

Report for Resolution

Report to Cabinet
10 November 2010

Report of Head of procurement and service improvement

Subject Award of interim contracts for housing works

4

Purpose

The purpose of this report is to seek approval to enter into contracts for housing works.

Recommendations

- 1) To approve the award of contracts for the following to the suppliers as detailed in Appendix 3 (to follow)
 - a) Housing repairs and maintenance (Ref1320)
 - b) Voids (Ref 1321)
 - c) Part HCA funded windows and doors (Ref 1322)
 - d) External wall insulation (Ref 1324)
 - e) Structural works (Ref 1325)
 - f) Decent homes including disabled adaptations (Ref 1327)
 - g) Electrical upgrades (Ref 1328)
 - h) Part HCA funded Boilers heating upgrades (Ref 1329)
 - i) Non HCA funded Boiler and Heating upgrades (Ref 1330)
 - j) External redecoration (Ref 1331)
- 2) note the risks as detailed below.

Financial Consequences

The financial consequences of this report are as detailed in Appendix 3 (to follow)

Risk Assessment

- 1) Risk of challenge from unsuccessful or other suppliers.

The value for each of these contracts is below the thresholds in the Public Contracts Regulations for works. There is always a risk of challenge from suppliers but the lower values and short term nature of these contracts reduces the risk of challenge.

2) Risk of supplier failure

There is a risk that appointed suppliers could fail during the life of the contract. This is low risk and has been mitigated by conducting financial analysis of the suppliers. This risk is further mitigated by the short term nature of these contracts.

Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority “Safe and healthy neighbourhoods – working in partnership with residents to create neighbourhoods where people feel secure, where the streets are clean and well maintained, where there is good quality housing and local amenities and where there are active local communities” and the service plan priorities SHN 7 – increase our investment in new windows, kitchens, doors and boilers in council homes, SPC 3(b) - complete the eco-retrofit of over 800 council homes, including loft insulation, replacement windows and doors and OC 3 – achieve a two star and improving audit score for our housing landlord services by April 2011

Executive Member: Councillor Arthur - Housing and Adult Services

Ward: All

Contact Officers

Anton Bull, Head of procurement and service improvement	01603 212326
Chris Rayner, Head of housing property services	01603 213208

Background Documents

None

Report

Background

1. On 23 September Executive resolved to let an interim contract for housing repairs, maintenance and improvements whilst other options are considered.
2. The works covered by these contracts are currently being provided on an emergency temporary basis and need to be replaced with competitive arrangements at the earliest opportunity.
3. Tenders were prepared and distributed for the following :-
 - a) Housing repairs and maintenance (Ref 1320)
 - b) Voids (Ref 1321)
 - c) Part HCA funded windows and doors (Ref 1322)
 - d) External wall insulation (Ref 1324)
 - e) Structural works (Ref 1325)
 - f) Decent homes including disabled adaptations (Ref 1327)
 - g) Electrical upgrades (Ref 1328)
 - h) Part HCA funded Boilers heating upgrades (Ref 1329)
 - i) Non HCA funded Boiler and Heating upgrades (Ref 1330)
 - j) External redecoration (Ref 1331)
4. Tenders have now been received for these and at the time of writing this report are being evaluated. The results of the evaluation will be circulated at the Cabinet meeting or before if they are completed and available for circulation.

Tender process

5. For each of the tenders listed above an open tendering process has been used. This is the quickest competitive process and has been used to reach a conclusion at the earliest opportunity.
6. Suppliers have been asked to submit details of their company in terms of finance, contractual matters, insurances, quality assurance, environmental standards, equality and diversity policies, references and previous experience and these will be evaluated to see if there are any reasons to disqualify the supplier from the process.
7. At the same time suppliers were also asked to submit details of how they would meet the requirement and the price that they would charge. These are

evaluated at the same time as the company details.

Supplier selection

8. The supplier selection process requires suppliers to complete a questionnaire. The responses given are then evaluated against pre-determined criteria. A supplier will then pass or fail. An example of the questionnaire and evaluation methodology are attached as Appendix 1 and 2.

Tender evaluation

9. The evaluation criteria for each of the tenders was stated in the tender documents as follows:
 - a) Housing repairs and maintenance (Ref 1320) – Quality 40% Price 60%
 - b) Voids (Ref 1321) - Quality 40% Price 60%
 - c) Part HCA funded windows and doors (Ref 1322) – Lowest price
 - d) External wall insulation (Ref 1324) - Lowest price
 - e) Structural works (Ref 1325) - Lowest price
 - f) Decent homes including disabled adaptations (Ref 1327) - Quality 40% Price 60%
 - g) Electrical upgrades (Ref 1328) - Quality 40% Price 60%
 - h) Part HCA funded Boilers heating upgrades (Ref 1329) – Lowest price
 - i) Non HCA funded Boiler and Heating upgrades (Ref 1330) - Quality 40% Price 60%
 - j) External redecoration (Ref 1331) – Lowest price

Evaluation results

10. Appendix 3 shows the results of the evaluation (to follow)

Supplier appraisal

11. Appendix 4 details the supplier appraisal and financial assessment (to follow)



NORWICH City Council

Business Questionnaire

Notes for Suppliers

The purpose of this questionnaire is to enable Norwich City Council to assess the suitability of Suppliers in terms of their technical knowledge and experience, capability/capacity, organisational and financial standing to meet the requirement as set out in the main tender documents

1.1 Structure of Business Questionnaire (BQ)

Suppliers must adhere to the format of this BQ when answering the questions. Where questions cannot be answered fully, please provide relevant explanation and details. Please keep responses concise and, where practical, include electronic links to where additional relevant information can be found.

1.2 Background Information

The Council let these works (and other key municipal works and services) earlier this year to Connaught Partnerships who in Sept, went into administration and could consequently no longer provide these works on behalf of the council. The council has awarded a short term contract for the delivery of these services to Lovell Partnerships to ensure continuity of service where possible and ensure emergency repairs were completed but is now seeking a Supplier to provide these works for a longer 9 month period; the longer term provision of these works has yet to be determined but will be notified to all Suppliers shortly.

1.3 The Requirement

Completed BQs are invited from suppliers that can provide the following service:

The Council is seeking suppliers who will be able to provide a voids service to Norwich City Council and its portfolio of 16,000 houses approximately.

1.4 Outline Timetable

Set out below is the proposed procurement timetable. This is intended as a guide and whilst the council does not intend to depart from the timetable it reserves the right to do so at any stage.

Date or [Target Date]	Activity
5 Oct 2010	Issue ITT to suppliers who have expressed interest in provision of works
18 Oct 2010	Tender Return Date
By 22 Oct 2010	Complete Evaluation of Tenders
By 25 Oct 2010	Proposed Award Date
By 17 Nov 2010	Start on site
Mid Aug 2011	This contract terminates and a new arrangement commences

1.5 Additional Information

All requests for clarification or further information in respect of this BQ should be addressed to procurement@norwich.gov.uk. No approach of any kind in connection with this BQ should be made to any other person within, or associated with, the council.

This BQ is being provided on the same basis to all Suppliers. The council expressly reserves the right to require a Supplier to provide additional information supplementing or clarifying any of the information provided in response to the requests set out in this BQ.

The council will not reimburse any costs incurred by Suppliers in connection with preparation of their responses to this BQ.

1.6 Freedom of Information

The Council is committed to open government and to meeting their legal responsibilities under the Freedom of Information Act 2000. Accordingly, all information submitted to a public council may need to be disclosed by the public council in response to a request under the Act. The council may also decide to include certain information in the publication scheme, which the council maintains under the Act.

If a Supplier considers that any of the information included in their BQ is commercially sensitive, it should identify it and explain (in broad terms) what harm may result from disclosure if a request is received, and the time period applicable to that sensitivity.

Suppliers should be aware that, even where they have indicated that information is commercially sensitive, the council might be required to disclose it under the Act if a request is received.

Suppliers should also note that the receipt of any material marked 'confidential' or equivalent by the council should not be taken to mean that the council accepts any duty of confidence by virtue of that marking.

1.7 Instructions for Completion

Suppliers should follow the instructions outlined below when completing this BQ.

Suppliers should answer all questions as accurately and concisely as possible in the same order as the questions are presented. Where a question is not relevant to the Supplier's organisation, this should be indicated, with an explanation. Please answer every question. If the question does not apply to your organisation, please write N/A; if you don't know the answer please write N/K.

Questions should be answered in English. The information supplied will be checked for completeness and compliance before responses are evaluated.

Responses will be evaluated in accordance with the procedures set out in section 1.12 Supplier Selection. In the event that none of the responses are deemed satisfactory, the council reserves the right to terminate the procurement.

Failure to furnish the required information, make a satisfactory response to any question, or supply documentation referred to in responses, within the specified timescale, may mean that a supplier is disqualified.

1.8 Submission of Completed Business Questionnaires

Recipients are invited to complete the attached BQ and to submit it with all necessary supporting documentation and their completed tender **by 1200 on 18 Oct 10** to:

Norwich City Council - Procurement
City Hall, St Peters Street
Norwich NR2 1NH

Or via email to: tenders@norwich.gov.uk by **1200 on 18 Oct 10**.

Please note that completed BQs received after the closing date will be rejected.

1.9 Consortia and sub-contracting

Where a consortium or sub-contracting approach is proposed, all information requested should be given in respect of the proposed prime contractor or consortium leader. Relevant information

should also be provided (as indicated in the BQ) in respect of consortium members or sub-contractors who will play a significant role in the delivery of the requirements under any ensuing agreement. Responses must enable the council to assess the overall consortia or core supply base.

Where the proposed prime contractor is a special purpose vehicle or holding company, information should be provided of the extent to which it will call upon the resources and expertise of its members.

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

1.10 Queries about the BQ

Any questions about completion of the BQ should be submitted in writing to the contact point above. If the council considers any question or request for clarification to be of material significance, both the question and the response will be communicated, in a suitably anonymous form, to all Suppliers who have responded; have expressed an interest; or those that show an interest before the closing date for the submission of the BQ.

All responses received and any communication from Suppliers will be treated in confidence but will be subject to paragraph 1.6 above.

1.11 Supplier contact point

Suppliers are asked to include a single point of contact in their organisation for their response to the BQ. The Council will not be responsible for contacting the Supplier through any route other than the nominated contact. The Supplier must therefore undertake to notify any changes relating to the contact promptly.

1.12 Provider selection

The objective of the qualification process is to assess the responses to the BQ and ensure suppliers are appropriate for the council.

The Council may disqualify any Suppliers who fail to:

- (i) comply with the requirements of Regulation 23 and/or fails to certify at Part G that it has fulfilled these requirements
- (ii) provide a satisfactory response to any questions in the BQ or inadequately or incorrectly completes any question
- (iii) submit its completed BQ after the deadline

The Suppliers who comply with the above grounds shall be evaluated on the criteria listed in the BQ which takes into account the economic and financial standing and the technical or professional ability of the supplier and will be in accordance with Regulations 23-25 of the Public Contracts Regulations 2006 (as amended).

The criteria that the BQ will be evaluated on is set out in more detail on the accompanying document as follows:

BQ reference	Information requested	
Part A	General Information	Not scored but Part A must be completed fully.

Part B	Financial Details	Pass/Fail
Part C	Contractual Matters	Pass/Fail
Part D	Technical or Professional Ability	Pass/Fail
Part E	Additional Project Specific Questions	Pass/Fail
Part F	Statement relating to Good Standing (Regulation 23)	Not scored but must be completed with no failures. Failure on mandatory = automatic disqualification Failure on voluntary = automatic disqualification
References	References	Pass/Fail

The Council may seek independent financial and market advice to validate information declared or to assist in the evaluation. The Council reserves the right to take up references.

PART A – GENERAL INFORMATION

1 Full name, address and website of the Supplier:

Company Name	
Address	
Town/City	
Postcode	
Country	
Website	

2 Name, position, telephone number and e-mail address of main contact for this project.

Name	
Position	
Telephone Number	
Fax Number	
E-mail	

3 Current legal status of the Supplier (e.g. partnership, private limited company, etc.)

	Please (tick one box)	
Sole Trader		
Partnership		
Public Limited Company		
Private Limited Company		
Other (please state)		

4 Date and place of formation of the Supplier, registration under the Companies Act, please provide copies of Certificate of Incorporation and any changes of name, registered office and principal place of business.

Date of formation	
Place of formation	
Date of registration	
Registration number	
Certificates enclosed	YES / NO <i>(please delete)</i>
Registered Office	
Brief Description of	

the Supplier's primary business and main products and services.	
Brief history of the Supplier's organisation, no more than 400 words, including details of any parent and associated companies and any changes of ownership over the last 5 years including details of significant pending developments, changes in financial structure or ownership, prospective take-over bids, buy-outs and closures etc which are currently in the public domain.	

5 Is the Supplier a consortium joint venture or other arrangement? If so, and if it is available, please provide details of the constitution and percentage shareholdings.

Consortium	YES / NO <i>(please delete)</i>
If yes please complete the table below	
Organisation	Percentage shareholding

6 Please provide a one-page chart illustrating the ownership structure of the Supplier including relations to any parent or other group or holding companies.

Ownership structure enclosed (please ✓)	
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7 **Registration with professional body**

Where applicable, is the Supplier registered with the appropriate trade or professional register(s) in the EU member state where it is established (as set out in Annex IX B of Directive 2004/18/EC) under the conditions laid down by that member state*).

Evidence of registration with appropriate professional/trade body

Either insert required details or state 'None'

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- 8 Please indicate by ticking the appropriate box what type of Supplier you are (please refer to paragraph 1.10 [\(Consortia and subcontracting\)](#).

	Please (tick one box)
Type A Supplier A Supplier able to provide the requirements (as stated in Para 1.3) itself or, if unable to do so, is bidding in the role of prime contractor and has the complete supply chain (sub-contractors) already in place to deliver those requirements.	
Type B Supplier A Supplier able to provide the requirements as prime contractor (as stated in Para 1.3) but is unable to confirm all sub-contractors (complete supply chain) at this stage. This Supplier will need to demonstrate a satisfactory methodology and track record of delivering a supply chain.	

- 9 **To be completed by Type A Suppliers only:** Please indicate in the table below (by inserting the relevant company/organisation name) the composition of the supply chain, indicating which member of the supply chain (which may include the Supplier itself or solely be the Supplier) will be responsible for which element of the requirement.

Requirement	Company / Organisation	How much of the requirement and what will they directly deliver (%)
[Insert details from paragraph 1.3]		
[Insert details from paragraph 1.3]		
[Insert details from paragraph 1.3]		

- 10 **To be completed by Type B Suppliers only:** Please complete the following table to indicate whether or not a supply chain member (sub-contractor) is already identified as providing part of the requirement. If identified, please insert the relevant company/organisation name (which may include the Supplier itself).

* In the UK this condition is satisfied by registration with Companies House or a declaration on oath that the candidate is carrying on business in the trade in question in the UK at a specific place of business and under a specific trading name.

Requirement	Company / Organisation	How much of the requirement (%) and what will be directly delivered by them
[Insert details from paragraph 1.3]		
[Insert details from paragraph 1.3]		
[Insert details from paragraph 1.3]		

- 11 **To be completed by Type B Suppliers only:** Please explain your methodology for procuring a supply chain leading to a successful solution. Please support this with details of relevant experience of this type of procurement and issues you have taken into account in selecting previous supply chain members (sub-contractors).

Methodology for procuring supply chain (300 words or fewer)

- 12 **To be completed by Type A and B Suppliers:** If details are available then please list any other identified members of your supply chain (sub-contractor).

Organisation name	Organisation address and contact details	Responsibility / Role and percentage of overall project they will be responsible for	Length of time as a sub-contractor to the prime contractor.

Note - If a supply chain member (sub-contractor) is to be responsible for more than 25% of the delivery of the overall requirement then the sub-contractor should complete and submit, as part of the overall BQ documentation, a questionnaire giving full details about their organisation.

- 13 Does the Supplier and/or any of its named supply chain members (sub-contractors) have any potential conflicts of interest that may arise if selected to deliver this project (as outlined in paragraph 1.3)?

Potential conflicts of interest	YES / NO <i>(please delete)</i>
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PART B - FINANCIAL DETAILS

- 14 Name and address of principal banker together with banker's reference.

Bank Name	
Address	
Town/City	
Postcode	

Banker's reference enclosed (please ✓)	
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- 15 **Accounts information** — please confirm the following documents are available on request. If the accounts available are for a year ended more than 10 months ago please also confirm you have available upon request the latest set of management accounts.

	Please ✓ or state 'N/A'
Profit and Loss Accounts	
Balance Sheet	
Full accompanying notes	
Director's/Managing Partner's Report (if available)	
Auditor's Report	

- 16 Financial Information:

	Amount (£K) 20xx/20xx	Amount (£K) 20xx/20xx	Amount (£K) 20xx/20xx
Overall turnover for last 3 years			
Turnover in relevant services			
Operating Profit			
Profit in relevant services			
Current Assets			
Current Liabilities			
Long Term Liabilities			
Net Assets			
Numbers of Staff working in relevant services			

If the information you are submitting is for a financial year-end more than 10 months ago, please submit the latest available information or a statement signed by the Finance Director

detailing any major changes in the current financial position since the date of the latest information provided.

- 17 **Insurances** - Please provide evidence of the employers' liability, public liability insurance and professional liability or indemnity insurance held by the Supplier. The evidence should include the name of the insurers, policy numbers, expiry dates and limits for any one incident and annual aggregate caps and the excesses under the policies.

Name of insurer	
Address	
Type of insurance	
Policy numbers	
Expiry date	
Limits of indemnity <i>(per occurrence and aggregate)</i>	
Excess <i>(if any)</i>	

- 18 Please provide a statement of any material pending or threatened litigation or other legal proceedings (where not otherwise reported) where the claim is of a value in excess of £100k.

Disclosure of legal proceedings (300 words or fewer) <i>Either insert required details or state 'None'</i>

PART C - CONTRACTUAL MATTERS

Please answer the following questions regarding contracts. **If the answer to any of the questions is 'Yes', please provide a full explanatory statement below.**

- 19 Has the Supplier or any of its named supply chain members ever suffered deductions for liquidated and/or ascertained damages in respect of any contract within the last two years?

	<i>Please delete</i>
Deductions for liquidated and/or ascertained damages	YES / NO
<i>If yes, please answer the following two questions:</i>	
Did the deduction exceed £100,000?	YES / NO
Was the deduction greater than [10%] of the whole life value of the contract?	YES / NO

- 20 Has the Supplier or any of its named supply chain members (sub-contractors) ever had a contract terminated or its employment determined under the terms of the contract in the last three years?

Contract terminated / employment determined	YES / NO <i>(please delete)</i>
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- 21 Has the Supplier or any of its named supply chain members (sub-contractors) ever failed to receive a contract renewal on the basis of unsatisfactory performance in the last three years?

Failed to receive contract renewal	YES / NO <i>(please delete)</i>
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- 22 Is there any material pending or threatened litigation or other legal proceedings connected with similar projects against the Supplier and/or any of its named supply chain members (sub-contractors) that may affect delivery of this project?

Legal proceedings pending	YES / NO <i>(please delete)</i>
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- 23 If you have answered 'Yes' to any of questions 19 to 22 please give an explanatory statement:

Brief statement (300 words or fewer) <i>Either insert required details or state 'None'</i>

PART D – TECHNICAL OR PROFESSIONAL ABILITY

- 24 Please provide details of the number of staff currently involved directly in the provision of similar requirements to those outlined in paragraph 1.3:

Permanent staff numbers	Temporary or third party staff numbers	Total staff turnover as a percentage of staff employed over the past 3 years (Where significant changes have occurred in respect of key management or specialist staff this should be identified)

- 25 Please provide details of requirements similar to those to be provided under the agreement (paragraph 1.3 refers) that the Supplier has delivered in the past two years. Please include dates or period on which the requirements were provided, the contract values and the details of the recipient of the requirements.

Provision of similar services (300 words or fewer) <i>Either insert required details or state 'None'</i>
<input type="checkbox"/> Dates or period on which the requirements were provided.
<input type="checkbox"/> The Contract values.
<input type="checkbox"/> The details of the recipient of the requirements.

- 26 Please provide details of three major recent private or public sector contracts that the Supplier (but not any envisaged supply chain member (sub-contractor)) has been awarded for the provision of requirements similar to those outlined in paragraph 1.3. The Council reserves the right to contact any or all of these companies for a reference and may wish to visit their premises. Suppliers should ensure that companies listed would be willing to provide a reference for them and be willing to discuss the Supplier's performance with the Council.

Customer name and address	Contact name, telephone number and email address	Date contract awarded plus, start and finish dates	Contract reference and brief description of requirements undertaken (and value of contract)	Names of supply chain members (sub contractors) and/ or consortium members and their role
1.				
2.				
3.				

PART E – ADDITIONAL PROJECT - SPECIFIC QUESTIONS

- 27 Please provide details of any Quality Assurance systems operated by the Supplier, both internally and externally through the supply chain. **Please provide copy of QA certificate or policy statement**

QA Systems (300 words or fewer)

- 28 Please describe the internal controls used by the Supplier to manage the delivery of this type of supplies and services to ensure that the requirements are met fully in terms of quality and timely delivery.

Internal Controls (300 words or fewer)

- 29 Health and Safety

Does the Supplier have a documented health and safety at work policy and audit system	YES / NO (<i>please delete</i>)
Is it the policy of the Supplier and/or any of its named supply chain members to require its staff to receive training on health and safety?	YES / NO (<i>please delete</i>)

- 30 Within the last five years, has the Supplier been subject to any prosecutions, infringement notices or other actions by the Health and Safety Executive or Environment Agency in respect of any breach or suspected breach by the Supplier of health and safety or environmental or equivalent legislation? If 'yes', please enclose full details here of the nature of the notice or action (etc.) and of any remedial steps subsequently taken by the Supplier.

Health and Safety Breaches <i>Either insert required details or state 'None'</i>

Does the Supplier have an equal opportunities and/or race relations policy? If 'yes', please enclose a copy	YES / NO <i>(please delete)</i>
Does the Supplier and/or its named supply chain members (sub-contractors) require its staff to receive training on equal opportunities?	YES / NO <i>(please delete)</i>
Is it the policy of the Supplier and/or its named supply chain members (sub-contractors) as employers to comply with their statutory obligations under the Race Relations Act 1976, the Sex Discrimination Act 1975, the Equal Pay Act 1970, the Disability Discrimination Act 1995 and the Equality Act 2006?	YES / NO <i>(please delete)</i>
In the last 3 years there has not been any finding of unlawful discrimination in the employment field made against the Supplier and/or its named supply chain members (sub-contractors) by the employment tribunal, the employment appeal tribunal, or any court or in comparable proceedings in any other jurisdiction?	YES / NO <i>(please delete)</i>
If the answer to the previous question is yes, what steps have been taken by the Supplier and/or its named supply chain members (sub-contractors) as a result of that finding?	

32 Environmental Management

Please provide details of any environmental management certification that the Supplier and any envisaged supply chain member (sub-contractor) or consortium member holds e.g. ISO 14001 or equivalent standard.	YES / NO <i>(please delete)</i>
Is your system accredited with a third party body following the principles of EMAS, ISO14001, PQASSO or equivalent? Please give details of the accreditation body and your registration number.	YES / NO <i>(please delete)</i>

PART F — STATEMENT RELATING TO GOOD STANDING

STATEMENT RELATING TO GOOD STANDING — GROUNDS FOR OBLIGATORY EXCLUSION (IN ELIGIBILITY) AND CRITERIA FOR REJECTION OF CANDIDATES in accordance with Regulation 23 of the Public Contracts Regulations 2006 (as amended)

PROJECT TITLE: PROVISION OF REPAIRS AND MAINTENANCE FOR HOUSING PORTFOLIO

We confirm that, to the best of our knowledge, the Supplier is not in breach of the provisions of Regulation 23 of the Public Contracts Regulations 2006 (as amended) and in particular that:

Grounds for mandatory rejection (ineligibility)

The Supplier (or its directors or any other person who has powers of representation, decision or control of the named organisation) has not been convicted of any of the following offences:

- (a) conspiracy within the meaning of section 1 of the Criminal Law Act 1977 where that conspiracy relates to participation in a criminal organisation as defined in Article 2(1) of Council Joint Action 98/733/JHA (as amended);
- (b) corruption within the meaning of section 1 of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906 (as amended);
- (c) the offence of bribery;
- (d) fraud, where the offence relates to fraud affecting the financial interests of the European Communities as defined by Article 1 of the Convention relating to the protection of the financial interests of the European Union, within the meaning of:
 - (i) the offence of cheating the Revenue;
 - (ii) the offence of conspiracy to defraud;
 - (iii) fraud or theft within the meaning of the Theft Act 1968 and the Theft Act 1978;
 - (iv) fraudulent trading within the meaning of section 458 of the Companies Act 1985;
 - (v) defrauding the Customs within the meaning of the Customs and Excise Management Act 1979 and the Value Added Tax Act 1994;
 - (vi) an offence in connection with taxation in the European Community within the meaning of section 71 of the Criminal Justice Act 1993; or
 - (vii) destroying, defacing or concealing of documents or procuring the extension of a valuable security within the meaning of section 20 of the Theft Act 1968;
- (e) money laundering within the meaning of the Money Laundering Regulations 2003; or
- (f) any other offence within the meaning of Article 45(1) of the Public Sector Directive.

Organisation's name	
Signed	
Position	
Date	

Discretionary grounds for rejection

The Supplier (or its directors or any other person who has powers of representation, decision or control of the named organisation) confirms that it:

- (a) being an individual is not bankrupt or has not had a receiving order or administration order or bankruptcy restrictions order made against him or has not made any composition or arrangement with or for the benefit of his creditors or has not made any conveyance or assignment for the benefit of his creditors or does not appear unable to pay or to have no reasonable prospect of being able to pay, a debt within the meaning of section 268 of the Insolvency Act 1986, or article 242 of the Insolvency (Northern Ireland) Order 1989, or in Scotland has not granted a trust deed for creditors or become otherwise apparently insolvent, or is not the subject of a petition presented for sequestration of his estate, or is not the subject of any similar procedure under the law of any other state;
- (b) being a partnership constituted under Scots law has not granted a trust deed or become otherwise apparently insolvent, or is not the subject of a petition presented for sequestration of its estate;
- (c) being a company or any other entity within the meaning of section 255 of the Enterprise Act 2002 has not passed a resolution or is not the subject of an order by the court for the company's winding up otherwise than for the purpose of bona fide reconstruction or amalgamation, nor had a receiver, manager or administrator on behalf of a creditor appointed in respect of the company's business or any part thereof or is not the subject of similar procedures under the law of any other state;
- (d) has not been convicted of a criminal offence relating to the conduct of his business or profession;
- (e) has not committed an act of grave misconduct in the course of his business or profession;
- (f) has fulfilled obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which the organisation is established;
- (g) has fulfilled obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which the economic operator is established;
- (h) is not guilty of serious misrepresentation in providing any information required of him under this regulation;
- (i) in relation to procedures for the award of a public services contract, is licensed in the relevant State in which he is established or is a member of an organisation in that relevant State when the law of that relevant State prohibits the provision of the services to be provided under the contract by a person who is not so licensed or who is not such a member.

Organisation's name	
Signed	
Position	
Date	

BQ EVALUATION – RELATING TO NRW/HSG/1321/A

The purpose of the BQ is to enable the council to assess suppliers in accordance with its minimum requirements so that only those suppliers that meet or exceed those minimum requirements are approved to deliver works, goods or services. The BQ is designed to elicit from suppliers sufficient information that will allow the Council to make such an assessment.

- **Part A (General information)** will not be evaluated but **MUST** be completed. Suppliers will be disqualified if key information is missing
- **Part B (Financial Details)** will be assessed to see if the financial position of the supplier will present the council with potential financial risks. The assessment will place the supplier into one of four categories –
 - Represents a significant financial risk (in the opinion of the evaluation team) to the council - FAIL
 - Represents a possible/marginal risk to the council (in the opinion of the evaluation team) but independent financial assessment indicates no significant concern – PASS
 - Represents a possible/marginal risk to the council (in the opinion of the evaluation team) and this is corroborated by independent financial assessment – FAIL
 - No significant risks determined by the Evaluation Team and/or independent financial assessment - PASS
- **Part C (Contractual Matters)**
- **Part D (Technical or Professional Ability)**
- **Part E (Additional Project specific Questions)**
- **Part F (Statement Relating to Good Standing)** **MUST** be completed.

PQQ reference	Information requested	
Part A	General Information	Must be completed fully. Failure to do so will result in automatic disqualification
Part B	Financial Details	Pass/Fail
Part C	Contractual Matters	Pass/Fail
Part D	Technical or Professional Ability	Pass/Fail
Part E	Additional Project Specific Questions	Pass/Fail
Part F	Statement relating to Good Standing (Regulation 23)	Must be completed with no failures. Failure on mandatory = automatic disqualification Failure on voluntary = discretionary

		disqualification
References/site visits	References/site visits	Will be contacted

PART B - FINANCIAL DETAILS

Question No	Detail	Answered	Comments
14	Name and address of Bank - Reference enclosed	Yes/No	
15	Accounts information	Yes/No	
16	The last three financial years information	Yes/No	
17	Insurances	Yes/No	
18	Statement of any material pending or threatened litigation	Yes/No	
<u>Overall Summary for Part B</u>			
<p>Guide</p> <ul style="list-style-type: none"> If any of the information is not provided – particularly if there has been a further request the Potential Provider should be assessed as a major risk for the purposes of this PQQ exercise - FAIL Minimum level of insurance required for this contract is as follows: <ul style="list-style-type: none"> Employers Liability - £5M Public Liability - £10M Professional Indemnity- £10M All risks (5M) <p>Failure to meet these levels of insurance or indicate a willingness to meet these levels would mean the supplier is disqualified</p>			

PART C - CONTRACTUAL MATTERS

Question No	Detail	Answered	Comments
19	Deductions for liquidated and/or ascertained damages	Yes/No	
	Did the deduction exceed £50,000?	Yes/No	
	Was the deduction greater than 10% of the whole life value of the contract?	Yes/No	
20	Contract terminated / employment determined	Yes/No	
21	Failed to receive contract renewal	Yes/No	
22	Legal proceedings pending	Yes/No	
23	Q19-22 explained	Yes/No	

Overall Summary for Part C

Guide

- If answers to above are all no – PASS
- If any of the answers are Yes, suppliers should provide supporting information/explanation. If explanation is reasonable in the opinion of the panel – PASS
- If any of the answers are Yes, suppliers should provide supporting information/explanation. If explanation is insufficient or unreasonable in the opinion of the panel – FAIL
- If any questions are not answered – FAIL

Comments:

PART D –Technical or Professional Ability

Question No	Detail	Answered	Comments
24	Details of staff numbers	Yes/No	
25	Similar Services	Yes/No	
26	Public/Private sector contracts	Yes/No	

Overall Summary for Part D

Guide

- If any questions are not answered – FAIL
- Answer to Q24 – if the council feels there are insufficient numbers of existing staff to carry out these works or carrying out these works would likely see an increase of 50% or higher in the supplier's workforce - FAIL
- Answer to Q25/26 – if the supplier is unable to provide evidence of delivery of previous works of this type – FAIL
- Answer to Q25/26 – if the supplier is unable to provide evidence of delivery of previous works greater or similar to the scope of this opportunity - FAIL

Comments:

PART E – Additional Project Specific Questions

Question No	Detail	Answered	Comments
27	QA Systems	Yes/No	
28	Internal Controls	Yes/No	
29	Health & Safety	Yes/No	
30	Health & Safety Breaches	Yes/No	
31	Equal opportunities and/or race relations policy	Yes/No	
	Equal opportunities training?	Yes/No	
	Compliance with Acts	Yes/No	
	Unlawful discrimination	Yes/No	
32	ISO 14001	Yes/No	

Overall Summary for Part E

Guide

- If any questions are not answered – FAIL
- Answer to Q27/28 – if the supplier has achieved ISO 9001:2000 or similar accreditation PASS; if the supplier can set out that they have an effective QA system PASS.
- Answer to Q27/28 – If the if the supplier states they are “working towards ISO 9001:2000 or similar accreditation but provide no further details FAIL; if the supplier does not, in the opinion of the panel, set out that they have an effective QA system FAIL.
- Answer to Q29 – If the supplier has a documented system that the panel consider is robust and requires its staff to attend H&S training PASS; if the supplier has a documented system which is considered insufficient by the panel FAIL; if the supplier has a documented system which is considered robust but there is no supporting information regarding training for staff FAIL
- Answer to Q29 - If the supplier does not have a documented system FAIL
- Answer to Q30 - Suppliers should provide supporting information/explanation. If explanation is reasonable in the opinion of the panel PASS; If suppliers should provide supporting information/explanation which is considered insufficient or unreasonable in the opinion of the panel FAIL
- Answer to Q31 – If the supplier answers Yes to all question PASS; If the supplier answers no to “unlawful discrimination” cases but provides a robust and thorough explanation of their response to the case which sets out improvements that have been implemented PASS
- Answer to Q31 – if the supplier does not have a policy that is consistent with existing legislation or the panel feels is insufficient or inconsistent with that of the council FAIL; if the supplier does not require its staff to receive training FAIL; If the supplier answers No to “Unlawful discrimination” cases and their explanation is weak or unsatisfactory in the opinion of the panel and/or does not set out any improvements that have been made FAIL
- Answer to Q32 – If the supplier holds ISO 14001 or equivalent PASS
- Answer to Q32 – If the supplier has a written environmental policy/statement that the panel feels is robust and consistent with that of the council PASS
- Answer to Q32 – If the supplier has no environmental policy/statement or system in place – FAIL; If the supplier has an environmental policy/statement in place but the panel consider it insufficient and/or inconsistent with that the council FAIL

Comments:

References and guidance

Private/Public Sector References	Comments
1	
2	
3	
Summary	

SUMMARY

	Pass/Fail
Part A	
Part B	
Part C	
Part D	
Part E	
Part F	
References	
Summary	