**Air Traffic Control Services Limited**

****

**LJLA Airspace Transition Project**

**LJLA ATP 002/17**

**PRE-QUALIFICATION QUESTIONNAIRE**

**Issue date – 19th May 2017**

**Return date – 20th June 2017**

**Contact –** **adutton@liverpoolairport.com**

ATCSL are seeking a to partner assist with facilitating and implementing the processes associated with an Airspace Change within the UK as part of the Prestwick Lower Airspace Systemisation (PLAS) program for Liverpool John Lennon Airport

Contents

[PART 1 – INTRODUCTION 1](#_Toc482874754)

[PART 2 - INSTRUCTIONS FOR APPLICANTS 2](#_Toc482874755)

[PART 3 - CONTRACTS OVERVIEW 9](#_Toc482874756)

[INTRODUCTION 9](#_Toc482874757)

[SCOPE 9](#_Toc482874758)

[PART 4 - PROCUREMENT PROCESS 10](#_Toc482874759)

[PART 5 – REGULATORY REQUIREMENTS 11](#_Toc482874760)

[PART 6 - PRE-QUALIFICATION QUESTIONNAIRE 12](#_Toc482874761)

[Part 7 – Declaration 25](#_Toc482874762)

# PART 1 – INTRODUCTION

The Liverpool City region is an area that has seen significant investment in recent years. Liverpool John Lennon Airport (LJLA) has and is contributing to the renaissance of the region through it’s commitment to development and growth.

Air Traffic Control Services Limited (ATCSL) is seeking a partner to provider services to assist with the airspace changes at LJLA associated with the Preswick Lower Airspace Systemisation (PLAS). The successful bidder will need to demonstrate their competency on a similar process, it is essential this is in the UK regulatory environment.

LJLA had 4.8 million passengers in 2016 to a range of destinations, primarily within mainland Europe. Over the next five years, passenger numbers are projected to rise to 6 million. In order to maximise the potential and growth opportunities for the Airport a commitment has been made to participate in the PLAS project that will deliver airspace and route efficiencies for all users in terms of time, environment and financial benefit.

The intention of this project is to deliver RNAV 1 arrival and departure routes together with the necessary transitions to existing approaches. An aspiration of the project would also be to develop new missed approaches to a new holding location (s) all based on RNAV technology.

Following a survey and assessment of need, consideration for those operators who are not suitably equipped for PBN would also be included.

The PQQ will be used to assess the bidders suitability to complete the Airspace Change process to the UK regulatory standards in partnership with ATCSL by November 2019. Thus the PQQ will be used to shortlist bidders to move onto the next stage of the selection process.

Full details of the remainder of the procurement process are set in the ITN.

# PART 2 - INSTRUCTIONS FOR APPLICANTS

1. ATCSL invites applicants to complete a Pre-Qualification Questionnaire (**PQQ**) as part of a short listing process of a competitive tender exercise in connection with a contract to provide airspace change professional services (**the Services**). This procurement exercise is being run under the Utilities Contracts Regulations 2016. The procedure that will be adopted for the contract this process will be the negotiated procedure for competition with a prior call.
2. You are advised to read the following information and guidance to ensure full and proper completion of the documentation. If you are or are not included on the short list it will not imply anything about your financial stability, technical competence or ability to deliver the Services.
3. This PQQ is made available in good faith. No information contained in this document shall form the basis for any warranty, representation or term of any contract by ATCSL with any third party. No representation, warranty or undertaking, expressed or implied in respect of any error, mis-statement or representations, is or will be made, and no responsibility or liability is or will be accepted by ATCSL or by any of their advisers as to, or in relation to, the accuracy or completeness of this document or any other written or oral information made available to any interested parties or advisers.
4. ATCSL reserves the right to cancel the procurement process without consultation in whole or in part at any point. ATCSL will not be liable for any costs resulting from any cancellation of the procurement processes or for any other costs incurred by those expressing an interest in this opportunity. Nothing in the PQQ or the process makes any guarantee as to the entry into of a contract and that this remains at the total discretion of ATCSL at all times during the process.
5. All documentation of whatsoever nature provided to you for the above purpose shall remain the property of ATCSL and shall be made available on the basis that it, and the information it contains, are treated in the strictest confidence and must be returned on demand.
6. In this application “Applicant,” relates to the entity making the application whether it is a sole proprietor, partnership, incorporated company, incorporated association or any other entity including those operating outside the UK.
7. If an Applicant is in doubt as to the interpretation of any part of the PQQ, please contact Andrew Dutton at Liverpool John Lennon Airport by e-mail adutton@liverpoolairport.com, who will endeavour to answer written enquires prior to applications being submitted. When responding to any clarifications raised ATCSL will circulate the clarification together with the response provided to all Applicants. If for any reason the Applicant is of the opinion that the nature of the clarification is confidential and/or commercially sensitive then ATCSL may opt to respond only to the Applicant who raised that clarification. However, the assessment as to whether the clarification is confidential and/or commercially sensitive shall be in the sole discretion of ATCSL. If ATCSL decide that a clarification is not confidential and/or commercially sensitive then it will revert to the Applicant outlining this and providing the opportunity to the Applicant to withdraw the clarification. The deadline for submission of queries is 3pm on 2 June 2017.
8. Applicants are therefore required to submit a PQQ in order to progress to the next stage and be considered for award of this contract.
9. **The PQQ must be fully completed and signed by the applicant and received by adutton@liverpoolairport.com by no later than noon on 20 June 2017. Submissions received after this time and date will not be considered . Applicants are advised to take account of the possibility of IT or human error and should leave adequate time to ensure their PQQ submission has been sent and received prior to the closing date and time for PQQ submissions.**
10. All documents requiring a signature must be signed: -
* Where the Applicant is an individual, by that individual
* Where the Applicant is a partnership, by two duly authorised partners.
* Where the Applicant is a company by two directors or by director and the secretary of the Company, such persons being duly authorised for that purpose.
* Where the Applicant is a consortium, by one individual representing each member of the consortium
1. ATCSL may at its own absolute discretion extend the closing date and time specified for the receipt of Applications.
2. Applicants must provide a compliant response to the PQQ. For the avoidance of doubt a compliant response means that Applicants must include a reponse to all of the questions outlined at Part 6 togther with supporting information where required.
3. Part 6 is divided into seven sections. Applicants are required to provide responses to all Sections. If necessary, ATCSL reserves the right to require additional information to be produced. Such information will be requested as a post-submission clarification:
	1. Section 1: Supplier Information

Applicants should provide details on themselves, their structure and licensing and registration information as outlined at 1.1 to 1.4 (where applicable).

* 1. Section 2: Grounds for mandatory exclusion

Applicants must provide the information as set out in 2.1 and 2.2 . Failure to provide the information may render the submission non-compliant and may render the Applicant excluded from this process if not provided.

* 1. Section 3: Grounds for Decretionary Exclusion

Applicants must provide the information as set out in 3. Failure to provide the information may render the submission non-compliant and may render the Applicant excluded from this process if not provided.

* 1. Section 4: Economic standing

The questions are for ATCSL to assess the applicants economic and financial standing insofar as it affects it’s ability to deliver the contract and services required. Applicants should answer the questions as specified.

* 1. Section 5: Technical and Professional Ability

Questions are for ATCSL to assess the Applicant’s capabilities including technical, safety and qualitative. Applicants should answer the questions as specified.

* 1. Section 6: Additional PQQ Modules

Applicants must answer all questions set out in this section. Questions will be assessed on a pass/fail basis and Applicants are required to provide sufficient supporting information and detail to support their response.

* 1. Section 7: Declaration

Please complete this section before submitting your completed PQQ document.

1. ATCSL makes no other stipulations in respect of the format of the PQQ response. Applicants are asked however to limit their responses to the information requested in the PQQ submission. Where appropriate, supporting documents can be provided. Applicants should mark clearly on all enclosures the name of your organisation and the number of the question to which they refer. Please do not send any other general marketing material or promotional information.
2. Potential suppliers should make no assumptions of any prior knowledge of their organisation or their goods / services. All questions should be answered in full, even if the supplier has previously provided services for ATCSL.
3. Applicants should note that failure to provide the required information may render their PQQ submission as ‘Non-Compliant’. **Any response that is non-compliant may result in exclusion from this competition and the Applicant may not be invited to proceed to the ITN (Invitation to Negotiate) stage. This decision will be at the sole discretion of ATCSL.**
4. **Applicants should note that some of the questions and information sought will be assessed on ‘pass / fail’ criteria. Those Applicants who do not achieve a mark of ‘pass’ in respect of these criterion will not be shortlisted for progression to the ITN. Their PQQ submission will not be considered further and will be rejected at that stage.**
5. All questions must be fully answered; it is acceptable to cross-refer to earlier or other questions.
6. Your completed PQQ submission will be treated as a formal application for consideration to undertake the delivery of the Services. The questions are designed to enable an assessment of your suitability.
7. ATCSL will take a minimum of two potential suppliers to the next stage of the process. The actual number shortlisted will otherwise rely on the content of the PQQ submissions received.
8. All PQQ submissions must be in English and any word count set must be respected.
9. ATCSL will accept variant bids.

**Notes for completion**

1. The “utility” means the utility for the purposes of the Utilities Contracts Regulations 2016, or anyone acting on behalf of the utility, that is seeking to invite suitable candidates to participate in this procurement process.
2. “You” / “Your” /”Bidder” refers to the potential supplier completing this PQQ 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 Utilities Contracts Regulations 2016 (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 appendix.
4. The utility recognises that arrangements set out in section 1.2 of the PQQ, 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 utility immediately of any change in the proposed arrangements and ensure a completed PQQ is submitted for any new organisation relied on to meet the selection criteria. The utility will make a revised assessment of the submission based on the updated information.
5. For this PQQ every organisation that is being relied on to meet the selection must complete and submit the self-declaration.
6. All proposed sub-contractors are required to complete this PQQ.
7. 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.
8. Please address any clarification questions regarding this tender process by email to Andrew Dutton adutton@liverpoolairport.com within the period allowed for this set out in the timetable below.
9. For the avoidance of doubt the utility will not be responsible for any costs of participation by you in this tender process.
10. The utility reserves the right to terminate this procurement process at any stage without awarding a contract.

The utility 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 utility is under a legal or regulatory obligation to make such a disclosure.

**Selection Methodology**

This section demonstrates how the evaluation of PQQ submissions will be conducted which is a combination of pass/fail and scored questions and scoring will be undertaken using the following methodology:

| **Assessment** | **Score** | **Interpretation** |
| --- | --- | --- |
| Excellent | 5 | Exceeds the requirement. Exceptional demonstration by the Bidder of the understanding and skills required to provide the supplies / services. Response identifies factors that will offer potential added value, with evidence to support the response. |
| Good | 4 | Satisfies the requirement with minor additional benefits.Above average demonstration by the Bidder of the understanding and skills required to provide the supplies / services. Response identifies factors that will offer potential added value, with evidence to support the response. |
| Acceptable | 3 | Satisfies the requirement.Demonstration by the Bidder of the understanding and skills required to provide the supplies / services, with evidence to support the response. |
| Minor Reservations | 2 | Satisfies the requirement with minor reservations.Some minor reservations of the Bidder’s understanding and skills required to provide the supplies / services, with little or no evidence to support the response. |
| Serious Reservations | 1 | Satisfies the requirement with major reservations.Considerable reservations of the Bidder’s understanding and skills required to provide the supplies / services, with little or no evidence to support the response. |
| Unacceptable | 0 | Does not meet the requirement. Does not comply and/or insufficient information provided to demonstrate that the Bidder has the understanding and skills required to provide the supplies / services, with little or no evidence to support the response. |

Scoring will be undertaken as against each question in the PQQ using the following weightings:

|  |  |
| --- | --- |
| **Question** | **Weighting / For information only / Pass/Fail** |
| 1.1 | For information only |
| 1.2 | For information only |
| 1.3 | For information only |
| 1.4.1 | Pass / Fail |
| 1.4.2 | Pass / Fail |
| 2.1 | Pass / Fail\* |
| 2.2 | Pass / Fail\* |
| 3 | Pass / Fail\* |
| 4.1 | The information provided will be used to produce an Experian mark. It is the Experian mark that will be used for scoring as below:Score Weighting1. 0%

 1-24 5% 25-49 10% 50-74 20%Above 75 30%**Maximum award 30%** |
| 4.2 | Pass / Fail |
| 4.3 | Pass / Fail |
| 5 | Three completed successful UK ACP within the last 3 years 30%Two completed successful UK ACP within the last 3 years 25%One completed successful UK ACP within the last 3 years 20%Three completed successful UK ACP within the last 5 years 15%Two completed successful UK ACP within the last 5 years 10%One completed successful UK ACP within the last 5 years 5%Zero completed ACP within 3 or 5 years 0%**Maximum award 70%** (only the highest score is applicable) |
| 6A | Pass / Fail  |
| 6B | For information only |
| 6C | Pass / Fail |
| 6D | Pass /Fail  |

\* Subject to the right to self-clean (see guidance notes)

# PART 3 - CONTRACTS OVERVIEW

##

## INTRODUCTION

In order to maximise the potential and growth opportunities for the Airport a commitment has been made to participate in the Prestwick Lower Airspace Systemisation (PLAS) project that will deliver airspace and route efficiencies for all users in terms of time, environment and financial benefit.

The intention of this project is to deliver RNAV 1 arrival and departure routes together with the necessary transitions to existing approaches. An aspiration of the project would also be to develop new missed approaches to a new holding location (s) all based on RNAV technology.

Following a survey and assessment of need, consideration for those operators who are not suitably equipped for PBN would also be included.

## SCOPE

The objective of the PQQ is to select Applicants to advance to the ITN stage that are capable and competent of ensuring the following:

* To provide assistance and technical support to design/develop an Airspace Change Process (ACP) application which is compliant with the new CAP725 requirements that meets the Airport PLAS objectives:
	+ Maintains a high level of aviation safety
	+ Enhance airspace operationally efficient/performance (CDO & COO)
	+ Minimise airline fuel burn
	+ Minimise noise impact on local communities
	+ Design options for consultation
	+ Assistance with consultaion documentation & technical support
	+ Engages collaboratively and transparently with all stakeholders
	+ Demonstrate innovative and progressive thinking to development of safe, efficient solution and sustainable
* The full scope of required services will be as set out with the ITN, but the following table provides an outline of the requirements of ATCSL.

|  |
| --- |
| ***Applicants shall be responsible for providing the following Service for ATCSL:*** |
| Ability to meet additional demands (additional lanes and or extensions) due to operational requirements at short notice. |
| Compliance with all applicable international, European and UK CAA Regulatory Requirements, including those related to Safety Management Systems. |
| Ensure LAL continues to comply with Environment Agency, Defra, DoT and CAA compliance standards. |
| Assist with change management in line with new procedures and equipments. |
| The provision of added value services that are an essential and integral part of the provision of a safe, efficient and sustainable airport. |
| Timely reporting and transparency. |
| ‘Open book’ and transparency on all costs. |
| Record keeping, accurate reporting and documenting relating to compliance with CAP725.  |

# PART 4 - PROCUREMENT PROCESS

Applicants are advised that this PQQ activity forms the first phase of the procurement process to be used by ATCSL. The procurement is being run under the negotiated procedure with prior call for competition in line with the Utilities Contract Regulation 2016.

The proposed timetable for the procurement process is set out below. This is an indicative programme only and ATCSL reserve the right to modify the dates or process at any time at their sole discretion.

| **Event** | **Date (subject to change at ATCSL discretion)** |
| --- | --- |
| OJEU Notice | 19th May 2017 |
| PQQ return date  | 20th June 2017 |
| ITN Documentation made available to shortlisted candidates | 30th June 2017 |
| Deadline for submission of initial bids | 24th July 2017 |
| Meetings held for negotiations  | 1st to 31st August 2017 |
| Best and Final Offers Deadline | 7th September 2017 |
| Preferred bidder notification | 14th September |
| Stand still period | 15th to 25th September |
| Contract Start  | 26th September 2017 |

Full particulars of the ITN process will be set out in the ITN documents. However, Applicants should note at this juncture that ATCSL reserves its right to amend its approach to this procurement process at any stage of this compeititon, including, but not limited to, the fact that ATCSL may opt not to enter into a negotiation with any Applicants at all. That is, that the ITN submission may be taken as the final offer submitted by Applicants. Any such decision to alter the process is at the sole discretion of ATCSL having regard to its obligations under the general Treaty principles.

Any persons considering making a decision to enter into this competition should make their own investigations and their own independent assessment of the Applicant’s role and should seek their own professional financial, legal and other advice. Each Applicant considering making a decision to enter into a contractual relationship with ATCSL must rely on its own enquiries.

#

# PART 5 – REGULATORY REQUIREMENTS

Applicants are advised that should they be appointed as the successful Applicant for the Services they will need to provide ATCSL solutions in accordance with the current National Aviation Airspace and Noise Guidance & Strategies and all prevailing and emerging UK and European regulations.

#

# PART 6 - PRE-QUALIFICATION QUESTIONNAIRE

**1. Supplier Information**

|  |  |
| --- | --- |
| **1.1 Supplier details** | **Answer** |
| Full name of the Supplier completing the PQQ |  |
| Registered company address |  |
| Registered company number |  |
| Registered charity number |  |
| Registered VAT number |  |
| Name of immediate parent company |  |
| Name of ultimate parent company |  |
| Please mark ‘X’ in the relevant box to indicate your trading status | i) a public limited company | [ ]  Yes |
| ii) a limited company | [ ]  Yes |
| iii) a limited liability partnership | [ ]  Yes |
| iv) other partnership | [ ]  Yes |
| v) sole trader | [ ]  Yes |
| vi) other (please specify) | [ ]  Yes |
| Please mark ‘X’ in the relevant boxes to indicate whether any of the following classifications apply to you | i) Voluntary, Community and Social Enterprise (VCSE) | [ ]  Yes |
| ii) Small or Medium Enterprise (SME)[[1]](#footnote-1) | [ ]  Yes |
| iii) Sheltered workshop | [ ]  Yes |
| iv) Public service mutual | [ ]  Yes |

|  |
| --- |
| **1.2 Bidding model** |
| Please mark ‘X’ in the relevant box to indicate whether you are: |
| a) Bidding as a Prime Contractor and will deliver 100% of the key contract deliverables yourself | [ ]  Yes |
| b) Bidding as a Prime Contractor and will use third parties to deliver some of the services. If yes, please provide details of your proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for. | [ ]  Yes |
| c) Bidding as Prime Contractor but will operate as a Managing Agent and will use third parties to deliver all of the services. If yes, please provide details of your proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for. | [ ]  Yes |
| d) Bidding as a consortium but not proposing to create a new legal entity. If yes, please include details of your consortium in the next column and use a separate Appendix to explain the alternative arrangements, ie. why a new legal entity is not being created. Please note that the utility may require the consortium to assume a specific legal form if awarded the contract, to the extent that it is necessary for the satisfactory performance of the contract. | [ ]  YesConsortium membersLead member |
| e) Bidding as a consortium and intend to create a Special Purpose Vehicle (SPV). If yes, please include details of your consortium, current lead member and intended SPV in the next column and provide full details of the bidding model using a separate Appendix. | [ ]  YesConsortium membersCurrent lead memberName of Special Purpose Vehicle |

|  |
| --- |
| **1.3 Contact details** |
| Supplier contact details for enquiries about this PQQ |
| Name |  |
| Postal address |  |
| Country |  |
| Phone |  |
| Mobile |  |
| E-mail |  |

|  |
| --- |
| **1.4 Licensing and registration (please mark ‘X’ in the relevant box)** |
| 1.4.1 | Registration with a professional body. If applicable, is your business registered with the appropriate trade or professional register(s) in the EU member state where it is established (as set out in Annex XI of directive 2014/24/EU) under the conditions laid down by that member state). | [ ]  Yes[ ]  NoIf yes, please provide the registration number in this box. |
| 1.4.2 | Is it a legal requirement in the state where you are established for you to be licensed or a member of a relevant organisation in order to provide the requirement in this procurement? | [ ]  Yes[ ]  NoIf yes, please provide additional details within this box of what is required and confirmation that you have complied with this. |

**2. Grounds for mandatory exclusion**

You will be excluded from the procurement process if there is evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if you have been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations (except where this is disproportionate eg. only minor amounts involved).

|  |  |
| --- | --- |
| **2.1 Within the past five years, has your organisation (or any member of your proposed consortium, if applicable), Directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?** | Please indicate your answer by marking ‘X’ in the relevant box. |
| Yes | No |
| a) 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; |  |  |
| b) 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; |  |  |
| c) the common law offence of bribery; |  |  |
| d) 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; |  |  |
| e) 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: |  |  |
|  i) the offence of cheating the Revenue; |  |  |
|  ii) the offence of conspiracy to defraud; |  |  |
|  iii) fraud or theft within the meaning the Theft Act 1968; the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978; |  |  |
|  iv) 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; |  |  |
|  v) 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; |  |  |
|  vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993; |  |  |
|  vii) 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; |  |  |
|  viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or |  |  |
|  ix) 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; |  |  |
| f) any offence listed: |  |  |
|  i) in section 41 of the Counter Terrorism Act 2008; or  |  |  |
|  ii) in Schedule 2 of that Act where the court has determined that there is a terrorist connection; |  |  |
| g) any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subparagraph (f); |  |  |
| h) money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002; |  |  |
| i) 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; |  |  |
| j) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc) Act 2004; |  |  |
| k) an offence under Section 59A of the Sexual Offences Act 2003; |  |  |
| l) an offence under section 71 of the Coroners and Justice Act 2009; |  |  |
| m) 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; or  |  |  |
| n) any other offence within the meaning of Article 57(1) of the Public Contracts Directive: |  |  |
|  i) as defined by the law of any jurisdiction outside England and Wales and Northern Ireland; or |  |  |
|  ii) created, after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland. |  |  |

|  |  |
| --- | --- |
| **Non-payment of taxes****2.2 Has it been established 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 your organisation is established (if outside the UK) that your organisation is in breach of obligations related to the payment of tax or social security contributions?** | Please indicate your answer by marking ‘X’ in the relevant box. |
| Yes | No |
| 1. If you have answered “Yes” to this question, please use a separate Appendix to provide further details. Please also use this Appendix to confirm whether you have paid, or have entered into a binding arrangement with a view to paying, including, where applicable, any accrued interest and/or fines?
 |   |  |

**3. Grounds for Discretionary Exclusion**

The utility may exclude any Supplier who answers Yes to any of the following questions situations set out in (a) to (i) below:

|  |  |
| --- | --- |
| **Within the past three years, please indicate if any of the following situations have applied, or currently apply, to your organisation.** | Please indicate your answer by marking ‘X’ in the relevant box. |
| Yes | No |
| a) your organisation is bankrupt or is the subject of insolvency or winding-up proceedings, where your 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; |  |  |
| b) your organisation is guilty of grave professional misconduct, which renders its integrity questionable; |  |  |
| c) your organisation has entered into agreements with other economic operators aimed at distorting competition; |  |  |
| d) your organisation has a conflict of interest within the meaning of regulation 42 of the Utilities Contracts Regulations 2016 that cannot be effectively remedied by other, less intrusive, measures; |  |  |
| e) the prior involvement of your organisation in the preparation of the procurement procedure has resulted in a distortion of competition that cannot be remedied by other, less intrusive measures; |  |  |
| f) your organisation has 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;  |  |  |
| g) your organisation: i) has 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; or  ii) has withheld such information or is not able to submit supporting documents required under regulation 80(3) of the Utilities Contract Regulations 2016 and regulation 59 of the Public Contracts Regulations 2015; or  |  |  |
| h) your organisation has undertaken to: i) unduly influence the decision-making process of the contracting utility, or  ii) obtain confidential information that may confer upon your organisation undue advantages in the procurement procedure; or |  |  |
| i) your organisation has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award. |  |  |

**Conflicts of Interest**

In accordance with question 3(d), the utility may exclude the Supplier if there is a conflict of interest 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.

Where there is any indication that a conflict of interest exists or may arise then it is the responsibility of the Supplier to inform the utility, detailing the conflict in a separate Appendix. Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by the utility should not represent a conflict of interest for the Supplier.

**Taking Account of Bidders’ Past Performance**

In accordance with question (f), the utility may assess the past performance of a Supplier. The utility may take into account any failure to discharge obligations under the previous principal relevant contracts of the Supplier completing this PQQ. The utility may also assess whether specified minimum standards for reliability for such contracts are met.

In addition, the utility may re-assess reliability based on past performance at key stages in the procurement process (ie. Supplier selection, tender evaluation, contract award stage etc). Suppliers may also be asked to update the evidence they provide in this section to reflect more recent performance on new or existing contracts (or to confirm that nothing has changed).

**‘Self-Cleaning’**

Any Supplier that answers ‘Yes’ to questions 2.1, 2.2 and 3 should provide sufficient evidence, in a separate Appendix, 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. The Supplier has to demonstrate it has taken such remedial action, to the satisfaction of the utility in each case.

If such evidence is considered by the utility (whose decision will be final) as sufficient, the economic operator concerned shall be allowed to continue in the procurement process.

In order for the evidence referred to above to be sufficient, the Supplier shall, as a minimum, prove that it has:

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

The measures taken by the Supplier shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the utility to be insufficient, the Supplier shall be given a statement of the reasons for that decision.

**4. Economic Standing**

|  |
| --- |
| **Financial Information** |
| 4.1 | Please provide the following to demonstrate your economic/financial standing;Please indicate your answer with an ‘X’ in the relevant box. |
| a) a copy of the audited accounts for the most recent two years. |  |
| b) a statement of the turnover, profit and loss account, current liabilities and assets, and cash flow for the most recent year of trading for this organisation. |  |
| c) a statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position. |  |
| d) alternative means of demonstrating financial status if any of the above are not available (eg. forecast of turnover for the current year and a statement of funding provided by the owners and/or bank, charity accruals accounts or an alternative means of demonstrating financial status). As identified in the scoring methodology, d) is to be provided if the other items in a) – c) cannot be supplied.  |  |
| 4.2 | Where the utility has specified a minimum level of economic and financial standing and/or a minimum financial threshold within the evaluation criteria for this PQQ, please self-certify by answering “Yes” or “No” that you meet the requirements set out here. | [ ]  Yes[ ]  No |
| 4.3 | **a) Are you part of a wider group (eg. a subsidiary of a holding/parent company)?**If yes, please provide the name below:

|  |  |
| --- | --- |
| Name of the organisation |  |
| Relationship to the Supplier completing the PQQ |  |

If yes, please provide Ultimate / parent company accounts if available.If yes, would the Ultimate / parent company be willing to provide a guarantee if necessary?If no, would you be able to obtain a guarantee elsewhere (eg. from a bank?) | [ ]  Yes[ ]  No[ ]  Yes[ ]  No[ ]  Yes[ ]  No |

**5. Technical and Professional Ability**

|  |
| --- |
| **5 Relevant experience and contract examples** |
| 5 | Please provide details of up to **three** contracts, in any combination from either the public or private sector, that are relevant to the utility’s requirement. Contracts for supplies or services should have been performed during the past **three** years. Works contracts may be from the past **five** years, and VCSE’s may include samples of grant funded work.The named customer contract provided should be prepared to provide written evidence to the utility 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 (eg. the consortium is newly formed or a Special Purpose Vehicle will 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 principal intended provider(s) or sub-contractor(s) who will deliver the supplies and services. |
|  |  | Contract 1 | Contract 2 | Contract 3 |
| 5.1 | Name of customer organisation |  |  |  |
| 5.2 | Point of contact in customer organisationPosition in the organisationE-mail address |  |  |  |
| 5.3 | Contract start dateContract Completion dateEstimated Contract Value |  |  |  |
| 5.4 | In no more than 500 words, please provide a brief description of the contract delivered including evidence as to your technical capability in this market. |  |  |  |
| 5.5 If you cannot provide at least one example for questions 5.1 to 5.4, in no more than 500 words please provide an explanation for this eg. your organisation is a new start-up. |
|  |

**6. Additional PQQ modules**

Suppliers who self-certify that they meet the requirements for these additional modules will be required to provide evidence of this if they are successful at contract award stage. Please indicate your answer by marking ‘X’ in the relevant boxes.

**A. Insurance**

|  |  |  |
| --- | --- | --- |
| 1 | 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:Employer’s (Compulsory) Liability Insurance = £10 millionPublic Liability Insurance = £50 millionProfessional Indemnity = £5 million\*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. | [ ]  Yes[ ]  No |

**B. Compliance with equality legislation**

|  |
| --- |
| For organisations working outside of the UK please refer to equivalent legislation in the country that you are located. |
| 1 | In the last three years, has any finding of unlawful discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)? | [ ]  Yes[ ]  No |
| 2. | In the last three years, has your organisation 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?If you have answered “Yes” to one or both of the questions in this module, please provide, as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.You may be excluded if you are unable to demonstrate to the utility’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring. | [ ]  Yes[ ]  No |
| 3 | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | [ ]  Yes[ ]  No |

**C. Environmental Management**

|  |  |  |
| --- | --- | --- |
| 1 | Has your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last three years by an environmental regulator or utility (including local authority)?If your answer to this question is “Yes”, please provide details in a separate Appendix of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served.The utility will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last three years, unless the utility is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches. | [ ]  Yes[ ]  No |
| 2 | If you use sub-contractors, do you have processes in place to check whether any of these organisations have been convicted or had a notice served upon them for infringement of environmental legislation? | [ ]  Yes[ ]  No |

**D. Health and Safety**

|  |  |  |
| --- | --- | --- |
| 1 | Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements. | [ ]  Yes[ ]  No |
| 2 | Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last three years?If your answer to this question was “Yes”, please provide details in a separate Appendix of any enforcement/remedial orders served and give details of any remedial action or changes to procedures you have made as a result.The utility will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to the utility’s satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches. | [ ]  Yes[ ]  No |
| 3 | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | [ ]  Yes[ ]  No |

**PQQ – Template of Appendices**

|  |
| --- |
| PQQ – Template of Appendices |
| PQQ section –  |
| Question number –  |
|  |

# Part 7 – Declaration

I confirm that I have read and accept the disclaimers set out in the tender documentation including the PQQ document.

I certify that the information and answers supplied in this bid submission are accurate and correct, to the best of my knowledge and completed and submitted with due diligence. I understand and accept that the submission will be used in the selection process to assess my organisation’s suitability to be invited to participate further in this procurement and that false information could result in exclusion from this procurement competition.

I understand that the Utility may reject my submission if there is a failure to answer all the relevant questions fully or if false/misleading information is provided.

I undertake to notify ATCSL of any changes to the information given in answer to questions in this PQQ that may arise during this procurement process.

I undertake that I will not enter into any agreement or arrangement with any other person that he/she shall refrain from participating in this pre-qualification process.

I undertake that I will not at any time discuss with any other person any aspect of our submission, save for the Subcontractors, members of my Group of Economic Operators and Other Entities being part of my submission, and will procure this same undertaking from those.

I confirm that I have read and understand all the documentation contained within this competition.

I confirm that I have highlighted any perceived shortcomings in this procurement process to ATCSL. Any part of the documentation, or any other aspect of this procurement process, which I considered to be unclear or not compliant with relevant legislation, has been highlighted to ATCSL.

I also declare that there is no conflict of interest in relation to the utility’s requirement.

**Declaration for and on behalf of Applicant:**

I confirm that I have read and accept to abide by the terms of this PQQ document, including the fact that I have taken into account all additional information notes/messages issued in support of this competition. I confirm that I have all requisite corporate authority to authorise this warranty.

|  |
| --- |
| **First Signatory** |
| **Print Name:**  |  |
| **Title :**  |  |
| **Position in Company:**(Director/Partner or Equivalent) |  |

|  |
| --- |
| **Second Signatory** |
| **Print Name:**  |  |
| **Title :**  |  |
| **Position in Company :** (Director/Partner or Equivalent) |  |

**Before returning this form, please ensure that you have:**

**⚫ Answered all questions;**

**⚫ Enclosed relevant documents (including relevant appendices) and headed them with the relevant question numbers;**

* **Signed the above Declaration.**

1. See EU definition of SME: http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/ [↑](#footnote-ref-1)