

**Standard Selection Questionnaire (SQ)
Competitive Procedure with Negotiation**

**Architectural Design and Related Services for
The Fleming Centre, St Mary's Hospital, London**

Potential Suppliers are required to complete a registration form at: <https://www.architecture.com/awards-and-competitions-landing-page/competitions-landing-page/the-fleming-centre>

Once registered; Potential Suppliers will receive a unique link and unique registration number (URN).

Submissions to be sent electronically using the unique link via RIBASubmit and quoting the URN, no later than 12.00 midday on 7th August 2024

On behalf of Imperial College Healthcare NHS Trust

The Fleming Centre, St Mary's Hospital

Reference Number: 2024/S 000-020726

Competitive Procedure with Negotiation

1. GENERAL

- 1.1 The "**Authority**" means the public sector Contracting Authority, or anyone acting on behalf of the Contracting Authority, that is seeking to invite "**Potential Suppliers**" to participate in this procurement process.
- 1.2 "**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 "**PCR 2015**") 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.
- 1.3 (the "**Authority**") is seeking Expressions of Interest through the completion and submission of this Selection Questionnaire ("**SQ**") from suitably qualified and experienced architect design teams ("**Potential Suppliers**") in relation to entering into a form of appointment (the "**Appointment**") to provide architectural design and related services (the "**Services**") for The Fleming Centre, St Mary's Hospital.

This SQ should be read in conjunction with the **Briefing Information** available from <https://www.architecture.com/awards-and-competitions-landing-page/competitions-landing-page/the-fleming-centre> which provides further details about the project and the procurement process.

- 1.4 Responses to this SQ will be used to select up to five Potential Suppliers to be invited to participate in the Negotiation (design competition) phase. The Authority is undertaking this procurement under the Competitive Procedure with Negotiation process as set out by the UK Public Contracts Regulations 2015.
- 1.5 No information in this SQ, or in any communication made between the Authority and Potential Supplier in connection with this SQ, shall be relied upon as constituting a contract, agreement or representation that any contract shall be offered. In the event that none of the responses are deemed satisfactory, the Authority reserves the right to consider alternative procurement options.
- 1.6 The Authority expressly reserves the right to require Potential Suppliers to provide additional information supplementing or clarifying any of the information provided in

responses to the requests set out in this SQ.

2. SELECTION QUESTIONNAIRE

2.1. The Selection Questionnaire has 3 parts:

- Part 1: Information about Potential Suppliers
- Part 2: Self-declarations regarding whether, or not any exclusion grounds apply; and
- Part 3: Selection Questions.

If any of the information requested in this SQ is available in a relevant national database, free of charge, please state precisely where the requested evidence can be found - i.e. the name of the repository, website, identification of file and any other details needed in order to access the information.

Minimum Requirements

Potential Suppliers' attention is drawn to the following minimum requirements as set out below.

Section	Minimum Requirement
7.1	Insurance Requirements On appointment, the successful Supplier will be required to have or make available: <ul style="list-style-type: none">▪ Minimum professional indemnity cover of not less than GBP £10m for any one claim;▪ Third party / public liability insurance of not less than GBP £10m for each and every event with the number of events unlimited, and;▪ Employers (Compulsory) Liability Cover of not less than GBP £10m for each and every claim in respect of all customary risks.
7.12	Registration with Architects Registration Board (or equivalent regulatory body) The Potential Supplier must include an architect who has the right to practice in the country where they are qualified or in the country where they currently reside or practice. UK-based Candidates should therefore be registered with the Architects Registration Board (ARB) with overseas-based Candidates registered with an equivalent regulatory body.

3. INSTRUCTIONS FOR COMPLETING AND SUBMITTING THE SQ RETURN

3.1. Potential Suppliers who intend to submit an application must first obtain a Unique Reference Number (URN) from RIBA Competitions. RIBA Competitions will issue a URN and a unique submission link to those who have registered an interest within two (2) working days of submitting the online request form which is available at:

<https://www.architecture.com/awards-and-competitions-landing-page/competitions-landing-page/the-fleming-centre>

3.2. The deadline for receipt of SQ returns is **12.00 midday (BST) on Wednesday 7th August 2024**. Late submissions will not be accepted.

Potential Suppliers MUST submit an electronic version (PDF format) of the completed

SQ return via RIBA Competitions' digital submission portal (RIBASubmit). A total upload limit of 30Mb will be available, but Potential Suppliers are requested to keep file sizes as small as practicable whilst ensuring that the information presented is readily legible. A secure link for this purpose will have been sent to the email address entered into the Wufoo online form used to request the SQ and Unique Reference Number [F#]. The file name of the completed SQ return should consist of the URN [F#] assigned to the Potential Supplier by RIBA Competitions, together with the name of the Architect firm:

- URN#_Architect Firm Name_SQ.pdf

Any other appended files should follow a similar file-naming protocol.

Potential Suppliers are strongly advised to familiarise themselves with the digital submission portal and allow sufficient time for their SQ return to successfully upload in advance of the deadline for receipt of returns. The portal system will not allow material to upload after the submission deadline has expired. The Authority and RIBA Competitions will not be responsible for any SQ returns delayed, lost or otherwise damaged or corrupted during transmission, however so caused.

- 3.3. Potential Suppliers should ensure that all questions are completed in full, and in the format requested. Please answer all questions as accurately and concisely as possible within the limitations set. Where a question is not relevant to the Potential Supplier's organisation, this should be indicated, with an explanation. Expressions of Interest may not be considered further if ***all relevant questions are not answered or do not meet the minimum requirements***. All the necessary self-declarations **must** be received for the selection stage evaluation.
- 3.4. A Potential Supplier that is part of a group should answer the questions specifically for the Supplier itself and not for the whole of the Group.
- 3.5. Where, however, Group policies, statements etc. are normally used by you, please answer accordingly. Also, you may provide details of capacities/resources of other entities or members of your group or consortium where you can show that you have those capacities/resources available to you. Where applicable, the authority may require an undertaking from those entities to that effect.
- 3.6. **Parts 1 and 2** of the SQ require Potential Suppliers to declare that they have not breached any of the exclusion grounds. These self-declarations are mandatory. A completed Part 1 and Part 2 declaration is also required for **each** organisation that the Potential Supplier relies on to meet the selection criteria (i.e. all proposed consultant firms from all required design disciplines). These could be parent companies, affiliates, associates, or essential subcontractors. The 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
- 3.7. If your organisation, or any organisation you rely on to meet the selection criteria, has breached any of the exclusion grounds, you have the opportunity to explain the background and any measures you have taken to rectify the situation (self-cleaning).

- 3.8.** Please present your information in the Questionnaire as far as possible. Supporting information should be presented in the same order as, and should be referenced to, the relevant question. This is for ease of evaluation. Please do not cross-reference with your own internal identification, as this could potentially lead to errors occurring during the assessment of your application. Questions should be answered in English and all supporting documentation should be in English. All requirements and subsequent contracts shall be subject to English Law.
- 3.9.** For answers to **Part 3** of the SQ - If you are bidding on behalf of a group, for example, a consortium, or you intend to use sub-contractors for any of the supplementary services to be provided under the architectural appointment (please refer to the phase 1 Briefing Document), you (the architect firm proposing to act as Lead Consultant for the design team) should complete all of the questions on behalf of the consortium and/ or any sub-contractors, providing one composite response and declaration.

Potential Suppliers may elect to submit the responses to **Section 7.16** through to **Section 7.18** (Project Specific Questions to assess Technical and Professional Ability) as a separate, collated Appendix provided the requested information is presented and numbered in the order set-out in the SQ and the responses do not exceed the specified page limits. Potential Suppliers electing to submit a separate Appendix should append a Front cover sheet displaying the URN [F#] and the name of the lead architect firm, together with the names of proposed firms from the other required design disciplines. The file name should consist of the URN (F#) assigned to the Potential Supplier by RIBA Competitions, together with the name of the architect firm proposing to act as Lead Consultant for the multi-disciplinary design team:

- [URN#_Architect Firm Name_Technical & Professional Ability.pdf](#)

- 3.10.** Any images featured within the SQ return should be clearly annotated to explain to which projects they refer. A distinction should be clearly made between photographic images of completed projects, and computer-generated visualisations of ongoing projects.
- 3.11.** Please do not include general marketing or promotional activity. The inclusion of an executive summary is not required and will not be considered in the evaluation of the SQ return.
- 3.12.** The Authority may ask for further information at any point up to the entry into a contract with a Potential Supplier to satisfy itself that the Potential Supplier continues to qualify. Failure to provide any such information either as part of this SQ or at contract award stage may lead to a Potential Supplier being disqualified from further consideration.
- 3.13.** Please ensure that you (and all organisations that you are relying on to meet the selection criteria) read carefully and sign the Declaration at the end of **Part 3**.

- 3.14.** In submitting a completed SQ return, you warrant, represent and undertake an agreement that:
- 3.14.1. You have complied in all respects with these instructions;
 - 3.14.2. All information, representations and other matters of fact communicated (whether in writing or otherwise) to the Authority by you or your employees in connection with or arising out of the SQ are true, complete and accurate in all respects;
 - 3.14.3. You have carried out your own investigations and research, and are satisfied in respect of all matters relating to the SQ;
 - 3.14.4. You are of sound financial standing and you and your partners, directors, officers and employees are not aware of any circumstances (other than such circumstances as may be disclosed in audited accounts or other financial statements) which may adversely affect your financial standing in the future.
- 3.15.** The Authority reserves the right to disqualify any Potential Supplier who no longer qualifies if it becomes aware that the Potential Supplier did not qualify at the time their SQ return was submitted or if it no longer qualifies, at any point before the formal entry into contract in relation to the services referred to in the Contract Notice.
- 3.16.** 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 you will not be invited to tender and your SQ return will not be evaluated in full.
- 3.17.** Except where specifically stated in this document, once the SQ submission closing date has passed, you will be unable to issue variations or revised documents to the Authority unless specifically requested by the Authority to clarify the answers given.

4. COMMUNICATIONS

- 4.1.** The Authority has endeavoured to provide all information it considers relevant for this stage of the procurement. Any queries about the procurement procedure should be submitted via email only to: riba.competitions@riba.org with 'The Fleming Centre Competition' in the 'subject' header line, and the body of the text clearly identifying to which section of the SQ or the Briefing Paper the question relates.
- 4.2.** If the Authority considers any question or request for clarification to be of material significance, both the query and response will be communicated to all Potential Suppliers, where doing so is in the interest of maintaining transparency and fairness in the procedure and would not constitute a breach of commercial confidentiality. This is likely to take the form of an anonymised Question and Answer Memorandum in which the source of any requests will not be disclosed.
- 4.3.** Registered applicants will be automatically informed of any updated information in respect of the procurement, with correspondence/notifications sent to the email address entered into the Wufoo online request form. This will be made available via RIBASubmit.

- 4.4.** Any communication or attempt to solicit information from any member of the Evaluation Panel, or the Authority's staff, advisers or any third party connected to the procurement may result in your organisation being disqualified and not considered further. All queries should be addressed to RIBA Competitions in the first instance.

5. CONFIDENTIALITY

- 5.1.** When providing details of contracts in answering **Question 6.1** and **Question 7.18** of **Part 3** of this SQ (Technical and Professional Ability), the Potential Supplier agrees to waive any contractual or other confidentiality rights and obligations associated with this procurement.
- 5.2.** The Authority reserves the right to contact any named customer contact in **Question 6.1** of **Part 3** of this SQ. The named customer contact does not owe the Authority any duty of care or have any legal liability, except for any deceitful or maliciously false statements of fact.
- 5.3.** 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 or the Crown Commercial Service, 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.

6. CONFLICTS OF INTEREST

- 6.1.** In accordance with Question 3.1 (g) of **Part 2** Conflict of interest, the Authority may exclude any Potential Supplier if there is a conflict of interest within the meaning of PCR 2015 Regulation 24 which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.
- 6.2.** Where there is any indication that a conflict of interest exists or may arise then it is the responsibility of the Potential Supplier to inform the Authority and provide details of the conflict. Please note that routine pre-market engagement carried out by the Authority should not represent a conflict of interest for an Applicant, provided that the engagement has been carried out in a transparent manner.

7. ASSESSING PAST PERFORMANCE OF POTENTIAL SUPPLIERS

- 7.1.** The Authority will assess the past performance of a Potential Supplier based on the Potential Supplier's response to **Sections 7.16-7.18** of **Part 3** Selection Questions or information provided by a Referee pursuant to **Section 6.1** or other means of evidence. The Authority also may take into account any failure to discharge obligations under the previous principal relevant contracts of the Potential Supplier completing this SQ. Potential Suppliers may also be asked to update the evidence they provide in this SQ to

reflect more recent performance on new or existing contracts (or to confirm that nothing has changed).

8. SELF-CLEANING

- 8.1.** Any Potential Supplier that answers "Yes" to any of the questions set out in **Part 2** Exclusion Grounds Question 2 (Grounds for Mandatory Exclusion) and Question 3 (Grounds for Discretionary Exclusion) should provide sufficient evidence that provides a summary of the circumstances and any remedial action that has taken place subsequently and effectively "self-cleans" the situation referred to in that question. Potential Suppliers should demonstrate if they have taken such remedial action, to the satisfaction of the Authority in each case.
- 8.2.** If such evidence is considered by the Authority (whose decision will be final) as sufficient, the Potential Supplier concerned shall be allowed to continue in the procurement process.
- 8.3.** In order for the evidence referred to above to be sufficient, the Potential Supplier shall, as a minimum, prove that it has:
- 8.3.1. Paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct; and/or
 - 8.3.2. Clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and/or
 - 8.3.3. Taken concrete technical, organisational and personal measures that are appropriate to prevent further criminal offences or misconduct.
 - 8.3.4. The measures taken by any Potential Supplier under this section shall be evaluated, taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the Authority to be insufficient, the Potential Supplier shall be given a statement of the reasons for that decision.

9. DATE FOR SUBMISSION

- 9.1.** Completed SQ returns and supporting documentation must be received electronically by the time and date stated under **Section 3.2** above. SQ returns and/or supporting documentation received after this time and date will be disregarded. It is the responsibility of Potential Suppliers to ensure that they allow sufficient time to complete the on-line Wufoo registration form to obtain their Unique Reference Number and link prior to submission of their completed SQ return and supporting documentation electronically to RIBA Competitions by the date and time stated above at **3.2** above.

10. EVALUATION OF RESPONSES

- 10.1.** Potential Suppliers' SQ responses will be evaluated in accordance with the procedures set out in the accompanying Briefing document available from: <https://www.architecture.com/awards-and-competitions-landing-page/competitions-landing-page/the-fleming-centre>. In the event that none of the responses are deemed satisfactory, the Authority reserves the right to abandon this procurement and consider alternative procurement options.

Part 1: Potential Supplier Information

Part 1: Your information and the bidding model.
You must answer all questions in parts 1 and 2, and you must answer all questions in part 3 as well.
Bidders must ensure that every organisation on which they will rely to meet the selection criteria completes and submits their own answers and declaration for part 1 and 2.

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

	- issuing body - reference number.	
1.1(h) - (i)	For procurements for services only, is it a legal requirement in the country where you are established for you to: a) possess a particular authorisation, or b) be a member of a particular organisation, to provide the requirements specified in this procurement?	Yes <input type="checkbox"/> No <input type="checkbox"/>
1.1(h) - (ii)	If you responded yes to 1.1(h) - (i), please provide additional details of what is required, confirmation that you have complied with this and, if evidence of compliance is available electronically, please give the website address, issuing body and reference number.	
1.1(i)	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(j)	Are you a Small, Medium or Micro Enterprise (SME) ¹ ?	Yes <input type="checkbox"/> No <input type="checkbox"/>
1.1 (k)	Details of Persons with Significant Control (PSC) ² , where appropriate ³ :	

¹ See definition of SME https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en

² UK companies, Societates European (SEs) and limited liability partnerships (LLPs) are required to identify and record the people who own or control their company. Companies, SEs and LLPs are required to keep a PSC register, and must file the PSC information with the central public register at Companies House. See PSC guidance. Overseas bidders are required to provide equivalent information.

³ Only information that relates to the persons with powers of representation, decision or control within the meaning of regulation 57(2) can be considered in relation to the mandatory exclusion grounds and other details are requested for information only.

	<ul style="list-style-type: none"> - Name - Date of birth - Nationality - Country, state or part of the UK where the PSC usually lives - Service address - The date he or she became a PSC in relation to the company ; - Which conditions for being a PSC are met: - Over 25% up to (and including) 50% - More than 50% and less than 75% - 75% or more <p>(Please enter N/A if not applicable)</p>	
1.1(l)	<p>Details of your immediate parent company:</p> <ul style="list-style-type: none"> - Full name of immediate parent company, - Registered or head office address, - Registration number (if applicable), - VAT number (if applicable), <p>Please enter N/A if not applicable)</p>	
1.1(m)	<p>Details of ultimate parent company:</p> <ul style="list-style-type: none"> - Full name of ultimate parent company, - Registered or head office address, - Registration number (if applicable), - VAT number (if applicable), <p>(Please enter N/A if not applicable)</p>	
<p>Please note: A criminal record check for relevant convictions may be undertaken for the preferred supplier and all relevant persons and entities (as described above).</p>		

Please provide the following information about your approach to this procurement:		
Section 1 (cont.)	Bidding model	
Question number	Question	Response
1.2	<p>Please indicate if you are bidding as a single supplier or as part of a group or consortium?</p> <p>If you are bidding as a single supplier please go to Q 1.3.</p> <p>If you are bidding as part of a group or consortium (including where you intend to establish a legal entity to deliver the contract, or you are a subcontractor), please tell us:</p> <p>The name of the group/consortium.</p> <p>The proposed structure of the group/consortium, including the legal structure where applicable.</p> <p>The name of the lead member in the group/consortium.</p> <p>Your role in the group/consortium (e.g. lead member, consortium member, subcontractor).</p> <p>If you are the lead member in the group/consortium, whether you are relying on other consortium members to meet the selection criteria (i.e. are you relying on other consortium members for economic and technical standing and/or technical and professional ability?) and, if so, which criteria you are relying on them for</p>	
1.3	<p>If you are proposing to use subcontractors/a supply chain, please provide the details for each one.</p> <ul style="list-style-type: none"> - Name - Registration number - Registered or head office address, - Trading status <p>Public limited company</p> <p>Private limited company</p>	

	<p>Limited liability partnership</p> <p>Other partnership</p> <p>Sole trader</p> <p>Third sector</p> <p>Other (please specify your trading status)</p> <ul style="list-style-type: none"> - Registered VAT number - SME (Yes/No) - The role each subcontractor will take in providing the works and /or supplies e.g. key deliverables - if known - The approximate % of contractual obligations assigned to each subcontractor, if known - Is the subcontractor being relied upon to meet the selection criteria (i.e. are you relying on the subcontractor for economic and technical standing and/or technical and professional ability?) and, if so, which criteria are you relying on them for? 	
1.4	<p>Lots</p> <p>Where applicable, please tell us which lot(s) you wish to bid for?</p>	Answer

Part 2: Exclusion Grounds

Part 2: Exclusion Grounds		
Please answer the following questions in full. Note that every organisation that forms part of your bidding group/consortium, as well as every organisation that is being relied on (including subcontractors being relied on) to meet the selection criteria must complete and submit responses to part 1 and the declarations in part 2.		
Section 2	Grounds for mandatory exclusion	
Question number	Question	Declaration
2.1 (a)	<p>Within the past five years, anywhere in the world, have you or any person who:</p> <p>is a member of the supplier's administrative, management or supervisory body or</p> <p>has powers of representation, decision or control in the supplier⁴,</p> <p>been convicted of any of the offences within the summary below and listed in full in Annex D?</p>	
	Participation in a criminal organisation.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Corruption.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Terrorist offences or offences linked to terrorist activities.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Money laundering or terrorist financing.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Child labour and other forms of trafficking in human beings.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any jurisdiction outside England, Wales or Northern Ireland.	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Any other offence within the meaning of Article 57(1) of the Directive created after	Yes <input type="checkbox"/>

⁴ see Notes for Completion

	26th February 2015 in England, Wales or Northern Ireland.	No <input type="checkbox"/>
2.1(b)	<p>If you have answered yes to any part of question 2.1(a), please provide further details, including:</p> <p>date of conviction and the jurisdiction,</p> <p>which of the grounds listed the conviction was for,</p> <p>the reasons for conviction,</p> <p>the identity of who has been convicted.</p> <p>If the relevant documentation is available electronically please provide:</p> <p>the web address,</p> <p>issuing authority,</p> <p>precise reference of the documents.</p>	
2.1(c)	<p>If you have answered yes to any part of the question above please explain what measures have been taken to demonstrate your reliability despite the existence of relevant grounds for exclusion. (Self cleaning).</p>	

Section 3	Mandatory and discretionary grounds relating to the payment of taxes and social security contributions	
The detailed grounds for mandatory and discretionary exclusion of a supplier for non-payment of taxes and social security contributions, are set out in Annex D, and should be referred to before completing these questions.		
Question number	Question	Declaration
3.1(a)	<p>Please confirm that you have met all your obligations relating to the payment of taxes and social security contributions, both in the country in which you are established and in the UK.</p> <p>If documentation is available electronically please provide:</p> <p>the web address,</p> <p>issuing authority,</p> <p>precise reference of the documents</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
3.1(b)	<p>If you have answered no to 3.1(a) please provide further details including the following:</p> <p>Country concerned,</p> <p>what is the amount concerned</p> <p>how the breach was established, i.e. through a judicial or administrative decision or by other means.</p> <p>if the breach has been established through a judicial or administrative decision please provide the date of the decision,</p> <p>if the breach has been established by other means please specify the means.</p>	
3.2	<p>Please also confirm whether you have paid, or have entered into a binding arrangement with a view to paying, the outstanding sum including, where applicable, any accrued interest and/or fines.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
Please Note: We reserve our right to use our discretion to exclude your bid where we can demonstrate by any appropriate means that you are in breach of your obligations relating to the payment of taxes or social security contributions		

Section 4	Grounds for Discretionary Exclusion	
The detailed grounds for discretionary exclusion of an organisation are set out in Annex D and should be referred to before completing these questions.		
Question number	Question	Declaration
4.1	Within the past three years, anywhere in the world, have any of the situations summarised below and listed in full in Annex D applied to you?	
4.1(a)	Breach of environmental obligations? To note that environmental law obligations include Health and Safety obligations. See Annex D.	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(b)	Breach of social law obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(c)	Breach of labour law obligations?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(d)	Bankruptcy or subject of insolvency?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(e)	Guilty of grave professional misconduct?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(f)	Distortion of competition?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(g)	Conflict of interest?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(h)	Been involved in the preparation of the procurement procedure?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(i)	Prior performance issues?	Yes <input type="checkbox"/> No <input type="checkbox"/>
4.1(j)	Do any of the following statements apply to you?	
4.1(j) - (i)	You have been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria.	Yes <input type="checkbox"/> No <input type="checkbox"/>

<p>4.1(j) - (ii)</p> <p>4.1(j) –(iii)</p> <p>4.1(j)-(iv)</p>	<p>You have withheld such information.</p> <p>You are not able, without delay, to submit documents if/when required under Regulation 59.</p> <p>You have undertaken to unduly influence the decision-making process of the contracting authority to obtain confidential information that may confer upon you undue advantages in the procurement procedure, or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>4.2</p>	<p>You are a relevant commercial organisation subject to Section 54 of the Modern Slavery Act 2015 if you carry on your business, or part of your business in the UK, supplying goods or services and you have an annual turnover of at least £36 million.</p> <p>If you are a relevant commercial organisation please -</p> <p>confirm that you have published a statement as required by Section 54 of the Modern Slavery Act.</p> <p>confirm that the statement complies with the requirements of Section 54.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p>4.3</p>	<p>If you have answered YES to any of the questions in 4.1, or NO to question 4.2, please explain what measures have been taken to demonstrate your reliability despite the existence of a relevant ground for exclusion. (Self-cleaning)</p>	

Part 3: Selection Questions

Part 3: Selection Questions		
Section 5	Economic and Financial Standing	
Question number	Question	Response
5.1	<p>If documentary evidence of economic and financial standing is available electronically (e.g. financial statements filed with Companies House), please provide:</p> <p>the web address</p> <p>issuing authority</p> <p>precise reference of the documents</p>	
5.2	<p>Please confirm that if documentary evidence of economic and financial standing is not available electronically, a copy of your detailed accounts for the last two years (audited if required by law) would be available on request.</p> <p>Also, for any other person or entity on whom you are relying to meet the selection criteria relating to economic and financial standing, a copy of their detailed accounts for the last two years (audited if required by law) would be available on request.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
5.3	<p>If you are not able to provide a response to questions 5.1 or 5.2, the following may be requested.</p>	
5.3(a)	<p>A statement of your annual turnover, Profit and Loss Account/Income statement, Balance Sheet/statement of Financial Position and Statement of Cash Flow for the most recent year(s) of trading and a bank letter outlining the current cash and credit facility position.</p>	
5.3(b)	<p>Alternative information to evidence economic and financial standing (e.g. forecast financial statements and a statement of funding provided by the</p>	

	owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).	
5.4	Where you are relying on another member of your bidding group/consortium or any subcontractors or other security in order to meet the selection criteria relating to economic and financial standing, please confirm that the relevant person or entity is willing to provide a guarantee or other security if required	

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

	Contract 1	Contract 2	Contract 3
Name of customer organisation who signed the contract			
Name of supplier who signed the contract			
Point of contact in the customer's organisation.			
Position in the customer's organisation			
E-mail address			
Description of contract.			
Contract Start date.			
Contract completion date.			
Estimated contract value			

6.2	<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 and how you meet the selection criteria relating to technical and professional ability e.g. your organisation is a new start-up or you have provided services in the past but not under a contract.</p>
6.3	<p>Where you intend to subcontract a proportion of the contract, please demonstrate how you have previously maintained healthy supply chains with your subcontractor(s).</p> <p>The description should include, but is not limited to, details of your supply chain management tracking systems to ensure performance of the contract and including prompt payment and whether you are a signatory of the UK Prompt Payment Code (or have given commitments under other equivalent schemes).</p>

Section 7	Additional Questions including Project Specific Questions	
Question number	Question	Response
7.1	<p>Insurance</p> <p>Please confirm whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:</p> <p>Employer’s (Compulsory) Liability Insurance = £10m</p> <p>Public Liability Insurance = £10m</p> <p>Professional Indemnity Insurance = £10m</p> <p>*There is a legal requirement for certain employers to hold Employer’s (Compulsory) Liability Insurance of £5 million as a minimum. See the Health and Safety Executive website for more information:</p> <p>http://www.hse.gov.uk/pubns/hse39.pdf</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
7.2	Data protection – (Contracting Authorities: please refer to supplier selection guidance before using these questions)	
7.2(a)	Please confirm that you have in place, or that you will have in place by contract award, the human and technical resources to perform the contract to ensure compliance with the UK General Data Protection Regulations and to ensure the protection of the rights of data subjects.	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
7.2(b)	<p>Please provide details of the technical facilities and measures (including systems and processes) you have in place, or will have in place by contract award, to ensure compliance with the UK General Data Protection Regulations and to ensure the protection of the rights of data subjects. Your response should include, but should not be limited to facilities and measures:</p> <p>to ensure ongoing confidentiality, integrity, availability and resilience of processing systems and services;</p> <p>to comply with the rights of data subjects in respect of receiving privacy information, and access, rectification, deletion and portability of personal data;</p> <p>to ensure that any consent based processing meets standards of active, informed consent, and that such consents are recorded and auditable;</p>	

	<p>to ensure legal safeguards are in place to legitimise transfers of personal data outside the EU (if such transfers will take place);</p> <p>to maintain records of personal data processing activities; and</p> <p>to regularly test, assess and evaluate the effectiveness of the above measures.</p>	
7.3	<p>Health and Safety - (Contracting Authorities: please refer to supplier selection guidance before using these questions)</p> <p>Please describe the arrangements you have in place to manage health and safety effectively and control significant risks relevant to the requirement (including risks from the use of contractors, where relevant). Please use no more than [500] words.</p> <p>For use with Steel question - Please provide all the relevant details of previous breaches of health and safety legislation in the last 5 years, applicable to the country in which you operate on comparable projects, for both:</p> <p>your organisation</p> <p>all your supply chain members involved in the production or supply of steel</p>	
7.4	<p>Payment in Contracts Above £5m per annum (Central Government Contracts)</p> <p>If you intend to use a supply chain for this contract, you must demonstrate you have effective systems in place to ensure a reliable supply chain. This question is focused on exploring your payment systems.</p> <p>If your response to 7.4 (a) below is NO and you do not intend to use a supply chain for this contract, you are not required to complete the subsequent questions</p>	
7.4 (a)	<p>Please confirm if you intend to use a supply chain for this contract (i.e. services that are used wholly or substantially for the purpose of performing or contributing to the performance of the whole or part of the contract)</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>If "No" you do not need to complete the rest of this section</p> <p>NOT SCORED</p>
7.4 (b)	<p>Please confirm that you have systems in place to pay those in your supply chain promptly and effectively, i.e. within your agreed contractual terms.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>PASS/FAIL</p>
7.4 (c)	<p>Please confirm you have procedures for resolving disputed invoices with those in your supply chain promptly and effectively.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>PASS/FAIL</p>

	<p>This should include all situations where payments are due; not all payments involve an invoice⁵.</p> <p>You should explain this in the tender documents</p>	
PUBLIC SECTOR CONTRACTS ONLY – Requirement under the Public Contracts Regulations 2015 (Regulation 113)		
7.5	<p>Please confirm that for public sector contracts awarded under the Public Contract Regulations 2015 you have systems in place to include (as a minimum) 30 day payment terms in all of your supply chain contracts and require that such terms are passed down through your supply chain.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>PASS/FAIL</p>
PUBLIC AND PRIVATE SECTOR CONTRACTS		
7.6 (a)	<p>(a) Please provide the percentage of invoices paid by you to those in your immediate supply chain on all contracts for each of the two previous six-month reporting periods . This should include the percentage of invoices paid within each of the following categories:</p> <ol style="list-style-type: none"> 1. within 30 days 2. in 31 to 60 days 3. in 61 days or more 4. due but not paid by the last date for payment under agreed contractual terms. <p>It is acceptable to cross refer to information that has previously been submitted to Government or other bodies or is publicly available (provided it covers the required reporting periods), including data published in accordance with the Reporting on Payment Practices and Performance Regulations 2017.</p> <p>If you do wish to cross refer, please provide details and/or insert link(s).</p> <p>(b) If you are unable to demonstrate that all invoices have been paid within the agreed contractual terms, please explain why.</p> <p>(c) If you are unable to demonstrate that >95% of invoices payable to your supply chain on all contracts have been paid within 60 days of the receipt of the invoice in at least one of the last two six months reporting periods please provide an action plan for improvement which includes (as a minimum) the following:</p> <p>Identification of the primary causes of failure to pay:</p> <p>95% of all supply chain invoices within 60 days; and</p> <p>if relevant under question 7.6(b), all invoices within agreed terms.</p>	
7.6 (b)		
7.6 (c)		

⁵ See PPN 08/21 FAQs.

	<p>Actions to address each of these causes.</p> <p>A mechanism for and commitment to regular reporting on progress to the bidder’s audit committee (or equivalent).</p> <p>A plan signed off by your director</p> <p>Plan published on its website (this can be a shorter, summary plan).</p> <p>If you have an existing action plan prepared for a different purpose, it is acceptable to attach this but it should contain the above features</p> <p>Note: if you are required to submit an action plan under question 7.6(c), this action plan must also set out steps to address your payment within agreed terms, in order to achieve a pass for question 7.6 (c).</p>	
<p>7.7</p> <p>7.7 (a)</p> <p>7.7 (b)</p> <p>7.7 (c)</p> <p>7.7 (d)</p> <p>7.7 (e)</p> <p>7.7 (e) (i)</p>	<p>Carbon Reduction In Contracts Above £5m per annum (Central Government Contracts)</p> <p>Please confirm that you have detailed your environmental management measures by completing and publishing a Carbon Reduction Plan which meets the required reporting standard</p> <p>Provide a link to your most recently published Carbon Reduction Plan here:</p> <p>Please confirm that your organisation is taking steps to reduce your GHG Emissions over time and is publicly committed to achieving Net Zero by 2050</p> <p>Please provide your current Net Zero Target Date:</p> <p>Supplier Emissions Declaration</p> <p>Baseline Year:</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>PASS/FAIL</p> <p>Provide a web link (URL) to your CRP</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>PASS/FAIL</p> <p>Year of Net Zero Target, e.g. 2050</p>

7.7 (e) (ii)	Scope 1 emissions:	
7.7 (e) (iii)	Scope 2 emissions:	
7.7 (e) (iv)	Scope 3 emissions:	
7.7 (f)	Current/Most Recent Reporting Year:	
7.7 (f) (i)	Scope 1 emissions:	
7.7 (f) (ii)	Scope 2 emissions:	
7.7 (f) (iii)	Scope 3 emissions:	
7.7 (f) (iv)		
7.8	Skills and Apprentices In Contracts Above £10m per annum (Central Government Contracts)	
7.8 (a)	Please state whether you will be supporting apprenticeships and skills development through this contract.	Yes <input type="checkbox"/> No <input type="checkbox"/>
7.8 (b)	If 'YES' please set out how you will develop and maintain skills to build a more skilled and productive workforce. Please also provide details of the process in place to ensure that your supply chain supports skills, development and apprenticeships.	
7.9	Steel in Major Projects (Central Government Contracts)	
7.9 (a)	For contracts involving major projects where steel is a component, please describe the supply chain management systems, policies, standards and procedures you have in place to ensure robust supply chain management.	
7.9 (b)	Please provide details of previous similar projects where you have demonstrated a high level of competency and effectiveness in managing all supply chain members involved in steel supply or production to ensure a sustainable and resilient supply of steel.	
7.10	Suppliers' Past Performance (Central Government Contracts)	
7.10 (a)	Can you supply a list of your relevant principal contracts for goods and/or services provided in the last three years?	Yes <input type="checkbox"/> No <input type="checkbox"/>
7.10 (b)		Yes <input type="checkbox"/>

	Can you supply the information in question a. above for any subcontractors [or consortium members] who you are relying upon to perform this contract?	No <input type="checkbox"/>
7.11	Tackling Modern Slavery in Supply Chains ⁶ (Central Government Contracts)	
7.11 (a)	If you are a relevant commercial organisation subject to Section 54 of the Modern Slavery Act 2015, and if your latest statement is available electronically please provide: the web address, precise reference of the documents. If your latest statement is not available electronically, please provide a copy.	
7.11 (b)	If you are not a relevant commercial organisation subject to Section 54 of the Modern Slavery Act 2015 (for example if your turnover is less than £36 million or you do not carry on your business, or part of your business, in the UK), please provide the above information in relation of any published statements on modern slavery or other relevant documents containing information of a similar type/level.	
7.11 (c)	Any modern slavery statement or other statement or document should contain at least the following information: a. the organisation's structure, its business and its supply chains; b. its policies in relation to slavery and human trafficking;	
7.11 (d)	c. its due diligence processes in relation to slavery and human trafficking in its business and supply chains; d. the parts of its business and supply chains where there is a risk of slavery and human trafficking taking place, and the steps it has taken to assess and manage that risk; e. its effectiveness in ensuring that slavery and human trafficking is not taking place in its business or supply	

⁶ <https://www.gov.uk/government/publications/ppn-0223-tackling-modern-slavery-in-government-supply-chains>

	<p>chains, measured against such performance indicators as it considers appropriate;</p> <p>f. the training and capacity building about slavery and human trafficking available to its staff; or</p> <p>If all of this information is not included in your modern slavery statement or other statement or documents, please provide an explanation as to why not and/or assurances that it will be included before contract award.</p>	
7.12	<p>Registration with Regulatory Body (Pass/Fail)</p> <p>Please confirm (Y/N) that the Potential Supplier's practice includes an Architect who has the right to practice in the country where they are qualified or in the country where they currently reside or practice. UK-based candidates should therefore be registered with the Architects Registration Board (ARB), with overseas-based candidates registered with an equivalent regulatory body.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
7.13	<p>Minimum Capability Requirements (Pass/Fail)</p> <p>Capacity to commence the project in January 2025, ahead of the architect award, to help peer review the constructability of the architectural submissions.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
7.14	<p>Have completed the separately attached Conflict of Interest Declaration Form. The Authority reserves the right not to shortlist an organisation that declares a conflict which in the opinion of the Authority distorts competition or does not support equal treatment of all economic operators.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
7.15	<p>Project Specific Questions to assess Technical and Professional Ability (Scored Questions)</p> <p>Responses to these Questions will be scored by the Client. The weighting to be applied is shown in the right-hand column. Please refer to the accompanying Briefing Information document for further details of how these questions will be evaluated.</p>	Weighting
7.16	<p>Ability to design & deliver high quality schemes of a similar nature, scale &/or complexity to the proposed Fleming Centre including wherever possible your proposed team's experience in:</p> <ul style="list-style-type: none"> • new construction and refurbishment projects in the life science or healthcare sector exceeding a £20m+ construction budget • life science and/or healthcare buildings adjacent to major transport hubs and watercourses, and/or above railway lines with complex site access and construction logistics. 	50%

	<ul style="list-style-type: none"> • supporting science and research and/or healthcare projects with sustainability objectives considering building design and whole lifecycle costs. • NHS buildings reflecting the Adaptable Estate agenda centred on designing high quality and flexible healthcare assets. • buildings incorporating cultural and/or leisure offers such as galleries, libraries, archives and museums, especially those that include exhibition spaces. <p>Illustrative case studies should be presented for (up to three (3 No.) which demonstrate:</p> <ul style="list-style-type: none"> - High quality projects of a similar scale which have maximized the potential opportunities of similar sized spaces. - Successfully designed high quality projects of similar quality that demonstrate creativity in design and use of appropriate materials <p>Please provide a brief description of the contract delivered (to include project value and date of practical completion) and outline its relevance to the vision for the proposed Fleming Centre. Images and sketches should be included to illustrate the rationale and drivers behind the final realised design.</p> <p>Each case study example (text and images) should be presented over a maximum of x2 single sides of A4. If a collaborative approach with another architect firm is proposed, at least one contract case study example should be included from each practice and/or a contract example case study delivered jointly by the firms should be included as one of the x3 case studies provided.</p>	
7.17	<p>Ability to design & deliver projects to budget & programme involving complex briefs and input from Clients and stakeholders</p> <p>An expanded illustrative case study (1 No. additional or as an expanded case study to the above) which demonstrates:</p> <ul style="list-style-type: none"> ▪ Successfully designed projects that were delivered on time and in line with the planned construction programme (and if not, full details as to the reasons why not); <p>Please provide a brief description of the contract delivered (to include project value and date of practical completion) and any similarities in the challenges faced to those likely to be encountered in the Fleming Centre project. This should include representative illustrations and sketches, together with additional explanatory notes where the duration and/or final budget</p>	20%

	<p>exceeded the original projections. The case study example (text and images) should be presented over a maximum of x2 single sides of A4.</p>	
<p>7.18</p>	<p>Overall experience and balance of the design team, including proposed key personnel who will be responsible for design development of the project.</p> <p>Brief CVs for key members of the design team demonstrating professional qualification, recent project experience, current position and proposed role within the team. Reference should be made to the contract example case studies where possible.</p> <p>Featured images should be clearly annotated to explain to which projects, consultant firms and personnel they refer. If a collaborative approach with another firm of architects is proposed, the respective roles and anticipated delivery arrangement must be clearly articulated. The information should be presented over a total of x2 single sides of A4 for the lead architect firm, and a further total of x4 single sides of A4 for the other required core design disciplines.</p>	<p>30%</p>

Contact details and declaration

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

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

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

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

I am aware of the consequences of serious misrepresentation.

Signature (electronic is acceptable)

Date

Contact details of those making the declaration

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

Annex D - Exclusion Grounds: Public Procurement

Mandatory Exclusion Grounds

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

Participation in a criminal organisation

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

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

Corruption

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

Terrorist offences or offences linked to terrorist activities

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

Money laundering or terrorist financing

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

Child labour and other forms of trafficking human beings

- ❖ An offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004;
- ❖ An offence under section 59A of the Sexual Offences Act 2003
- ❖ An offence under section 71 of the Coroners and Justice Act 2009;

- ❖ An offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994
- ❖ An offence under section 1, 2 or section 4 of the Modern Slavery Act 2015.

Non-payment of tax and social security contributions

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

Other offences

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

Discretionary Exclusions Grounds

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

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

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

jurisdiction other than the UK).

- Where the organisation has been in breach of section 15 of the Immigration, Asylum, and Nationality Act 2006;
- Where the organisation has a conviction under section 21 of the Immigration, Asylum, and Nationality Act 2006;
- Where the organisation has been in breach of the National Minimum Wage Act 1998.

Bankruptcy, insolvency

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

Grave professional misconduct

- Guilty of grave professional misconduct

Distortion of competition

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

Conflict of interest

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

Been involved in the preparation of the procurement procedure.

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

Prior performance issues

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

Misrepresentation and undue influence

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

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

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

Additional grounds

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

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

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

Consequences of misrepresentation

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

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