



# Procurement Policy Note: Standard Selection Questionnaire (SQ)

**Action Note 8/16 9<sup>th</sup> September 2016**

## **Issue**

1. This Procurement Policy Note (PPN) sets out the revised standard Selection Questionnaire (SQ). It replaces the current standard Pre-Qualification Questionnaire (PQQ). This PPN supersedes the guidance on supplier selection and PQQs in PPN 03/15.
2. To facilitate easy access to procurements from suppliers from the devolved administrations and those in the EU, the standard Selection Questionnaire incorporates the exclusion grounds listed in the Public Contract Regulations 2015 (PCR 2015). The exclusion grounds also align with those listed in the European Single Procurement Document (ESPD).
3. The PCR 2015 lays down the requirements of the ESPD (regulation 59). The Selection Questionnaire is compliant with the requirements of the ESPD.

## **Dissemination and Scope**

4. This PPN applies to all contracting authorities in England, and contracting authorities in Wales and Northern Ireland that exercise wholly or mainly reserved functions for procurements above the thresholds laid down in 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**

5. In-Scope Organisations should apply the provisions of this Action Note with immediate effect.

## **Action**

6. The key actions are as follows:

- Stop using the standard Pre-Qualification Questionnaire for the supplier selection stage of new procurements covered by the Public Contracts Regulations 2015.
- Start using the new standard Selection Questionnaire and comply with the guidance, process and the standard form in the attached annexes.
  - Annex A - Guidance on the selection stage process.
  - Annex B - Standard Selection Questionnaire Template.
  - Annex C - Exclusion Grounds.
  - Annex D - Frequently Asked Questions.

## **Background**

7. The standard Selection Questionnaire has been developed to simplify the supplier selection process for businesses, in particular smaller firms, across the public sector. In developing the SQ the opportunity has been taken to make the questionnaire compliant with the European Single Procurement Document (ESPD), and amended the rules on the selection of suppliers.

## **Contact**

8. Enquiries about this PPN should be directed to the Crown Commercial Service Helpdesk (telephone 0345 410 2222, email [info@crowncommercial.gov.uk](mailto:info@crowncommercial.gov.uk))

## **Public Contracts Regulations 2015**

### **Guidance on the selection stage process, including the new standard Selection Questionnaire**

#### **Introduction**

1. This document contains statutory guidance on the revised process of supplier selection and the new standard Selection Questionnaire to be used. If your organisation is in scope you are required to apply this guidance when undertaking the supplier selection process in procurements above the relevant EU thresholds. You should stop using the standard Pre-qualification Questionnaire (PQQ). This supersedes the guidance on supplier selection and PQQs in Procurement Policy Note 03/15.

#### **Background**

2. Supplier selection is a key stage in public procurement where you gather information on and make assessments of the prospective bidders' credentials, before considering tenders. This includes gathering information about companies' track records, financial credentials, whether they have been involved in corruption, whether they meet various selection criteria, and so on.
3. This new process of supplier selection is very similar to the old one, while introducing some new features and a new form. It modifies and modernises a longstanding procurement practice, and should not be seen as a major shift in the fundamental approach of supplier selection. It aims to ensure a simpler and more consistent approach across the whole public sector.
4. The standard Selection Questionnaire asks potential suppliers to initially just self-declare their status against the exclusion grounds and selection questions. Usually you will only check the status of the winning supplier. This reduces the burden on unsuccessful suppliers and on organisations providing evidence for those checks and aligns with the process required in the PCR 2015 for the ESPD.
5. The standard Selection Questionnaire is structured in 3 separate parts:  
  
Part 1 of the standard Selection Questionnaire covers the basic information about the supplier, such as the contact details, trade memberships, details of parent companies, group bidding and so on.  
  
Part 2 covers a self-declaration regarding whether or not any of the exclusion grounds apply.

Part 3 covers a self-declaration regarding whether or not the company meets the selection criteria in respect of their financial standing and technical capacity

6. This guidance covers:
  - A summary of the key points
  - More detailed advice on particular aspects, including-
    - General guidance on scope, format, and deviations
    - Guidance on particular subsections of the standard Selection Questionnaire
  - Standard Selection Questionnaire
  - List of exclusion grounds
  - Frequently asked questions

### **Summary of Key Points**

7. You should begin using the new standard Selection Questionnaire (SQ) and stop using the current standard Pre-Qualification Questionnaire, for the supplier selection stage of new procurements covered by the Public Contracts Regulations 2015.
8. You must tell potential suppliers in the procurement documents how they are to access the Selection Questionnaire and submit the completed version. There are a number of options:
  - a) Include the standard Selection Questionnaire as provided with this guidance, containing all 3 parts, in the procurement documents; or
  - b) Direct potential suppliers to the EU electronic version of the ESPD, through the Commission's E-ESPD service, and provide the standard selection questions separately in the procurement documents; or
  - c) Provide access details to an e-procurement system that asks the same questions as listed in the standard Selection Questionnaire plus any procurement specific questions. The e-procurement system could also allow potential suppliers to upload SQs completed in other compatible systems, or re-use SQs from previous procurements that have been stored in the e-procurement systems.
9. You should ensure that all the necessary self declarations are received as part of the selection stage evaluation. A Part 1 and Part 2 declaration is mandatory from potential suppliers to declare that they have not breached any of the exclusion grounds. A completed Part 1 and Part 2 declaration is also required of any organisations that potential suppliers rely on to meet the selection criteria. These could be parent companies, affiliates, associates, or essential subcontractors.
10. If a potential supplier, or any organisation they rely on to meet the selection criteria, has breached any of the exclusion grounds, they

have the opportunity to explain how and what action they have taken to rectify the situation (this is called self-cleaning).

11. You must accept a self-assessment of compliance with the exclusion and selection criteria at the early stages of procurement. The evidence is only required when the winning bidder(s) have been identified, or at an earlier stage if that is necessary to ensure the proper conduct of the procedure.
12. You must not add to or change the questions in Part 1 or Part 2 of the standard Selection Questionnaire. Deviations are permissible for the supplier selection questions in Part 3, but must be reported as per the process outlined later in this guidance.
13. You are obliged to accept the self-certification of the exclusion grounds via an EU ESPD template, including ones in different formats from other Member States, if a potential supplier submits one as part of the selection process.
14. An EU ESPD template and response to selection questions submitted by a potential supplier from another Member State, can be evaluated alongside the standard Selection Questionnaire submissions from potential UK suppliers. The exclusion criteria are common to all Member States, and the instructions on the selection questions for the procurement will be provided in the procurement documents and will, therefore, be the same for all potential suppliers.

### **General rules for standard Selection Questionnaire**

15. A declaration that exclusion grounds have not been breached has to be provided with bids in open procedures. For all other procedures it must be provided with requests for participation. However specific contracts (call-offs) placed via frameworks do not require a completed declaration.
16. In a Dynamic Purchasing System (DPS) the standard Selection Questionnaire Part 1 and Part 2 must form part of the selection criteria for entry onto the DPS. An update to these Parts 1 and Part 2 can be asked for at any time during the life of the DPS. You may use Part 3 of the standard Selection Questionnaire as a guide in developing appropriate and proportionate questions for the supplier selection criteria of a DPS.
17. The procurement documents must provide details on how the self-declaration of exclusion grounds section of the questionnaire is to be accessed, list the required selection questions, and tell potential suppliers how to submit responses to the three Parts.
18. Currently there are three ways for a potential supplier to access the exclusion grounds self-declaration (Part 1 and Part 2 of the SQ). The best route for you to select depends on the facilities available to you:
  - Standard Selection Questionnaire. Potential suppliers are asked to complete the standard Selection Questionnaire and submit a

copy alongside the selection evidence. The standard Selection Questionnaire can be found at Annex B. This route can only be used until 18<sup>th</sup> April 2017 after which all submissions must be electronic and are likely to be incorporated into contracting authorities e-procurement systems. 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.

- [EU E-ESPD Service](#) (E-ESPD). This is an online version of the EU ESPD and only covers Part 1 and Part 2 of the standard Selection Questionnaire. You create the ESPD template and include the downloaded XML document with the procurement documents, alongside the standard supplier selection questions and request for selection information. The potential supplier uploads the XML file to the E-ESPD and completes the self-declaration. The potential supplier completes the E-ESPD in their own language against their own national exclusion grounds, and the E-ESPD provides the translations. The potential supplier then downloads the completed XML file and attaches it with their selection evidence/bid. Upon receipt of the file you upload it into the E-ESPD system to check it. Using this route, Part 3 supplier selection questions are asked separately in the procurement documents.
  - E-procurement system. The self-declaration on the exclusion grounds can be built into interoperable e-procurement systems that allow the answers to be reused and exchanged between e-procurement systems both nationally and across Member States. If this option is selected the procurement documents simply provide the link to the e-procurement system, provided it offers unrestricted and full direct access free of charge to all potential suppliers. The EU Commission has also provided coding that facilitates the exchange of ESPD data between e-procurement systems. If you have an existing e-procurement system then the system's providers can download the code from [JoinUp](#) or [github.com](#) and incorporate the exclusion grounds section within their own e-procurement system.
19. To reduce the administrative burden of a procurement procedure, documentary evidence is not required when the standard Selection Questionnaire is submitted. Where the evidence is available in a relevant national database, free of charge, the potential supplier can state where the requested evidence can be found (i.e. the name of the repository, website, identification of the file etc.). If this happens you must retrieve it directly from the indicated source.
20. However you may ask any potential supplier at any time during the procurement to submit all or part of the evidence if it is necessary to ensure the proper conduct of the procedure. You must check the evidence of the winning bidder before award of the contract.

## **Guidance on Part 1 and Part 2 (exclusion grounds<sup>1</sup>) - key principles**

21. It is mandatory for a potential supplier to complete Part 1 and Part 2 of the standard Selection Questionnaire, or the ESPD template, for all procurements above EU thresholds.
22. As Part 1 and Part 2 of the standard Selection Questionnaire provide a formal statement that the relevant grounds for exclusion do not apply to the potential supplier completing it, a completed form is required for each organisation the potential supplier will rely on to meet the selection criteria. This also means that where the potential supplier is actually a group of suppliers, including joint ventures and partnerships, each potential supplier in that group must complete Part 1 and Part 2 of the standard Selection Questionnaire self-declaration. This requirement must be made clear in the procurement documents.
23. You can choose whether or not to ask for a self-declaration of exclusion grounds from sub-contractors who are not being relied on by the bidder to meet the selection criteria. However if you choose to ask for one then the procurement documents should explicitly state that one is required. (The standard Selection Questionnaire includes a line to this effect).

## **Guidance on Part 3 of standard Selection Questionnaire and qualitative selection – key principles**

24. You must consider this guidance for procurements above the EU thresholds for supplies and services when selecting potential suppliers. This guidance is accompanied by the standard Selection Questionnaire for use in procurements where the PCR 2015 apply.
25. The threshold for using a pre-qualification stage in a works contract is the same as for supplies and services. You should use the PAS91 PQQ for works contracts (including the procurement of goods and services needed in relation to the works).
26. The section of the guidance covering standard supplier selection questions (Part 3 of the standard Selection Questionnaire) does not apply to:
  - contracting authorities which exercise wholly or mainly devolved functions in Wales or Northern Ireland;
  - 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.

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<sup>1</sup> List of exclusion grounds can be found at [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)

## **Below threshold procurements**

27. You must not include a pre-qualification stage in any procurement below the EU thresholds for supplies and services. The standard Selection Questionnaire exclusion questions and standard selection questions may be used as a guide in developing appropriate and proportionate questions as part of a one-stage procurement process. 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. For works contracts valued between the supplies and services threshold and the works threshold you may use a two stage process and make use of the PAS91 PQQ.

## **Use of selection questions**

28. The questions included in Part 3 of the standard Selection Questionnaire should be adopted across all relevant procurement procedures over the threshold. You do not have to use all the questions - only those relevant and proportionate to the contract.

29. 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 when using the open procedure;
- to pre-qualify suppliers to be invited to tender when using the restricted procedure;
- to submit an initial tender under the competitive procedure with negotiation;
- or to participate in a competitive dialogue, innovation partnership procedure or Dynamic Purchasing System (DPS).

30. If the standard selection questions are presented as a separate document you should ensure that an appropriate declaration is included and a signature obtained.

## **Reportable deviations**

31. No changes or additions can be made to questions in Part 1 and Part 2 of the standard Selection Questionnaire as they list the exclusion grounds set out in the PCR 2015.

32. The expectation is that you do not deviate from the questions set out in Part 3 of the standard Selection Questionnaire. However, if you do deviate from this guidance, you must report this to the Crown Commercial Service Mystery Shopper scheme ([PQQDeviations@crowncommercial.gov.uk](mailto:PQQDeviations@crowncommercial.gov.uk)).

33. You must report the following deviations:

- o changes to the wording of the standard questions and instructions;
  - o additional questions that are included which are not specific to the individual procurement.
34. The report (for information purposes only, and not for approval) should include:
- o a covering letter or e-mail explaining the reasons for any deviations, demonstrating that they are relevant, proportionate and linked to the requirements of the contract and contract delivery.
  - o confirmation that the deviations have been approved by the Head of Procurement or equivalent in the organisation.
  - o a copy of the questions template or supplier selection process which clearly shows the deviations. This could include a document summarising the deviations.
35. You do not need to report:
- o project specific questions developed in line with this guidance
  - o simple amendments to make the questions compatible with e-procurement systems
  - o standard questions which you have decided to omit.
36. 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 the Mystery Shopper scheme.
37. The Mystery Shopper scheme conducts spot checks on procurement documents for public sector contracts to ensure compliance.

### **Self-declarations**

38. You should normally allow potential suppliers to self-declare that they meet the relevant criteria in the supplier selection stage. Only the winning supplier (and any organisations relied upon to meet the winning supplier's selection criteria) should submit evidence. This reduces the need for potential suppliers to submit supporting documents every time they wish to bid for a public contract.
39. If the winning supplier fails to provide the required evidence within set timeframes, or the evidence proves unsatisfactory, 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, provided that they have submitted a satisfactory bid. Alternatively, the procurement process may be terminated.

40. You can require information 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 the information before the award stage. You should ask for evidence that is proportionate and relevant to the procurement. The approach should be clearly set out in the procurement documents.

### **Group of potential suppliers**

41. If the potential supplier is bidding on behalf of a group, for example, a consortium, or intends to use sub-contractors, there are different actions required for completion of Part 3 of the standard Selection Questionnaire compared to Part 1 and Part 2.

42. The consortium lead should complete all of the questions on behalf of the consortium and/or any sub-contractors. The consortium lead should make it clear who the lead member of the group is, and who will be contractually responsible for delivery of the contract.

43. All members of the group are required to provide the information required in Part 3 of the standard Selection Questionnaire or procurement documents, as part of a single composite response (unless the question specifically directs otherwise). You may require members of the group to assume a specific legal form if awarded the contract, if considered necessary for the satisfactory performance of the contract. Where the group is proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV) or consortium, 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.

44. Consortium arrangements may be subject to change, and you should use the evaluation criteria to make it clear that any updates to this or any other bidding model should be provided to you during the procurement process. This is to allow you to request a self-declaration of the exclusion grounds (Part 1 and Part 2 of the standard Selection Questionnaire) for any new organisation, and carry out a further assessment using the standard selection questions and any specific selection criteria. You should also use the evaluation criteria to reserve the right to deselect a potential supplier or a group prior to any award of contract, based on an assessment of the updated information.

### **Guidance on supplier selection questions**

#### **Economic and financial standing**

45. Any minimum financial requirements should be clearly stated. The methodology for assessing economic and financial standing should be clearly described. [Procurement Policy Note 02/13 on supplier financial risk](#) provides further information.

46. You should normally allow potential suppliers to self-certify that they meet minimum financial requirements when assessing economic and financial standing. Checks against self-certification should only be carried out on the winning supplier. The questions in this section assume that information will only be required from the winning supplier, but in the event that evidence is required at an earlier stage of the procurement process, the wording in question 4.1 should be amended to say "Please indicate which of the following you have provided to demonstrate your economic/financial standing".
47. The financial assessment method used depends on the requirement. You do not have to use every question in this section - only those which are relevant and proportionate. If you decide to use a different method of financial assessment you need to report this as a deviation. You should not deselect potential suppliers on the basis of turnover or a credit check alone.

## **Technical and professional ability**

### **Past Performance**

48. You may evaluate the past performance of a potential supplier. Suppliers may be required to have sufficient level of experience demonstrated by suitable references.
49. You may request details of contract examples or references from either the public or private sector that are relevant to the requirement. The number requested should be relevant and proportionate - the questions ask for three examples. Contracts for supplies or services should have been performed during the past three years. Contracts for works should have been performed during the past five years. The criteria for evaluating the responses from suppliers should not be discriminatory or disproportionate towards smaller businesses.
50. To assess whether a potential supplier has the required level of experience use the template provided in section 6.1. 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.
51. You may ask the lead supplier to provide a relevant example where one or more group 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.

### **Sub-contractors and supply chains**

52. Bids submitted by a potential supplier proposing to use sub-contractors should provide a relevant example where one or more of the essential

sub-contractors have delivered similar requirements (separate examples are not required from each sub-contractor). You should use question 6.2 which asks about capability to maintain a healthy supply chain, including paying sub-contractors promptly.

## **Modern Slavery Act 2015<sup>2</sup>**

53. Since 1 October 2015, commercial organisations that carry on a business or part of business in the UK, supply goods or services and have an annual turnover of £36 million or more ("relevant commercial organisations") have been required under Section 54 of the Act to prepare a slavery and human trafficking statement as defined by section 54 of the Act.

## **Additional questions Project Specific Questions**

54. You can ask further project-specific questions relating to the potential supplier's technical and professional ability. Any project-specific questions asked must be relevant and proportionate to the contract. You should refer to the list of possible topics covering technical and professional ability.

## **Insurance**

55. 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 this point 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.

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

### **Skills and Apprenticeships**

56. [Procurement Policy Note 14/15](#) provides guidance on skills and apprenticeships. Selection criteria may be used to assess the skills and apprenticeships provided in bids for relevant contracts with a value of £10 million and above, and a duration of 12 months or more. Question 8.2 in the standard supplier selection questions should be used by central government organisations, and other contracting authorities are encouraged to consider skills and apprenticeships where relevant.

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<sup>2</sup> For background see Home Office publication [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)

## **Steel**

57. For contracts where the procurement of steel is a component, the advice in [Procurement Policy Note 16/15](#) in major projects should be followed and the questions at 8.3 of the standard supplier questions should be included.

## **Suppliers Past Performance - central government organisations**

58. [Procurement Policy Note 04/15](#) sets out a formal process for taking account of past performance for specific central government contracts over £20m in value. Part A of PPN 04/15 provides guidance for establishing selection criteria relating to a supplier's reliability. This advice should be followed for relevant central government procurements and the appropriate notices, as set out in the PPN, must be included in procurement documents. See question 8.4.

## Standard Selection Questionnaire

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

The standard Selection Questionnaire is a self-declaration, made by you (the potential supplier), that you do not meet any of the grounds for exclusion<sup>3</sup>. If there are grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (we call this self-cleaning).

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

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

**Note for Contracting Authorities: The following paragraph is optional for inclusion, authorities can delete it if they prefer to receive only Word/ PDF versions of the standard Selection Questionnaire.** *[Alternatively you can submit the completed Exclusion Grounds of the [EU ESPD \(Part III\)](#) as a downloaded XML file to the buyer contact point along with the selection information requested in the procurement documentation.]*

### Supplier Selection Questions: Part 3

The procurement document 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 sub-contractors, you should complete all of the selection questions on behalf of the consortium and/or any sub-contractors.

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

### Consequences of misrepresentation

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

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<sup>3</sup> For the list of exclusion please see [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/551130/List\\_of\\_Mandatory\\_and\\_Discretionary\\_Exclusions.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf)

**[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 sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the authority immediately of any change in the proposed arrangements and ensure a completed Part 1 and Part 2 is submitted for any new organisation relied on to meet the selection criteria. The authority will make a revised assessment of the submission based on the updated information.
5. For Part 1 and Part 2 every organisation that is being relied on to meet the selection must complete and submit the self-declaration.
6. **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 sub-contractors. All sub-contractors are required to complete Part 1 and Part 2<sup>4</sup>.**
7. For answers to Part 3 - If you are bidding on behalf of a group, for example, a consortium, or you intend to use sub-contractors, you should complete all of the questions on behalf of the consortium and/ or any sub-contractors, 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.

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<sup>4</sup> See PCR 2015 regulations 71 (8)-(9)

## Part 1: Potential supplier Information

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

Section 1	Potential supplier information	
Question number	Question	Response
1.1(a)	Full name of the potential supplier submitting the information	
1.1(b) – (i)	Registered office address (if applicable)	
1.1(b) – (ii)	Registered website address (if applicable)	
1.1(c)	Trading status a) public limited company b) limited company c) limited liability partnership d) other partnership e) sole trader f) third sector g) other (please specify your trading status)	
1.1(d)	Date of registration in country of origin	
1.1(e)	Company registration number (if applicable)	
1.1(f)	Charity registration number (if applicable)	
1.1(g)	Head office DUNS number (if applicable)	
1.1(h)	Registered VAT number	
1.1(i) - (i)	If applicable, is your organisation registered with the appropriate professional or trade register(s) in the member state where it is established?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
1.1(i) - (ii)	If you responded yes to 1.1(i) - (i), please provide the relevant details, including the registration number(s).	
1.1(j) - (i)	Is it a legal requirement in the state where you are established for you to possess a particular authorisation, or be a member of a particular organisation in order to provide the services specified in this procurement?	Yes <input type="checkbox"/> No <input type="checkbox"/>
1.1(j) - (ii)	If you responded yes to 1.1(j) - (i), please provide additional details of what is required and confirmation that you have complied with this.	
1.1(k)	Trading name(s) that will be used if successful in this procurement	
1.1(l)	Relevant classifications (state whether you fall within one of these, and if so which one) a) Voluntary Community Social Enterprise (VCSE) b) Sheltered Workshop	

	c) Public service mutual	
1.1(m)	Are you a Small, Medium or Micro Enterprise (SME) <sup>5</sup> ?	Yes <input type="checkbox"/> No <input type="checkbox"/>
1.1(n)	<p>Details of Persons of Significant Control (PSC), where appropriate: <sup>6</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 (for existing companies the 6 April 2016 should be used);</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. <sup>7</sup></li> </ul> </li> </ul> <p>(Please enter N/A if not applicable)</p>	
1.1(o)	<p>Details of immediate parent company:</p> <ul style="list-style-type: none"> <li>- Full name of the immediate parent company</li> <li>- Registered office address (if applicable)</li> <li>- Registration number (if applicable)</li> <li>- Head office DUNS number (if applicable)</li> <li>- Head office VAT number (if applicable)</li> </ul> <p>(Please enter N/A if not applicable)</p>	
1.1(p)	<p>Details of ultimate parent company:</p> <ul style="list-style-type: none"> <li>- Full name of the ultimate parent company</li> <li>- Registered office address (if applicable)</li> <li>- Registration number (if applicable)</li> <li>- Head office DUNS number (if applicable)</li> <li>- Head office VAT number (if applicable)</li> </ul> <p>(Please enter N/A if not applicable)</p>	

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

<sup>5</sup> See EU 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>6</sup> UK companies, Societates European (SEs) and limited liability partnerships (LLPs) will be required to identify and record the people who own or control their company. Companies, SEs and LLPs will need to keep a PSC register, and must file the PSC information with the central public register at Companies House. [See PSC guidance.](#)

<sup>7</sup> Central Government contracting authorities should use this information to have the PSC information for the preferred supplier checked before award.

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

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

### Contact details and declaration

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

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

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

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

I am aware of the consequences of serious misrepresentation.

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

## Part 2: Exclusion Grounds

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

Section 2		Grounds for mandatory exclusion
Question number	Question	Response
2.1(a)	<p><b>Regulations 57(1) and (2)</b> The detailed grounds for mandatory exclusion of an organisation are set out on this <a href="#">webpage</a>, which should be referred to before completing these questions.</p> <p>Please indicate if, within the past five years you, your organisation or any other person who has powers of representation, decision or control in the organisation been convicted anywhere in the world of any of the offences within the summary below and listed on the <a href="#">webpage</a>.</p>	
	Participation in a criminal organisation.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Corruption.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Fraud.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Terrorist offences or offences linked to terrorist activities	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Money laundering or terrorist financing	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
	Child labour and other forms of trafficking in human beings	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 2.1(b)
2.1(b)	<p>If you have answered yes to question 2.1(a), please provide further details.</p> <p>Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction,</p> <p>Identity of who has been convicted</p> <p>If the relevant documentation is available electronically please provide the web address, issuing authority, precise reference of the documents.</p>	
2.2	If you have answered Yes to any of the points above have measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion ? (Self Cleaning)	Yes <input type="checkbox"/> No <input type="checkbox"/>
2.3(a)	<p><b>Regulation 57(3)</b> Has it been established, for your organisation by a judicial or administrative decision having final and binding effect in</p>	Yes <input type="checkbox"/> No <input type="checkbox"/>

	accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which the organisation is established (if outside the UK), that the organisation is in breach of obligations related to the payment of tax or social security contributions?	
2.3(b)	If you have answered yes to question 2.3(a), please provide further details. Please also confirm you have paid, or have entered into a binding arrangement with a view to paying, the outstanding sum including where applicable any accrued interest and/or fines.	

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

Section 3		Grounds for discretionary exclusion
	Question	Response
3.1	<p><b>Regulation 57 (8)</b></p> <p>The detailed grounds for discretionary exclusion of an organisation are set out on this <a href="#">webpage</a>, which should be referred to before completing these questions.</p> <p>Please indicate if, within the past three years, anywhere in the world any of the following situations have applied to you, your organisation or any other person who has powers of representation, decision or control in the organisation.</p>	
3.1(a)	Breach of environmental obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1 (b)	Breach of social obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1 (c)	Breach of labour law obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(d)	Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation's assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(e)	Guilty of grave professional misconduct?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(f)	Entered into agreements with other economic operators aimed at distorting competition?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(g)	Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(h)	Been involved in the preparation of the procurement procedure?	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2
3.1(i)	Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes please provide details at 3.2

	or other comparable sanctions?	
3.1(j)	Please answer the following statements	
3.1(j) - (i)	The organisation is guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 3.2
3.1(j) - (ii)	The organisation has withheld such information.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 3.2
3.1(j) -(iii)	The organisation is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 3.2
3.1(j)-(iv)	The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.	Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes please provide details at 3.2

3.2	If you have answered Yes to any of the above, explain what measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self Cleaning)	
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## Part 3: Selection Questions<sup>8</sup>

Section 4	Economic and Financial Standing	
	Question	Response
4.1	Are you able to provide a copy of your audited accounts for the last two years, if requested? If no, can you provide <b>one</b> of the following: answer with Y/N in the relevant box.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	(a) A statement of the turnover, Profit and Loss Account/Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year of trading for this organisation.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	(b) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	(c) Alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.2	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.	Yes <input type="checkbox"/> No <input type="checkbox"/>

Section 5	If you have indicated in the Selection Questionnaire question 1.2 that you are part of a wider group, please provide further details below:	
	Name of organisation	
	Relationship to the Supplier completing these questions	

5.1	Are you able to provide parent company accounts if requested to at a later stage?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5.2	If yes, would the parent company be willing to provide a guarantee if necessary?	Yes <input type="checkbox"/> No <input type="checkbox"/>
5.3	If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)?	Yes <input type="checkbox"/> No <input type="checkbox"/>

<sup>8</sup> [See Action Note 8/16 Updated Standard Selection Questionnaire](#)

<b>Section 6</b>	<b>Technical and Professional Ability</b>
<b>6.1</b>	<p><b>Relevant experience and contract examples</b></p> <p>Please provide details of up to three contracts, in any combination from either the public or private sector; voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. VCSEs may include samples of grant-funded work. Contracts for supplies or services should have been performed during the past three years. Works contracts 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>Consortia bids should provide relevant examples of where the consortium has delivered similar requirements. If this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle is to be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (three examples are not required from each member).</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 sub-contractor(s) who will deliver the contract.</p> <p>If you cannot provide examples see question 6.3</p>

	<b>Contract 1</b>	<b>Contract 2</b>	<b>Contract 3</b>
<b>Name of customer organisation</b>			
<b>Point of contact in the organisation</b>			
<b>Position in the organisation</b>			
<b>E-mail address</b>			
<b>Description of contract</b>			
<b>Contract Start date</b>			
<b>Contract completion date</b>			
<b>Estimated contract value</b>			

6.2	<p>Where you intend to sub-contract a proportion of the contract, please demonstrate how you have previously maintained healthy supply chains with your sub-contractor(s)</p> <p>Evidence 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 or membership of the UK Prompt Payment Code (or equivalent schemes in other countries)</p>

6.3	<p>If you cannot provide at least one example for questions 6.1, in no more than 500 words please provide an explanation for this e.g. your organisation is a new start-up or you have provided services in the past but not under a contract.</p>

Section 7	Modern Slavery Act 2015: Requirements under Modern Slavery Act 2015	
7.1	<p>Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")?</p>	<p>Yes <input type="checkbox"/></p> <p>N/A <input type="checkbox"/></p>
7.2	<p>If you have answered yes to question 7.1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015?</p>	<p>Yes <input type="checkbox"/></p> <p>Please provide the relevant url to view the statement ...</p> <p>No <input type="checkbox"/></p> <p>Please provide an explanation</p>

## 8. Additional Questions

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

<b>Section 8</b>	<b>Additional Questions</b>	
<b>8.1</b>	<b>Insurance</b>	
a.	<p>Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below: Y/N</p> <p>Employer's (Compulsory) Liability Insurance = £x</p> <p>Public Liability Insurance = £x Professional Indemnity Insurance = £x</p> <p>Product Liability Insurance = £x</p> <p>*It is a legal requirement that all companies hold Employer's (Compulsory) Liability Insurance of £5 million as a minimum. Please note this requirement is not applicable to Sole Traders.</p>	

<b>8.2</b>	<b>Skills and Apprentices<sup>9</sup> – (please refer to supplier selection guidance)</b>	
a.	<p>Public procurement of 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. This policy is set out in detail in Procurement Policy Note 14/15.</p> <p>Please confirm if you will be supporting apprenticeships and skills development through this contract.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
b.	<p>If yes, can you provide at a later stage documentary evidence to support your commitment to developing and investing in skills, development and apprenticeships to build a more skilled and productive workforce and reducing the risks of supply constraints and increasing labour cost inflation?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
c.	<p>Do you have a process in place to ensure that your supply chain supports skills, development and apprenticeships in line with PPN 14/15 (see guidance) and can provide evidence if requested?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>

<sup>9</sup> [Procurement Policy Note 14/15– Supporting Apprenticeships and Skills Through Public Procurement](#)

<b>8.3</b>	<b>Steel<sup>10</sup> – (please refer to supplier selection guidance)</b>
<b>a.</b>	Please describe the supply chain management systems, policies, standards and procedures you currently have in place to ensure robust supply chain management
<b>b.</b>	Please provide details of previous similar projects where you have demonstrated a high level of competency and effectiveness in managing of all supply chain members involved in steel supply or production so that there was a sustainable and safe supply of steel.
<b>c.</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:  (i) Your company  (ii) All your supply chain members involved in the production or supply of steel.

<b>8.4</b>	<b>Suppliers' Past Performance<sup>11</sup> - (please refer to supplier selection guidance - this question should only be included by central government contracting authorities)</b>	
<b>a.</b>	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"/>
<b>b.</b>	On request can you provide a certificate from those customers on the list?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>c.</b>	If you cannot obtain a certificate from a customer can you explain the reasons why?	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>d.</b>	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"/>
<b>e.</b>	Can you supply the information in questions a. to d. above for any sub-contractors [or consortium members] who you are relying upon to perform this contract?	Yes <input type="checkbox"/> No <input type="checkbox"/>

<sup>10</sup> [Procurement Policy Note 16/15– Procuring steel in major projects](#)

<sup>11</sup> [Procurement Policy Note 04/15 Taking Account of Suppliers' Past Performance](#)

## **Mandatory Exclusion Grounds**

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

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

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

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

Conspiracy within the meaning of

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

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

### **Corruption**

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

The common law offence of bribery;

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

### **Fraud**

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

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

- destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969;
- fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006;
- the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act;

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

Any offence:

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

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

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

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

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

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

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

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

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

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

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

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

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

- HMRC successfully challenging the potential supplier under the General Anti – Abuse Rule (GAAR) or the “Halifax” abuse principle; or

- a tax authority in a jurisdiction in which the potential supplier is established successfully challenging it under any tax rules or legislation that have an effect equivalent or similar to the GAAR or “Halifax” abuse principle;
- a failure to notify, or failure of an avoidance scheme which the supplier is or was involved in, under the Disclosure of Tax Avoidance Scheme rules (DOTAS) or any equivalent or similar regime in a jurisdiction in which the supplier is established

### **Other offences**

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

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

## **Discretionary exclusions**

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

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

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

### **Bankruptcy, insolvency**

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

### **Grave professional misconduct**

Guilty of grave professional misconduct

### **Distortion of competition**

Entered into agreements with other economic operators aimed at distorting competition

### **Conflict of interest**

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

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

### **Prior performance issues**

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

### **Misrepresentation and undue influence**

The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.

## **Additional exclusion grounds**

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

## **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).

## Frequently Asked Questions

### **What is the European Single Procurement Document (ESPD)?**

The ESPD is a list of questions that potential suppliers have to answer to provide a self-declaration that none of the exclusion grounds has been breached, and that they meet the required selection criteria.

It is a standard form that replaces the selection questionnaires, and should make the process of bidding for a public contract easier.

The exclusion grounds are those listed in the EU Directive. As the same exclusion grounds will be used in ESPDs across the EU a potential supplier will be able to re-use a form which it has previously submitted for another competition as long as the information is still correct.

You can evaluate ESPDs submitted by potential suppliers from other countries alongside those submitted by UK suppliers because they have a common reference to the EU Directive exclusion grounds

Only the winner will normally have to submit the certificates as evidence. If available, the certificates can be retrieved by the buyer directly from the respective registers.

### **What is the difference between the standard Selection Questionnaire and the European Single Procurement Document?**

The first two sections of the standard Selection Questionnaire align with the questions asked in the European Single Procurement Document. We have simply made them easier to understand and listed the relevant national laws that fit into the exclusion categories.

In the UK we already operate a system of self-declaration. The main change to the process is that verification of the declarations, of both the exclusion grounds and the selection information, should only take place with the winning suppliers.

The European Single Procurement Document developed by the Commission includes supplier selection questions. These questions are not mandatory and we have made the policy decision to substitute these optional selection questions with those in the standard Selection Questionnaire

### **Do I have to use the standard Selection Questionnaire ?**

Yes. Part 1 and Part 2 list the exclusion grounds that apply to public procurements above EU thresholds, and the statutory guidance states that the

selection questions in Part 3 should be adopted across all procurement procedures and embedded as needed into your procurement processes.

You must not use a two-stage process for below threshold procurements. But you can use the questions in the standard Selection Questionnaire as a starting point to develop questions in the tender documents for lower value procurements.

### **Can I add my own questions?**

You cannot add your own questions to Part 1 or Part 2 of the standard Selection Questionnaire. These sections gather information about the supplier and include the exclusion questions. This is because the questions in those parts are aligned with the Public Contract Regulations 2015. You cannot delete any of these questions either.

However Part 3, the supplier selection questions, has a section where you can add project specific questions. Additionally, there is a process for reporting deviations to the other questions in this section, and that is explained in the guidance.

### **How do I shortlist in a restricted procedure ?**

The standard Selection Questionnaire is very similar to the previous standard Pre-Qualification Questionnaire so previous practice should be followed.

Potential suppliers' responses should be assessed against the pre-determined criteria that has been published in the procurement documentation.

### **When can I request proof of self-declarations ?**

You must verify that the winning supplier does actually have all the required evidence, or meets the relevant criteria, before you award the contract.

You can ask potential suppliers to submit their evidence at any point in the procurement process if it is necessary to ensure the proper conduct of the procurement.

For multi-stage procurements, we recommend that you verify the evidence before taking potential suppliers on to the next stage.

You cannot require a potential supplier to provide you with evidence when you can obtain it directly and free of charge from a national database.

### **Can I still use the previous standard PQQ from PPN 3/15 ?**

No. The standard Selection Questionnaire replaces the standard PQQ.

### **The standard PQQ was popular with suppliers because buyers asked questions in the same way. Will that consistency be lost now ?**

No. The standard Selection Questionnaire has been drafted so that it incorporates the questions from the European Single Procurement Document and the supplier selection questions from the standard PQQ.

### **What about sub-contractors?**

If a potential supplier proposes to sub-contract part of a contract, and in doing so they rely on the capacity of that sub-contractor to fulfill the selection criteria then a separate completed standard Selection Questionnaire Part 1 and Part 2 is required from that sub-contractor.

You may also choose to ask for a separate completed standard Selection Questionnaire Part 1 and Part 2 from any other sub-contractor to verify if there are grounds for excluding it or not. If there are grounds for mandatory exclusion then the sub-contractor must be replaced. However if the grounds fall into the discretionary list then you may, at your discretion, require the potential supplier to replace the sub-contractor.

### **What is Self-Cleaning?**

A potential supplier who has been excluded from public procurement can have the exclusion ended if they effectively “self-clean”.

Potential suppliers are required to demonstrate that they have taken remedial action, to the satisfaction of the contracting authority in each case. In order for the evidence provided to be sufficient it must, as a minimum, prove the supplier has “self-cleaned” as follows:

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

The actions agreed on deferred prosecution agreements ([DPAs](#)) may be submitted as evidence of self-cleaning and evaluated by the contracting authority as described below.

The measures taken shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. If such evidence is considered by the contracting authority (whose decision will be final) as sufficient, the potential supplier shall be allowed to continue in the procurement process.

If the potential supplier cannot provide evidence of ‘self-cleaning’ that is acceptable to you, they are to be excluded from further participation in the procurement and provided with a statement of the reasons for that decision.

### **What do I ask the suppliers for in a Light Touch Regime (LTR) procurement?**

Use a selection of questions from Part 3 of standard Selection Questionnaire for above-threshold LTR contracts.

While the grounds for mandatory and discretionary exclusion do not apply to procurements under the LTR as a matter of law, you would still normally exclude suppliers that had been found guilty of the mandatory exclusion offences as a matter of routine and sensible business practice. You should also consider the circumstances surrounding breach of the discretionary grounds for exclusion. CCS recommends that you use the standard Selection Questionnaire Part 1 and Part 2 in LTR procurements.