**SELECTION QUESTIONNAIRE (SQ)**

**for the provision of**

**PAYROLL AND HR SERVICES OUTSOURCING**

**on behalf of**

**EP UK Investments Ltd**

**October 2019**

**Upon downloading the Selection Questionnaire, Economic Operators must immediately provide a contact name, email address and telephone number for their organisation to** [**payroll.hr.outsourcing@epkui.co.uk**](mailto:payroll.hr.outsourcing@epkui.co.uk) **in order to receive clarification responses. It is the responsibility of each Economic Operator to register in this manner.**

1. **Introduction**

EP UK Investments (EPUKI) is a UK energy company, primarily focusing on power generation from conventional and renewable sources.

EPUKI represents the UK interests of [**Energetický a průmyslový holding (EPH)**](http://www.epholding.cz/en/), a leading Central European energy group that owns and operates assets in the Czech Republic, the Slovak Republic, Germany, Italy, the UK and Hungary. EPH is a vertically integrated energy utility covering the complete value chain ranging from highly efficient cogeneration, power generation, and natural gas transmission, gas storage, gas and electricity distribution and supply. The 50 companies in the group employ nearly 25,000 people.

EPH is the largest supplier of heat in the Czech Republic, the biggest electricity producer and the second biggest electricity distributor and supplier in Slovakia and ranks as the second biggest lignite producer in Germany. It is also an operator of a robust transmission network in Europe, a key transporter of Russian natural gas to Europe and the biggest gas distributor in Slovakia. In total it has 22 GW of heat and power capacity including coal, lignite and renewables.

EPH entered the UK market in 2015 through the purchase of Eggborough Power Limited, an independent power generator which owned and operated a 2,000 MW coal-fired power station in Yorkshire. In 2016, EPH purchased Lynemouth Power Limited, the owner and operator of a 420 MW coal-fired power station in Northumberland. Lynemouth holds a Contract for Difference and has undergone conversion to full biomass. In September 2017 EPH acquired Langage and South Humber Bank combined cycle gas turbine (CCGT) power stations from Centrica plc, with a combined capacity of 2.3GW and in June 2019 EPH acquired Ballylumford and Kilroot power stations from AES, this acquisition included a CCGT, battery storage facility, open cycle turbines and a coal-fired power station, all in Northern Ireland.

EPUKI continues to actively pursue other acquisitions and new build opportunities in the UK electricity market.

1. **Background to the requirement**

**2.1.** **Overview**

EPUKI is now looking to outsource aspects of its Human Resources activities, notably payroll and pension administration although the scope of work may be extended in the future. The Company uses Cascade HR System for the management of employee data.

The Company currently manages six PAYE schemes with support from external partners to calculate, process and make the necessary payments to circa 500 employees and third parties on a monthly basis and they wish to extend outsourcing to include more of the administrative activities involved which are currently managed internally. As a result, EPUKI is now commencing a tender process for the full scope of work.

The successful Economic Operator will be responsible for implementing the Clients’ requirements, which are: -

* Fully outsourced, reliable payroll service - all required payments processed, checked and paid and fully auditable records maintained
* Full demonstrable compliance with GDPR and UK Data Protection Legislation
* Backup facilities in place in the event of IT system problems or staff shortages
* Use of HMRC accredited payroll software
* Secure method of transfer of data in place
* Provide and manage an electronic payslips facility
* Accurate calculation of tax & NI deductions and management of RTI / HMRC interfaces
* Calculate Apprentice Levy payments and submit to HMRC
* Process Statutory deductions, arrestment orders and Student loans
* Year-end payroll administration and reporting (including issue of P60s / P11Ds) within statutory deadlines
* Set up and process new starters along with corresponding P45/P46
* Provide and issue P45s to employees on termination of employment
* Ensure compliance is maintained with regards to all payroll related obligations, regulations and legislation and provide advice to Company as and when required
* Provide a comprehensive set of monthly payroll reports and oversight/governance reports to EPUKI and provide a reporting and data interrogation service for the Company which can provide additional reports in the format requested
* The payroll system needs to be able to identify which elements of pay are pensionable or non-pensionable.
* There needs to be the ability to gross up tax and NI payments through the payroll
* Calculate back pay where required on relevant salary, shift pay, allowances, overtime, disturbance, call-out, pension contributions etc.
* Calculate and process sick pay as per Company policy and contractual arrangements, ensuring statutory sick pay rules are applied.
* Calculate Maternity Leave, Shared Parental Leave, Paternity Leave, Adoption Leave and associated pay in adherence to relevant Company policy.
* Calculate and pay Holiday Pay payments in line with the agreed Company arrangements at respective sites.
* Process other payments on request of the Company such as Bonus, Fire Team / First Aid, Ex-gratia and Redundancy payments
* Interpret reports/information from the Company to determine relevant payroll element codes to be used.
* Make payments to relevant Third Parties in connection with voluntary deductions and pension contributions and submit schedules to them to reconcile the payments made
* Liaise with Company contacts in Finance/HR regarding information required for P11Ds
* Respond to employee queries about their pay/tax, during standard UK working hours
* Provide supporting information and advice in connection with loss of earnings claims
* Any errors identified to be validated and corrected in a timely manner, with explanation provided for the Company and employee(s)

Key pension administration requirements and activities included in the scope of work are:

* DB Pension Schemes
  + managing interface with Scheme Administrators in relation to monthly contributions for reconciliation of payments made through payroll
  + administration of leavers/retirees in conjunction with pension provider and payroll processing
* DC Pension Schemes
  + processing new starters and leavers through the respective pension provider portals
  + uploading monthly payment schedules
  + administration of auto enrolment obligations
  + processing employee requests to amend pension contributions
  + responding to employee queries

Additional HR administration activities included in the scope of works:

* Childcare Vouchers – processing change requests, ordering vouchers, arranging payment to provider and deductions through payroll
* PMI Admin - uploading new starters/leavers/address changes through the provider’s portal, pulling reports to support P11d calculations
* Group Life – compilation of annual membership renewal data
* Group Income Protection – administration of scheme and liaising with policy provider
* Providing information to support finance/pension audits and Director’s Emoluments reporting

This scope of work is not exclusive and further activities and new PAYE schemes may be included in the future as the business continues to grow and expand.

Further detail is contained in the Technical Specification to be issued to all Economic Operators shortlisted for tender stage.

It is anticipated that the contract awarded will commence during August 2020.

The contract will be awarded for an initial period of three (3) years, with the potential option for the Clients to extend (at their sole discretion), for agreed & specified periods, up to a maximum of five (5) years in total.

**2.2.** **The procurement process**

This procurement is being conducted in accordance with the negotiated procedure under the Utilities Contracts Regulations 2016 (**Regulations**). Economic Operators should complete and submit this Selection Questionnaire (**SQ**) in accordance with the instructions in this document prior to the return deadline of **12 noon on Monday 18 November 2019**

Following submission and evaluation of SQ responses, the Clients envisage inviting a minimum of (4) Economic Operators to the tender stage. If, in the Client’s opinion there are more than 4 suitable Economic Operators, the Client reserves the right to invite all Economic Operators or a number higher than the minimum but less than the total number of SQ respondents to ITT stage.

All Economic Operators will be informed of the outcome of the evaluation of SQ responses and those Economic Operators shortlisted for tender stage will be provided with the tender documents and invited to complete and return their tender response in accordance with the Invitation to Tender (**ITT**).

**2.3.** **Indicative Timetable**

The proposed timetable for the procurement process is set out below. This represents a guide only and the Clients reserve the right to depart from the stated timescales at any time.

|  |  |
| --- | --- |
| **Date** | **Action** |
| **18 October 2019** | Issue OJEU Notice / SQ |
| **12 noon 8 November 2019** | SQ Clarification Deadline |
| **12 noon 18 November 2019** | SQ Return Deadline |

1. **Outline of the Requirement**

Economic Operators must be able to provide all of the services listed in section 2.1. If an Economic Operator cannot provide all of the services / requirements listed against the stated high-level specification, the Economic Operator will be excluded from consideration for progression to the ITT stage of this tender.

1. **Instructions to Economic Operators**

**4.1.** **Consortia**

Economic Operators may wish to form a consortium (i.e. a group of suppliers and/or sub-contractors) for this procurement process. Economic Operators wishing to apply in this way must complete the relevant sections of the SQ detailing the information required in relation to the consortium (as indicated within the SQ).

Each consortium member will be required to contract with the Clients on such basis as the Clients consider appropriate, having regard to the nature, size and complexity of the contract. In particular, the Clients may require:

* some or all consortium members to contract on the basis of joint and several liability;
* one consortium member to contract as the prime contractor (with other consortium members entering into direct agreements, collateral warranties or guarantees); or
* the consortium to form an incorporated, special purpose vehicle to contract with the Clients.

Failure to comply with any of the above requirements may result in the rejection of the Economic Operator from the procurement process.

**4.2.** **Reliance on Third Parties**

Economic Operators (including, for the avoidance of doubt, consortium members) may rely on the resources of third party entities, with which they are directly or indirectly linked, in order to meet the SQ requirements. The Clients reserve the right to require such assurances as considered necessary and/or the provision of a guarantee, performance bond, direct agreement or collateral warranty from the third party entities.

Where a third party entity is being relied on to support the obligations of the Economic Operator, the relevant information must be provided in the SQ, for example, in relation to economic and financial standing. It is important for Economic Operators to note that, if sufficient evidence is not provided, or the Clients do not deem it appropriate for the Economic Operator (or any consortium member) to rely on a third party’s resources in the manner proposed, the Economic Operator (or consortium member as appropriate) will be evaluated on its own merits.

Failure to comply with any of the above requirements may result in the rejection of the Economic Operator from the procurement process.

**4.3.** **Changes to information provided in SQ responses**

Where information provided in an SQ response changes following submission, Economic Operators must notify the Clients as soon as possible, providing full details of, and reasons for, the changes. Failure to notify such changes may result in the rejection of the Economic Operator from the procurement process.

In particular, but without limitation, the Economic Operator must notify the Clients of:

* any proposed changes to consortium members or any third-party entities being relied on;
* any significant deterioration in the financial standing of the Economic Operator, or any consortium member or third-party entity being relied on; and
* if any of the grounds set out in Regulation 57 of the Utilities Contracts Regulations 2016 apply in respect of the Economic Operator, or any consortium member or third-party entity being relied on.

The Clients may require the Economic Operator to provide such further information as may be required to enable them to assess the Economic Operator’s ability to continue participating in the procurement process. The Clients reserve the right, at their absolute discretion, to accept or reject any changes to an Economic Operator’s structure and to reject an Economic Operator from the procurement process on this basis.

**4.4.** **Clarifications**

Economic Operators may seek clarification where they consider any part of the documentation or any other aspect of this procurement process is unclear. Requests for clarification in relation to the SQ must be sent via email to [**payroll.hr.outsourcing@epuki.co.uk**](mailto:payroll.hr.outsourcing@epuki.co.uk)by no later than **12 noon on 8 November 2019.**

Clarification requests and responses will be circulated to all Economic Operators and shall form part of the procurement process. It is the responsibility of Economic Operators to monitor and take into consideration all clarification responses issued. Where an Economic Operator considers a clarification to be confidential in nature, this should be clearly stated on the request. In all circumstances, the Clients reserve the right to communicate clarification responses to all Economic Operators, at any stage, at their sole discretion.

**4.5.** **Submission of SQ responses**

Economic Operators must complete all questions in the SQ in full, in the format requested, and return the completed SQ response via email to [**payroll.hr.outsourcing@epuki.co.uk**](mailto:payroll.hr.outsourcing@epuki.co.uk)by no later than **12 noon on 18 November 2019.**

**Economic Operators should note that late responses will not be accepted.**

**4.6.** **Evaluation of SQ responses**

The evaluation of SQ responses will be carried out by a single evaluation panel from EP UKI formed by both commercial and non-commercial representatives.

***Completeness and Compliance Check***

SQ responses will be subject to a completeness and compliance check to ensure that the SQ response is fully compliant with the requirements of this document.

***Evaluation***

Each question within the SQ response will then be evaluated in accordance with the evaluation criteria stipulated within the question. Any Economic Operator that fails any question marked pass/fail within the SQ will be rejected from the procurement process.

Questions 1 and 5 are for information only, however Economic Operators must provide all information requested. Economic Operators that pass all of Questions 2, 3, 4, 6, 7 and 8.1 will proceed to have their responses to Questions 8.2 to 8.6 evaluated.

Questions 8.2 to 8.6 have the following weightings, as set out in further detail within the scoring indicators for the questions:

|  |  |
| --- | --- |
| **Question** | **Weighting** |
| Question 8.2 | Pass or Fail |
| Question 8.3 | Pass or Fail |
| Question 8.4 | 50% |
| Question 8.5 | 30% |
| Question 8.6 | 20% |

The Clients reserve the right to contact any named customer contact in Question 6.1 of the SQ in order to verify the information provided by the Economic Operator.

Following the conclusion of the evaluation of all SQ responses, scores will be aggregated for each Economic Operator in Questions 8.2 to 8.6 and ranked in order.

As outlined above, the Client envisage (subject to a sufficient number of satisfactory responses being received) inviting a minimum of 4 Economic Operators to submit tender responses. All Economic Operators will be informed of the outcome of the evaluation of SQ responses and the successful Economic Operators will be invited to submit tender responses.

***Clarification***

Where an SQ response is not complete/compliant with the instructions set out in this document, the Clients reserve the right, at their absolute discretion and subject to the Regulations, to:

* Reject the SQ response as non-compliant;
* Without prejudice to the above, to:
  + Seek clarification or supplementary information from the Economic Operator(s);
  + To request the Economic Operator(s) to provide information or items which have been provided in an incorrect format; and
  + To waive a requirement which, in the opinion of the Clients, is minor and/or procedural.

For the avoidance of doubt, whilst the Clients reserve the right to carry out the above action, they shall not be obliged to do so.

Economic Operators must comply with and facilitate any requests in this regard within such timeline as the Clients may, at their discretion, stipulate. The Clients’ decision in relation to the compliance of any SQ response shall be final.

**4.7.** **Disclaimers**

* The advertisement of this opportunity in no way commits the Clients’ to appoint an Economic Operator to provide the services described in this document and the Clients reserve the right to terminate this procurement process at any time.
* The Clients are under no obligation to proceed with the contract and may, at their absolute discretion, withdraw, change, vary or suspend this procurement process. Nothing in this document constitutes an agreement or representation that an Economic Operator will be awarded a contract.
* Economic Operators are requested to consider if any information supplied in their SQ response should not be disclosed because of sensitivity. If so, this should be expressly identified by the Economic Operator within the SQ response.
* In providing any information in connection with this procurement process, whether in this SQ or otherwise, the Clients make no representation, and accept no responsibility for, the accuracy, comprehensiveness or adequacy of the information provided.
* The costs of participating in this procurement process shall be borne by each Economic Operator.
* The tender documents contain information that is proprietary and confidential to the Clients. Any dissemination, distribution, reproduction or disclosure of any content of this document is forbidden, without obtaining the prior written consent of the Clients. By receiving the information contained in this document and any associated documents, the Economic Operator agrees to keep confidential the information contained in these documents and/or any further information made available in connection with any further enquiries regarding the contract. This document, and any associated documents, may only be made available to the Economic Operator’s/its direct/indirect Group companies employees or professional advisors directly involved in the appraisal of such information on the same confidential basis and the Economic Operator shall be responsible for ensuring that such employers and professional advisors maintain the confidentiality of information disclosed by or on behalf of the Clients.
* If it is necessary for the Clients to amend this documentation in any way, prior to the receipt of responses, all Economic Operators shall be notified in writing simultaneously. If appropriate, the deadline for responses may be extended.
* Any Economic Operator who, directly or indirectly, canvasses any representative of the Clients concerning the award of the contract or who directly or indirectly obtains or attempts to obtain information from such representative concerning the proposed or any other response will be disqualified.
* The Clients reserve the right to request further information from an Economic Operator in relation to any response provided to this SQ, in particular to seek evidence, including supporting documents, to support any statement or confirmation given.

# Standard Selection Questionnaire

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

The standard Selection Questionnaire is a self-declaration, made by you (the potential supplier), that you do not meet any of the grounds for exclusion[[1]](#footnote-1). If there are grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (we call this self-cleaning).

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

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

**Supplier Selection Questions: Part 3**

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

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

**Consequences of misrepresentation**

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

**Notes for completion**

1. The “authority” means the contracting authority, or anyone acting on behalf of the contracting authority, that is seeking to invite suitable candidates to participate in this procurement process.
2. “You” / “Your” refers to the potential supplier completing this standard Selection Questionnaire i.e. the legal entity responsible for the information provided. The term “potential supplier” is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 (referred to as the “regulations”) and could be a registered company; the lead contact for a group of economic operators; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.
3. Please ensure that all questions are completed in full, and in the format requested. If the question does not apply to you, please state ‘N/A’. Should you need to provide additional information in response to the questions, please submit a clearly identified annex.
4. The authority recognises that arrangements set out in section 1.2 of the standard Selection Questionnaire, in relation to a group of economic operators (for example, a consortium) and/or use of sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the authority immediately of any change in the proposed arrangements and ensure a completed Part 1 and Part 2 is submitted for any new organisation relied on to meet the selection criteria. The authority will make a revised assessment of the submission based on the updated information.
5. For Part 1 and Part 2 every organisation that is being relied on to meet the selection must complete and submit the self-declaration.
6. For answers to Part 3 -If you are bidding on behalf of a group, for example, a consortium, or you intend to use sub-contractors, you should complete all of the questions on behalf of the consortium and/ or any sub-contractors, providing one composite response and declaration.

The authority confirms that it will keep confidential and will not disclose to any third parties any information obtained from a named customer contact, other than to the Cabinet Office and/or contracting authorities defined by the regulations, or pursuant to an order of the court or demand made by any competent authority or body where the authority is under a legal or regulatory obligation to make such a disclosure.

**Part 1: Potential supplier Information**

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

|  |  |  |
| --- | --- | --- |
| **Section 1** | **Potential supplier information** | |
| **Question number** | **Question** | **Response** |
| 1.1(a) | Full name of the potential supplier submitting the information |  |
| 1.1(b) – (i) | Registered office address (if applicable) |  |
| 1.1(b) – (ii) | Registered website address (if applicable) |  |
| 1.1(c) | Trading status   1. public limited company 2. limited company 3. limited liability partnership 4. other partnership 5. sole trader 6. third sector 7. other (please specify your trading status) |  |
| 1.1(d) | Date of registration in country of origin |  |
| 1.1(e) | Company registration number (if applicable) |  |
| 1.1(f) | Charity registration number (if applicable) |  |
| 1.1(g) | Head office DUNS number (if applicable) |  |
| 1.1(h) | Registered VAT number |  |
| 1.1(i) - (i) | If applicable, is your organisation registered with the appropriate professional or trade register(s) in the member state where it is established? | Yes ☐  No ☐  N/A ☐ |
| 1.1(i) - (ii) | If you responded yes to 1.1(i) - (i), please provide the relevant details, including the registration number(s). |  |
| 1.1(j) - (i) | Is it a legal requirement in the state where you are established for you to possess a particular authorisation, or be a member of a particular organisation in order to provide the services specified in this procurement? | Yes ☐  No ☐ |
| 1.1(j) - (ii) | If you responded yes to 1.1(j) - (i), please provide additional details of what is required and confirmation that you have complied with this. |  |
| 1.1(k) | Trading name(s) that will be used if successful in this procurement |  |
| 1.1(l) | Relevant classifications (state whether you fall within one of these, and if so which one)   1. Voluntary Community Social Enterprise (VCSE) 2. Sheltered Workshop 3. Public service mutual |  |
| 1.1(m) | Are you a Small, Medium or Micro Enterprise (SME)[[2]](#footnote-2)? | Yes ☐  No ☐ |
| 1.1(n) | Details of Persons of Significant Control (PSC), where appropriate: [[3]](#footnote-3)  - 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 (for existing companies the 6 April 2016 should be used);  - 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.  (Please enter N/A if not applicable) |  |
| 1.1(o) | Details of immediate parent company:    - Full name of the immediate parent company  - Registered office address (if applicable)  - Registration number (if applicable)  - Head office DUNS number (if applicable)  - Head office VAT number (if applicable)  (Please enter N/A if not applicable) |  |
| 1.1(p) | Details of ultimate parent company:  - Full name of the ultimate parent company  - Registered office address (if applicable)  - Registration number (if applicable)  - Head office DUNS number (if applicable)  - Head office VAT number (if applicable)  (Please enter N/A if not applicable) |  |

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

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

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

**Contact details and declaration**

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

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

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

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

I am aware of the consequences of serious misrepresentation.

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

**Part 2: Exclusion Grounds**

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

|  |  |  |
| --- | --- | --- |
| **Section 2** | **Grounds for mandatory exclusion** | |
| **Question number** | **Question** | **Response** |
| 2.1(a) | **Regulations 57(1) and (2)**  The detailed grounds for mandatory exclusion of an organisation are set out on this [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.  Please indicate if, within the past five years you, your organisation or any other person who has powers of representation, decision or control in the organisation been convicted anywhere in the world of any of the offences within the summary below and listed on the [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf). | |
|  | Participation in a criminal organisation. | Yes ☐  No ☐  If Yes please provide details at 2.1(b) |
|  | Corruption. | Yes ☐  No ☐  If Yes please provide details at 2.1(b) |
|  | Fraud. | Yes ☐  No ☐  If Yes please provide details at 2.1(b) |
|  | Terrorist offences or offences linked to terrorist activities | Yes ☐  No ☐  If Yes please provide details at 2.1(b) |
|  | Money laundering or terrorist financing | Yes ☐  No ☐  If Yes please provide details at 2.1(b) |
|  | Child labour and other forms of trafficking in human beings | Yes ☐  No ☐  If Yes please provide details at 2.1(b) |
| 2.1(b) | If you have answered yes to question 2.1(a), please provide further details.  Date of conviction, specify which of the grounds listed the conviction was for, and the reasons for conviction,  Identity of who has been convicted  If the relevant documentation is available electronically please provide the web address, issuing authority, precise reference of the documents. |  |
| 2.2 | If you have answered Yes to any of the points above have measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self Cleaning) | Yes ☐  No ☐ |

|  |  |  |
| --- | --- | --- |
| 2.3(a) | **Regulation 57(3)**  Has it been established, for your organisation by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which the organisation is established (if outside the UK), that the organisation is in breach of obligations related to the payment of tax or social security contributions? | Yes ☐  No ☐ |
| 2.3(b) | If you have answered yes to question 2.3(a), please provide further details. Please also confirm you have paid, or have entered into a binding arrangement with a view to paying, the outstanding sum including where applicable any accrued interest and/or fines. |  |

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

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| **Section 3** | **Grounds for discretionary exclusion** | |
| **Question number** | **Question** | **Response** |
| 3.1 | **Regulation 57 (8)**  The detailed grounds for discretionary exclusion of an organisation are set out on this [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.    Please indicate if, within the past three years, anywhere in the world any of the following situations have applied to you, your organisation or any other person who has powers of representation, decision or control in the organisation. | |
| 3.1(a) | Breach of environmental obligations? | Yes ☐  No ☐  If yes please provide details at 3.2 |
| 3.1 (b) | Breach of social obligations? | Yes ☐  No ☐  If yes please provide details at 3.2 |
| 3.1 (c) | Breach of labour law obligations? | Yes ☐  No ☐  If yes please provide details at 3.2 |
| 3.1(d) | Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation’s assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State? | Yes ☐  No ☐  If yes please provide details at 3.2 |
| 3.1(e) | Guilty of grave professional misconduct? | Yes ☐  No ☐  If yes please provide details at 3.2 |
| 3.1(f) | Entered into agreements with other economic operators aimed at distorting competition? | Yes ☐  No ☐  If yes please provide details at 3.2 |
| 3.1(g) | Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure? | Yes ☐  No ☐  If yes please provide details at 3.2 |
| 3.1(h) | Been involved in the preparation of the procurement procedure? | Yes ☐  No ☐  If yes please provide details at 3.2 |
| 3.1(i) | Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions? | Yes ☐  No ☐  If yes please provide details at 3.2 |

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

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| 3.2 | If you have answered Yes to any of the above, explain what measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self-Cleaning) |  |

**Part 3: Selection Questions**

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| **Section 4** | **Economic and Financial Standing** | | |
| **Question number** | **Question** | **Response** | |
| **4.1** | Are you able to provide a copy of your audited accounts for the last two years, if requested?  If no, can you provide **one** of the following: answer with Y/N in the relevant box. | | Yes ☐  No ☐ |
| (a) A statement of the turnover, Profit and Loss Account/Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year of trading for this organisation. | | Yes ☐  No ☐ |
| (b) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position. | | Yes ☐  No ☐ |
|  | (c) Alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status). | | Yes ☐  No ☐ |
| **4.2** | Where we have specified a minimum level of economic and financial standing and/ or a minimum financial threshold within the evaluation criteria for this procurement, please self-certify by answering ‘Yes’ or ‘No’ that you meet the requirements set out.  Economic Operators are required to demonstrate an annual turnover of at least £600,000 in each of the previous three (3) years | | Yes ☐  No ☐ |

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

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| --- | --- | --- |
| **5.1** | Are you able to provide parent company accounts if requested to at a later stage? | Yes ☐  No ☐ |
| **5.2** | If yes, would the parent company be willing to provide a guarantee if necessary? | Yes ☐  No ☐ |
| **5.3** | If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)? | Yes ☐  No ☐ |

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| **Section 6** | **Technical and Professional Ability** |
| **6.1** | **Relevant experience and contract examples**  Please provide details of up to three contracts, in any combination from either the public or private sector; voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. VCSEs may include samples of grant-funded work. Contracts for supplies or services should have been performed during the past three years. Works contracts may be from the past five years.  The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.  Consortia bids should provide relevant examples of where the consortium has delivered similar requirements. If this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle is to be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (three examples are not required from each member).  Where the Supplier is a Special Purpose Vehicle, or a managing agent not intending to be the main provider of the supplies or services, the information requested should be provided in respect of the main intended provider(s) or sub-contractor(s) who will deliver the contract.  If you cannot provide examples, see question 6.3 |

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

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| **6.2** | Where you intend to sub-contract a proportion of the contract, please demonstrate how you have previously maintained healthy supply chains with your sub-contractor(s)  Evidence should include, but is not limited to, details of your supply chain management tracking systems to ensure performance of the contract and including prompt payment or membership of the UK Prompt Payment Code (or equivalent schemes in other countries) |
|  |  |

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| **6.3** | If you cannot provide at least one example for questions 6.1, in no more than 500 words please provide an explanation for this e.g. your organisation is a new start-up or you have provided services in the past but not under a contract. |
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| **Section 7** | **Modern Slavery Act 2015:** **Requirements under Modern Slavery Act 2015** | |
| **7.1** | Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")? | Yes ☐  N/A ☐ |
| **7.2** | If you have answered yes to question 7.1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015? | Yes ☐  Please provide the relevant url …  No ☐  Please provide an explanation |

**8. Additional Questions**

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

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

**Question 8.2 – HMRC Accredited Software (Pass/Fail)**

An SQ response will be marked as a “fail” and excluded from the procurement process where the Economic Operator does not demonstrate that it meets the requirement specified in Question 8.2 below and/or responds no.

|  |  |  |
| --- | --- | --- |
| **8.2** | **HMRC Accredited Software** | |
| 8.2 | Economic Operators are required to demonstrate that they use HMRC accredited payroll software  Please confirm that your organisation meets the requirement specified. If the answer is yes, please state which software you have used. | Yes ☐  No ☐ |
|  |  |  |

**Question 8.3 – UK Data Protection Legislation (Pass/Fail)**

An SQ response will be marked as a “fail” and excluded from the procurement process where the Economic Operator does not demonstrate that it meets the requirement specified in Question 8.3 below and/or responds no.

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| **8.3** | **UK Data Protection Legislation** | |
| 8.3 | Economic Operators are required operate within the principles of UK Data Protection Legislation and comply with GDPR requirements?  Please confirm that your organisation meets the requirement specified: | Yes ☐  No ☐ |
|  |  |  |

**Question 8.4 – Experience of working within UK Payroll and Pension Legislation**

Responses to Question 8.4 will be marked based on the scoring indicators below. An SQ response will be marked as a “fail” and excluded from the procurement process where the Economic Operator does not achieve a score of at least 30%.

|  |  |
| --- | --- |
| **Weighted Score** | **Indicator** |
| 50% | Excellent – response gives real confidence that the Economic Operator has the capability to deliver the requirements and at least three examples demonstrate experience of working within UK payroll and pension legislation |
| 40% | Above acceptable – response demonstrates good capability to meet the requirement and at least two example demonstrates experience of working within UK payroll and pension legislation |
| 30% | Acceptable – response provided indicates that the Economic Operator has adequate capability to deliver a contract of this size and evidence of skill/experience sought has been provided with at least one example demonstrating experience. |
| 15% | Less than acceptable – response lacks convincing evidence of skills/experience sought, medium risk that relevant skills are not available. |
| 5% | A poor response/answer/solution – limited or poor evidence of experience or skills sought, high risk that relevant skills are not available. |
| 0% | Failed to address the question |

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| **8.4** | **Experience of working within UK Payroll and Pension Legislation** | |
| 8.4 | Do you have extensive experience of working within UK payroll and pension legislation in order to calculate, process and report on relevant aspects and provide advice and support to clients?  Please provide examples | Yes ☐  No ☐ |
|  |  |  |

**Question 8.5 – Experience of managing payroll and pension administration services for multiple UK assets**

Responses to Question 8.5 will be marked based on the scoring indicators below. An SQ response will be marked as a “fail” and excluded from the procurement process where the Economic Operator does not achieve a score of at least 18%.

|  |  |
| --- | --- |
| **Weighted Score** | **Indicator** |
| 30% | Excellent – response gives real confidence that the Economic Operator has the capability to deliver the requirements and at least two examples demonstrate experience of delivering the services for multiple UK assets under a single payroll contract |
| 24% | Above acceptable – response demonstrates good capability to meet the requirement and at least one example demonstrates experience of delivering the services for multiple UK assets under a single payroll contract |
| 18% | Acceptable – response provided indicates that the Economic Operator has adequate capability to deliver a contract of this size and evidence of skill/experience sought has been provided. |
| 9% | Less than acceptable – response lacks convincing evidence of skills/experience sought, medium risk that relevant skills are not available. |
| 3% | A poor response/answer/solution – limited or poor evidence of experience or skills sought, high risk that relevant skills are not available. |
| 0% | Failed to address the question |

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| --- | --- | --- |
| **8.5** | **Experience of managing payroll and pension administration services for multiple UK assets** | |
| 8.5 | Do you have extensive experience of managing payroll and pension administration services for multiple UK assets under a single payroll contract?  Please provide examples | Yes ☐  No ☐ |
|  |  |  |

**Question 8.6 – Subcontracting to third parties**

Responses to Question 8.6 will be marked based on the scoring indicators below. An SQ response will be marked as a “fail” and excluded from the procurement process where the Economic Operator does not achieve a score of at least 12%.

|  |  |
| --- | --- |
| **Weighted Score** | **Indicator** |
| 20% | Excellent – All services delivered in house or subcontracted to third parties in the UK support evidence provided |
| 16% | Above acceptable – Services delivered in house or subcontracted to third parties within the EEA with appropriate policies, procedures and contractual arrangements in place to ensure compliance with UK data protection legislation and GDPR, evidence is provided |
| 12% | Acceptable – Services delivered in house or subcontracted to third parties outside of the EEA with appropriate policies, procedures and contractual arrangements in place to ensure compliance with UK data protection legislation and GDPR and evidence is provided |
| 6% | Less than acceptable – Services delivered in house or subcontracted to third parties outside of the EEA response lacks evidence of compliance with UK data protection |
| 0% | Failed to address the question |

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| **8.6** | **Subcontracting to third parties** | |
| 8.6 | Are any of the services you provide subcontracted out to third parties either inside or outside the UK? If yes, which services and where to? | Yes ☐  No ☐ |
|  |  |  |

**Annex C**

**Mandatory Exclusion Grounds**

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

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

**Participation in a criminal organisation**

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

Conspiracy within the meaning of

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

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

**Corruption**

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

The common law offence of bribery;

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

**Fraud**

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

* the common law offence of cheating the Revenue;
* the common law offence of conspiracy to defraud;
* fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978;
* fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006;
* fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;
* an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
* destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969;
* fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006;
* the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act;

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

Any offence:

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

**Money laundering or terrorist financing**

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

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

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

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

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

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

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

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

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

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

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

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

**Other offences**

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

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

**Discretionary exclusions**

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

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

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

**Bankruptcy, insolvency**

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

**Grave professional misconduct**

Guilty of grave professional misconduct

**Distortion of competition**

Entered into agreements with other economic operators aimed at distorting competition

**Conflict of interest**

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

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

**Prior performance issues**

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

**Misrepresentation and undue influence**

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

Additional exclusion grounds

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

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

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

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

**Consequences of misrepresentation**

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

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

1. For the list of exclusion please see <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf> [↑](#footnote-ref-1)
2. See EU definition of SME <https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en> [↑](#footnote-ref-2)
3. UK companies, Societates European (SEs) and limited liability partnerships (LLPs) will be required to identify and record the people who own or control their company. Companies, SEs and LLPs will need to keep a PSC register, and must file the PSC information with the central public register at Companies House. [See PSC guidance](https://www.gov.uk/government/publications/guidance-to-the-people-with-significant-control-requirements-for-companies-and-limited-liability-partnerships). [↑](#footnote-ref-3)