

# Procurement Policy Note: Standard Selection Questionnaire (SQ)

**Action Note 03/23**

**April 2023**

## Issue

1. This Procurement Policy Note (PPN) updates the Selection Questionnaire (SQ) and accompanying statutory guidance. The amendments are based on feedback from buyers and suppliers to improve the supplier selection process, and reflect changes to policy. This PPN replaces PPN 08/16.

## Dissemination and Scope

2. This PPN applies to all contracting authorities in England, and contracting authorities in Wales and Northern Ireland that exercise wholly or mainly reserved functions, in each case when undertaking above threshold procurements within part 2 of the Public Contracts Regulations 2015 (PCR 2015). Please circulate this PPN within your organisation, drawing it to the attention of those with a purchasing role.

## Timing

3. The revised standard selection questions are to be in use at the latest by 1 June 2023, but can be used immediately. This timescale is to allow for the time needed to incorporate the revised SQ into procurement processes and for the amendment of e-procurement tools.

## Action

4. It is important to comply with the guidance and the standard selection questions in the attached annexes:

[Annex A](#) - Guidance on the selection stage process

[Annex B](#) - Standard selection questions

[Annex C](#) - Selection questionnaire template

[Annex D](#) - Exclusion grounds.

## Background

5. Regulation 107 of the [PCR 2015](#) provides for statutory guidance on the selection stage of a procurement. This PPN updates and replaces

- i) PPN 08/16 with revised statutory guidance and standard selection questions and
- ii) replaces the European Single Procurement Document (ESPD) with the

Single Procurement Document (SPD), as set out in regulation 59 of the PCR 2015 (following EU Exit). The SPD is the Selection questionnaire template at Annex C.

6. The standard selection questions incorporate the exclusion grounds listed in the [PCR 2015](#).

7. In response to feedback received on PPN 08/16, the statutory guidance and standard selection questions have been revised. The changes include:

- clarity on changes contracting authorities can make to the wording of questions (Annex A, paragraphs 9, 13 and 42 - 44);
- clarity on what is meant by “relying on another organisation” to meet the selection criteria (Annex A, paragraph 30);
- clarity for contracting authorities on seeking information from groups of suppliers (Annex A, paragraphs 54-57);
- amendments to financial questions and checks (Annex A, paragraphs 58-61);
- introduction of health and safety questions (Annex A, paragraphs 70-72);
- introduction of supply chains questions (Annex A, paragraphs 66-67);
- introduction of data protection questions (Annex A, paragraph 73);
- introduction of additional requirements for modern slavery and clarity on handling responses to questions on the Modern Slavery Act (Annex A, paragraph 78 - 80);
- introduction of questions related to reducing carbon emissions (Annex A, paragraph 76);
- introduction of updated payment questions (Annex A, paragraph 74); and

8. To support the move to e-procurement platforms, the format of the SQ template has been revised. Whilst the template may be helpful for some contracting authorities, the growing need is for a format that can be easily adapted for use on e-platforms. This PPN provides both a list of standard selection questions and an SQ template.

### **Contact**

9. Enquiries about this PPN should be directed to the Helpdesk (hosted by Crown Commercial Service) on 0345 410 2222 or email [info@crowcommercial.gov.uk](mailto:info@crowcommercial.gov.uk).

# Annex A - Guidance on the Selection Stage Process, including Standard Selection Questions (PCR 2015).

## Introduction

1. This document contains statutory guidance on the process of supplier selection and standard selection questions. If your organisation is in-scope you are required to apply this guidance when undertaking the supplier selection process in relevant procurements.
2. This PPN supersedes PPN 08/16. The updated standard selection questions are to be in use at the latest by 1st June 2023. This timescale is to allow for time for the revised SQ to be incorporated into procurement processes and to allow for e-procurement tools to be amended.

## Background

3. Supplier selection is a key stage in public procurement, where you must gather information on, and make assessments of, potential suppliers' technical and professional abilities, economic and financial standing and whether any of the exclusion grounds apply.
4. The standard selection questions ask potential suppliers to self-declare their status against the exclusion grounds, and provide preliminary evidence of their suitability to pursue a professional activity, economic and financial standing, and technical and professional ability. Usually you will only ask for, and check, further evidence relating to the status of the winning supplier. This reduces the burden on unsuccessful suppliers providing evidence and on your organisation undertaking those checks.
5. The standard selection questions are structured in 3 separate parts:
  - **Part 1** - covers **basic information about the potential supplier**, such as the contact details, professional body memberships, details of parent companies, group bidding and so on.
  - **Part 2** - constitutes self-declarations of whether (or not) any of the **exclusion grounds** apply.
  - **Part 3** asks for evidence and self-declarations of **economic and financial standing** and for self-declarations relating to **technical and professional ability**.
6. This guidance covers:
  - a **summary** of the key points;

- more detailed advice on particular aspects, including:
  - general guidance on scope, format, and deviations; and
  - guidance on particular subsections of the standard selection questions;
- a **list** of standard selection questions;
- a **supplier** questionnaire template (the “SQ template”); and
- a **list** of exclusion grounds.

### Summary of Key Points

7. This guidance is to be followed for above threshold procurements carried out in accordance with Part 2 of the [Public Contracts Regulations 2015](#) (PCR15). Regulation 107 of the [PCR 2015](#) provides for statutory guidance on the selection stage of a procurement. Regulation 59 sets out the use, content and form of the SPD. The SPD replaces the ESPD (following EU Exit) and is the selection questionnaire template at Annex C.

8. Potential suppliers must be told how they can access the selection questions and submit their responses in the procurement documents.

9. The questions can be rephrased to fit with the style and format of your e-procurement system provided you are asking for the same information from potential suppliers as that listed in the standard selection questions.

10. As a minimum the following are required:

- Information concerning the procurement procedure and the contracting authority or contracting entity that allows the procedure to be unequivocally identified (see ‘Notes for Completion’ pg 3 of Annex C).
- Part 1 and 2 questions have to be asked, and declarations received, for all types of procurement procedures, including the open procedure.
- If any of the exclusion grounds apply (other than in respect of non-payment of taxes), an explanation from the potential supplier on how the measures they have taken demonstrate their reliability is requested. These measures can include paying compensation, actively collaborating with investigating authorities and taking measures to prevent further occurrences (this is called ‘self-cleaning’).
- Completed part 3 of the SQ, declarations and evidence of meeting the economic and financial standing selection criteria and declarations in relation to the technical and professional ability selection criteria.
- Responses to the questions in part 1 and part 2 of the SQ are required of all organisations which form part of the potential supplier’s bidding group/consortium, as well as any subcontractors that the potential supplier relies on to meet the selection criteria.

11. A bidder is not required to produce supporting documentary evidence or certificates until specifically requested by you. You must request this evidence from the successful supplier before awarding the contract, as part of your due diligence process. If the successful supplier is unable to provide this evidence it should not be awarded the contract.

12. However, you can ask for evidence from any potential supplier at an earlier

stage if it is needed to ensure proper conduct of the procedure. This is likely to be appropriate:

- for economic and financial standing where a full assessment can only be undertaken where evidence is provided;
- in the competitive dialogue procedure and competitive procedure with negotiation. The burden of taking a potential supplier through dialogue/negotiation only to reject them at the final stage (once evidence is provided) may be disproportionate;
- in the open procedure, where timescales are necessarily short and it is appropriate to review evidence concerning exclusion and selection in parallel with tender evaluation.

13. The selection questions marked as mandatory for part 1 and part 2 must not be omitted. You should not deviate from the supplier selection questions in part 3; if you do then you must report any deviations as per the process outlined at paragraphs 42-47 in this guidance.

14. For works contracts, including the procurement of mixed contracts that include supplies and services, contracting authorities should use the Common Assessment Standard (CAS)<sup>1</sup>, or PAS91, in place of the standard SQ template in pre-qualification of bidders. However, it will be for individual contracting authorities to ensure the questions used are relevant and proportionate to the contract being procured, ensure equivalent standards are permissible and a level playing field for all types of suppliers.

15. General queries on the selection questionnaire should be addressed to the helpdesk (hosted by the Crown Commercial Service) at [info@crownccommercial.gov.uk](mailto:info@crownccommercial.gov.uk). Deviations should be reported to [domestic-policy-queries@cabinetoffice.gov.uk](mailto:domestic-policy-queries@cabinetoffice.gov.uk) (as described in paragraphs 42-47).

### **General rules**

16. Declarations relating to the exclusion grounds and relevant selection criteria have to be provided with bids in open procedures. For all other procedures they must be provided with requests for participation. However individual call-off contracts placed via frameworks do not require completed declarations unless this is required under the terms of the framework agreement.

17. In a Dynamic Purchasing System (DPS) self-declarations relating to the exclusion grounds and relevant selection criteria must form part of the criteria for entry onto the DPS. You can ask suppliers to update their responses to the standard selection questions at any time during the life of the DPS. You may use questions from part 3 of the standard selection questions as a guide in developing appropriate and proportionate selection questions for a DPS.

18. The procurement documents must provide details on how the self-declarations relating to the exclusion grounds are to be accessed, list the required selection questions and provide the selection criteria together with any requirements for participation, and tell potential suppliers how to submit responses to the three parts of the SQ.

19. Currently there are two ways for a potential supplier to access the exclusion grounds (part 2 of the SQ). The best route for contracting authorities to select depends

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<sup>1</sup> <https://builduk.org/wp-content/uploads/2022/06/Common-Assessment-Standard-Question-Set-Version-3.1.pdf>

on the facilities available to them:

- i. **E-procurement system.** The self-declarations on the exclusion grounds can be built into e-procurement systems that allow the answers to be reused and exchanged between e-procurement systems. You can reword the questions provided the required responses are the same as required by the SQ. If this option is selected, the procurement documents simply provide the link to the e-procurement system. The e-procurement system must offer unrestricted and full direct access free of charge to all potential suppliers.
- ii. **Using the SQ template.** Potential suppliers are asked to complete the SQ template and submit an electronic copy. The SQ template can be found at Annex C of this guidance. The exclusion questions provided in part 2 of the template should be supplemented with the relevant standard supplier selection questions listed in part 3. An alternative way of doing this is to ask the selection questions separately within the procurement documentation. Guidance for the use of standard supplier selection questions is provided below.

## **Guidance on Part 1 (General Information) and Part 2 (Exclusion Grounds<sup>2</sup>) - Key Principles**

20. It is mandatory for a potential supplier to complete one of the following for all relevant procurements:

- the formal declarations relating to the exclusion grounds listed in either the relevant questions in the e-procurement platform, or part 1 and part 2 of the standard SQ template; or
- for works contracts including the procurement of mixed contracts that include supplies and services, the relevant questions in the CAS, or in PAS91, that deal with the same exclusions as are covered by the standard SQ template.

21. Where you are using the selection questions or the SQ template, part 1 and part 2 of the selection questions must be completed by all organisations that form part of the potential supplier's bidding group/consortium.

22. The completed part 1 and part 2 provides the formal declaration relating to the exclusion grounds, and are therefore required for each organisation that forms part of the supplier's bidding group/consortium (including where the potential supplier is a group of suppliers, including joint ventures and partnerships created (or to be created) for the purpose of the contract), as well as each subcontractor the potential supplier relies on to meet the selection criteria.

23. Where a potential supplier is relying on another member of its corporate group or a subcontractor to meet the selection criteria (see paragraph 30 headed 'What is meant by 'rely on' an organisation?'), that entity should be treated as being part of the potential supplier's group/consortium and must complete parts 1 and 2. These requirements must be made clear in the procurement documents.

24. As a result of the UK's exit from the EU the mandatory exclusion for fraud affecting the European Communities' financial interests as defined by Article 1 of the

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/551130/List\\_of\\_Mandatory\\_and\\_Discretionary\\_Exclusions.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf)

convention on the protection of the financial interests of the European Communities has been omitted for procurement launched after 11pm on 31st December 2020. However contracting authorities may continue to exclude a supplier under discretionary exclusion grounds, including grave professional misconduct. This may include convictions for offences relating to fraud where the circumstances leading to the conviction constitute evidence of such a ground being met.

25. For works contracts (including the procurement of mixed contracts which include supplies and services but which, due to their works content, are subject to the Construction (Design and Management) Regulations 2015) contracting authorities should use questions from the CAS or PAS91 in accordance with paragraph 14.

26. Potential suppliers must complete the self-declarations in relation to the mandatory exclusion grounds on behalf of all relevant persons and entities, in accordance with PCR 2015 regulation 57(2). Each potential supplier must decide which entities and persons are relevant.

27. There are two categories of persons and entities that are relevant:

- a) Members of the potential supplier's administrative, management or supervisory board. This category will typically cover company directors and members of an executive board.
- b) Entities and persons who have powers of representation, decision or control in the supplier. This could be:
  - i) entities or persons with a 25% or more shareholding;
  - ii) entities or persons with less than 25% shareholding who have the relevant powers depending on their particular rights;
  - iii) a potential supplier's ultimate parent company;
  - iv) intermediate parent companies of the potential supplier that do not have a direct shareholding;
  - v) directors or members of an executive board of their immediate parent company (for example, in the case of a Special Purpose Vehicle set up specifically to bid for a particular contract);
  - vi) holders of mortgages or liens.

28. It is not necessary for potential suppliers to list which entities and persons they think are relevant. However, they must be satisfied that the declaration is made in respect of all of those that are relevant.

### **Subcontractors**

29. Part 1 asks for details of all subcontractors which have been identified by the potential supplier at this stage of the procurement process. Where a subcontractor has been identified in response to this question, any resulting subcontract entered into with that subcontractor for that part of the works, services or supplies identified in response to that question will not be subject to the requirement to advertise.

### **What is meant by 'rely on' an organisation?**

30. [PCR 2015 regulation 63](#)<sup>3</sup> introduces the concept of a potential supplier relying on the capacities of other organisations to meet the selection criteria. An organisation

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<sup>3</sup> <http://www.legislation.gov.uk/ukxi/2015/102/regulation/63/made>

is relied on for the purposes of the standard selection questions if the potential supplier is relying on the technical and professional ability and/or the economic and financial standing of the organisation to meet the selection criteria in part 3.

#### **Modern Slavery Act 2015<sup>4</sup>**

31. Commercial organisations in any sector that supply goods or services, carry on a business or part of a business in the UK, and have an annual turnover of at least £36 million ("relevant commercial organisations") are required to prepare a slavery and human trafficking statement by [Section 54 of the Modern Slavery Act 2015<sup>5</sup>](#). Section 54 sets out various requirements relating to the content, format and publication of the statement. The standard selection questions and SQ template ask potential suppliers who are subject to this requirement to confirm that they have published a statement and to confirm that it meets the requirements of Section 54.

32. You should consider whether the response of a potential supplier to these questions gives rise to a discretionary exclusion ground relating to breach of applicable obligations under social and labour laws. Failure to publish a statement or failure to comply with the requirements of Section 54 is likely to give rise to such a discretionary exclusion ground. If you conclude that the discretionary exclusion ground applies, the potential supplier should be excluded unless it can provide sufficient self-cleaning evidence.

### **Guidance on Part 3 of the Standard Selection Questionnaire and Qualitative Selection – Key Principles.**

33. You must consider this guidance for relevant procurements when selecting potential suppliers. This guidance is accompanied by the standard SQ template and selection questions.

34. You should use questions from the CAS or PAS91 for works contracts (including the procurement of mixed contracts that include supplies and services) in accordance with paragraph 14.

35. The section of the guidance covering standard supplier selection questions (part 3) and the use of the CAS or PAS91, does not apply to the procurement of health care services for the purposes of the NHS within the meaning and scope of the [National Health Service \(Procurement, Patient Choice and Competition\) \(No. 2\) Regulations 2013<sup>6</sup>](#).

#### **Below threshold procurements**

36. You must not include a pre-qualification stage in any procurement (for supplies, services or works) that has a value below the relevant threshold for supplies and services. The threshold for using a pre-qualification stage for works procurements ("works SQ threshold") is the same as for supplies and services procurements. In below threshold procurements, questions may be asked to assess the suitability, capability, legal status, and financial standing of a potential supplier, provided that the questions are relevant and proportionate. You may use the standard selection

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<sup>4</sup> For background see Home Office publication at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/471996/Transparency\\_in\\_Supply\\_Chains\\_etc\\_A\\_practical\\_guide\\_final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/471996/Transparency_in_Supply_Chains_etc_A_practical_guide_final.pdf)

<sup>5</sup> <http://www.legislation.gov.uk/ukpga/2015/30/section/54/enacted>

<sup>6</sup> <https://www.legislation.gov.uk/uksi/2013/500/contents/made>



questions (or, for works contracts, the CAS or PAS91 questions in accordance with paragraph 14) as a guide in developing appropriate and proportionate questions as part of a one-stage procurement process.

37. For works contracts valued above the supplies and services threshold (including where they are below the works threshold) you may include a pre-qualification stage (using questions from the CAS or PAS91) in accordance with paragraph 14).

### **Use of selection questions**

38. The questions included in part 3 of the standard selection questions should be adopted across all relevant procurements where it is relevant and proportionate to the contract to do so. You do not have to use all the questions.

39. The questions should be used in line with the relevant procurement procedure, and used:

- as part of the tender pack to test that a potential supplier meets minimum levels of suitability (i.e. fulfilment of selection criteria) when using the open procedure,
- to pre-qualify suppliers to be invited to tender when using the restricted procedure,
- to pre-qualify suppliers to submit an initial tender under the competitive procedure with negotiation,
- to pre-qualify suppliers to participate in a competitive dialogue, innovation partnership procedure or Dynamic Purchasing System (DPS).

40. If the standard selection questions are presented as a separate document you should ensure that appropriate declarations are included and a signature obtained.

41. You should use questions from the CAS or PAS91 for works contracts (including the procurement of mixed contracts that include supplies and services) in accordance with paragraph 14.

### **Reportable deviations**

42. No deletions or additions can be made to the questions marked as mandatory in part 1 and part 2 of the standard selection questions or the SQ template.

43. You should not deviate from the questions set out in part 3 of the standard questions and the SQ template for supplies and services procurements. However, if you do deviate from this guidance, you must report this to [domestic-policy-queries@cabinetoffice.gov.uk](mailto:domestic-policy-queries@cabinetoffice.gov.uk) (This is an inbox that is monitored for policy-making purposes).

44. You must report the following deviations:

- changes to the wording of the standard questions and instructions,
- additional questions that are included which are not specific to the individual procurement.

45. The report (for information purposes only, and not for approval) should include:

- a covering letter or email explaining the reasons for any deviations, demonstrating that they are relevant, proportionate and linked to the requirements of the contract and contract delivery;

- confirmation that the deviations have been approved by the Head of Procurement or equivalent in the organisation; and
- a copy of the questions template or supplier selection process that clearly shows the deviations. This could include a document summarising the deviations.

46. You do not need to report:

- project-specific questions developed in line with this guidance;
- amendments to make the questions compatible with e-procurement systems;
- standard questions which you have decided to omit.

47. You are only required to report once to explain deviations. A report is not required for each procurement. If you make further changes those deviations should be sent to [domestic-policy-queries@cabinetoffice.gov.uk](mailto:domestic-policy-queries@cabinetoffice.gov.uk).

48. General questions on the Selection Questionnaire should be sent to the Helpdesk (telephone 0345 410 2222, email [info@crownccommercial.gov.uk](mailto:info@crownccommercial.gov.uk)).

### **Self-declarations and evidence.**

49. Part 2 requires self-declarations from potential suppliers in relation to the exclusion grounds. Part 3 asks for some information from potential suppliers in relation to the selection criteria, but also allows for supporting documentary evidence to be provided at a later date.

50. Generally, only the winning supplier (and any organisations relied upon to meet the selection criteria) should be required to submit supporting documentary evidence in relation to exclusions and selection criteria. This reduces the need for potential suppliers to submit supporting documents every time they wish to bid for a public contract.

51. If the winning supplier fails to provide the required evidence within timeframes you set, or the evidence demonstrates that the selection criteria are not met, the award of the contract should not proceed. You may then choose to amend the contract award decision and award to the second-placed supplier who has not been excluded on the basis of the exclusion grounds or the selection criteria, provided that they have submitted a satisfactory bid. Alternatively, the procurement process may be terminated. You should take legal advice, where appropriate.

52. You can require supporting documentary evidence from any supplier at any stage if it is necessary to ensure proper conduct of the procurement procedure. In a two-stage procedure, it might be necessary to ask for supporting documentary evidence in relation to exclusions and the selection criteria before the Award stage. When considering an application to join a Dynamic Purchasing System the timeframes involved may mean that you will wish to see evidence along with the request to join. You should only ask for evidence that is proportionate and relevant to the procurement. The approach should be clearly set out in the procurement documents.

### **Scoring**

53. You should decide upon your own selection criteria and scoring system for assessing whether suppliers meet the selection criteria, using their answers to questions in part 3 of the SQ. The selection criteria must be relevant and proportionate to the contract and both the selection criteria and scoring system must be included in

the procurement documents. They must comply with the principles of transparency, non-discrimination and equal treatment, including in relation to the treatment of Small and Medium-sized Enterprises (SMEs).

### **Group of potential suppliers**

54. If the potential supplier is bidding on behalf of a group/consortium, or intends to use subcontractors, there may be different actions required for completion of part 3 of the standard questions compared to part 1 and part 2. The response to part 1 should make it clear who the lead member of the group/consortium is, and who will be contractually responsible for delivery of the contract. Where the group/consortium is proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV), in part 1, they should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity. They should also provide the name for the new entity and details of its legal and operational structure. An SPV is a legal entity that is formed to perform a specific contract.

55. All members of the group/consortium may be required to provide the information in part 3 of the selection questions, as part of a single composite response (unless the question specifically directs otherwise). Where this is the case, the group/consortium lead member would normally complete all of the questions in part 3 on behalf of the group/consortium and/or any subcontractors, referring to the economic and financial standing and/or technical and professional ability of group/consortium members and/or any subcontractors where appropriate.

56. Alternatively, you may choose to ask all members of a group/consortium or subcontractors relied on to meet the selection criteria to complete their own section of part 3, as well as part 1 and part 2, so selection checks can be undertaken on them. You must make it clear whether you require each member of the group/consortium and each subcontractor to meet the selection criteria or whether and how their scores will be weighted and combined. This should be clearly explained in the procurement documents.

57. Consortium and subcontracting arrangements may be subject to change, and you should make it clear that any updates to these arrangements or any other bidding model should be provided to you during the procurement process. This is to allow you to request responses to part 1 and part 2 of the standard selection questions for any new organisation, including self-declarations relating to the exclusion grounds, and updated responses to part 3 of the standard selection questions to carry out a further assessment of the selection criteria. You should also make it clear that you reserve the right to deselect a potential supplier or a group/consortium prior to any award of contract, based on an assessment of the updated information.

## **Guidance on Supplier Selection Questions**

### **Economic and financial standing (EFS)**

58. You should clearly state any minimum EFS requirements and selection criteria. You should also describe the methodology for assessing EFS clearly. Any minimum requirements should be proportionate.

59. The financial assessment method used depends on the requirement. You do not have to use every question in this section - only those that are relevant and proportionate. Where you consider the list of permitted evidence does not enable you

to make an assessment of EFS, you may ask for other evidence to be provided (in accordance with reg 60(8) PCR 2015), but this must be relevant to the subject matter of the contract and proportionate, and should be reported as a deviation. You should note that small companies<sup>7</sup> only need to file abbreviated accounts with Companies House but may have more detailed accounts for shareholders and HMRC.

60. If a supplier does not itself meet minimum financial requirements, you can allow them to rely on the financial standing of a group or parent company or fellow consortium member if they are willing to provide appropriate security or support, for example in the form of a parent company guarantee.

61. For central government authorities, prior to commencing a procurement, you should determine the categorisation of the potential contract using the Contract Tiering Tool. This should determine the level of EFS required from bidders and any associated requirement for financial assessment subject-matter expertise. The Contract Tiering Tool allows for straightforward and consistent categorisation of contracts between 'Gold' (most critical), 'Silver' and 'Bronze' (least critical) contracts. You may choose to supplement the SQ with the [Financial Viability and Risk Assessment Tool \(FVRS\)](#) to determine EFS, and ask for potential bidders to complete the FVRS directly, which will calculate the risk assessment based on the data input. Or you can ask for information in the SQ and make your own assessment, provided this is in line with the [Assessing and Monitoring the Economic and Financial Standing \(EFS\)](#) guidance in the [Playbooks](#). In all cases you should ensure relevance and proportionality.

## **Technical and Professional Ability**

### **Past Performance**

62. You may evaluate the past performance of a potential supplier in order to assess whether they have a sufficient level of technical and professional ability through experience demonstrated by examples of and suitable references from past contracts.

63. You may request details of contract examples or references from the public and/or private sectors. The number and type requested should be relevant and proportionate. The selection questions ask for three examples. Contracts for supplies or services must have been performed during the past three years. Contracts for works must have been performed during the past five years. In both cases, older examples can be taken into account only where necessary to ensure an adequate level of competition. The selection criteria for evaluating the responses from suppliers, and the scoring methodology, should not be discriminatory or disproportionate, including towards smaller businesses.

64. To assess whether a potential supplier has the required level of technical and professional ability, use the relevant selection questions or the template provided in sections 6 and 7 (Annex C). The standard selection questions ask for information that can then be used to assess whether the selection criteria are met. Potential suppliers should be asked to submit details of contracts where the named customer contact is prepared to provide written evidence to confirm the accuracy of the information provided. Customer references should be factual. Supporting documentary evidence should be requested from the winning supplier to verify the declarations.

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<sup>7</sup> Companies with two of the following characteristics: 50 or fewer employees; turnover of no more than £10.2 million or assets of no more than £5.1 million

65. You may ask the lead member to provide a relevant example where one or more group/consortium members have delivered similar requirements. If this is not possible (for example a consortium is newly formed or an SPV will be created for the contract) up to three separate examples should be provided from the principal members of the group. This approach will help you establish that the new entity demonstrates the required level of experience.

### **Subcontractors and supply chains**

66. Where a potential supplier is proposing to subcontract a portion of the contract they should provide a relevant example where one or more of the essential subcontractors have delivered similar requirements (separate examples are not required from each subcontractor).

67. For central government contracts £5m and above per annum, you may ask potential suppliers to demonstrate how they will maintain a healthy supply chain, including paying subcontractors promptly (see PPN 08/21), using the payment question. This includes the supply chain management and tracking systems that the economic operator will be able to apply when performing the contract. See the paragraph on questions to be used primarily by central government organisations below.

### **Additional questions**

#### **Project Specific Questions**

68. Further project-specific questions can be asked. They must relate to the potential supplier's economic and financial standing or technical and professional ability and they must be relevant and proportionate to the contract. You should refer to the [PCR 2015](#)<sup>8</sup> for relevant restrictions, permitted evidence and supporting documents.

#### **Insurance**

69. You should allow potential suppliers to self-certify that they have, or will have in place, any required insurance in the event that they are awarded the contract. It is not appropriate at the selection stage to insist on evidence that cover already exists. You should specify the level of cover required on a case-by-case basis. This should be proportionate and reflective of the nature of the work and the risk involved. Any reason for requiring insurance above that required by law should be justifiable.

#### **Health and Safety at work**

70. Questions about compliance with environmental law obligations (which include health and safety legislation) are included in part 2. If you wish to include a selection criterion relating to suppliers' technical and professional ability in managing health and safety in their organisation and in the supply chain, you may include the optional Health and Safety question (question 7.3).

71. The type and level of relevant experience and capability for managing health and safety risks may vary, depending on the risks, size and complexity of the requirement. Guidance from the Health and Safety Executive describes what is

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<sup>8</sup> [Regulations 58-60 of Public Contracts Regulations 2015-  
http://www.legislation.gov.uk/uk/si/2015/102/part/2/chapter/2/crossheading/conduct-of-the-procedure-choice-of-participants-and-award-of-contracts/made](http://www.legislation.gov.uk/uk/si/2015/102/part/2/chapter/2/crossheading/conduct-of-the-procedure-choice-of-participants-and-award-of-contracts/made)

appropriate and proportionate in particular circumstances. Follow this link for guidance on the [Health and Safety Executive's website](#).

72. A health and safety policy and examples of an assessment of how risks are controlled can help demonstrate capability, if effectively put into practice. You should note that a company with fewer than five employees is not legally required to write down a statement of health and safety policy or record the significant findings of any risk assessment and should not be discriminated against in the assessment of technical and professional ability for not having these.

### **Data Protection Legislation**

73. In relevant procurements for contracts involving processing personal data, you should use appropriate selection criteria relating to potential suppliers' technical and professional ability in implementing the appropriate technical and organisational measures to comply with UK GDPR and to ensure the protection of the rights of data subjects. Where this is linked to the subject-matter of the contract and proportionate, selection criteria should be used to assess potential suppliers' human and technical resources to perform the contract to the appropriate standard and potential suppliers should be asked to provide proof by reference to the technical facilities and measures they have in place. (See question 7.2).

### **Questions to be used primarily by central government organisations**

#### **[Procurement Policy Note 08/21 – Taking Account of a Bidder's Approach to Payment in the Procurement of Major Contracts](#)**

74. This PPN sets out how payment approaches can be taken into account in the procurement of major Government contracts. Central government authorities should apply this PPN when procuring goods and/or services and/or works with an anticipated contract value above £5 million per annum (excluding VAT) which are subject to the Public Contracts Regulations 2015, to assess whether a bidder that intends to use a supply chain to deliver the contract, has effective payment systems in place to ensure the reliability of that supply chain.

#### **[Procurement Policy Note 11/16 - Procuring Steel for Major Contracts](#)**

75. For central government contracting authorities procuring major projects where steel is a component, the steel specific questions should be included.

#### **[Procurement Policy Note 06/21 - Taking account of Carbon Reduction Plans in the procurement of major government contracts](#)**

76. For central government contracts £5m and above per annum, you may ask potential suppliers to confirm their commitment towards achieving Net Zero by 2050 by providing a Carbon Reduction Plan (PPN 06/21), using the Carbon Reduction questions to ensure the necessary environmental management measures are in place.

#### **[Procurement Policy Note 14/15: Supporting Apprenticeships and Skills through Public Procurement](#)**

77. For central government contracts with a full life value of £10 million and above and duration of 12 months and above should be used to support skills development and delivery of the apprenticeship commitment, where it is relevant and proportionate to do so.

## [Procurement Policy Note 02/23 - Tackling Modern Slavery in Government Supply Chains](#)

78. Central government authorities should consider whether modern slavery risks apply to the contract, using the risk assessment table in PPN 02/23 guidance, to ensure such risks are clearly identified and appropriately managed. In new procurements identified as at high risk of modern slavery occurring, bidders should detail their supply chain members and submit self-declarations for each of those supply chain members. This means that a Part 1 and Part 2 declaration will be required from the bidder's supply chain members for procurements designated as at a high risk of modern slavery occurring. Central government contracting authorities should detail in their specification how far down a supply chain they want to collect this information.

79. How well equipped a bidder is to address modern slavery risks can be assessed under technical and professional ability. Where a bidder intends to use a supply chain to deliver the contract, selection criteria can be used to assess whether they have effective systems in place to ensure the reliability of that supply chain. A supply chain in which modern slavery features is unlikely to be reliable. Central government authorities should include question 7.11 where it is relevant to the subject matter of the contract, proportionate and is non-discriminatory. Where it is considered to be relevant, proportionate and non-discriminatory to ask this question of organisations to which Section 54 of the Modern Slavery Act 2015 applies, in order to ensure equal treatment, organisations which do not carry on business in the UK but which have a turnover of more than £36m should be requested to provide similar statements or documents. The question may be adapted further depending on the nature of the procurement, for example a central government authority may also decide to ask this question of organisations who have a turnover of less than £36m, but only where it is proportionate to do so.

80. In procurements where this selection question is included, contracting authorities should set appropriate selection criteria and methodology by which to assess compliance. This should include reference to the list of information included in the Home Office [Slavery and human trafficking in supply chains: guidance for businesses](#) (section 5.2 a-f). Whilst this is a non-exhaustive list, the guidance is clear that this is what statements should aim to include. If all of this information is not included in the bidder's modern slavery statement (or other statement or documents, where the bidder is not required to produce a modern slavery statement) an explanation should be provided. It will be for central government authorities to consider whether the explanation provided is satisfactory. An example pass/fail selection criterion has been included in PPN 02/23 guidance. A bidder should only fail the selection stage if they do not meet the selection criterion having taken into account their modern slavery statement (or equivalent document) and their reasons for non-compliance and assurances as to future compliance, where applicable.

# Annex B - Standard Selection Questions

## Part 1 Questions (General Information)

Questions	
Mandatory (M) or Optional (O) to include in the selection questionnaire.	
M	Name (if, registered, please give the registered name).
M	Registered address (if applicable) or head office address
M	Registered website address (if applicable)
M	Trading status a) public limited company b) private limited company c) limited liability partnership d) other partnership e) sole trader f) third sector g) other (please specify your trading status)
M	Date of registration (if applicable) or date of formation
M	Registration number (company, partnership, charity, etc - if applicable)
M	Registered VAT number
M	Are you registered with the appropriate professional or trade register(s) specified for this procurement and as set out in the procurement documents in the country where your organisation is established?  If YES please provide the relevant details, including the name of the register and registration number(s) and, if evidence of registration is available electronically, please give the website address, issuing body and reference number.
M	For procurements for <b>services only</b> , is it a legal requirement in the country where you are established for you to:  a) possess a particular authorisation, or b) be a member of a particular organisation, to provide the requirements specified in this procurement?  If YES please provide additional details of what is required and confirmation that you have complied with this and, if evidence of compliance is available electronically, please give the website address, issuing body and reference number.
M	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



M	Are you a Small, Medium or Micro Enterprise (SME) <sup>9</sup> ?
M	Details of Persons with Significant Control (PSC) <sup>10</sup> , where appropriate <sup>11</sup> :
M	- Name
M	- Date of birth
M	- Nationality
M	- Country, state or part of the UK where the PSC usually lives
M	- Service address
M	- The date he or she became a PSC in relation to the company ;
M	- Which conditions for being a PSC are met: <ul style="list-style-type: none"> <li>- Over 25% up to (and including) 50%</li> <li>- More than 50% and less than 75%</li> <li>- 75% or more</li> </ul>
O	(Please enter N/A if not applicable)
M	Details of your immediate parent company:
M	- Full name of immediate parent company
M	- Registered or head office address
M	- Registration number (if applicable)
M	- VAT number (if applicable)
O	(Please enter N/A if not applicable)
M	Details of ultimate parent company:
O	- Full name of ultimate parent company
O	- Registered or head office address
O	- Registration number (if applicable)
M	- Head office VAT number (if applicable)
O	(Please enter N/A if not applicable)
M	Are you bidding as a single supplier or as part of a group or consortium?
M	If you are bidding as part of a group or consortium (including where you intend to establish a legal entity to deliver the contract), please tell us:  <ul style="list-style-type: none"> <li>a) The name of the group/consortium.</li> <li>b) The proposed structure of the group/consortium, including the legal structure where applicable.</li> <li>c) The name of the lead member in the group/consortium.</li> <li>d) Your role in the group/consortium (e.g. lead member, consortium member, subcontractor).</li> <li>e) If you are the lead member in the group/consortium, whether you are relying on other consortium members to meet the selection criteria (i.e. are you relying on other consortium members for economic and technical standing and/or technical and professional ability?) and, if so, which criteria you are relying on them for.</li> </ul>

<sup>9</sup> See EC definition of SME [https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition\\_en](https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en)

<sup>10</sup> UK companies, Societates European (SEs) and limited liability partnerships (LLPs) are required to identify and record the people who own or control their company. Companies, SEs and LLPs are required to keep a PSC register, and must file the PSC information with the central public register at Companies House. See [PSC guidance](#). Overseas bidders are required to provide equivalent information.

<sup>11</sup> Only information that relates to the persons with powers of representation, decision or control within the meaning of regulation 57(2) can be considered in relation to the mandatory exclusion grounds and other details are requested for information only.

M	If you are proposing to use subcontractors/a supply chain please provide the following details for each subcontractor/supply chain member <sup>12</sup> .
M	Name
M	Registration number
M	Registered or head office address
M	Trading status <ul style="list-style-type: none"> <li>a) public limited company</li> <li>b) private limited company</li> <li>c) limited liability partnership</li> <li>d) other partnership</li> <li>e) sole trader</li> <li>f) third sector</li> <li>g) other (please specify your trading status)</li> </ul>
M	Registered VAT number
M	SME?
M	The role each subcontractor will take in providing the works and /or supplies e.g. key deliverables.
M	The approximate % of contractual obligations assigned to each subcontractor
M	Is the subcontractor being relied upon to meet the selection criteria (i.e. are you relying on the subcontractor for economic and technical standing and/or technical and professional ability?) and, if so, which criteria are you relying on them for?
O	Please tell us which lot(s) you wish to bid for (where applicable).

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<sup>12</sup> This applies to all supply chain members and/or subcontractors, where their identity is known at this stage, irrespective of whether you are relying on them to meet the selection criteria. Where a supply chain member and/or subcontractor has been identified in response to this question, any resulting subcontract entered into for that part of the works, services or supplies identified in response to that question will not be subject to the requirement for contracts to advertise the subcontracting opportunity, as set out in PPN 01/18.

<b>Part 2 Questions (Exclusion Grounds Questions)</b>	
<b>Grounds for mandatory exclusion</b>	
M	Within the past five years, anywhere in the world, have you or any person who <ul style="list-style-type: none"> <li>● is a member of the supplier's administrative, management or supervisory body; or</li> <li>● has powers of representation, decision or control in the supplier<sup>13</sup></li> </ul> been convicted of any of the offences within the summary below and listed in full in Annex D?
M	Participation in a criminal organisation
M	Corruption
M	Terrorist offences or offences linked to terrorist activities
M	Money laundering or terrorist financing
M	Child labour and other forms of trafficking in human beings
M	Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any jurisdiction outside England, Wales or Northern Ireland.
M	Any other offence within the meaning of Article 57(1) of the Directive created after 26th February 2015 in England, Wales or Northern Ireland.
M	If you have answered YES to any of the questions on mandatory exclusion grounds please provide further details, including; <ul style="list-style-type: none"> <li>- date of conviction and the jurisdiction</li> <li>- which of the grounds listed the conviction was for</li> <li>- the reasons for conviction</li> <li>- the identity of who has been convicted</li> </ul>
M	If the relevant documentation is available electronically please provide: <ul style="list-style-type: none"> <li>- the web address</li> <li>- issuing authority</li> <li>- precise reference of the documents</li> </ul>
M	If you have answered YES to any part of the questions on mandatory exclusion grounds please explain what measures have been taken to demonstrate your reliability despite the existence of relevant grounds for exclusion (Self cleaning)

<sup>13</sup> *Note that should be included in e-procurement systems for this question:* For the mandatory exclusion grounds only, you must complete the declaration for all relevant persons and entities. There are two categories of persons and entities:

The first category is members of your administrative, management or supervisory board; secondly, entities and persons who have powers of representation, decision or control. You must decide, depending on the nature and structure of the entity or person who is bidding, which entities and persons this applies to in your particular circumstances. Clearly, members of your administrative, management or supervisory board should be easily identifiable and will cover company directors (or equivalent for other types of corporate entities) and members of an executive board.

The second category of those with powers of representation, decision or control, is likely to be more complicated. As an illustration, entities or persons with 25% or more shareholding (or equivalent for other types of corporate entities) are likely to have powers or representation, decision or control, although those with a lower shareholding may still have the relevant powers depending on their particular rights. Similarly, your ultimate parent company (or equivalent for other types of corporate entities) is likely to have powers of representation, decision or control.

Depending on your particular structure, intermediate parent companies who do not have a direct shareholding, directors or members of an executive board of your immediate parent company (for example in the case of an SPV set up specifically to bid for a particular contract), and holders of mortgages or liens may be covered. It isn't necessary to identify which entities and persons you think are covered but you must be satisfied that your declaration is made in respect of all of those that are covered.

<b>Part 2 Questions (Exclusion Grounds Questions)</b>	
<b>Mandatory and discretionary grounds relating to the payment of taxes and social security contributions.</b>	
	The detailed grounds for mandatory and discretionary exclusion of a supplier for non-payment of taxes and social security contributions, are set out in Annex D, and should be referred to before completing these questions.
M	Please confirm that you have met all your obligations relating to the payment of taxes and social security contributions, both in the country in which you are established and in the UK.
M	If documentation is available electronically please provide- <ul style="list-style-type: none"> <li>- the web address,</li> <li>- issuing authority,</li> <li>- precise reference of the documents.</li> </ul>
M	If you have answered NO to this question please provide further details including the following- <ul style="list-style-type: none"> <li>- Country concerned,</li> <li>- the amount concerned,</li> <li>- how the breach was established, i.e. through a judicial or administrative decision or by other means,</li> <li>- if the breach has been established through a judicial or administrative decision please provide the date of the decision,</li> <li>- if the breach has been established by other means please specify the means.</li> </ul>
M	Please also confirm whether you have paid, or have entered into a binding arrangement with a view to paying the outstanding sum including, where applicable, any accrued interest and/or fines.
Please Note: We reserve our right to use our discretion to exclude your bid where we can demonstrate by any appropriate means that you are in breach of your obligations relating to the payment of taxes or social security contributions	

<b>Part 2 Questions (Exclusion Grounds Questions)</b>	
<b>Grounds for discretionary exclusion</b>	
	The detailed grounds for discretionary exclusion of an organisation are set out in Annex D, and should be referred to before completing these questions.
M	Within the past three years, anywhere in the world, have any of the situations summarised below and listed in full in Annex D applied to you?
M	Breach of environmental law obligations?  To note that environmental law obligations include Health and Safety obligations. See Annex D.
M	Breach of social law obligations?
M	Breach of labour law obligations?
M	Bankruptcy or subject of insolvency?
M	Guilty of grave professional misconduct?

M	Distortion of competition?
M	Conflict of interest?
M	Been involved in the preparation of the procurement procedure?
M	Prior performance issues?
M	<p>Do any of the following statements apply to you?</p> <ul style="list-style-type: none"> <li>● You have been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria?</li> <li>● You have withheld such information.</li> <li>● You are not able, without delay, to submit supporting documents if/when required.</li> <li>● You have undertaken to unduly influence the decision-making process of the contracting authority to obtain confidential information that may confer upon you undue advantages in the procurement procedure, or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award.</li> </ul>
M	<p>You are a relevant commercial organisation subject to Section 54 of the Modern Slavery Act 2015 if you carry on your business, or part of your business in the UK, supplying goods or services and you have an annual turnover of at least £36 million.</p> <p>If you are a relevant commercial organisation, please confirm:</p> <ul style="list-style-type: none"> <li>● you have published a statement as required by Section 54 of the Modern Slavery Act</li> <li>● that the statement complies with the requirements of Section 54</li> </ul>
M	<p>If you have answered <b>YES</b> to any of the questions relating to grounds for discretionary exclusion (or <b>NO</b> to any of the Modern Slavery Act questions), please explain what measures have been taken to demonstrate your reliability despite the existence of a relevant ground for exclusion? (Self cleaning).</p>

<b>Part 3 Questions (Selection Criteria Questions)</b>	
<input type="radio"/>	<b>Economic and Financial Standing</b>
<input type="radio"/>	If documentary evidence of economic and financial standing is available electronically (e.g. financial statements filed with Companies House), please provide: <ul style="list-style-type: none"> <li>- the web address</li> <li>- issuing authority</li> <li>- precise reference of the documents.</li> </ul>
<input type="radio"/>	If documentary evidence of economic and financial standing is not available electronically, please provide a copy of your detailed accounts for the last two years (audited if required by law).
<input type="radio"/>	Also please provide for any other person or entity on whom you are relying to meet the selection criteria relating to economic and financial standing a copy of their detailed accounts for the last two years (audited if required by law).
<input type="radio"/>	If you cannot provide an electronic link to your audited accounts, and cannot provide a copy, please provide any of the following alternatives: <p>(a) A statement of your annual turnover, Profit and Loss Account/Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year(s) of trading and a bank letter outlining the current cash and credit facility position.</p> <p>(b) Alternative information to evidence economic and financial standing if any of the above are not available (e.g. forecast financial statements and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).</p>
<input type="radio"/>	Where we have specified a minimum level of economic and financial standing and/or a minimum financial threshold within the evaluation criteria for this procurement, please 'self-certify' that you meet the requirements set out in the procurement documents.
<input type="radio"/>	Where you are relying on another member of your bidding group/consortium or any subcontractors or other security in order to meet the selection criteria relating to economic and financial standing, please confirm that the relevant person or entity is willing to provide a guarantee or other security if required.
<input type="radio"/>	<b>Technical and Professional Ability</b>
<input type="radio"/>	<b>Relevant experience and contract examples.</b> <p>Please provide details of up to three contracts to meet the technical and professional ability criteria set out in the procurement documents, in any combination from either the public or private sectors; voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. VCSEs may include samples of grant-funded work. Where this procurement is for supplies or services, the examples must be from the past three years. Where this procurement is for works, the examples may be from the past five years.</p> <p>The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.</p> <p>For consortium bids, or where you have indicated that you are relying on a particular member or a subcontractor in order to meet the technical and professional ability, you</p>

	<p>should provide relevant examples of where the consortium/particular member/subcontractors have delivered similar requirements. If this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle is to be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or members of the Special Purpose Vehicle or subcontractors (three examples are not required from each member).</p> <p>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 main intended provider(s) or subcontractor(s) who will deliver the contract.</p> <p><b>For each contract please provide the following information</b></p> <ul style="list-style-type: none"> <li>- Name of customer organisation who signed the contract.</li> <li>- Name of supplier who signed the contract.</li> <li>- Point of contact of the customer.</li> <li>- Position in the customer's organisation.</li> <li>- E-mail address.</li> <li>- Description of contract.</li> <li>- Contract Start date.</li> <li>- Contract completion date.</li> <li>- Estimated contract value.</li> </ul> <p>If you cannot provide at least one example of previous contracts that are relevant to our requirement, in no more than 500 words please provide an explanation for this and how you meet the selection criteria relating to technical and professional ability e.g. your organisation is a new start-up or you have provided services in the past but not under a contract.</p> <p>Where you intend to subcontract a proportion of the contract, please demonstrate how you have previously maintained healthy supply chains with your subcontractor(s).</p> <p>The description should include, but is not limited to, details of your supply chain management tracking systems to ensure performance of the contract and including prompt payment and whether you are a signatory of the UK Prompt Payment Code (or have given commitments under other equivalent schemes)</p>
O	<p><b>Insurance</b></p> <p>Please confirm 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>*There is a legal requirement for certain employers to hold Employer's (Compulsory) Liability Insurance of £5 million as a minimum. See the Health and Safety Executive website for more information: <a href="http://www.hse.gov.uk/pubns/hse39.pdf">http://www.hse.gov.uk/pubns/hse39.pdf</a>.</p>

O	<p><b>Data Protection</b></p> <p>Please confirm that you have in place, or that you will have in place by contract award, the human and technical resources to perform the contract to ensure compliance with the UK General Data Protection Regulations and to ensure the protection of the rights of data subjects.</p> <p>Please provide details of the technical facilities and measures (including systems and processes) you have in place, or will have in place by contract award, to ensure compliance with UK data protection law and to ensure the protection of the rights of data subjects. Your response should include, but should not be limited to facilities and measures:</p> <ul style="list-style-type: none"> <li>• to ensure ongoing confidentiality, integrity, availability and resilience of processing systems and services;</li> <li>• to comply with the rights of data subjects in respect of receiving privacy information, and access, rectification, deletion and portability of personal data;</li> <li>• to ensure that any consent based processing meets standards of active, informed consent, and that such consents are recorded and auditable;</li> <li>• to ensure legal safeguards are in place to legitimise transfers of personal data outside the UK (if such transfers will take place);</li> <li>• to maintain records of personal data processing activities; and</li> <li>• to regularly test, assess and evaluate the effectiveness of the above measures.</li> </ul>
O	<p><b>Health and Safety</b></p> <p>Please describe the arrangements you have in place to manage health and safety effectively and control significant risks relevant to the requirement (including risks from the use of contractors, where relevant). [Please use no more than 500 words.]</p> <p><u>For use with Steel question:</u> - Please provide all the relevant details of previous breaches of health and safety legislation in the last 5 years, applicable to the country in which you operate, on comparable projects, for both:</p> <ul style="list-style-type: none"> <li>- Your organisation</li> <li>- All your supply chain members involved in the production or supply of steel</li> </ul>
O	<p><b>Central Government Only - <a href="#">Payment in Contracts over £5m p.a to be completed only if there is a supply chain</a><sup>14</sup></b></p> <p>Please confirm you have systems in place to pay those in your supply chain promptly and effectively i.e. within your agreed contractual terms.</p> <p>Please confirm, for contracts awarded under the Public Contracts Regulations 2015, you have systems in place to include (as a minimum) 30 day payment terms in all of your supply chain contracts and require that such terms are passed down through</p>

<sup>14</sup> 'Supply chain' means suppliers or subcontractors of any Tier that execute any works, supply any products or provide any services that are used wholly or substantially for the purpose of performing (or contributing to the performance of) the whole or any part of the contract.



your supply chain. Note this is PASS/FAIL

Please confirm you have procedures in place for resolving disputed payments and invoices<sup>15</sup> with those in your supply chain promptly and effectively.

**For contracts in both the Public AND Private Sector** please provide the percentage of payments and invoices paid by you to those in your immediate supply chain on all contracts for each of the two previous six month reporting periods<sup>16</sup>.

This should include the percentage of payments and invoices paid within each of the following categories:

1. within 30 days.
2. in 31 to 60 days.
3. in 61 days or more.
4. due but not paid by the last date for payment under agreed contractual terms.

It is acceptable to cross refer to information that has previously been submitted to Government or other bodies or is publicly available (provided it covers the required reporting periods), including data published in accordance with the [Reporting on Payment Practices and Performance Regulations 2017](#). If you do wish to cross refer, please provide details and/or insert link(s).

If you are unable to demonstrate that all payments and invoices have been paid within the agreed contractual terms, you should clearly explain why.

If you are unable to demonstrate that >95% of payments and invoices payable to your supply chain on all contracts have been paid within 60 days of the receipt of the invoice in at least one of the last two six months reporting periods please provide an action plan for improvement which includes (as a minimum) the following:

1. Identification of the primary causes of failure to pay:
  - (a) 95% of all supply chain invoices within 60 days; and, if applicable
  - (b) all payments and invoices within agreed contractual terms.
2. Actions to address each of these causes.
3. A mechanism for and commitment to regular reporting on progress to the bidder's audit committee (or equivalent).
4. Plan signed off by director.
5. Plan published on its website (this can be a shorter, summary plan)

Note: if you are required to submit an action plan, this action plan must also set out steps to address your payment within agreed terms, in order to achieve a pass for this question.

If you have an existing action plan prepared for a different purpose, it is acceptable to attach this but it should contain the above features.

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<sup>15</sup> This should include all situations where payments are due; not all payments involve an invoice (see FAQs in PPN 08/21). You should explain this in the tender documents.

<sup>16</sup> You should explain in the tender documents what a reporting period is by referring to the [BEIS Guidance](#)

O	<p><b>Central Government Only - <a href="#">Carbon Reduction in Contracts Above £5m per annum</a></b></p> <p><u>Note this is PASS/FAIL</u></p> <p>Please provide a link to your most recently published Carbon Reduction Plan (CRP) which:</p> <ul style="list-style-type: none"> <li>- confirms your commitment to achieving Net Zero by 2050;</li> <li>- contains emissions reported for all required Scopes (in accordance with the required methodology);</li> <li>- indicates the environmental management measures that you will apply when performing the contract; and</li> <li>- has a reporting period of no greater than 12 months prior to the date of commencement of this procurement</li> <li>- Is published on your company website</li> </ul> <p>In order to submit a parent company CRP in lieu of an individual CRP, you must be wholly owned by parent company, the submitted CRP must:</p> <ul style="list-style-type: none"> <li>- apply to both you and your parent company,</li> <li>- must confirm your joint commitment to achieving net zero by 2050</li> <li>- be adopted jointly and with environmental management measures clearly applied to you when performing the relevant contract</li> </ul> <p>Where the response is being completed on behalf of a consortium of suppliers, a CRP should be completed by each consortium member.</p> <p>If emissions in the Carbon Reduction Plan are not reported for any Scopes or only for some Scopes, please provide an explanation why.</p> <p>If the reporting period is more than 12 months from the date of commencement of the procurement, please provide an explanation why.</p>
O	<p><b>Central Government Only - <a href="#">Skills and Apprentices Above £10m per annum</a></b></p> <p>Please state whether you will be supporting apprenticeships and skills development through this contract.</p> <p>If 'YES' please set out how you will develop and maintain skills to build a more skilled and productive workforce. Please also provide details of the process in place to ensure that your supply chain supports skills, development and apprenticeships.</p> <p>You should confirm if evidence is available to support this if requested</p>
O	<p><b>Central Government Only - <a href="#">Steel in Major Projects</a></b></p> <p>For contracts involving major projects where steel is a component, please describe the supply chain management systems, policies, standards and procedures you have in place to ensure robust supply chain management.</p> <p>Please provide details of previous similar projects where you have demonstrated a high level of competency and effectiveness in managing all supply chain members involved in steel supply or production to ensure a sustainable and resilient supply of steel.</p>
O	<p><b>Central Government Only - <a href="#">Taking Account Of Suppliers' Past Performance</a></b></p>

	<p>On request, can you supply a list of your relevant principal contracts for supplies and/or services provided in the last three years?</p> <p>On request can you provide a past performance certificate from those customers on the list?</p> <p>If you cannot obtain a certificate from a customer can you explain the reasons why?</p> <p>If the certificate states that supplies and/or services supplied were not satisfactory are you able to supply information which shows why this will not recur in this contract if you are awarded it?</p>
O	<p><b>Central Government Only - <a href="#">Tackling Modern Slavery in Supply Chains</a></b></p> <p>If you are a relevant commercial organisation subject to Section 54 of the Modern Slavery Act 2015, and if your latest statement is available electronically please provide:</p> <ul style="list-style-type: none"> <li>● the web address,</li> <li>● precise reference of the documents.</li> </ul> <p>If your latest statement is not available electronically, please provide a copy.</p> <p>If you are not a relevant commercial organisation subject to Section 54 of the Modern Slavery Act 2015 (for example if your turnover is less than £36 million or you do not carry on your business, or part of your business, in the UK), please provide the above information in relation to any published statements on modern slavery or other relevant documents containing information of a similar type/level.</p> <p>Any modern slavery statement or other statement or document should contain at least the following information:</p> <ol style="list-style-type: none"> <li>a. the organisation's structure, its business and its supply chains;</li> <li>b. its policies in relation to slavery and human trafficking;</li> <li>c. its due diligence processes in relation to slavery and human trafficking in its business and supply chains;</li> <li>d. the parts of its business and supply chains where there is a risk of slavery and human trafficking taking place, and the steps it has taken to assess and manage that risk;</li> <li>e. its effectiveness in ensuring that slavery and human trafficking is not taking place in its business or supply chains, measured against such performance indicators as it considers appropriate;</li> <li>f. the training and capacity building about slavery and human trafficking available to its staff; or</li> </ol> <p>If all of this information is not included in your modern slavery statement or other statement or documents, please provide an explanation as to why not and/or assurances that it will be included before contract award.</p>

M	<b>DECLARATION</b>
M	<p>I declare that to the best of my knowledge the answers submitted and information contained in this complete document are correct and accurate, including parts 1, 2 and part 3.</p> <p>I declare that, upon request and without delay I will provide the certificates or documentary evidence referred to in this document except where this</p>

	<p>documentation can be accessed by the contracting authority via a national database in any country free of charge or the contracting authority already possesses the documentation.</p> <p>I understand that the information will be used in the selection process to assess my suitability to participate further in this procurement.</p> <p>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.</p> <p>I am aware of the consequences of serious misrepresentation.</p> <p><b>Signature (electronic is acceptable)</b></p> <p><b>Date</b></p>
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M	Contact details of those making the declaration
M	<p>Contact name</p> <p>Name of organisation</p> <p>Role in organisation</p> <p>Phone number</p> <p>E-mail address</p> <p>Postal address</p>

## Annex C - Selection Questionnaire Template / Single Procurement Document (SPD)

*This template is available for use by contracting authorities that are not utilising the list of selection questions in their e-procurement platform. It requires customising to reflect the specific procurement.*

### Standard Selection Questionnaire Template

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

The SQ template includes a self-declaration, made by you (the potential supplier), that none of the grounds for exclusion apply<sup>17</sup>. If any of the grounds for exclusion do apply, there is an opportunity to explain any measures you have taken to demonstrate your reliability notwithstanding the existence of a ground for exclusion (we call this self-cleaning).

We require all the organisations that form part of your bidding group/consortium and each subcontractor that you are relying on to meet the selection criteria to provide a completed part 1 and part 2. This means that where you are joining a group of organisations, including joint ventures and partnerships, each organisation in that group must complete one of these self-declarations. Subcontractors that you rely on to meet the selection criteria, must also complete a self-declaration (although subcontractors 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.

**Note for Contracting Authorities: The following paragraph is optional for inclusion, authorities can delete it if they prefer to receive only electronic versions in Word/ PDF versions of the standard Selection Questionnaire.**

#### Supplier Selection Questions: Part 3

The procurement documents will provide instructions on the selection questions you need to respond to and how to submit those responses. If you are bidding on behalf of a group/consortium or you intend to use subcontractors, you should complete all of the selection questions on behalf of the group/consortium and/or any subcontractors.

If the relevant documentary evidence referred to in the Selection Questionnaire is not provided upon request and without delay we reserve the right to exclude you from the procurement process, including where an award decision has already been notified, and award to another supplier.

#### 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

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<sup>17</sup> See Annex D for full list of exclusions

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.

**[INSERT PROCUREMENT NAME]**

**[INSERT REFERENCE NUMBER]**

**[INSERT PROCUREMENT PROCEDURE e.g. OPEN, RESTRICTED]**

**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 subcontractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the authority immediately of any change in the proposed arrangements and ensure a completed part 1 and part 2 is submitted for any new organisation relied on to meet the selection criteria. The authority will make a revised assessment of the submission based on the updated information.

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

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

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

may be covered. It isn't necessary to identify which entities and persons you think are covered but you must be satisfied that your declaration is made in respect of all of those that are covered.

**7. Note for Contracting Authorities: The following paragraph is optional for inclusion if a decision has been made to request a self-declaration of the exclusion grounds from subcontractors. All subcontractors are required to complete their own part 1 and part 2<sup>18</sup>.**

**8. Note for Contracting Authorities: Para 7 may be amended so separate part 3 answers are requested from each member of the group. This may be required for example for frameworks.**

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

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.

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

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<sup>18</sup> See [PCR 2015 regulations 71 \(8\)-\(9\)](http://www.legislation.gov.uk/uksi/2015/102/pdfs/ukxi_20150102_en.pdf) [http://www.legislation.gov.uk/uksi/2015/102/pdfs/ukxi\\_20150102\\_en.pdf](http://www.legislation.gov.uk/uksi/2015/102/pdfs/ukxi_20150102_en.pdf)



**Part 1: Your information and the bidding model.**

You must answer all questions in parts 1 and 2, and you must answer all questions in part 3 as well. **[Contracting Authorities to change this instruction if all members of the group or required to submit a completed part 3]**

Bidders must ensure that every organisation on which they will rely to meet the selection criteria completes and submits their own answers and declaration for part 1 and 2.

Section 1		Your information
Question number	Question	Response
1.1(a)	Name (if registered, please give the registered name)	
1.1(b) – (i)	Registered address (if applicable) or head office address	
1.1(b) – (ii)	Registered website address (if applicable)	
1.1(c)	Trading status a) - public limited company b) - private limited company c) - limited liability partnership d) - other partnership e) - sole trader f) - third sector g) - other (please specify your trading status)	
1.1(d)	Date of registration (if applicable) or date of formation.	
1.1(e)	Registration number (company, partnership, charity, etc if applicable).	
1.1(f)	Registered VAT number.	
1.1(g) - (i)	Are you registered with the appropriate professional or trade register(s) specified for this procurement in the country where your organisation is established?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
1.1(g) - (ii)	If you responded yes to 1.1(g) - (i), please provide the relevant details, including the name of the register and registration number(s), and if evidence of registration is available electronically, please provide - the website address, - issuing body - reference number.	
1.1(h) - (i)	For procurements for services only, is it a legal requirement in the country where you are established for you to:  a) possess a particular authorisation, or	Yes <input type="checkbox"/> No <input type="checkbox"/>

	<p>b) be a member of a particular organisation,</p> <p>to provide the requirements specified in this procurement?</p>	
1.1(h) - (ii)	<p>If you responded yes to 1.1(h) - (i), please provide additional details of what is required, confirmation that you have complied with this and, if evidence of compliance is available electronically, please give the website address, issuing body and reference number.</p>	
1.1(i)	<p>Relevant classifications (state whether you fall within one of these, and if so which one)</p> <p>a) Voluntary Community Social Enterprise (VCSE).</p> <p>b) Sheltered Workshop.</p> <p>c) Public service mutual.</p>	
1.1(j)	<p>Are you a Small, Medium or Micro Enterprise (SME)<sup>19</sup>?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
1.1 (k)	<p>Details of Persons with Significant Control (PSC)<sup>20</sup>, where appropriate<sup>21</sup>:</p> <ul style="list-style-type: none"> <li>- Name</li> <li>- Date of birth</li> <li>- Nationality</li> <li>- Country, state or part of the UK where the PSC usually lives</li> <li>- Service address</li> <li>- The date he or she became a PSC in relation to the company ;</li> <li>- Which conditions for being a PSC are met: <ul style="list-style-type: none"> <li>- Over 25% up to (and including) 50%</li> <li>- More than 50% and less than 75%</li> <li>- 75% or more</li> </ul> </li> </ul> <p>(Please enter N/A if not applicable)</p>	
1.1(l)	<p>Details of your immediate parent company:</p> <ul style="list-style-type: none"> <li>- Full name of immediate parent company,</li> </ul>	

<sup>19</sup> See definition of SME [https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition\\_en](https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en)

<sup>20</sup> UK companies, Societates European (SEs) and limited liability partnerships (LLPs) are required to identify and record the people who own or control their company. Companies, SEs and LLPs are required to keep a PSC register, and must file the PSC information with the central public register at Companies House. See [PSC guidance](#). Overseas bidders are required to provide equivalent information.

<sup>21</sup> Only information that relates to the persons with powers of representation, decision or control within the meaning of regulation 57(2) can be considered in relation to the mandatory exclusion grounds and other details are requested for information only.

	- Registered or head office address, - Registration number (if applicable), - VAT number (if applicable), Please enter N/A if not applicable)	
1.1(m)	Details of ultimate parent company: - Full name of ultimate parent company, - Registered or head office address, - Registration number (if applicable), - VAT number (if applicable), (Please enter N/A if not applicable)	
Please note: A criminal record check for relevant convictions may be undertaken for the preferred supplier and all relevant persons and entities (as described above).		

<b>Please provide the following information about your approach to this procurement:</b>		
<b>Section 1 (cont.)</b>	<b>Bidding model</b>	
<b>Question number</b>	<b>Question</b>	<b>Response</b>
1.2	<p>Please indicate if you are bidding as a single supplier or as part of a group or consortium?</p> <p><i>If you are bidding as a single supplier please go to Q 1.3.</i></p> <p>If you are bidding as part of a group or consortium (including where you intend to establish a legal entity to deliver the contract, or you are a subcontractor), please tell us:</p> <p>a) The name of the group/consortium.</p> <p>b) The proposed structure of the group/consortium, including the legal structure where applicable.</p> <p>c) The name of the lead member in the group/consortium.</p> <p>d) Your role in the group/consortium (e.g. lead member, consortium member, subcontractor).</p> <p>e) If you are the lead member in the group/consortium, whether you are relying on other consortium members to meet the selection criteria (i.e. are you relying on other consortium members for economic and technical standing and/or technical and professional ability?) and, if so, which criteria you are relying on them for</p>	

1.3	<p>If you are proposing to use subcontractors/a supply chain, please provide the details for each one<sup>22</sup>.</p> <ul style="list-style-type: none"> <li>- Name</li> <li>- Registration number</li> <li>- Registered or head office address,</li> <li>- Trading status <ul style="list-style-type: none"> <li>a. Public limited company</li> <li>b. Private limited company</li> <li>c. Limited liability partnership</li> <li>d. Other partnership</li> <li>e. Sole trader</li> <li>f. Third sector</li> <li>g. Other (please specify your trading status)</li> </ul> </li> <li>- Registered VAT number</li> <li>- SME (Yes/No)</li> <li>- The role each subcontractor will take in providing the works and /or supplies e.g. key deliverables - if known</li> <li>- The approximate % of contractual obligations assigned to each subcontractor, if known</li> <li>- Is the subcontractor being relied upon to meet the selection criteria (i.e. are you relying on the subcontractor for economic and technical standing and/or technical and professional ability?) and, if so, which criteria are you relying on them for?</li> </ul>	
1.4	<p><b>Lots</b></p> <p>Where applicable, please tell us which lot(s) you wish to bid for?</p>	<p><b>Answer</b></p>

<sup>22</sup> This applies to all supply chain members and/or subcontractors, where their identity is known at this stage, irrespective of whether you are relying on them to meet the selection criteria. Where a supply chain member and/or subcontractor has been identified in response to this question, any resulting subcontract entered into with that subcontractor for that part of the works, services or supplies identified in response to that question will not be subject to the requirement for contracts to advertise the subcontracting opportunity, as set out in PPN 01/18.

## Part 2: Exclusion Grounds

Please answer the following questions in full. Note that every organisation that forms part of your bidding group/consortium, as well as every organisation that is being relied on (including subcontractors being relied on) to meet the selection criteria must complete and submit responses to part 1 and the declarations in part 2.

Section 2	Grounds for mandatory exclusion	
Question number	Question	Declaration
2.1 (a)	<p>Within the past five years, anywhere in the world, have you or any person who:</p> <ul style="list-style-type: none"> <li>• is a member of the supplier's administrative, management or supervisory body or</li> <li>• has powers of representation, decision or control in the supplier<sup>23</sup>,</li> <li>• been convicted of any of the offences within the summary below and listed in full in Annex D?</li> </ul>	
	Participation in a criminal organisation.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Corruption.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Terrorist offences or offences linked to terrorist activities.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Money laundering or terrorist financing.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Child labour and other forms of trafficking in human beings.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any jurisdiction <u>outside</u> England, Wales or Northern Ireland.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Any other offence within the meaning of Article 57(1) of the Directive created after 26th February 2015 in England, Wales or Northern Ireland.	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.1(b)	<p><b>If you have answered yes to any part of question 2.1(a), please provide further details, including:</b></p> <ul style="list-style-type: none"> <li>• date of conviction and the</li> </ul>	

<sup>23</sup> see Notes for Completion

	<p>jurisdiction,</p> <ul style="list-style-type: none"><li>• which of the grounds listed the conviction was for,</li><li>• the reasons for conviction,</li><li>• the identity of who has been convicted.</li></ul> <p>If the relevant documentation is available electronically please provide:</p> <ul style="list-style-type: none"><li>• the web address,</li><li>• issuing authority,</li><li>• precise reference of the documents.</li></ul>	
2.1(c)	<p>If you have answered yes to any part of the question above please explain what measures have been taken to demonstrate your reliability despite the existence of relevant grounds for exclusion. (Self cleaning).</p>	

Section 3	Mandatory and discretionary grounds relating to the payment of taxes and social security contributions	
<p>The detailed grounds for mandatory and discretionary exclusion of a supplier for non-payment of taxes and social security contributions, are set out in Annex D, and should be referred to before completing these questions.</p>		
Question number	Question	Declaration
3.1(a)	<p>Please confirm that you have met all your obligations relating to the payment of taxes and social security contributions, both in the country in which you are established and in the UK.</p> <p>If documentation is available electronically please provide:</p> <ul style="list-style-type: none"> <li>● the web address,</li> <li>● issuing authority,</li> <li>● precise reference of the documents</li> </ul>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
3.1(b)	<p>If you have answered no to 3.1(a) please provide further details including the following:</p> <ul style="list-style-type: none"> <li>● Country concerned,</li> <li>● what is the amount concerned</li> <li>● how the breach was established, i.e. through a judicial or administrative decision or by other means.</li> <li>● if the breach has been established through a judicial or administrative decision please provide the date of the decision,</li> <li>● if the breach has been established by other means please specify the means.</li> </ul>	
3.2	<p>Please also confirm whether you have paid, or have entered into a binding arrangement with a view to paying, the outstanding sum including, where applicable, any accrued interest and/or fines.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>Please Note: We reserve our right to use our discretion to exclude your bid where we can demonstrate by any appropriate means that you are in breach of your obligations relating to the payment of taxes or social security contributions</p>		

Section 4	Grounds for Discretionary Exclusion	
The detailed grounds for discretionary exclusion of an organisation are set out in Annex D, and should be referred to before completing these questions.		
Question number	Question	Declaration
4.1	Within the past three years, anywhere in the world, have any of the situations summarised below and listed in full in Annex D applied to you?	
4.1(a)	Breach of environmental obligations? To note that environmental law obligations include Health and Safety obligations. See Annex D.	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(b)	Breach of social law obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(c)	Breach of labour law obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(d)	Bankruptcy or subject of insolvency?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(e)	Guilty of grave professional misconduct?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(f)	Distortion of competition?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(g)	Conflict of interest?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(h)	Been involved in the preparation of the procurement procedure?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(i)	Prior performance issues?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(j)	Do any of the following statements apply to you?	
4.1(j) - (i)	You have been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria.	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(j) - (ii)	You have withheld such information.	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(j) –(iii)	You are not able, without delay, to submit documents if/when required under Regulation 59.	Yes <input type="checkbox"/> No <input type="checkbox"/>



4.1(j)-(iv)	<p>You have undertaken to unduly influence the decision-making process of the contracting authority to obtain confidential information that may confer upon you undue advantages in the procurement procedure, or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
4.2	<p>You are a relevant commercial organisation subject to Section 54 of the Modern Slavery Act 2015 if you carry on your business, or part of your business in the UK, supplying goods or services and you have an annual turnover of at least £36 million.</p> <p>If you are a relevant commercial organisation please -</p> <ul style="list-style-type: none"> <li>• confirm that you have published a statement as required by Section 54 of the Modern Slavery Act.</li> <li>• confirm that the statement complies with the requirements of Section 54.</li> </ul>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
4.3	<p>If you have answered YES to any of the questions in 4.1, or NO to question 4.2, please explain what measures have been taken to demonstrate your reliability despite the existence of a relevant ground for exclusion. (Self cleaning)</p>	

Part 3: Selection Questions		
Section 5	Economic and Financial Standing	
Question number	Question	Response
5.1	<p>If documentary evidence of economic and financial standing is available electronically (e.g. financial statements filed with Companies House), please provide:</p> <ul style="list-style-type: none"> <li>● the web address</li> <li>● issuing authority</li> <li>● precise reference of the documents</li> </ul>	
5.2	<p>If documentary evidence of economic and financial standing is not available electronically, please provide a copy of your detailed accounts for the last two years (audited if required by law).</p> <p>Also, for any other person or entity on whom you are relying to meet the selection criteria relating to economic and financial standing, please provide a copy of their detailed accounts for the last two years (audited if required by law).</p>	
5.3	<p>If you are not able to provide a response to questions 5.1 or 5.2, please provide any of the following alternatives.</p>	
5.3(a)	<p>A statement of your annual turnover, Profit and Loss Account/Income statement, Balance Sheet/statement of Financial Position and Statement of Cash Flow for the most recent year(s) of trading and a bank letter outlining the current cash and credit facility position.</p>	
5.3(b)	<p>Alternative information to evidence economic and financial standing (e.g. forecast financial statements and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).</p>	
5.4	<p>Where we have specified a minimum level of economic and financial standing and/or a minimum financial threshold within the evaluation criteria for this procurement, please self-certify by answering 'Yes' or 'No' that you meet the requirements set out.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>

5.5	Where you are relying on another member of your bidding group/consortium or any subcontractors or other security in order to meet the selection criteria relating to economic and financial standing, please confirm that the relevant person or entity is willing to provide a guarantee or other security if required	
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Section 6	Technical and Professional Ability	
Question number	Question	
6.1	<p><b>Relevant experience and contract examples</b></p> <p>Please provide details of up to three contracts, to meet the technical and professional ability criteria set out in the procurement documents in any combination from either the public or private sectors; voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. VCSEs may include samples of grant-funded work. Where this procurement is for supplies or services, the examples must be from the past three years. Where this procurement is for works, the examples may be from the past five years.</p> <p>The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.</p> <p>For consortium bids, or where you have indicated that you are relying on a subcontractor in order to meet the technical and professional ability, you should provide relevant examples of where the consortium/particular member/subcontractors have delivered similar requirements. If this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle is to be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or members of the Special Purpose Vehicle or subcontractors (three examples are not required from each member).</p> <p>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 main intended provider(s) or subcontractor(s) who will deliver the contract.</p> <p><b>For each contract please provide the following information</b></p> <p>If you cannot provide examples see question 6.2</p>	

	Contract 1	Contract 2	Contract 3
Name of customer organisation who signed the contract			

Name of supplier who signed the contract			
Point of contact in the customer's organisation.			
Position in the customer's organisation			
E-mail address			
Description of contract.			
Contract Start date.			
Contract completion date.			
Estimated contract value			

6.2	If you cannot provide at least one example for questions 6.1, in no more than [500] words please provide an explanation for this and how you meet the selection criteria relating to technical and professional ability e.g. your organisation is a new start-up or you have provided services in the past but not under a contract.
6.3	Where you intend to subcontract a proportion of the contract, please demonstrate how you have previously maintained healthy supply chains with your subcontractor(s).  The description should include, but is not limited to, details of your supply chain management tracking systems to ensure performance of the contract and including prompt payment and whether you are a signatory of the UK Prompt Payment Code (or have given commitments under other equivalent schemes).

<b>Section 7</b>		<b>Additional Questions including Project Specific Questions</b>	
<b>Question number</b>	<b>Question</b>	<b>Response</b>	
7.1	<p><b>Insurance</b> Please confirm 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>*There is a legal requirement for certain employers to hold Employer's (Compulsory) Liability Insurance of £5 million as a minimum. See the Health and Safety Executive website for more information:  <a href="http://www.hse.gov.uk/pubns/hse39.pdf">http://www.hse.gov.uk/pubns/hse39.pdf</a></p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
7.2	<b>Data protection – (Contracting Authorities: please refer to supplier selection guidance before using these questions)</b>	
7.2(a)	Please confirm that you have in place, or that you will have in place by contract award, the human and technical resources to perform the contract to ensure compliance with the UK General Data Protection Regulations and to ensure the protection of the rights of data subjects.	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
7.2(b)	<p>Please provide details of the technical facilities and measures (including systems and processes) you have in place, or will have in place by contract award, to ensure compliance with the UK General Data Protection Regulations and to ensure the protection of the rights of data subjects. Your response should include, but should not be limited to facilities and measures:</p> <ul style="list-style-type: none"> <li>• to ensure ongoing confidentiality, integrity, availability and resilience of processing systems and services;</li> <li>• to comply with the rights of data subjects in respect of receiving privacy information, and access, rectification, deletion and portability of personal data;</li> <li>• to ensure that any consent based processing meets standards of active, informed consent, and that such consents are recorded and auditable;</li> <li>• to ensure legal safeguards are in place to legitimise transfers of personal data outside the EU (if such transfers will take place);</li> <li>• to maintain records of personal data processing activities; and</li> <li>• to regularly test, assess and evaluate the effectiveness of the above measures.</li> </ul>	
7.3	<b>Health and Safety - (Contracting Authorities: please refer to supplier selection guidance before using these questions)</b>	
7.3 (a)	Please describe the arrangements you have in place to manage health and safety effectively and control significant risks relevant to the requirement (including risks from the use of contractors, where relevant). Please use no more than [500] words.	
7.3 (b)	<p><b>For use with Steel question</b> - Please provide all the relevant details of previous breaches of health and safety legislation in the last 5 years, applicable to the country in which you operate on comparable projects, for both:</p> <ul style="list-style-type: none"> <li>• your organisation</li> </ul>	

	<ul style="list-style-type: none"> <li>all your supply chain members involved in the production or supply of steel</li> </ul>	
7.4	<p><b>Payment in Contracts Above £5m per annum (Central Government Contracts)</b></p> <p>If you intend to use a supply chain for this contract, you must demonstrate you have effective systems in place to ensure a reliable supply chain. This question is focused on exploring your payment systems.</p> <p>If your response to 7.4 (a) below is <b>NO</b> and you do not intend to use a supply chain for this contract, you are not required to complete the subsequent questions</p>	
7.4 (a)	Please confirm if you intend to use a supply chain for this contract (i.e. services that are used wholly or substantially for the purpose of performing or contributing to the performance of the whole or part of the contract)	Yes <input type="checkbox"/> No <input type="checkbox"/> If “No” you do not need to complete the rest of this section <b>NOT SCORED</b>
7.4 (b)	Please confirm that you have systems in place to pay those in your supply chain promptly and effectively, i.e. within your agreed contractual terms.	Yes <input type="checkbox"/> No <input type="checkbox"/> <b>PASS/FAIL</b>
7.4 (c)	Please confirm you have procedures for resolving disputed invoices with those in your supply chain promptly and effectively.  This should include all situations where payments are due; not all payments involve an invoice <sup>24</sup> .  You should explain this in the tender documents	Yes <input type="checkbox"/> No <input type="checkbox"/>  <b>PASS/FAIL</b>
<p><b>PUBLIC SECTOR CONTRACTS ONLY – Requirement under the Public Contracts Regulations 2015 (Regulation 113)</b></p>		
7.5	Please confirm that for public sector contracts awarded under the Public Contract Regulations 2015 you have systems in place to include (as a minimum) 30 day payment terms in all of your supply chain contracts and require that such terms are passed down through your supply chain.	Yes <input type="checkbox"/> No <input type="checkbox"/>  <b>PASS/FAIL</b>
<p><b>PUBLIC AND PRIVATE SECTOR CONTRACTS</b></p>		
7.6 (a)	(a) Please provide the percentage of invoices <sup>25</sup> paid by you to those in your immediate supply chain on all contracts for each of the two previous six month reporting periods <sup>26</sup> . This should include the percentage of invoices paid within each of the following categories: <ol style="list-style-type: none"> <li>within 30 days</li> <li>in 31 to 60 days</li> <li>in 61 days or more</li> <li>due but not paid by the last date for payment under agreed contractual terms.</li> </ol>	

<sup>24</sup> See PPN 08/21 FAQs.

<sup>25</sup> This should include all situations where payments are due; not all payments involve an invoice (see FAQs).  
You should explain this in the tender documents

<sup>26</sup> You should explain in the tender documents what a reporting period is by referring to the BEIS Guidance:  
<https://www.gov.uk/government/publications/business-payment-practices-and-performance-reporting-requirements>

<p>7.6 (b)</p> <p>7.6 (c)</p>	<p>It is acceptable to cross refer to information that has previously been submitted to Government or other bodies or is publicly available (provided it covers the required reporting periods), including data published in accordance with the Reporting on Payment Practices and Performance Regulations 2017. If you do wish to cross refer, please provide details and/or insert link(s).</p> <p>(b) If you are unable to demonstrate that all invoices have been paid within the agreed contractual terms, please explain why.</p> <p>(c) If you are unable to demonstrate that &gt;95% of invoices payable to your supply chain on all contracts have been paid within 60 days of the receipt of the invoice in at least one of the last two six months reporting periods please provide an action plan for improvement which includes (as a minimum) the following:</p> <ul style="list-style-type: none"> <li>• Identification of the primary causes of failure to pay: <ul style="list-style-type: none"> <li>o 95% of all supply chain invoices within 60 days; and</li> <li>o if relevant under question 7.6(b), all invoices within agreed terms.</li> </ul> </li> <li>• Actions to address each of these causes.</li> <li>• A mechanism for and commitment to regular reporting on progress to the bidder’s audit committee (or equivalent).</li> <li>• A plan signed off by your director</li> <li>• Plan published on its website (this can be a shorter, summary plan).</li> </ul> <p>If you have an existing action plan prepared for a different purpose, it is acceptable to attach this but it should contain the above features</p> <p><b>Note:</b> if you are required to submit an action plan under question 7.6(c), this action plan must also set out steps to address your payment within agreed terms, in order to achieve a pass for question 7.6 (c).</p>	
<p>7.7</p> <p>7.7 (a)</p> <p>7.7 (b)</p> <p>7.7 (c)</p> <p>7.7 (d)</p> <p>7.7 (e)</p> <p>7.7 (e) (i)</p> <p>7.7 (e) (ii)</p> <p>7.7 (e) (iii)</p> <p>7.7 (e) (iv)</p> <p>7.7 (f) (i)</p>	<p><b>Carbon Reduction In Contracts Above £5m per annum (Central Government Contracts)</b></p> <p>Please confirm that you have detailed your environmental management measures by completing and publishing a Carbon Reduction Plan which meets the required reporting standard</p> <p>Provide a link to your most recently published Carbon Reduction Plan here:</p> <p>Please confirm that your organisation is taking steps to reduce your GHG Emissions over time and is publicly committed to achieving Net Zero by 2050</p> <p>Please provide your current Net Zero Target Date:</p> <p>Supplier Emissions Declaration</p> <p>Baseline Year:</p> <p>Scope 1 emissions:</p> <p>Scope 2 emissions:</p> <p>Scope 3 emissions:</p> <p>Current/Most Recent Reporting Year:</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>PASS/FAIL</p> <p>Provide a web link (URL) to your CRP</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>PASS/FAIL</p> <p>Year of Net Zero Target, e.g. 2050</p>

7.7 (f) (ii)	Scope 1 emissions:	
7.7 (f) (iii)	Scope 2 emissions:	
7.7 (f) (iv)	Scope 3 emissions:	
7.8	<b>Skills and Apprentices In Contracts Above £10m per annum (Central Government Contracts)</b>	
7.8 (a)	Please state whether you will be supporting apprenticeships and skills development through this contract.	Yes <input type="checkbox"/> No <input type="checkbox"/>
7.8 (b)	If 'YES' please set out how you will develop and maintain skills to build a more skilled and productive workforce. Please also provide details of the process in place to ensure that your supply chain supports skills, development and apprenticeships.	
7.9	<b>Steel in Major Projects (Central Government Contracts)</b>	
7.9 (a)	For contracts involving major projects where steel is a component, please describe the supply chain management systems, policies, standards and procedures you have in place to ensure robust supply chain management.	
7.9 (b)	Please provide details of previous similar projects where you have demonstrated a high level of competency and effectiveness in managing all supply chain members involved in steel supply or production to ensure a sustainable and resilient supply of steel.	
7.10	<b>Suppliers' Past Performance<sup>27</sup> (Central Government Contracts)</b>	
7.10 (a)	Can you supply a list of your relevant principal contracts for goods and/or services provided in the last three years?	Yes <input type="checkbox"/> No <input type="checkbox"/>
7.10 (b)	On request can you provide a certificate from those customers on the list?	Yes <input type="checkbox"/> No <input type="checkbox"/>
7.10 (c)	If you cannot obtain a certificate from a customer can you explain the reasons why?	Yes <input type="checkbox"/> No <input type="checkbox"/>
7.10 (d)	If the certificate states that goods and/or services supplied were not satisfactory are you able to supply information which shows why this will not recur in this contract if you are awarded it?	Yes <input type="checkbox"/> No <input type="checkbox"/>
7.10 (e)	Can you supply the information in questions a. to d. above for any subcontractors [or consortium members] who you are relying upon to perform this contract?	Yes <input type="checkbox"/> No <input type="checkbox"/>

<sup>27</sup> Procurement Policy Note 04/15 Taking Account of Suppliers' Past Performance



<p>7.11</p> <p>7.11 (a)</p> <p>7.11 (b)</p> <p>7.11 (c)</p> <p>7.11 (d)</p>	<p><b>Tackling Modern Slavery in Supply Chains<sup>28</sup></b> <b>(Central Government Contracts)</b></p> <p>If you are a relevant commercial organisation subject to Section 54 of the Modern Slavery Act 2015, and if your latest statement is available electronically please provide:</p> <ul style="list-style-type: none"> <li>• the web address,</li> <li>• precise reference of the documents.</li> </ul> <p>If your latest statement is not available electronically, please provide a copy.</p> <p>If you are not a relevant commercial organisation subject to Section 54 of the Modern Slavery Act 2015 (for example if your turnover is less than £36 million or you do not carry on your business, or part of your business, in the UK), please provide the above information in relation of any published statements on modern slavery or other relevant documents containing information of a similar type/level.</p> <p>Any modern slavery statement or other statement or document should contain at least the following information:</p> <ol style="list-style-type: none"> <li>a. the organisation’s structure, its business and its supply chains;</li> <li>b. its policies in relation to slavery and human trafficking;</li> <li>c. its due diligence processes in relation to slavery and human trafficking in its business and supply chains;</li> <li>d.the parts of its business and supply chains where there is a risk of slavery and human trafficking taking place, and the steps it has taken to assess and manage that risk;</li> <li>e. its effectiveness in ensuring that slavery and human trafficking is not taking place in its business or supply chains, measured against such performance indicators as it considers appropriate;</li> <li>f. the training and capacity building about slavery and human trafficking available to its staff; or</li> </ol> <p>If all of this information is not included in your modern slavery statement or other statement or documents, please provide an explanation as to why not and/or assurances that it will be included before contract award.</p>	
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<sup>28</sup> <https://www.gov.uk/government/publications/ppn-0223-tackling-modern-slavery-in-government-supply-chains>

**Contact details and declaration**

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

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

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

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

I am aware of the consequences of serious misrepresentation.

Signature (electronic is acceptable)

Date

**Contact details of those making the declaration**

	Response
Contact name	
Name of organisation	
Role in organisation	
Phone number	
E-mail address	
Postal address	

# Annex D - Exclusion Grounds: Public Procurement

## **Mandatory Exclusion Grounds**

Listed in Public Contract Regulations 2015 (as amended) R57(1), (2) and (3) and the Public Contract Directives 2014/24/EU Article 57(1).

### **Participation in a criminal organisation**

- ❖ Participation offence as defined by section 45 of the Serious Crime Act 2015
- ❖ Conspiracy within the meaning of:
  - section 1 or 1A of the Criminal Law Act 1977; or
  - article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983,

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

### **Corruption**

- ❖ Corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906;
- ❖ The common law offence of bribery;
- ❖ Bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010, or section 113 of the Representation of the People Act 1983.

### **Terrorist offences or offences linked to terrorist activities**

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

### **Money laundering or terrorist financing**

- ❖ Money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002
- ❖ An offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996.

### **Child labour and other forms of trafficking human beings**

- ❖ An offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004;
- ❖ An offence under section 59A of the Sexual Offences Act 2003
- ❖ An offence under section 71 of the Coroners and Justice Act 2009;
- ❖ An offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994
- ❖ An offence under section 1, 2 or section 4 of the Modern Slavery Act 2015.

### **Non-payment of tax and social security contributions**

- ❖ Breach of obligations relating to the payment of taxes or social security contributions that has been established by a judicial or administrative decision.
- ❖ Where any tax returns submitted on or after 1 October 2012 have been found to be incorrect as a result of:
  - HMRC successfully challenging the potential supplier under the General Anti – Abuse Rule (GAAR) or the “Halifax” abuse principle; or
  - a tax authority in a jurisdiction in which the potential supplier is established successfully challenging it under any tax rules or legislation that have an effect equivalent or similar to the GAAR or “Halifax” abuse principle;
  - a failure to notify, or failure of an avoidance scheme which the supplier is or was involved in, under the Disclosure of Tax Avoidance Scheme rules (DOTAS) or any equivalent or similar regime in a jurisdiction in which the supplier is established.

### **Other offences**

- ❖ Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any jurisdiction outside England, Wales and Northern Ireland.
- ❖ Any other offence within the meaning of Article 57(1) of the Directive created after 26<sup>th</sup> February 2015 in England, Wales or Northern Ireland.

## **Discretionary Exclusions Grounds**

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

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

- Where an organisation has violated applicable obligations in the fields of environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X to the Directive (see copy below) as amended from time to time; including, but not limited to, the following:-
  - In the last 3 years, where the organisation or any of its Directors or Executive Officers has been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body).
  - In the last three years, where the organisation has had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds of alleged unlawful discrimination.
  - In the last three years where the organisation has been convicted of a breach of the Health and Safety legislation.
  - In the last three years, where any finding of unlawful discrimination has been made against the organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or incomparable proceedings in any jurisdiction other than the UK).
  - Where the organisation has been in breach of section 15 of the Immigration, Asylum, and Nationality Act 2006;
  - Where the organisation has a conviction under section 21 of the Immigration, Asylum, and Nationality Act 2006;
  - Where the organisation has been in breach of the National Minimum Wage Act 1998.

### **Bankruptcy, insolvency**

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

### **Grave professional misconduct**

- Guilty of grave professional misconduct

### **Distortion of competition**

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

### **Conflict of interest**

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

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

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

#### **Prior performance issues**

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

#### **Misrepresentation and undue influence**

- The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award, or withheld such information or is not able to submit supporting documents required under regulation 59.

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

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

#### **Additional grounds**

ANNEX X Extract from Public Procurement Directive 2014/24/EU

LIST OF INTERNATIONAL SOCIAL AND ENVIRONMENTAL CONVENTIONS REFERRED TO IN ARTICLE 18(2) —

- ILO Convention 87 on Freedom of Association and the Protection of the Right to Organise;
- ILO Convention 98 on the Right to Organise and Collective Bargaining;
- ILO Convention 29 on Forced Labour;
- ILO Convention 105 on the Abolition of Forced Labour;
- ILO Convention 138 on Minimum Age;
- ILO Convention 111 on Discrimination (Employment and Occupation);
- ILO Convention 100 on Equal Remuneration;
- ILO Convention 182 on Worst Forms of Child Labour;
- Vienna Convention for the protection of the Ozone Layer and its Montreal Protocol on substances that deplete the Ozone Layer;
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention);
- Stockholm Convention on Persistent Organic Pollutants (Stockholm POPs Convention)
- Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (UNEP/FAO) (The PIC Convention) Rotterdam, 10 September 1998, and its 3 regional Protocols.

#### **Consequences of misrepresentation**

A serious misrepresentation which induces a contracting authority to enter into a contract may have the following consequences for the signatory that made the misrepresentation:-

- The potential supplier may be excluded from bidding for contracts for three years, under regulation 57(8)(h)(i) of the PCR 2015;
- The contracting authority may sue the supplier for damages and may rescind the contract under the Misrepresentation Act 1967.
- If fraud, or fraudulent intent, can be proved, the potential supplier or the responsible officers of the potential supplier may be prosecuted and convicted of the offence of fraud by false representation under s.2 of the Fraud Act 2006, which can carry a sentence of up to 10 years or a fine (or both).
- If there is a conviction, then the company must be excluded from procurement for five years under reg. 57(1) of the PCR (subject to self-cleaning).