



Public Contracts Regulations 2015

New requirements relating to Pre Qualification Questionnaires to help businesses access Public Sector contracts

1. Introduction

The Public Contracts Regulations 2015 contain new requirements in relation to the use of Pre Qualification Questionnaires, for above and below EU thresholds.

These changes implement Lord Young's recommendations to Government in his report 'Growing Your Business' (May 2013), and are set out in Part 4 of the new Public Contracts Regulations 2015.

The new requirements aim to ensure a simpler and more consistent approach to selection across the whole public sector authorities and will remove some of the bureaucracy and barriers which make it difficult for businesses, in particular smaller firms, to access public sector contracts.

For procurements above EU thresholds, contracting authorities should have regard to the attached statutory guidance, at Appendix 1, concerning changes to how procurers should select suitable suppliers and administer Pre Qualification Questionnaires in the Public Sector.

2. Timing

The requirements will apply to contracting authorities from 26 February 2015.

They apply only to procurements which commence on or after the date on which the Public Contracts Regulations 2015 take effect - they are not intended to apply retrospectively.

3. The changes

The following is a high level summary of the key changes however, it is not an exhaustive list of all the obligations, and contracting authorities must have regard to the statutory guidance at Appendix 1 when embarking on a new procurement to ensure that the regulations are being complied with. Appendix 1 also sets out any exceptions and exemptions from the changes. Legal advice may also be necessary in certain circumstances.

4. Use of Pre Qualification Questionnaires

In above-EU threshold contracts (regulation 107)

Statutory guidance, at Annex 1 applies for procurements above these threshold values.

Contracting Authorities must have regard to the Crown Commercial Service guidance, at Annex 1, in relation to the qualitative selection of economic operators. This guidance contains a standardised set of questions for use in procurements where the EU rules apply.

In below-EU threshold procurements (regulation 111)

A Contracting Authority may not include a pre-qualification stage in any procurement where the value of the procurement is below the EU threshold for goods and services, currently £112,000 in central government and £173,000 outside central government and in NHS Trusts. In practical terms, this means that PQQs used as part of a pre-qualification stage are not permitted. However contracting authorities may ask 'suitability assessment questions' relating to a potential supplier provided that the questions are relevant to the subject matter of the procurement and proportionate.

Annex 1 - Guidance on qualitative selection for above EU threshold procurements

Introduction

This guidance is issued under regulation 107(1) of the Public Contracts Regulations 2015 (the "Regulations"). Contracting authorities must have regard to this guidance in relation to the qualitative selection of economic operators in procurements to which Chapter 7 of the Regulations applies. Chapter 7 applies to procurements within the scope of Part 2, except for those cases listed in regulation 105(2) (some procurement for the purposes of the NHS) Authorities should look at Regulations 7-12 for general exceptions where Part 2 does not apply, and see general guidance on when the Regulations as a whole apply.

This guidance is aimed at contracting authorities across the public sector, and applies to new procurements that commence from the day upon which the Regulations come into force for most purposes, the 26th February 2015.

In accordance with regulation 107(4) of the Regulations, where a contracting authority conducts a procurement in a way which represents a reportable deviation from this guidance, the contracting authority must send a report explaining the deviation to the Crown Commercial Service. The section below sets out what is a reportable deviation, and explains how to send such a report to the Crown Commercial Service.

This guidance is statutory and underpins regulation 107 of the Regulations. It is not a comprehensive guide to the law. You should seek legal advice if you are unsure about the effect of the Regulations.

For the purpose of this document, 'supplier' means an economic operator as defined in PCR Reg 2 (1).

Checking and Validation of Invoices

The Crown Commercial Service recommends that all public sector bodies subject to this guidance should adopt the attached set of standardised selection questions when assessing supplier suitability for providing goods and services (except where they are covered by an exemption, see above).

- For clarity and consistency, these questions are presented in the format of a Pre-Qualification Questionnaire (PQQ), however, these questions (or a selection of these questions) should be adopted across all procurement procedures (see below) and authorities should embed these into their own procurement processes (for example eProcurement systems.)

- The PQQ should be used in accordance with the rules of the supplier selection stage of the relevant procurement procedure. i.e. it should be used:
 - to test that suppliers meet minimum levels of suitability when using the Open procedure and;
 - to pre-qualify suppliers to be invited to tender when using the Restricted procedure, to submit an initial tender under the Competitive procedure with negotiation or to participate in a Competitive Dialogue or Innovation Partnership procedure.
- Not all the questions in the PQQ or the additional modules may be required for every procurement, only those which are relevant and proportionate to the contract (the mandatory and discretionary exclusion questions should always be included)
- Contracting authorities may continue to use the industry-standard PAS91 for public contracts for Works.
- A European Single Procurement Document (ESPD) covering the exclusion and selection criteria, is currently being developed by the European Commission. Further details on this will follow in due course.

Deviations

From 26th February 2015, contracting authorities should select from the bank of core and additional module questions contained in the PQQ and not deviate from the wording in these questions. There will be a limited number of circumstances where an authority may need to deviate from the wording in these questions; however, authorities need to be able to justify the reasons for any variation if asked. The Crown Commercial Service will be undertaking a series of 'spot checks' as part of the Mystery Shopper Scheme in the coming months to monitor and check compliance to these standard questions. In addition, from 1 September 2015, any deviations in the wording from the bank of core and additional module questions are to be reported to the Crown Commercial Service (for information only), within 30 days of the PQQ being made available to candidates on Contracts Finder, by e-mailing mysteryshopper@crowncommercial.gov.uk, with a brief rationale that explains the reason for the deviation(s). The Crown Commercial Service recommends that this should be signed off by the Commercial Director, Head of Procurement or equivalent. Further advice on this will be issued in coming months.

General principles

- The contracting authority should allow potential providers to self-certify that they are not subject to any of the mandatory/ discretionary grounds for exclusion and then complete the Invitation to Tender/ Invitation to Quote on the basis of this self certification.
- Evidence that the supplier can meet the specified requirements, such as those questions set out in modules B-E of the selection questions, – Insurance, Equality, Environmental Management and Health and Safety, - should normally be obtained following the final tender evaluation decision i.e. from the winning supplier only, (although it can be required sooner if necessary for the proper conduct of the procedure).
- The grounds for mandatory and discretionary exclusion set out in the Regulations should always be applied to the supplier and all members of a consortium bid (this is not compulsory for subcontractors, however contracting authorities may decide to apply them to subcontractors in situations where they deem appropriate).
- Any questions selected should be relevant and proportionate to the complexity and risk associated with their particular requirements. If contracting authorities wish to include any additional project specific questions you should ensure that these are relevant and proportionate to the requirement.
- These specific selection questions are designed to cover all the elements set out in the Regulations governing exclusion and selection and can be applied to all procedures. Any questions asked must fall within the scope of these questions. The Crown Commercial Service will be undertaking a series of 'spot checks' under the Mystery Shopper Service to monitor compliance with these questions.

Scoring methodology

The contracting authority must ensure that full details including scoring for each question, weightings and any 'pass mark' or minimum threshold for selection are made known to the suppliers at the same time that the PQQ/ selection questions are issued. In addition, if certain questions are sufficiently critical that an unsatisfactory answer may lead to exclusion, irrespective of the score on the rest of the PQQ, this should be made clear to suppliers.

Approach to consortia

If the Supplier completing this PQQ is doing so as part of a consortium, the following information must be provided;

- names of all consortium members;
- the lead member of the consortium who will be contractually responsible for delivery of the contract (if a separate legal entity is not being created); and
- if the consortium is not proposing to form a legal entity, full details of proposed arrangements within a separate Appendix.

The contracting authority may require members of the consortium to assume a specific legal form if awarded the contract, to the extent that it is necessary for the satisfactory performance of the contract.

All members of the consortium will be required to provide the information required in all sections of the PQQ as part of a single composite response to the contracting authority. i.e. each member of the consortium is required to complete the form.

Where the suppliers are proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV), they should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity in a separate Appendix.

Consortium arrangements may be subject to future changes and any updates to the bidding model should be provided to the contracting authority so that a further assessment can be carried out (by applying the selection criteria to the new information provided). The contracting authority reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

Guidance on using each section

Each section below refers to a relevant section in the standard PQQ.

1. Supplier information

This section should be used to gather the necessary details to understand the nature of the organisation and legal entity participating in the procurement exercise, and the composition of their supply chain. This section would not be scored as the answers to the questions are for information only, but a supplier may be excluded on the grounds of providing insufficient or false information.

2. Mandatory grounds for exclusion

This section should always be asked. Contracting authorities are required to exclude suppliers from the procurement if any of the mandatory grounds for rejection apply:

- Evidence of convictions (if the supplier ticks 'Yes' and/or the authority has other external evidence) relating to organised crime, corruption, fraud, money laundering, or
- has been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations (except where disproportionate e.g. only minor amounts involved)
- and the supplier has failed to provide sufficient evidence of remedial action having taken place subsequently. (See section on 'Self-cleaning' below)

3. Discretionary grounds for exclusion – Part 1

Contracting authorities are entitled to exclude suppliers from the procurement if any of the discretionary grounds for exclusion apply. The contracting authority should consider all the relevant circumstances, and may at its discretion allow a supplier to proceed (See section on 'Self-cleaning' below.)

4. Discretionary grounds for exclusion – Part 2 Tax Compliance [Central Government only]

In line with Procurement Policy Action Note 03/14: Measures to Promote Tax Compliance, this section only applies to contracts over £5 million and to central government departments including their executive agencies and non departmental public bodies, though other contracting authorities (e.g. in local government and the wider public sector) may choose to apply the measures.

Further information is available here from PPN 03/14 dated 6 February 2014.

Where a supplier declares that it has had an Occasion of Non Compliance ("OONC"), the contracting department can, at its discretion, decide whether or not to exclude that supplier from the procurement process. In reaching a judgement, Departments may take into account any mitigating factors provided as part of the supplier's response; for example measures that the supplier has implemented to ensure future tax compliance. However, it should be noted that if an OONC also falls within the mandatory exclusion criteria under the Regulations then the contracting authority will have no discretion. Please be aware that this policy is currently being updated and further guidance will be issued in due course.

5. 'Self Cleaning' (Covering both mandatory and discretionary exclusion)

If a supplier provides sufficient evidence that remedial action has taken place subsequently and "self cleans", by paying necessary compensation, collaborating with investigations, and taking concrete technical, organisational and personnel steps to prevent recurrence of the offence or misdeeds, the authority can use its discretion as to whether the supplier may proceed, provided the supplier can demonstrate remedial action to the satisfaction of the authority.

Self-cleaning applies to both mandatory and discretionary exclusion.

In the absence of earlier satisfactory self-cleaning, exclusion must nevertheless end five years from conviction for mandatory exclusion, and three years after the cause, for discretionary exclusion.

Mandatory exclusion for non-payment of tax or social security must end when the supplier has paid or enters a binding agreement to pay, and can also be waived at the authority's discretion if the amounts are only "minor" or the supplier hasn't yet had a chance to finally pay or agree to pay.

Self-cleaning is not applicable to discretionary exclusion grounds which are procurement-specific and which do not arise from supplier misdeeds ("conflict of interest" and "distortion of competition from prior involvement").

Discretionary exclusion arising from the supplier's financial position should be ended when the financial issues are satisfactorily resolved; full self-cleaning is not relevant unless other grounds for exclusion are also engaged.

Exclusion grounds may apply at any point in the procurement process up to the award of contract.

6. Economic and Financial Standing

Any minimum financial thresholds should be clearly stated up front and any methodology for assessing financial strength should be clearly articulated to potential suppliers.

The financial assessment of suppliers should be undertaken in a manner that is proportionate, flexible and not overly risk-averse while ensuring taxpayer value and safety is protected and compliant with the Regulations. Furthermore, all suppliers, whatever their size or constitution, should be treated fairly and with equal diligence during the financial appraisal process. Financial standing should only be considered as part of the overall selection criteria. It may not, on its own, reflect the ability of a supplier to deliver.

Assessment should be conducted in line with the principles set out in PPN 02/13 supplier financial risk issues and where the contracting authority wishes to request accounts and other evidence the contracting authority must use the request format laid out in the PQQ. The regulations include a turnover cap which means that a company turnover requirement may not be set at more than two times the contract value unless justified in the particular case (please refer to Regulation 58 (9)). Moreover a potential supplier should not be deselected on the basis of turnover size alone.

Where the contracting authority requires some form of financial guarantee, the type of guarantee should be specified within the PQQ/selection questions i.e. Parent, Performance or Bank.

7. Technical and Professional Ability – Part 1

The contracting authority may request details of up to three contracts, in any combination from either the public or private sector, that are relevant to its requirement. Contracts for supplies or services should have been performed during the past three years. Contracts for works should have been performed during the past 5 years.

Suppliers should be asked to submit details of contracts where the named customer contact is prepared to provide written evidence to the contracting authority to confirm the accuracy of the information provided.

Consortia bids should be asked to provide relevant examples of where the consortium has delivered similar requirements. If this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle will be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (three examples are not required from each member).

Where the supplier is a managing agent not intending to be the main provider of the supplies or services, the information requested should be provided in respect of the principal intended provider or sub-contractor who will deliver the supplies and services.

8. Technical and Professional Ability – Part 2

A. Project specific questions for Technical and Professional Ability

Contracting authorities are permitted to ask further project-specific questions relating to the supplier's technical and professional ability as part of selection. Any questions asked must be relevant and proportionate to the requirement. A list of possible topics covering technical and professional ability is set out in Regulations 60 (9) (b) - (k).

Additional Modules

The contracting authority should only use the following modules if they are relevant and proportionate to the subject matter of the contract. Not all the questions in each section may be relevant and the buyer should exercise their own judgement in deciding which questions to include. Questions in modules B - D should be asked on a self-certify basis i.e. checks against each module will only be carried out on the winning supplier at contract award stage, and responses should be evaluated on a pass/fail basis instead of being scored/weighted.

B. Insurance

The contracting authority should allow potential providers to self-certify that they have or will undertake to secure any required insurance in the event that they are awarded the contract. It is not appropriate at this point, to insist on the evidence that cover already exists.

Levels of Cover

The contracting authority should specify the level of cover required on a contract by contract basis. This should be proportionate, reflective of the nature of the work and the risk involved.

Employers' Liability Insurance is generally required by law to cover employees and many insurers incorporate it into their business insurance policies.

Public Liability Insurance provides cover where a client, contractor or member of the public is injured and the service provider is at fault. This is also often combined with Employers' Liability Insurance.

Professional Indemnity Insurance is typically required to cover the provision of professional services such as financial services or IT consultancy. It may be required if advice is being provided to clients, if data belonging to a client is being handled or the service provider is responsible for a client's intellectual property.

C. Compliance with equality legislation

Contracting authorities have a number of reasons to address equal opportunities as part of supplier selection, e.g. there is a legal obligation to do so under various pieces of legislation (as a public sector buyer), to ensure the buyer's policies are promoted throughout the procurement.

If equality is to be assessed at the supplier selection stage it is recommended that the contracting authority only requires suppliers to self-certify that they comply with equality legislation. The contracting authority should assess any remedial action that has been taken to address any breaches of the legislation that have been noted.

If required, the contracting authority may explore specific equality requirements in more detail at award stage (for example on a service contract, the approach to reaching particular ethnic or hard to reach groups might be a consideration). The assessment of equality should be continually reinforced through management of the contract post-award.

D. Environmental Management

Addressing environmental management requires careful consideration of the nature of the requirement, the opportunities and risks, and the most appropriate way of dealing with the risks. This will normally highlight a number of requirement-specific actions to be undertaken at various stages of the project, both during the procurement and the contract delivery.

Contracting authorities should clearly state what is required in the specification, allowing suppliers to self-certify that they can meet the contracting authority's sustainability requirements in delivering the contract, (e.g. confirming that the supplier will comply with the authority's waste management policy, confirming that products to be delivered meet the appropriate sustainability criteria, etc).

Care must be taken not to confuse those elements of sustainability that relate to the technical competence of the supplier (to be assessed at selection) with those that relate to the delivery of the contract (to be assessed at award stage).

At the supplier selection stage it is recommended that the contracting authority only requires suppliers to self-certify that they comply with environmental legislation, and any sustainability-related criteria that have been stated in the specification as required to deliver the contract.

The authority should assess any remedial action that has been taken to address any breaches of the legislation that have been noted. If required, the authority may explore specific equality requirements in more detail at award stage.

E. Health and Safety

Health and Safety Policy

All UK employers with more than five employees are obliged to have a health and safety policy, signed and dated and updated regularly. The contracting authority should allow potential providers to self-certify that they have a health and safety policy in place and should not require a company with less than five employees to have a health and safety policy unless this is relevant to the procurement.

At the supplier selection stage it is recommended that the contracting authority seeks clarification as to whether any of the supplier's directors or executive officers have received enforcement/ remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years. If they have, they will need to provide details of any remedial action or changes to procedures they have made as a result. The supplier must be excluded unless they can demonstrate to the authority's satisfaction that appropriate remedial action has been taken to prevent future occurrences breaches.

Additional contract-specific questions may be asked where relevant. Care should be taken to ensure these are asked at the appropriate stage of the procurement. Examples might include questions related to:

- induction and training of employees;
- drug and alcohol misuse;
- control of substances hazardous to health;
- risk assessments; or
- monitoring the track record and health and safety competence of subcontractors.

Standardised Pre-Qualification Questionnaire (PQQ)

Notes for completion

1. "Authority" means the public sector contracting authority, or anyone acting on behalf of the contracting authority, that is seeking to invite suitable suppliers to participate in this procurement process.
2. "You"/ "Your" or "Supplier" means the body completing these questions i.e. the legal entity seeking to be invited to the next stage of the procurement process and responsible for the information provided. The 'Supplier' is intended to cover any economic operator as defined by the Public Contract Regulations 2015 and could be a registered company; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.
3. This Pre-Qualification Questionnaire (PQQ) has been designed to assess the suitability of a Supplier to deliver the Authority's contract requirement(s). If you are successful at this stage of the procurement process, you will be selected for the subsequent award stage of the process.
4. Please ensure that all questions are completed in full, and in the format requested. Failure to do so may result in your submission being disqualified. If the question does not apply to you, please state clearly 'N/A'.
5. Should you need to provide additional Appendices in response to the questions, these should be numbered clearly and listed as part of your declaration. A template for providing additional information is provided at the end of this document.
6. Please return a completed version of this document to:

Named procurement officer	
Name of contracting authority	
Contact e-mail address	
Postal address	
Deadline for receipt of PQQ	
(UK date and time)	

Verification of Information Provided

7. Whilst reserving the right to request information at any time throughout the procurement process, the authority may enable the Supplier to self-certify that there are no mandatory/ discretionary grounds for excluding their organisation. When requesting evidence that the supplier can meet the specified requirements (such as the questions in section 7 of this PQQ relating to Technical and Professional Ability) the authority may only obtain such evidence after the final tender evaluation decision i.e. from the winning Supplier only.

Sub-contracting arrangements

8. Where the Supplier proposes to use one or more sub-contractors to deliver some or all of the contract requirements, a separate Appendix should be used to provide details of the proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for.
9. The Authority recognises that arrangements in relation to sub-contracting may be subject to future change, and may not be finalised until a later date. However, Suppliers should be aware that where information provided to the Authority indicates that sub-contractors are to play a significant role in delivering key contract requirements, any changes to those sub-contracting arrangements may affect the ability of the Supplier to proceed with the procurement process or to provide the supplies and/or services required. Suppliers should therefore notify the authority immediately of any change in the proposed sub-contractor arrangements. The Authority reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

Consortia arrangements

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

Confidentiality

- 15.** When providing details of contracts in answering section 6 of this PQQ (Technical and Professional Ability), the Supplier agrees to waive any contractual or other confidentiality rights and obligations associated with these contracts.
- 16.** The Authority reserves the right to contact the named customer contact in section 6 regarding the contracts included in section 6. The named customer contact does not owe the Authority any duty of care or have any legal liability, except for any deceitful or maliciously false statements of fact.
- 17.** 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 Crown Commercial Service and/or contracting authorities defined by the Public Contract Regulations.

1. Supplier information

1.1 Supplier details	Answer	
Full name of the Supplier completing the PQQ		
Registered company address		
Registered company number		
Registered charity number		
Registered VAT number		
Name of immediate parent company		
Name of ultimate parent company		
Please mark 'X' in the relevant box to indicate your trading status	i) a public limited company	<input type="checkbox"/> Yes
	ii) a limited company	<input type="checkbox"/> Yes
	iii) a limited liability partnership	<input type="checkbox"/> Yes
	iv) other partnership	<input type="checkbox"/> Yes
	v) sole trader	<input type="checkbox"/> Yes
	vi) other (please specify)	<input type="checkbox"/> Yes
Please mark 'X' in the relevant boxes to indicate whether any of the following classifications apply to you	i) Voluntary, Community and Social Enterprise (VCSE)	<input type="checkbox"/> Yes
	ii) Small or Medium Enterprise (SME) ¹	<input type="checkbox"/> Yes
	iii) Sheltered workshop	<input type="checkbox"/> Yes
	iv) Public service mutual	<input type="checkbox"/> Yes

¹ See EU definition of SME: <http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/>

1.2 Bidding model

Please mark 'X' in the relevant box to indicate whether you are;

<p>a) Bidding as a Prime Contractor and will deliver 100% of the key contract deliverables yourself</p>	<input type="checkbox"/> Yes
<p>b) Bidding as a Prime Contractor and will use third parties to deliver <u>some</u> of the services</p> <p>If yes, please provide details of your proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for.</p>	<input type="checkbox"/> Yes
<p>c) Bidding as Prime Contractor but will operate as a Managing Agent and will use third parties to deliver <u>all</u> of the services</p> <p>If yes, please provide details of your proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for.</p>	<input type="checkbox"/> Yes
<p>d) Bidding as a consortium but not proposing to create a new legal entity.</p> <p>If yes, please include details of your consortium in the next column and use a separate Appendix to explain the alternative arrangements i.e. why a new legal entity is not being created.</p> <p>Please note that the Authority may require the consortium to assume a specific legal form if awarded the contract, to the extent that it is necessary for the satisfactory performance of the contract.</p>	<input type="checkbox"/> Yes <u>Consortium members</u> <u>Lead member</u>
<p>e) Bidding as a consortium and intend to create a Special Purpose Vehicle (SPV).</p> <p>If yes, please include details of your consortium, current lead member and intended SPV in the next column and provide full details of the bidding model using a separate Appendix.</p>	<input type="checkbox"/> Yes <u>Consortium members</u> <u>Current lead member</u> <u>Name of Special Purpose Vehicle</u>

1.3 Contact details

Supplier contact details for enquiries about this PQQ

Name	
Postal address	
Country	
Phone	
Mobile	
E-mail	

1.4 Licensing and registration (please mark 'X' in the relevant box)		
1.4.1	Registration with a professional body If applicable, is your business registered with the appropriate trade or professional register(s) in the EU member state where it is established (as set out in Annex XI of directive 2014/24/EU) under the conditions laid down by that member state).	<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please provide the registration number in this box.
1.4.2	Is it a legal requirement in the state where you are established for you to be licensed or a member of a relevant organisation in order to provide the requirement in this procurement?	<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please provide additional details within this box of what is required and confirmation that you have complied with this.

2. Grounds for mandatory exclusion

You will be excluded from the procurement process if there is evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if you have been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations (except where this is disproportionate e.g. only minor amounts involved).

If you have answered “yes” to question 2.2 on the non-payment of taxes or social security contributions, and have not paid or entered into a binding arrangement to pay the full amount, you may still avoid exclusion if only minor tax or social security contributions are unpaid or if you have not yet had time to fulfil your obligations since learning of the exact amount due. If your organisation is in that position please provide details using a separate Appendix. You may contact the authority for advice before completing this form.

2.1 Within the past five years, has your organisation (or any member of your proposed consortium, if applicable), Directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?	Please indicate your answer by marking 'X' in the relevant box.	
	Yes	No
(a) 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;		
(b) 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;		
(c) the common law offence of bribery;		
(d) bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010; or section 113 of the Representation of the People Act 1983;		

(e) 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:		
(i) the offence of cheating the Revenue;		
(ii) the offence of conspiracy to defraud;		
(iii) 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;		
(iv) 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;		
(v) 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;		
(vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;		
(vii) 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;		
(viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or		
(ix) the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act;		
(f) any offence listed—		
(i) in section 41 of the Counter Terrorism Act 2008; or		
(ii) in Schedule 2 to that Act where the court has determined that there is a terrorist connection;		
(g) any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subparagraph (f);		
(h) money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002;		
(i) an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996;		
(j) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004;		
(k) an offence under section 59A of the Sexual Offences Act 2003;		
(l) an offence under section 71 of the Coroners and Justice Act 2009		
(m) an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994; or		
(n) any other offence within the meaning of Article 57(1) of the Public Contracts Directive—		
(i) as defined by the law of any jurisdiction outside England and Wales and Northern Ireland; or		
(ii) created, after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland.		

<p><u>Non-payment of taxes</u></p> <p>2.2 Has it been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which your organisation is established (if outside the UK), that your organisation is in breach of obligations related to the payment of tax or social security contributions?</p> <p>If you have answered Yes to this question, please use a separate Appendix to provide further details. Please also use this Appendix to confirm whether you have paid, or have entered into a binding arrangement with a view to paying, including, where applicable, any accrued interest and/or fines?</p>		
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3. Grounds for discretionary exclusion – Part 1

The authority may exclude any Supplier who answers 'Yes' in any of the following situations set out in paragraphs (a) to (i);

3.1 Within the past three years, please indicate if any of the following situations have applied, or currently apply, to your organisation.	Please indicate your answer by marking 'X' in the relevant box.	
	Yes	No
(a) your organisation has violated applicable obligations referred to in regulation 56 (2) of the Public Contract Regulations 2015 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 Public Contracts Directive as amended from time to time;		
(b) your organisation is bankrupt or is the subject of insolvency or winding-up proceedings, where your 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;		
(c) your organisation is guilty of grave professional misconduct, which renders its integrity questionable;		
(d) your organisation has entered into agreements with other economic operators aimed at distorting competition;		
(e) your organisation has a conflict of interest within the meaning of regulation 24 of the Public Contract Regulations 2015 that cannot be effectively remedied by other, less intrusive, measures;		
(f) the prior involvement of your organisation in the preparation of the procurement procedure has resulted in a distortion of competition, as referred to in regulation 41, that cannot be remedied by other, less intrusive, measures;		
(g) your organisation has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions;		

(h) your organisation— (i) has been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria; or (ii) has withheld such information or is not able to submit supporting documents required under regulation 59 of the Public Contract Regulations 2015; or		
(i) your organisation has undertaken to		
(aa) unduly influence the decision-making process of the contracting authority, or		
(bb) obtain confidential information that may confer upon your organisation undue advantages in the procurement procedure; or		
(j) your organisation has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.		

Conflicts of interest

In accordance with question 3.1 (e), the authority may exclude the Supplier 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 Supplier to inform the authority, detailing the conflict in a separate Appendix. Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by the Authority should not represent a conflict of interest for the Supplier.

Taking Account of Bidders' Past Performance

In accordance with question (g), the authority may assess the past performance of a Supplier (through a Certificate of Performance provided by a Customer or other means of evidence). The authority may take into account any failure to discharge obligations under the previous principal relevant contracts of the Supplier completing this PQQ. The Authority may also assess whether specified minimum standards for reliability for such contracts are met.

In addition, the authority 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.). Suppliers 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).

'Self-cleaning'

Any Supplier that answers 'Yes' to questions 2.1, 2.2 and 3.1 should provide sufficient evidence, in a separate Appendix, that provides a summary of the circumstances and any remedial action that has taken place subsequently and effectively "self cleans" the situation referred to in that question. The supplier has to demonstrate it has taken such remedial action, to the satisfaction of the authority in each case.

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

In order for the evidence referred to above to be sufficient, the Supplier 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 Supplier shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the Authority to be insufficient, the Supplier shall be given a statement of the reasons for that decision.

4. Grounds for discretionary exclusion – Part 2

The authority reserves the right to use its discretion to exclude a supplier where it can demonstrate the supplier's non-payment of taxes/social security contributions where no binding legal decision has been taken.

Please note that Section 4 relating to tax compliance only applies where the Authority has indicated that the contract is over £5million in value, and the Authority is a Central Government Department (including their Executive Agencies and Non-Departmental Public Bodies).

“Occasion of Tax Non-Compliance” means:

- (a) any tax return of the Supplier submitted to a Relevant Tax Authority on or after 1 October 2012 is found to be incorrect as a result of:
 1. a Relevant Tax Authority successfully challenging the Supplier under the General Anti-Abuse Rule or the Halifax Abuse Principle or under any tax rules or legislation that have an effect equivalent or similar to the General Anti-Abuse Rule or the Halifax Abuse Principle;
 2. the failure of an avoidance scheme which the Supplier was involved in, and which was, or should have been, notified to a Relevant Tax Authority under the DOTAS or any equivalent or similar regime; and/or
- (b) the Supplier's tax affairs give rise on or after 1 April 2013 to a criminal conviction in any jurisdiction for tax related offences which is not spent at the Effective Date or to a penalty for civil fraud or evasion

From 1 April 2013 onwards, have any of your company's tax returns submitted on or after 1 October 2012; (Please indicate your answer by marking 'X' in the relevant box).		
4.1	Given rise to a criminal conviction for tax related offences which is unspent, or to a civil penalty for fraud or evasion;	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.2	Been found to be incorrect as a result of: <ul style="list-style-type: none"> • HMRC successfully challenging it under the General Anti-Abuse Rule (GAAR) or the “Halifax” abuse principle; or • a tax authority in a jurisdiction in which the legal entity is established successfully challenging it under any tax rules or legislation that have an effect equivalent or similar to the GAAR or the "Halifax" abuse principle; or • the failure of an avoidance scheme which the Supplier was involved in and which was, or should have been, notified under the Disclosure of Tax Avoidance Scheme (DOTAS) or any equivalent or similar regime in a jurisdiction in which the Supplier is established. 	<input type="checkbox"/> Yes <input type="checkbox"/> No

If answering “Yes” to either 4.1 or 4.2 above, the Supplier may provide details of any mitigating factors that it considers relevant and that it wishes the Authority to take into consideration. This could include, for example:

- Corrective action undertaken by the Supplier to date;
- Planned corrective action to be taken;
- Changes in personnel or ownership since the Occasion of Non-Compliance (OONC); or
- Changes in financial, accounting, audit or management procedures since the OONC.

In order that the Authority can consider any factors raised by the Supplier, the following information should be provided:

- A brief description of the occasion, the tax to which it applied, and the type of “non-compliance” e.g. whether HMRC or the foreign tax authority has challenged pursuant to the GAAR, the “Halifax” abuse principle etc.
- Where the OONC relates to a DOTAS, the number of the relevant scheme.
- The date of the original “non-compliance” and the date of any judgement against the Supplier, or date when the return was amended.
- The level of any penalty or criminal conviction applied.

5 - Economic and Financial Standing

Financial Information							
5.1	<p>Please provide one of the following to demonstrate your economic/financial standing;</p> <p>Please indicate your answer with an 'X' in the relevant box.</p>						
	<table border="1" style="width: 100%;"> <tr> <td style="width: 80%;">(a) A copy of the audited accounts for the most recent two years</td> <td style="width: 20%;"></td> </tr> <tr> <td>(b) A statement of the turnover, profit & loss account, current liabilities and assets, and cash flow for the most recent year of trading for this organisation</td> <td></td> </tr> <tr> <td>(c) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position</td> <td></td> </tr> </table>	(a) A copy of the audited accounts for the most recent two years		(b) A statement of the turnover, profit & loss account, current liabilities and assets, and cash flow for the most recent year of trading for this organisation		(c) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position	
	(a) A copy of the audited accounts for the most recent two years						
	(b) A statement of the turnover, profit & loss account, current liabilities and assets, and cash flow for the most recent year of trading for this organisation						
	(c) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position						
<p>(d) Alternative means of demonstrating financial status if any of the above are not available (e.g. Forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).</p>							
5.2	<p>Where the authority has specified a minimum level of economic and financial standing and/ or a minimum financial threshold within the evaluation criteria for this PQQ, please self-certify by answering 'Yes' or 'No' that you meet the requirements set out here.</p> <p style="text-align: right;"> <input type="checkbox"/> Yes <input type="checkbox"/> No </p>						
5.3	<p>(a) Are you are part of a wider group (e.g. a subsidiary of a holding/parent company)? If yes, please provide the name below:</p> <table border="1" style="width: 100%; margin-bottom: 10px;"> <tr> <td style="width: 50%;">Name of the organisation</td> <td style="width: 50%;"></td> </tr> <tr> <td>Relationship to the Supplier completing the PQQ</td> <td></td> </tr> </table> <p>If yes, please provide Ultimate / parent company accounts if available. If yes, would the Ultimate / parent willing to provide a guarantee if necessary?</p> <p>If no, would you be able to obtain a guarantee elsewhere (e.g from a bank?)</p> <p style="text-align: right;"> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No </p>	Name of the organisation		Relationship to the Supplier completing the PQQ			
Name of the organisation							
Relationship to the Supplier completing the PQQ							

6. Technical and Professional Ability

6 Relevant experience and contract examples

Please provide details of up to three contracts, in any combination from either the public or private sector, that are relevant to the Authority's requirement. Contracts for supplies or services should have been performed during the past three years. Works contracts may be from the past five years, and VCSEs may include samples of grant funded work.

The named customer contact provided should be prepared to provide written evidence to the Authority to confirm the accuracy of the information provided below.

6 Consortia bids should provide relevant examples of where the consortium has delivered similar requirements; if this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle will be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (three examples are not required from each member).

Where the Supplier is a Special Purpose Vehicle, or a managing agent not intending to be the main provider of the supplies or services, the information requested should be provided in respect of the principal intended provider(s) or sub-contractor(s) who will deliver the supplies and services.

		Contract 1	Contract 2	Contract 3
6.1	Name of customer organisation			
6.2	Point of contact in customer organisation Position in the organisation E-mail address			
6.3	Contract start date Contract completion date Estimated Contract Value			
6.4	In no more than 500 words, please provide a brief description of the contract delivered including evidence as to your technical capability in this market.			

6.5 If you cannot provide at least one example for questions 6.1 to 6.4, in no more than 500 words please provide an explanation for this e.g. your organisation is a new start-up.

7. Additional PQQ modules

Suppliers who self-certify that they meet the requirements for these additional modules will be required to provide evidence of this if they are successful at contract award stage. Please indicate your answer by marking 'X' in the relevant boxes.

A – Project specific questions to assess Technical and Professional Ability

Further project specific questions relating to the technical and professional ability of the supplier.

B - Insurance

1	<p>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:</p> <p>Employer’s (Compulsory) Liability Insurance = £x</p> <p>Public Liability Insurance = £x</p> <p>Professional Indemnity Insurance = £x</p> <p>Product Liability Insurance = £x</p> <p>*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.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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C – Compliance with equality legislation

For organisations working outside of the UK please refer to equivalent legislation in the country that you are located.		
1	<p>In the last three years, has any finding of unlawful discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
2	<p>In the last three years, has your organisation 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 or alleged unlawful discrimination?</p> <p>If you have answered “yes” to one or both of the questions in this module, please provide, as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.</p> <p>If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.</p> <p>You may be excluded if you are unable to demonstrate to the Authority’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
3	<p>If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

D - Environmental Management

1	<p>Has your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last three years by any environmental regulator or authority (including local authority)?</p> <p>If your answer to the this question is “Yes”, please provide details in a separate Appendix of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served.</p> <p>The Authority will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last 3 years, unless the Authority is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
2	<p>If you use sub-contractors, do you have processes in place to check whether any of these organisations have been convicted or had a notice served upon them for infringement of environmental legislation?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

E - Health and Safety

1	<p>Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
2	<p>Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years?</p> <p>If your answer to this question was “Yes”, please provide details in a separate Appendix of any enforcement/remedial orders served and give details of any remedial action or changes to procedures you have made as a result.</p> <p>The Authority will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to the Authority’s satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
3	<p>If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

8 - Declaration

2	<p>I declare that to the best of my knowledge the answers submitted to these questions are correct. 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, and I am signing on behalf of..... (Insert name of supplier).</p> <p>I understand that the Authority may reject my submission if there is a failure to answer all relevant questions fully or if I provide false/misleading information. I have provided a full list of any Appendices used to provide additional information in response to questions.</p> <p>I also declare that there is no conflict of interest in relation to the Authority's requirement.</p> <p>The following appendices form part of our submission;</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 40%;">Section of PQQ</th> <th style="width: 60%;">Appendix number</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>		Section of PQQ	Appendix number				
Section of PQQ	Appendix number							
PQQ completed by								
8.1	Name							
8.2	Role in organisation							
8.3	Date							
8.4	Signature							

PQQ – Template for Appendices

PQQ – Template for Appendices

PQQ section -

Question number -

For further information

Please contact the Crown Commercial Service Help Desk on

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