 of (and schedule 6 to) the Companies Act 2006) if requested by the Department we may be required to secure a Deed of Guarantee in favour of the Department from our holding company or ultimate holding company, as determined by the Department in their discretion.
6. We understand that the Department is not bound to accept the lowest or any tender it may receive.
7. We certify that this is a bona fide tender.

.....
Signature (duly authorised on behalf of the tenderer)

.....
Print name

.....
On behalf of (organisation name)

.....
Date

Declaration 3: Conflict of Interest

I have nothing to declare with respect to any current or potential interest or conflict in relation to this research (or any potential providers who may be subcontracted to deliver this work, their advisers or other related parties). By conflict of interest, I mean, anything which could be reasonably perceived to affect the impartiality of this research, or to indicate a professional or personal interest in the outcomes from this research.

Signed

Name

Position

OR

I wish to declare the following with respect to personal or professional interests related to relevant organisations*;

- X
- X

Where a potential conflict of interest has been declared for an individual or organisation within a consortia, please clearly outline the role which this individual or organisation will play in the proposed project and how any conflict of interest has or will be mitigated.

- X
- X

Signed

Name

Position

Please complete this form and return this with your ITT documentation - Nil returns **are** required.

* These may include (but are not restricted to);

- A professional or personal interest in the outcome of this research
- For evaluation projects, a close working, governance, or commercial involvement in the project under evaluation
- Current or past employment with relevant organisations
- Payment (cash or other) received or likely to be received from relevant organisations for goods or services provided (Including consulting or advisory fees)

- Gifts or entertainment received from relevant organisations
- Shareholdings (excluding those within unit trusts, pension funds etc) in relevant organisations
- Close personal relationship or friendships with individuals employed by or otherwise closely associated with relevant organisations

All of the above apply both to the individual signing this form and their close family / friends / partners etc.

If your situation changes during the project in terms of interests or conflicts, you must notify the Department straight away.

A DECLARATION OF INTEREST WILL NOT NECESSARILY MEAN THE INDIVIDUAL OR ORGANISATION CANNOT WORK ON THE PROJECT; BUT IT IS VITAL THAT ANY INTEREST OR CONFLICT IS DECLARED SO IT CAN BE CONSIDERED OPENLY.

Declaration 4: Standard Selection Questionnaire

Financial Credit Checks:

BEIS use Dun & Bradstreet to assist them with their financial due diligence and will request Dun and Bradstreet to provide comprehensive reports on the preferred bidder/s where the opportunity being tendered for exceeds £1M (excluding VAT) or below this threshold if BEIS choose to.

Suppliers assessed with a high financial risk status may not be awarded a contract at this stage we will revert to the bidder to discuss further.

Potential Supplier Information and Exclusion Grounds: Part 1 and Part 2.

The standard Selection Questionnaire is a self-declaration, made by you (the potential supplier), that you do not meet any of the grounds for exclusion¹. 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 exclusions grounds. Consequently we require all the organisations that you will rely on to meet the selection criteria to provide a completed Part 1 and Part 2. 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 one of these self-declarations. 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).

When completed, this form is to be sent back to the contact point given in the procurement documents along with the selection information requested in the procurement documentation.

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.

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

Notes for completion

1. The “authority” means the contracting authority, or anyone acting on behalf of the contracting authority, that is seeking to invite suitable candidates to participate in this procurement process.
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 sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the authority immediately of any change in the proposed arrangements and ensure a completed Part 1 and Part 2 is submitted for any new organisation relied on to meet the selection criteria. The authority will make a revised assessment of the submission based on the updated information.
5. For Part 1 and Part 2 every organisation that is being relied on to meet the selection must complete and submit the self-declaration.
6. The authority confirms that it will keep confidential and will not disclose to any third parties any information obtained from a named customer contact, other than to the Cabinet Office and/or contracting authorities defined by the regulations, or pursuant to an order of the court or demand made by any competent authority or body where the authority is under a legal or regulatory obligation to make such a disclosure.

Part 1: Potential Supplier Information

Please answer the following questions in full. Note that every organisation that is being relied onto 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 a) public limited company b) limited company c) limited liability partnership d) other partnership e) sole trader f) third sector g) other (please specify your trading status)	
1.1(d)	Date of registration in country of origin	
1.1(e)	Company registration number (if applicable)	
1.1(f)	Charity registration number (if applicable)	
1.1(g)	Head office DUNS number (if applicable)	
1.1(h)	Registered VAT number	
1.1(i) - (i)	If applicable, is your organisation registered with the appropriate professional or trade register(s) in the member state where it is established?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
1.1(i) - (ii)	If you responded yes to 1.1(i) - (i), please provide the relevant details, including the registration number(s).	
1.1(j) - (i)	Is it a legal requirement in the state where you are established for you to possess a particular authorisation, or be a member of a particular organisation in order to provide the services specified in this procurement?	Yes <input type="checkbox"/> No <input type="checkbox"/>
1.1(j) - (ii)	If you responded yes to 1.1(j) - (i), please provide additional details of what is required and confirmation that you have complied with this.	
1.1(k)	Trading name(s) that will be used if successful in this procurement	
1.1(l)	Relevant classifications (state whether you fall within one of these, and if so which one) a) Voluntary Community Social Enterprise (VCSE) b) Sheltered Workshop c) Public service mutual	

1.1(m)	Are you a Small, Medium or Micro Enterprise (SME) ² ?	Yes <input type="checkbox"/> No <input type="checkbox"/>
1.1(n)	<p>Details of Persons of Significant Control (PSC), where appropriate: ³</p> <ul style="list-style-type: none"> - 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; <ul style="list-style-type: none"> - Over 25% up to (and including) 50%, - More than 50% and less than 75%, - 75% or more. ⁴ <p>(Please enter N/A if not applicable)</p>	
1.1(o)	<p>Details of immediate parent company:</p> <ul style="list-style-type: none"> - 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) <p>(Please enter N/A if not applicable)</p>	
1.1(p)	<p>Details of ultimate parent company:</p> <ul style="list-style-type: none"> - 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) <p>(Please enter N/A if not applicable)</p>	

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

² See EU definition of SME: <http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/>

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](#).

⁴ Central Government contracting authorities should use this information to have the PSC information for the preferred supplier checked before award.

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 <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide details listed in questions 1.2(a) (ii), (a) (iii) and to 1.2(b) (i), (b) (ii), 1.3, Section 2 and 3. If no, and you are a supporting tenderer please provide the name of your group at 1.2(a) (ii) for reference purposes, and complete 1.3, Section 2 and 3.					
1.2(a) - (ii)	Name of group of economic operators (if applicable)						
1.2(a) - (iii)	Proposed legal structure if the group of economic operators intends to form a named single legal entity prior to signing a contract, if awarded. If you do not propose to form a single legal entity, please explain the legal structure.						
1.2(b) - (i)	Are you or, if applicable, the group of economic operators proposing to use sub-contractors?	Yes <input type="checkbox"/> No <input type="checkbox"/>					
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)	<p>Regulations 57(1) and (2)</p> <p>The detailed grounds for mandatory exclusion of an organisation are set out on this web page, which should be referred to before completing these questions.</p> <p>Please indicate if, within the past five years you, your organisation or any other person who has powers of representation, decision or control in the organisation been convicted anywhere in the world of any of the offences within the summary below and listed on the webpage.</p>	
	Participation in a criminal organisation.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Corruption.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Fraud.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Terrorist offences or offences linked to terrorist activities	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Money laundering or terrorist financing	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Child labour and other forms of trafficking in human beings	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
2.1(b)	<p>If you have answered yes to question 2.1(a), please provide further details.</p> <p>Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction,</p> <p>Identity of who has been convicted</p> <p>If the relevant documentation is available electronically please provide the web address, issuing authority, precise reference of the documents.</p>	
2.2	If you have answered Yes to any of the points above have measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion ? (Self Cleaning)	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.3(a)	<p>Regulation 57(3)</p> <p>Has it been established, for your organisation by a judicial or administrative decision having final and binding effect in</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>

	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?	
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	<p>Regulation 57 (8)</p> <p>The detailed grounds for discretionary exclusion of an organisation are set out on this web page, which should be referred to before completing these questions.</p> <p>Please indicate if, within the past three years, anywhere in the world any of the following situations have applied to you, your organisation or any other person who has powers of representation, decision or control in the organisation.</p>	
3.1(a)	Breach of environmental obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1 (b)	Breach of social obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1 (c)	Breach of labour law obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(d)	Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation's assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(e)	Guilty of grave professional misconduct?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2

3.1(f)	Entered into agreements with other economic operators aimed at distorting competition?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(g)	Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(h)	Been involved in the preparation of the procurement procedure?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(i)	Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(j)	Please answer the following statements	
3.1(j) - (i)	The organisation is guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 3.2
3.1(j) - (ii)	The organisation has withheld such information.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 3.2
3.1(j) -(iii)	The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 3.2
3.1(j)-(iv)	The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 3.2
3.2	If you have answered Yes to any of the above, explain what measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self Cleaning)	

Guidance information

Mandatory Exclusion Grounds

Public Contract Regulations 2015 R57(1), (2) and (3)

Public Contract Directives 2014/24/EU Article 57(1)

Participation in a criminal organisation

Participation offence as defined by section 45 of the Serious Crime Act 2015

Conspiracy within the meaning of

- section 1 or 1A of the Criminal Law Act 1977 or
- article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983

where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime;

Corruption

Corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906;

The common law offence of bribery;

Bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010, or section 113 of the Representation of the People Act 1983;

Fraud

Any of the following offences, where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the convention on the protection of the financial interests of the European Communities:

- the common law offence of cheating the Revenue;
- the common law offence of conspiracy to defraud;
- fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978;
- fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006;
- fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;
- an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
- destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of

section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969;

- fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006;
- the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act;

Terrorist offences or offences linked to terrorist activities

Any offence:

- listed in section 41 of the Counter Terrorism Act 2008;
- listed in schedule 2 to that Act where the court has determined that there is a terrorist connection;
- under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by the previous two points;

Money laundering or terrorist financing

Money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002

An offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996

Child labour and other forms of trafficking human beings

An offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004;

An offence under section 59A of the Sexual Offences Act 2003

An offence under section 71 of the Coroners and Justice Act 2009;

An offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994

An offence under section 2 or section 4 of the Modern Slavery Act 2015

Non-payment of tax and social security contributions

Breach of obligations relating to the payment of taxes or social security contributions that has been established by a judicial or administrative decision.

Where any tax returns submitted on or after 1 October 2012 have been found to be incorrect as a result of:

- HMRC successfully challenging the potential supplier under the General Anti – Abuse Rule (GAAR) or the “Halifax” abuse principle; or
- a tax authority in a jurisdiction in which the potential supplier is established successfully challenging it under

any tax rules or legislation that have an effect equivalent or similar to the GAAR or “Halifax” abuse principle;

- a failure to notify, or failure of an avoidance scheme which the supplier is or was involved in, under the Disclosure of Tax Avoidance Scheme rules (DOTAS) or any equivalent or similar regime in a jurisdiction in which the supplier is established

Other offences

Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any jurisdiction outside England, Wales and Northern Ireland

Any other offence within the meaning of Article 57(1) of the Directive created after 26th February 2015 in England, Wales or Northern Ireland.

Discretionary exclusions

Obligations in the field of environment, social and labour law.

Where an organisation has violated applicable obligations in the fields of environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X to the Directive (see copy below) as amended from time to time; including the following:-

- Where the organisation or any of its Directors or Executive Officers has been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years.
- In the last three years, where the organisation has had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds of alleged unlawful discrimination.
- In the last three years, where any finding of unlawful discrimination has been made against the organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or incomparable proceedings in any jurisdiction other than the UK).
- Where the organisation has been in breach of section 15 of the Immigration, Asylum, and Nationality Act 2006;
- Where the organisation has a conviction under section 21 of the Immigration, Asylum, and Nationality Act 2006;
- Where the organisation has been in breach of the National Minimum Wage Act 1998.

Bankruptcy, insolvency

Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation's assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are

suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State;

Grave professional misconduct

Guilty of grave professional misconduct

Distortion of competition

Entered into agreements with other economic operators aimed at distorting competition

Conflict of interest

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

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.

Additional exclusion grounds

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

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).

**Declaration 5: The General Data Protection Regulation Assurance
Questionnaire for Contractors**

A copy of this Declaration 5 is available on Contracts Finder

Declaration 6: Code of Practice for Research^[1]

I confirm that I am aware of the requirements of the Department's Code of Practice for Research and, in the proposed project, I will use my best efforts to ensure that the procedures used conform to those requirements under the following headings:

- ☐ Responsibilities
- ☐ Competence
- ☐ Project planning
- ☐ Quality Control
- ☐ Handling of samples and materials
- ☐ Documentation of procedures and methods
- ☐ Research/work records

I understand that the Department has the right to inspect our procedures and practices against the requirements of the Code of Practice, and that I may be asked to provide documentary evidence of our working practices or provide access and assistance to auditors appointed by the Department.

(There is some flexibility in the application of the Code of Practice to specific research projects. Contractors are encouraged to discuss with the Department any aspects that cause them concern, in order to reach agreement on the interpretation of each requirement.)

Signed

Name

Position

Date

^[1] Please note that this declaration applies to individuals, single organisations and consortia.

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