

**NPD Programme**  
**Guidance Note on Pre-Qualification Questionnaires for Health Projects**  
**August 2012**

**1. Introduction**

This paper sets out guidance to NHS health boards (Boards) on pre-qualification questionnaires (PQQs) for NPD health projects within the Scottish Government's £2.5bn revenue funded investment programme.

**2. Background**

Previous PPP health projects have used the then standard form of PQQ which formed part of the Scottish Capital Investment Manual along with the standard health contract. Following the announcement of the NPD programme, SFT has produced a revised standard contract which applies across sectors to all NPD accommodation projects. SGHSCD agreed with SFT that it would be appropriate for SFT to produce a revised standard PQQ for health projects within the NPD programme. In so doing, SFT has drawn on the former standard form, the experience of early NPD projects in the college sector and has worked closely with one of the first NPD health projects in the development of the PQQ for that project.

**3. Standard PQQ Template**

SFT has produced a standard template, which forms Appendix 1 to this Guidance and contains a number of explanatory footnotes.

It is anticipated that in each project, the PQQ will be issued as part of an information memorandum (IM), describing the project to potential bidders, as indicated in Appendix 1. The formatting of the template should be adjusted as appropriate to suit the layout of the IM being used by each Board.

Boards are expected to liaise with SFT, as part of its support role for projects, in the development of the PQQ and relative evaluation criteria.

**4. Evaluation Criteria**

Boards should ensure that the basis on which the response to a question will pass or fail or be scored is clear, including how alternatives to specified standards will be assessed.

In relation to the financial standing test, there should be :

- A threshold following assessment which results in a pass/fail;
- A turnover test for the Construction Contractor, and where there is more than one entity within the definition of the Construction Contractor, the turnovers of all such persons should be aggregated;
- A minimum financial standing threshold, tested separately for the Construction Contractor and for the Subordinated Debt Providers. Where there is more than one

person within the definition of the Construction Contractor, the scoring should be done on a weighted average basis unless it is clear that the liabilities of one entity is being accepted by another (e.g. a 'wrap' or joint and several liability arrangements) in which case the score of the highest scoring entity should be taken. Where there is more than one entity within the definition of the Subordinated Debt Providers then a weighted average score of these entities should be taken.

- The most recent accounts should be weighted more highly than the older ones and only accounts within the last 3 years should be considered. A metric for weighting the last 3 years accounts is set out in the template document below;
- There should be qualitative moderation of the information provided in the accounts by reference to publicly available data from specified sources – the Factiva database is suggested in the template document below;
- There should be a penalty for entities that are not able to provide recent accounts due to a late filing with Companies House, as is written into the template document attached.

In relation to the questions to be scored:

- The weighting, any sub weighting and any minimum threshold scores for each of the questions should reflect the relative importance of the issues being tested to the Board and the project;
- The evaluation criteria should be specified in relation to each question being scored;
- We would suggest that each question be scored out of 10 by reference to a table setting out the basis of the scoring and cross referencing to the relevant evaluation criteria.

## **5. Board's Advisers**

Use of the standard template is not a substitute for project specific advice. Boards must take appropriate legal, financial and technical advice when using the template.

Procurement law is an evolving area and it is for Boards to ensure that the IM and relative PQQ comply with procurement requirements and that the evaluation mechanism and calibration reflect the Board's requirements in the light of this Guidance and the project concerned.

## **6. SFT Contact**

Should you have any questions on this Guidance please contact the SFT team assisting with your specific project (<http://www.scottishfuturetrust.org.uk>).

## Appendix 1

### Template Form of Pre-Qualification Questionnaire

#### Glossary<sup>1</sup>

In this document:

**“Board”** means *[name the procuring health board]*;

**“Candidate”** means the entities submitting this PQQ, including (in case of a consortium) all of the Candidate Members;

**“Candidate’s Advisers”** means its financial and legal adviser<sup>2</sup>;

**“Candidate Member”** means, where the Candidate is a consortium of organisations, each of the organisations within the consortium submitting a PQQ, comprising collectively the Key Organisations, the Designated Organisations and the FM Service Provider<sup>3</sup>;

**“Construction Contractor”** means the design and build contractor or contractors to be appointed by Project Co in respect of the Project;

**“Designated Organisations”** means the entities which are to perform the following roles:

- *[Lead Architect*
- *and insert any other key consultants eg Lead Mechanical and Electrical engineer and Lead Civil and Structural engineer]*<sup>4</sup>

**“FM Service Provider”** means the entity or entities to be appointed by Project Co to provide the facilities management in respect of the Project;

**“Information Memorandum”** means *[reference IM which can form the document of which the form of PPP forms an annex.]*

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<sup>1</sup> It is anticipated that this template, adjusted as appropriate, will be incorporated within an Information Memorandum and that the Glossary will be expanded to include any additional defined terms.

<sup>2</sup> This definition is used only in relation to the information requirements in the first section and these parties are not included in Designated Organisations.

<sup>3</sup> Amend if appropriate

<sup>4</sup> Note : Designated roles are to be defined on a project specific basis to include the roles in respect of which experience is to be tested in Section C.

**“Key Organisations”** means all of the Subordinated Debt Providers and the Construction Contractor;

**“Lead Candidate Member”** means in the case of a consortium the lead member of a consortium submitting a PQQ;

**“NPD”** means non profit distributing;

**“NPD Contract”** means the project agreement to be entered into between the Board and Project Co in relation to the design, construction, financing and maintenance of the Project;

**“Project”** means *[insert short description of the project]*;

**“Project Co”** means the special purpose company to be formed to enter into the NPD Contract to design, build, finance and maintain the Project;

**“PPP”** includes NPD, PFI and other similar initiatives utilising similar financing methods;

**“PQQ”** means the PQQ forming Annex [1] to this Information Memorandum;

**“SFT”** means Scottish Futures Trust Limited, having a registered office at 1st Floor, 11-15 Thistle Street, Edinburgh EH2 1DF;

**“Subordinated Debt Provider”** means any organisation which is to subscribe for or lend a share of subordinated debt or mezzanine finance in or to Project Co once it is incorporated.

## **Completion and Return of PQQ Response**

This Pre-Qualification Questionnaire (“PQQ”) assesses the technical capability and capacity, financial and economic strengths of organisations expressing an interest in bidding for the "Project".

The Board will wish to be satisfied that, within the parameters of Regulations 23 – 27 of the Public Contracts (Scotland) Regulations 2012, each Candidate selected has the appropriate capacity and resources to undertake the project and successfully meet the necessary requirements to design, build, finance and maintain the relevant facilities within the Project.

It is required that qualifying Candidates will not collaborate with other Candidates.

### **1. Form of PQQ**

The form of PQQ to which Candidates are to respond is set out in Annex [1] below. The layout of the PQQ has been designed to enable Candidates to complete their submissions as easily as possible and is organised as follows:

Section A: details of the Candidate as a whole, including the financial standing of its Key Organisations;

Sections B – D: details which are specific to certain Candidate Members.

## 2. Content of PQQ Responses

Each Candidate must submit and complete

- All sections of Annex [1] under the headings given using the tables and information supplied by the Board, following the order and numbering set out.

Where a section of this PQQ is not applicable to a Candidate this should be clearly stated.

- All aspects of a PQQ response must be clear, concise and formatted as follows:
  - Language: English (UK);
  - Font – [*specify*];
  - Size of Text – Font size [*specify*];
- Financial: all financial information or data forming part of the PQQ submission shall be submitted in or converted to pounds sterling. Where any official documents include financial data in a foreign currency, a sterling equivalent shall be provided by the Candidate. Any such sterling equivalent shall be certified as true and fair equivalent by the Candidate.
- The Declaration contained at Section [E] of Annex [1] signed on behalf of the Candidate (or Lead Candidate Member where the Candidate is a consortium) by an authorised representative of the Candidate.
- The Statement of Good Standing contained at Section [F] of Annex [1] signed on behalf of the Candidate (in the case of a Consortium by each Candidate Member), confirming that:
  1. The Candidate or Candidate Member (as applicable) has not committed certain specified offences which would make it ineligible to tender in accordance with Regulation 23(1) of the Public Contracts (Scotland) Regulations 2012
  2. Various listed circumstances which could result in the Candidates or Candidate Members (as applicable) exclusion from the process do not apply to that Candidate or Candidate Member (as applicable), in accordance with Regulation 23(4) of the Public Contracts (Scotland) Regulations 2012

Where a Candidate is a consortium it should complete the PQQ in accordance with the table at paragraph [specify]<sup>5</sup>.

The inclusion of an executive summary or a statement of reasons for selection or general information such as marketing and promotional information is not required and will not be considered in the evaluation of PQQ submissions.

### **3. Submitting PQQ Responses**

Candidates are required to:

- deliver [5] CD roms and [5] hard copies of their completed response in unmarked envelopes to :

The Chief Executive

*[Specify]*

Envelopes should be marked –

*[Specify]* Project – Pre Qualification Questionnaire Submission

Candidates must obtain a signed receipt acknowledging delivery. Faxed or emailed PQQ responses will not be accepted; and

- upload one electronic copy of their completed PQQ responses to the E-Tendering system at [<http://www.publiccontractsscotland.gov.uk> *[insert Public Contracts Scotland instructions]*].

Completed responses must be received via the E-Tendering system and by paper copy by no later than 12 noon on *[insert date]* at the above addresses. Any completed responses received after this closing date and time may be rejected by the Board and therefore not be evaluated further.

### **4. Clarification Requests by Candidates**

The Board will not enter into any detailed discussions in relation to its tender requirements at this stage. Any questions about this PQQ should be submitted via the E-Tendering system by *[insert date]* to *[insert relevant details here]*. *[If The Board considers any questions or requests for clarification to be of material significance or general relevance,]* both the question and the response will be communicated to all Candidates before the closing date for the pre-qualification responses.

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<sup>5</sup> It is suggested that a completion checklist be added for ease of reference.

The deadline for the submission of such queries is [5] working days before the last date for the return of PQQ responses. The Board will not be obliged to answer any queries received after that deadline, though the Board may extend the submission date if it considers it is required to do so.

## **5. Clarification Requests by the Board**

Each Candidate may be required by the Board to provide additional information (including as to any Candidate Member) supplementing or clarifying its PQQ submission in order for the Board to assess its suitability in accordance with this PQQ process. If so required, any additional information shall be requested by the Board in writing to the Candidate or its nominated representative. Failure by a Candidate to respond fully and adequately to any request by the Board for such additional information may result in the Candidate's PQQ submission being rejected by the Board.

## **6. Right to Reject and/or Disqualify**

The Board reserves the right to reject or disqualify a Candidate where:

- the PQQ response is submitted late, is completed incorrectly, is incomplete or fails to meet the Board's submission requirements in this document or as otherwise notified to Candidates prior to the deadline for submission of PQQ responses;
- the Candidate fails to provide any of the information requested in the PQQ or otherwise that fails to comply fully with the requirements of the selection process set out in this PQQ;
- the Candidate or any Candidate Member is or may be excluded under Article 45 of Directive 2004/18/EC and Regulation 23 of The Public Contracts (Scotland) Regulations 2012 as amended at any stage during the pre-qualification and evaluation process;
- the completed Statement(s) of Good Standing disclose, or the Board otherwise finds out, that grounds for mandatory or discretionary rejection exist under Article 45 of Directive 2004/18/EC and Regulation 23 of the Public Contracts (Scotland) Regulations 2012. In the case of a Candidate who is a Consortium, the Candidate will be rejected if any Candidate Member is rejected on those grounds;
- following short listing of an Candidate there is a change in identity, control, financial standing or other factor affecting the Candidate or any of its Candidate Members unless approved by the Board;

- the Board become aware that information provided by the Candidate in response to the PQQ is false, misleading or incorrect; and/or
- The circumstances for disqualification referred to in Paragraph 5 above apply.

## **7. Right to revisit PQQ evaluation**

The Board reserves the right to revisit, and if necessary amend the result of, the evaluation if after completion of the evaluation:

- new information emerges or circumstances change which gives the Board reason to doubt the outcome of the original pre-qualification and short listing; and/or
- in relation to a consortium a Candidate Member changes.

The Board also reserves the right at a later stage of this process to ask for evidence as to the claims made by and information provided by the Candidate pursuant to the PQQ.

Candidates must immediately bring to the Board's attention any material change in the financial or other circumstances of the Candidate or any Candidate Members which the Candidate would have been obliged to disclose in response to the PQQ had such circumstances existed at the time of PQQ submission.

## **8. Right to cancel or vary the PQQ or the Procurement Process**

The Board reserves the right to:

- cancel, abandon and/or withdraw from the contract opportunity and procurement process at any time and therefore not proceed with this PQQ or selection process and/or award a contract; and /or
- amend the terms and conditions of this PQQ process and/or the tender process.



## **9. Freedom of Information**

Candidates should note that the contents of PQQ responses and tender submissions, and any of the information provided by the Candidates in the course of tendering for this Project or in the course of their subsequent appointment, may be disclosed to the Scottish Government and/or SFT. These parties will be subject to the same confidentiality obligations as the Board.

In addition, the Board is committed to meeting its responsibilities under the Freedom of Information (Scotland) Act 2002. Accordingly, all information submitted to the Board may need to be disclosed and/or published by the Board in response to a request under the Act. If any interested party considers that any of the information provided to the Board in its PQQ submission is commercially sensitive and/or confidential, please identify which information and explain in broad terms what harm might result from disclosure and/or publication. All parties should however be aware that, even where an indication is given to the Board that information is commercially sensitive and/or confidential the Board may be required to disclose and/or publish that information.

Receipt by the Board of any material marked "commercially sensitive" and/or "confidential" or equivalent shall not be taken to mean that the Board accepts any duty of confidence by virtue of that marking.

## **10. Costs**

The Board shall not be responsible or liable in any way to any person for any expenses incurred by any Candidate (or connected persons or any of their respective advisers) in responding to this PQQ or any future stages of the selection and evaluation process. No expenses incurred shall be reimbursed by the Board.

## **11. Notices to Applicants**

The PQQ, Information Memorandum and other documents have been prepared by the Board for the purpose of providing an application procedure for Candidates interested in tendering and to assist Candidates in making their own evaluation of the potential opportunity.

Whilst prepared in good faith, the PQQ, Information Memorandum and other documents are intended only as a preliminary background explanation of the Board's activities and plans and are not intended to form the basis of any decision on whether to enter into any contractual relationship with the Board. The PQQ, Information Memorandum and other [contract] documents do not purport to be all inclusive or to contain all of the information that a potential Candidate may require. The Board reserves the right to amend and update

information and/or processes outlined in this PQQ and Information Memorandum in taking forward the procurement of the Project.

None of the Board, its advisors, or the directors, officers, members, partners, employees, other staff, agents or advisers of any such body or person:

- makes any representation or warranty (express or implied) as to the accuracy, reasonableness or completeness of the PQQ and other contract documents. Any persons considering making a decision to enter into contractual relationships with the Board following receipt of the PQQ, Information Memorandum and other documents should make their own investigations and their own independent assessment of the Board and their requirements for services associated with the Project and should seek their own professional, technical, financial and legal advice;
- accepts any responsibility for the information contained in the PQQ, Information Memorandum and other documents or for its fairness, accuracy or completeness; and
- shall be liable for any loss or damage (other than in respect of fraudulent misrepresentation) arising as a result of reliance on such information or any subsequent communication.

Only the express terms of any written contract relating to the subject matter of the PQQ and other contract documents as and when it is executed shall have any contractual effect in connection with the matters to which it relates. Any such contract will be governed by Scots law.

The publication of this Information Memorandum or the PQQ or other documents, in no way commits the Board to award any contract or pursue any tender process for this Project.

### **Pre-Qualification Evaluation Process**

***[Section to be included to set out the evaluation criteria and process, including by reference to appendices if appropriate.]***

***[Completion table to be added for ease of reference]***

### **Short-listing of Candidates**

Following the [detailed evaluation]<sup>6</sup> stage, the Board shall rank Candidates in numerical order against their cumulative score. A short list of Candidates to be invited to participate in the dialogue stage shall be drawn up.

The Board only intends to select three Candidates for inclusion on its short-list. The three short-listed by the Board shall be those achieving the highest scores during detailed evaluation.

In the event that the scores of two or more Candidates are equal such that it is not possible to distinguish between the scores of three Candidates and the remaining Candidates following detailed evaluation, the Board reserves the right to invite to participate in the dialogue more than three. Likewise, in the event that less than three Candidates meet the Board's minimum requirements / thresholds, the Board reserves the right to invite to participate in the dialogue fewer Candidates than three.

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<sup>6</sup> ie after the initial compliance check and pass/fail part of the process

**Annex [1] : Form of PQQ**

**Layout of PQQ**

Section	Requirement
A	Details of the Candidate, its internal organisation and relationships between Candidate Members, including their roles and key individuals.  Details of the Candidate Members  Financial & Economic capacity (including last 3 years' audited accounts)  Details of experience in raising finance
B	Information on the Candidate's Construction Contractor.  Background information and legal form  PPP and other relevant technical experience and references  Quality, Health & Safety, and environmental accreditation
C	Information on the FM Service Provider,  Background information and legal form  PPP and other relevant technical experience and references  Quality, Health & Safety, and environmental accreditation  Employment and Pension information
D	Information on the Designated Organisations  Background information and legal form  PPP and other relevant experience and references
E	Declaration
F	Statement of Good Standing

## 7. Section A

### 8. Details of the Candidate

#### A1.

Candidate /Consortium Name:	
Address:	
Telephone:	
Fax:	
E-mail:	

Candidate's Authorised Representative or in the case of a consortium, the Lead Candidate Member's Authorised Representative (person for contact purposes)

Name:	
Address:	
Telephone:	
Fax:	
Email:	

Declaration that must be signed by the Candidate is at the end of the document in Section E

**Details of Lead Candidate Member Submitting this Pre-Qualification Questionnaire if different from that identified in A1**

1.1	Name	
1.2	Registered office	
1.3	Registration number	
1.4	Year of registration	
1.5	Country of registration	
1.6	Principal contact name	
1.7	Address	
1.8	Telephone No	
1.9	Fax No	
1.10	Email Address	
1.11	Role within the Consortium	

**Details of all other Candidate Members forming part of the consortium if appropriate – Please complete for each Candidate Member**

1.1	Name	
1.2	Registered office	
1.3	Registration number	
1.4	Year of registration	
1.5	Country of registration	
1.6	Principal contact name	
1.7	Address	
1.8	Telephone No	
1.9	Fax No	
1.10	Email Address	
1.11	Role within the Consortium	

**2** Status of Candidate

(a)	Single Candidate		Consortium		Other joint venture	
(b)	Already a Limited Company		To be incorporated		Not to be incorporated	

**A3** Where Candidate is already a limited company:

Registered Name:	
Current Trading Name:	
Previous Trading Names (if different):	
Registered Address (if different to A1):	
Telephone (if different to A1):	
Fax (if different to A1):	
E-mail (if different to A1):	
Registered No:	
Year of Registration:	
Country of Registration:	



**A4** Indicate the Candidate Members and the Candidate’s Advisers that will undertake the following roles on the Project.

Role within the Project	Full Name and Address	Percentage debt to be provided (if any) and/or in the case of the Construction Contractor if there is more than one, the anticipated percentage of the total construction capex each will be responsible for
Candidate Member		
Subordinated Debt Providers		
Construction Contractor		
FM Provider		
Lead Architect		
[Lead Mechanical and Electrical engineer		
Lead civil and structural engineer]		
Financial Adviser		
Legal Adviser		

- A5** Provide an organisation chart showing internal relationships between the Candidate and Candidate Members.

**Resourcing the Project**

- A6** Provide the names of the key team members (and their employers) who are likely to be involved in the management structure of the bid.

Role	Lead Name	Company/firm
Bid manager		
Subordinated Debt Providers representative(s)		
Construction contractor representative(s)		
FM Service Provider representative(s)		
Lead Architect		
[Lead Mechanical and Electrical engineer		
Lead civil and structural engineer]		

Attach CVs for the people named above. In respect of each of the companies/ firms named, the number of CVs is not to exceed [\*] and each CV should include details relevant to the Project and should be **no more than one A4 page** in length.

- A7** For each key person listed in A6, include a statement providing relevant individual's experience (over the last [3/ 5] years).
- A8** Provide details of the capacity of key persons listed in A6 to allocate sufficient time to the Project. Identify any existing or future potential time conflicts for each key person, particularly those prior to financial close. Further information relating to the outline timetable is provided in the Information Memorandum.

### **Working together**

- A9** Provide examples of projects demonstrating relevant experience gained over the past [5] years by the Candidate Members working together, particularly the Construction Contractor, FM Contractor and Designated Organisations, to deliver successful projects similar in scope and value to the Project. The response must not exceed [3] sides of A4. Candidates should also provide details including contact name, address, telephone number and email of a public sector client reference from each of the projects provided. Candidates should note that the Board will verify all information provided with the referees. The score awarded to the response to question A9 may be moderated accordingly in the light of information provided in the reference.

### **Conflicts**

- A10** Identify any potential conflicts of interest that may arise if the Candidate were to be selected (taking into account all Candidate Members), and how these will be dealt with. In particular, please deal with any potential conflicts where:
- a Candidate Member has carried or is carrying out any work for the Board or another party that may present a conflict
  - a Candidate Member is potentially providing services for more than one prospective bidder in respect of this Project or procurement process.

### **Raising Finance**

- A11** Please provide details of how the Subordinated Debt Provider(s) have previously raised both debt and capital (including subordinated debt and mezzanine finance)

funding, on PPP projects, in the last [5] years, based on the date of financial close. This should include details of the project concerned, the capital value of the project, the amounts raised in each class of debt, the source of the funds, and the role of the Subordinated Debt Provider(s) in these projects and the dates of financial close

## **Financial Capacity and Economic Standing**

### **Overview**

The financial capacity and economic standing of each Candidate will be assessed by the evaluation of the information requested in this section. The response from the Candidate should be provided and labelled as '**Financial Capacity and Economic Standing Annex**'.

### **A12 Identity of Candidate and/or Key Organisations**

In order to assist in the financial evaluation, the following information should be provided for the Candidate or in the case of a consortium each Key Organisation:

- a) Company name
- b) Company number
- c) DUNS number
- d) Role – i.e. Subordinated Debt Provider or Construction Contractor
- e) Where the Key Organisation is Sub-Debt Provider, the proportion of investment (indicative) to be provided (%)
- f) Where the Construction Contractor comprises more than one person the proportion of the capital value of the Project for which each contractor will be responsible should be clearly stated. In this case a clear statement should be made regarding any proposed sharing of liability between the contractors (i.e. any wrap or joint and several liability arrangements.)

[Please also provide the following details for each Candidate or each Key Organisation and for each Parent Company, if A13 applies:

- a) Name and address of the Key Organisation's banker
- b) Telephone Number
- c) Fax Number
- d) Contact Name

- e) Number of years with current bank
- f) Details of previous bankers (If changed in previous two years).

Please confirm that we may approach your banker for a reference if necessary. (Your organisation will be required to pay any charges levied by any banker for such a reference).]

### **A13. Election to Rely on a Parent Company for the Purposes of Evaluation**

A Candidate may elect to have the financial evaluation carried out on the Parent Company of any of the Key Organisations instead of the Key Organisation itself, but only where a suitable parent company guarantee is offered or is in place.

Where a Candidate wishes a Parent Company to be evaluated instead of the relevant Key Organisation, the following information must be provided for each provider of a suitable parent company guarantee:

- a) Company name
- b) Company number
- c) DUNS number
- d) Identity of the Key Organisation for which the guarantee is being provided
- e) A letter signed by a person with appropriate authority within the Parent Company confirming that a suitable guarantee is in place or is offered in respect of the Key Organisation.

### **A14 Minimum turnover threshold Pass/ Fail**

The Health Board wishes to ensure that the contract will not excessively dominate the existing business of any Construction Contractor therefore, the combined turnover of the proposed design and build contractors making up the Construction Contractor should not be less than [£x million ]<sup>7</sup>.

Where the Construction Contractor cannot meet the turnover threshold of [£x million], a parent company guarantee to support the Construction Contractor will be required.

The failure of the Construction Contractor to meet the minimum turnover requirement and/or to offer a satisfactory parent company guarantee (where required) will result in that Candidate being de-selected.

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<sup>7</sup> Turnover test should be calibrated to the size of the project. Two times the construction value of the contract is considered to be a good guideline.

The minimum turnover requirement will be measured by the turnover reported in the most recent set of audited accounts. Where any Construction submits accounts for a period of more than 12 months the reported turnover figure should be adjusted to a 12 month period on a straight pro rata monthly basis (e.g. a 16 month reporting period should be adjusted by a factor of 12/16).

**A15** Not used.

**A16 Key Financial Information**

The Construction Contractor (or its Parent Company where applicable) and separately the Subordinated Debt Providers must each pass a minimum financial threshold test.

This basis for determining the financial standing is in relation to the threshold is set out in the following table.

	Score of -1	Score of 0	Score of 1	Score of 2	Maximum Score
A – Measured at date of pre-qualification evaluation using company information provided at [A12 and A 13 above]					
D&B rating (risk)	Rating of 4	Rating of 3 or n/a	Rating of 2	Rating of 1	2
B – Measured in each of the three most recent years based on the accounts information provided.					
Operating Profit Percentage	Less than or equal to 0	Above 0 but less than or equal to 1%	Above 1% but less than or equal to 5%	Above 5%	$(2*50\%)+(2*25\%)+(2*25\%) = 2$
Net Interest cover <sup>8</sup>	Less than or equal to 1.00	Above 1.00 but less than or equal to 2.50	Above 2.50 but less than or equal to 3.50	Above 3.50	$(2*50\%)+(2*25\%)+(2*25\%) = 2$
Current Ratio <sup>9</sup>	Less than or equal to 1.0	Above 1.0 but less than or equal to 1.05	Above 1.05 but less than or equal to 1.20	Above 1.20	$(2*50\%)+(2*25\%)+(2*25\%) = 2$
Net assets <sup>10</sup> excluding intangibles (£000s)	Less than or equal to 0	Above 0 but less than or equal to 5,000	Above 5,000 but less than or equal to	Above 30,000	$(2*50\%)+(2*25\%)+(2*25\%) = 2$

<sup>8</sup> This is defined as Operating Profit before Exceptional Items / (Interest Payable less Interest Receivable)

<sup>9</sup> This is defined as Current Assets (Stock, Debtors and Cash) divided by Current Liabilities.

<sup>10</sup> This is defined as the net assets less any intangible assets.

			30,000		
Auditor report	Auditor report contains material qualifications to the accounts, emphases of matter or adverse or disclaimer comments	Auditor report contains qualifications to the accounts, emphases of matter or adverse or disclaimer comments but which are of limited materiality	Auditor report contains no matters of concern	Not used	$(1*50\%)+(1*25\%)+(1*25\%) = 1$

### C. Qualitative Moderation

The scores awarded against each of the criteria above may be subject to qualitative moderation based on the information provided by the Contractor in the 'Moderation Statement' requested in question [x] and the Board's review of information relating to the Contractor publicly available on the Factiva database over the year up to the date of the PQQ submission. Such moderation may result in the scores awarded being amended upwards or downwards.

For the criteria in group B in the table above, the results will be weighted according to the relative importance placed by the Board on each of the last three years. The weightings are as follows:

Year	Weighting
Most recent	50%
Most recent -1	25%
Most recent -2	25%

Where fewer than three years accounts are available, the weighting for the absent year(s) will be allocated evenly over the years for which information is provided. For example, if only two years of information is provided, the 25% allocated to the third year will be split evenly by adding 12.5% to each of the two years provided.

Where any set of the most recent accounts of any entity making up the Construction Contractor or Subordinated Debt Provider are not available to be assessed by the Board as they have not been filed in line with the statutory requirements of the relevant country then the Board will apply the following weightings to the three years actually provided:

Year	Weighting
Most recent	25%
Most recent -1	25%
Most recent -2	25%

The process outlined above will produce a score for each design and build contractor making up the Construction Contractor. Where there is more than one organisation named, the scores awarded to each will then be combined into a single score by allocating a weighting to each Construction Contractor, as described in A12 f) above. In order to meet the minimum financial standing threshold, the Construction Contractor must achieve a score for all of the criteria in A to C above of [x] or more. The maximum available score is 11.

A separate combined score will be calculated for the Subordinated Debt Provider. Where there is more than one organisation making up the Subordinated Debt Provider, each of these organisations individual scores will be combined by allocating a weighting to each Organisation based upon the proportion of overall share of subordinated debt each will provide as set out in the response to []. In order to meet the minimum financial standing threshold, the Subordinated Debt Provider must achieve a combined weighted score for all of the criteria in A to C above of [y] or more. The maximum available score is 11 (weighted).

### **[A17<sup>11</sup> Partnering and Collaboration**

The NPD Contract will establish a long term relationship and the Board is seeking a partner who will share and exhibit the values and behaviours necessary to make this relationship mutually successful.

The Board recognises the importance of managing interfaces between outsourced hard facilities management and lifecycle services and in-house FM and ICT services.

#### **Questions:**

**Define the factors that the Candidate considers are critical to achieving a successful relationship and illustrate what the Candidate did to establish these conditions for other projects.**

**Explain The Candidate's experience of establishing the operating models and culture required to manage interfaces and provide high quality services.**

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<sup>11</sup> In relation to questions A17 to A19, the alternative is to include these issues as part of the assessment of experience in specified projects given in response to other questions.



**The response must not exceed [3] sides of A4 in total.]**

**[A18 Design Quality & Sustainability**

The Project is crucially important to the delivery of the Board's clinical strategy. Its location and scale create opportunities to deliver benefits to a wide stakeholder group. In this context, it is imperative that the Project delivers a high quality healthcare environment which is environmentally, economically and socially sustainable.

**Question:**

**Provide examples that illustrate your capability to deliver high quality, sustainable, energy efficient, low carbon buildings.**

**The response must not exceed [3] sides of A4.]**

**[A19 Community Benefits**

The Board has a close relationship with communities which it wishes to protect and nurture. The Board is therefore committed to ensuring that the investment in the Project creates opportunities and delivers economic, environmental and social benefits.

**Question:**

**Explain the Candidate's experience and approach to working with clients and communities to address their concerns and realise wider project benefits including employment, training opportunities and opportunities for SMEs.**

*The response must not exceed [3] sides of A4.*

**A20 CDM Approved Code of Practice (ACoP).**

Please provide evidence to demonstrate that both the Construction Contractor and Designated Organisations meet the required standards that are identified within Appendix 4 of the CDM Approved Code of Practice (ACoP).

## Section B

### Information on the Construction Contractor

To be completed by the Construction Contractor and hence by each contractor making up a construction joint venture. Where there is more than one contractor comprised within the Construction Contractor, the section will be weighted approximately by each contractor's proportion of the capital value of the construction element of the Project. Note this is the Construction Contractor's experience and **must not** detail experience that a Construction Contractor's staff has gained when been employed elsewhere.

#### B1 Details of Organisation

Registered Name:	
Current Trading Name:	
Previous Trading Names (if different):	
Registered Address:	
Telephone:	
Fax:	
E-mail:	
Registered No:	
Year of Registration:	
Country of Registration:	
Capital Value to be provided (£m)	

## B2 Type of Organisation

Private Limited Company		Public Limited Company	
Partnership		UK registered branch of overseas company	
Other (please specify)			

## B3 Parent or Holding Companies

If the organisation named in B1 is a subsidiary of another organisation, please:

- Name the parent or holding company and indicate what interest the parent of holding company has in the company in B1
- If the parent company will be providing a guarantee (or equivalent e.g. performance bond) to support the obligations of the named contractor in B1, provide a statement from the parent company stating that it is, in principle, prepared to support the contracting company, including the provision of performance guarantees;

## B4 Comparable Healthcare PPP Experience

This Project involves the delivery of [*specify*] services.

Using the proforma for **Annex [*specify*]**, provide [5] examples of previous project experience of Healthcare PPP / NPD gained in the last [five] years which are particularly relevant to the scope of this scheme either within the UK or internationally. Responses for each case study must not exceed 4 sides of A4 (in total).

## **B5 Comparable Healthcare Experience (non PPP)**

Using the proforma for **Annex [specify]**, provide [5] examples of previous project experience of healthcare (non PPP) gained in the last [five] years which are particularly relevant to the scope of this Project (as set out in the IM) either within the UK or internationally including the extent of the services or works for which the organisation was responsible and the dates of the organisation's involvement. Responses for each case study must not exceed 4 sides of A4 (in total).

## **B6 [Comparable Experience (Operational Site)]**

Using the proforma for **Annex [specify]**, provide [5] examples of projects delivered upon an operational site and undertaken in the last [five] years that are relevant to this Project either within the UK or internationally. Responses for each case study must not exceed 4 sides of A4 (in total).<sup>12]</sup>

## **B7 Other Relevant Experience**

Using the proforma for **Annex [specify]**, provide [5] examples of projects that demonstrate the organisation's experience gained in the last [five] years relevant to its proposed role in the Project. Projects which are particularly relevant to the scope of this scheme either within the UK or internationally should be highlighted. Responses for each case study must not exceed 4 sides of A4 (in total).

## **B8 Claims**

Give details of any projects for contracts in excess of [£1 million] in which the organisation has been involved where there has been a failure to complete (by the scheduled completion date) or where there have been claims for damages, or where damages have been deducted or reserved within the last five years and where the amount of damages (claimed or ordered) is greater than [£100,000]. Include, for each project, reasons for the failure or claim.

## **B9 References**

Provide details including contact name, address, telephone and email of a client reference from each of the projects listed in [B4 – B7]. Candidates should note that

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<sup>12</sup> Note: to be included where relevant

the Board will verify all information provided with the referees. The scores awarded to the responses to questions [B4 – B7] may be moderated accordingly in the light of information provided in the reference.

## **B10 Quality Assurance**

(1) Does the Construction Contractor operate an ISO (or equivalent) accredited Quality Management System for this project? If so, please provide details of the accreditation

(2) If the Construction Contractor does not operate such an ISO (or equivalent) accredited Quality Management System please provide details of how the Construction Contractor has previously ensured quality in performance of their role.

## **Health & Safety**

**B11** (1) Does the Construction Contractor operate a BS OHSAS 18001:2007<sup>13</sup> (or equivalent) accredited Health and Safety Management System that it would be able to apply when providing the work or services required for the Project? If so please provide details of the accreditation.

(2) If the Construction Contractor does not operate a BS OHSAS 18001:2007 (or equivalent) accredited Health and Safety Management System please provide details of how it have previously implemented relevant company policy in the delivery of the types of works or services to be provided for this project.

**B12** During the last [5] years have any notices been served on the Construction Contractor or prosecutions been pursued by the Health and Safety Executive or otherwise. Has the Construction Contractor been prosecuted for contravening the Health and Safety at Work Act 1974 or other health and safety law? Is the Construction Contractor (or has it been) subject to an investigation by the Health and Safety Executive or similar body? If yes to any of the above please provide details and explain what steps have been taken in the response.

**B13** Please provide details and evidence of the Construction Contractor's procedures to establish the competence of sub-contractors/sub-consultants and evidence of monitoring.

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<sup>13</sup>Note: currency of reference here and in relation to other stated standards to be checked.

## Environmental

- B14** Does the Construction Contractor operate an ISO (or equivalent) accredited Environmental Management System that it would be able to apply when providing the works or services required for the Project? If so please provide details of the accreditation.

If the Construction Contractor does not operate an ISO (or equivalent) accredited Environmental Management System please provide details of how it has previously implemented relevant company policy in the delivery of the types of works or services to be provided for the Project.

## Employment

- B15** Is it the Construction Contractor's policy as an employer to comply with its statutory obligations under the Race Relations Act 1976, the Sex Discrimination Act 1976, the Disability Discrimination Act 1995, the Equal Pay Act 1970, the Employment Equality (Religion or Belief) Regulations 2003, the Employment Equality (Sexual Orientation) Regulations 2003 and the Employment Equality (Age) Regulations 2006 all of which apply in the UK, or equivalent legislation that applies in the countries in which the Construction Contractor employs staff?

Yes/No

- B16** Is it the Construction Contractor's practice not to discriminate directly or indirectly on grounds of colour, race, nationality or ethnic or national origin, disability, gender, religion or belief, sexual orientation or age in relation to decisions to recruit, select, remunerate, train, transfer and promote employees?

Yes/No

- B17** In the last [three] years, has any finding of unlawful discrimination in the employment field been made against the Construction Contractor by an employment tribunal, an employment appeal tribunal, or any court, or in comparable proceedings in any other jurisdiction?

Yes/No

If the answer to question B17 is yes, what steps has the Construction Contractor taken as a result of that finding?

**B18** In the last [three] years, has your organisation been the subject of formal investigation by the Equality and Human Rights Commission (EHRC), (or pre 1 October 2007, the Commission for Racial Equality, the Equal Opportunities Commission, and the Disability Rights Commission) or comparable bodies, on the grounds of alleged unlawful discrimination in the employment field?

Yes/No

If the EHRC or other body has made an adverse finding what steps have been taken as a result?

**B19** Does the Construction Contractor observe the relevant Codes of Practice on employment in the UK (or comparable codes or statutory guidance issued under equivalent legislation in another member state where the Construction Contractor does not currently operate in the UK) which gives practical guidance to employers and others on the elimination of discrimination and the promotion of equality of opportunity in employment, including monitoring of workforce matters and steps that can be taken to encourage people from equalities groups to apply for jobs or training opportunities?

Yes/No

**B21** Is the Construction Contractor's policy on equal opportunities set out in the following:

(a) Instructions to those concerned with recruitment, selection, remuneration, training and promotion?

Yes/No

(b) Documents available to employees, recognised trade unions or other employee representative groups and job applicants?

Yes/No

**B22** Are the Construction Contractor's staff with managerial responsibilities required to receive training on equal opportunities?

Yes/No



## Section C

### Information on the FM Service Provider

The FM Service Provider identified at A4 should complete this section separately. Where there is more than one FM Service Provider, this section will be weighted approximately by each service provider's annual service value. Note this is the FM Service Provider's experience and **must not** detail experience that the FM Service Provider's staff has gained whilst in other employment.

#### C1 Details of Organisation

Registered Name:	
Current Trading Name:	
Previous Trading Names (if different):	
Registered Address:	
Telephone:	
Fax:	
E-mail:	
Registered No:	
Year of Registration:	
Country of Registration:	

## C2 Type of Organisation

Private Limited Company		Public Limited Company	
Partnership		UK registered branch of overseas company	
Other (please specify)			

## C3 Parent or Holding Companies

If the organisation named in C1 is a subsidiary of another organisation, please:

- Name the parent or holding company and indicate what interest the parent of holding company has in the company in C1
- If the parent company will be providing a guarantee (or equivalent e.g. performance bond, collateral warranty) to support the obligations of the named contractor in C1, provide a statement from the parent company stating that it is, in principle, prepared to support the contracting company, including the provision of performance guarantees.

## C4 Comparable Healthcare PPP Experience

This Project involves the delivery of hard FM services within a [specify] facility providing [*specify*] services.

Using the proforma for **Annex [*specify*]** provide [5] examples of Healthcare PPP projects undertaken in the last [five/three] years which are particularly relevant to the scope of this scheme either within the UK or internationally. Projects should be listed in order of decreasing annual contract value. Responses for each case study must not exceed [4] sides of A4 (in total).

## **C5 Comparable Healthcare Experience (non PPP)**

Using the proforma for **Annex [specify]**, provide [5] examples of healthcare projects undertaken in the last [five/three] years which are particularly relevant to the scope of this scheme either within the UK or internationally, including the extent of the services or works for which the organisation was responsible and the dates of the organisation's involvement. Projects should be listed in order of decreasing annual contract value. Responses for each case study must not exceed [4] sides of A4 (in total).

## **C6 Other Relevant Experience**

Using the proforma for **Annex [specify]**, provide [5] examples of non-health projects and non-PPP projects that demonstrate the organisation's experience gained in the last [five/three] years relevant to its proposed role in the Project. Projects which are particularly relevant to the scope of this scheme either within the UK or internationally should be highlighted. Projects should be listed in order of decreasing annual contract value. Responses for each case study must not exceed [4] sides of A4 (in total).

## **C7 [Interface Experience<sup>14</sup>**

[Soft FM services will be provided by the Board and other third party providers operating on the site adjacent to an existing [PFI/NHS] facility with which there will be a number of physical and site management interfaces, as outlined in the IM.

Please provide an overview of your approach to ensuring successful partnership working with other FM providers including providing [5] examples of projects that demonstrate the organisation's interface experience gained in the last [3/5] years using the proforma for **Annex [specify]**. ]

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<sup>14</sup> Note: to be included where relevant

## **C8 Claims**

Give details of any projects for contracts in excess of [£1 million] in which the organisation has been involved where there has been a failure to complete (by the scheduled completion date) or where there have been claims for damages, or where damages have been deducted or reserved within the last five years and where the amount of damages (claimed or ordered) is greater than [£100,000]. Include, for each project, reasons for the failure or claim.

## **C9 References**

Provide details including contact name, address, telephone and Email of a Client reference from each of the projects listed in [C4 – C7]. Candidates should note that the Board will verify all information provided with the referees. The scores awarded to the responses to questions [C4 – C7] may be moderated accordingly in the light of information provided in the reference.

## **C10 Quality Assurance**

(1) Does the FM Services Provider operate an ISO (or equivalent) accredited Quality Management System for this project? If so, please provide details of the accreditation

(2) If the FM Services Provider does not operate such an ISO (or equivalent) accredited Quality Management System please provide details of how the FM Services Provider has previously ensured quality in performance of its role.

### **Health & Safety**

**C11** (1) Does the FM Services Provider operate a BS OHSAS 18001:2007 (or equivalent) accredited Health and Safety Management System that it would be able to apply when providing the work or services required for the Project? If so please provide details of the accreditation.

(2) If the FM Services Provider does not operate a BS OHSAS 18001:2007 (or equivalent) accredited Health and Safety Management System please provide details of how it have previously implemented relevant company policy in the delivery of the types of works or services to be provided for this project.

**C12** During the last [5] years have any notices been served on the FM Services Provider or prosecutions been pursued by the Health and Safety Executive or otherwise. Has

the FM Services Provider been prosecuted for contravening the Health and Safety at Work Act 1974 or other health and safety law? Is the FM Services Provider (or has it been) subject to an investigation by the Health and Safety Executive or similar body? If YES to any of the above please provide details and explain what steps have been taken in response.

**C13** Please provide details and evidence of the FM Services Provider's procedures to establish the competence of sub-contractors/sub-consultants and evidence of monitoring.

**C14 Environmental Policy**

(1) Does the FM Services Provider operate an ISO (or equivalent) accredited Environmental Management System that it would be able to apply when providing the works or services required for the Project? If so please provide details of the accreditation.

(2) If the FM Services Provider does not operate an ISO (or equivalent) accredited Environmental Management System please provide details of how it has previously implemented relevant company policy in the delivery of the types of works or services to be provided for the Project

**Employment**

**C15** Is it the FM Services Provider's policy as an employer to comply with its statutory obligations under the Race Relations Act 1976, the Sex Discrimination Act 1976, the Disability Discrimination Act 1995, the Equal Pay Act 1970, the Employment Equality (Religion or Belief) Regulations 2003, the Employment Equality (Sexual Orientation) Regulations 2003 and the Employment Equality (Age) Regulations 2006<sup>15</sup> all of which apply in the UK, or equivalent legislation that applies in the countries in which your firm employs staff?

Yes/No

**C16** Is it the FM Services Provider's practice not to discriminate directly or indirectly on grounds of colour, race, nationality or ethnic or national origin, disability, gender, religion or belief, sexual orientation or age in relation to decisions to recruit, select, remunerate, train, transfer and promote employees?

Yes/No

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<sup>15</sup> Update as may be required

**C17** In the last [three] years, has any finding of unlawful discrimination in the employment field been made against the FM Services Provider by an employment tribunal, an employment appeal tribunal, or any court, or in comparable proceedings in any other jurisdiction?

Yes/No

If the answer to question C17 is yes, what steps has the FM Services Provider taken as a result of that finding?

**C18** In the last [three] years, has your organisation been the subject of formal investigation by the Equality and Human Rights Commission (EHRC), (or pre 1 October 2007, the Commission for Racial Equality, the Equal Opportunities Commission, and the Disability Rights Commission) or comparable bodies, on the grounds of alleged unlawful discrimination in the employment field?

Yes/No

If the EHRC or other body made a finding adverse to the FM Services Provider, what steps has the FM Services Provider taken as a result of that finding?

**C19** Does the FM Services Provider observe the relevant Codes of Practice on employment in the UK (or comparable codes or statutory guidance issued under equivalent legislation in another member state where you do not currently operate in the UK) which gives practical guidance to employers and others on the elimination of discrimination and the promotion of equality of opportunity in employment, including monitoring of workforce matters and steps that can be taken to encourage people from equalities groups to apply for jobs or training opportunities?

Yes/No

**C20** Is the FM Services Provider's policy on equal opportunities set out in the following:

(a) Instructions to those concerned with recruitment, selection, remuneration, training and promotion?

Yes/No

(b) Documents available to employees, recognised trade unions or other employee representative groups and job applicants?

Yes/No

**C22** Is the FM Services Provider’s staff with managerial responsibilities required to receive training on equal opportunities?

Yes/No

**TUPE/ Other experience**

**C23** Provide 3 relevant examples of experience of transferring staff in projects listed in C4 to C[7]

Project (from C4 to C[7])	Number of staff transferred under TUPE (or EU equivalent)	Trade Union recognition continued for transferred staff	Trade Union involvement in procurement process (e.g. interview bidders)	Broadly comparable pension provided certified by GAD

16

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<sup>16</sup> The IM should refer to the requirement to comply with the SE/TUC protocol “Public Private Partnerships – Protocol and Guidance Concerning Employment Issues” available at <http://www.scotland.gov.uk/Resource/Doc/1069/0005205.pdf>.

## Section D

### 9. Information on Designated Organisations

Each<sup>17</sup> of the Designated Organisations identified at A4 should complete this section separately).

#### D1 Details of Organisation

Registered Name:	
Current Trading Name:	
Previous Trading Names (if different):	
Registered Address:	
Telephone:	
Fax:	
E-mail:	
Registered No:	
Year of Registration:	
Country of Registration:	

#### D2 Type of Organisation

Private Limited Company		Public Limited Company	
Partnership		UK registered branch of overseas company	
Other (please specify)			

<sup>17</sup> Weighting of responses and marks to be considered in each project



### **D3 Comparable Healthcare PPP Experience**

Using the proforma for **Annex [specify]**, each Designated Organisation should provide [3/5] examples of relevant firms (not individuals) previous project experience of Healthcare PPP in the last [three/five] years which are particularly relevant to the scope of this scheme (as set out in the IM) either within the UK or internationally. Projects should be listed in order of decreasing capital value. Responses for each case study must not exceed [4] sides of A4 (in total).

### **D4 Other PPP Experience**

Provide [3/5] examples of relevant firms (not individuals) previous project experience of non-healthcare PPP in the last [three/five] five years which are particularly relevant to the scope of this scheme other within the UK or internationally. Using the proforma for **Annex [specify]**, projects should be listed in order of decreasing capital value. Responses for each case study must not exceed [4] sides of A4 (in total).

### **D5 Comparable Healthcare Experience (non PPP)**

Using the proforma for **Annex [specify]**, provide [3/5] examples of relevant firms (not individuals) healthcare projects undertaken in the last [three/five] years which are particularly relevant to the scope of this scheme including the extent of the services or works for which the organisation was responsible and the dates of the organisation's involvement. Responses for each case study must not exceed [4] sides of A4 (in total).

### **D6 Other Relevant Experience**

Using the proforma for **Annex D6**, provide [3/5] examples of projects that demonstrate the organisation's other experience gained in the last [three/five] years relevant to its proposed role in the Project. Responses for each case study must not exceed [4] sides of A4 (in total).

**D7** Provide details including contact name, address, telephone and Email of a client reference from each of the projects listed in [D3 – D6]. Candidates should note that the Board will verify all information provided with the referees. The scores awarded to the responses to questions [D3 – D6] may be moderated accordingly in the light of information provided in the reference.

## Section E

### 10. Declaration

On completion of the questionnaire, please read and sign the declaration below.

I certify that the information supplied in the questionnaire is accurate to the best of my knowledge and accords with the basic criteria of eligibility as set out in the Information Memorandum dated [ ].

I also understand it is a criminal offence, punishable by imprisonment, to give or offer any gift or consideration whatsoever as an inducement or reward to any servant of a public body and that such action will empower the Board to exclude the Candidate or Candidate Member from the selected list of bidders.

I agree that the Board may, if it so wishes, make inspections of completed projects, the details of which will be provided if required by the Board.

I hereby declare that I am authorised by the under mentioned Candidate and Candidate Members to supply the information given above and, at the date of signing, the information given is a true and accurate record.

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Position:

*Per pro:* \_\_\_\_\_

Date: \_\_\_\_\_

The declaration must be signed by an authorised signatory, in his/her own name, and for an on behalf of the Candidate and Candidate Members

Please return this form with your completed questionnaire.

## **Section F**

### **Statement of Good Standing**

**Note: Where the Candidate is a Consortium this statement has to be completed and signed by each Candidate Member.**

Name:

We confirm that, to the best of our knowledge, we are not in breach of the provisions of Article 45 of Directive 2004/18/EC and Regulation 23 of the Public Contracts (Scotland) Regulations 2012 and in particular that we or our partners, directors or any other person who has powers of representation, decision or control of the Candidate has not been convicted of any of the following offences:

1. the common law offence of conspiracy where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA or an offence under Section 28 or 30 of the Licensing (Scotland) Act 2010;
2. 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, where the offence relates to active corruption as defined in Article 3 of the Council Act of 26<sup>th</sup> May 1997 and Article 3 (1) of the Council Joint Action 98/742/JHA;
3. bribery or corruption within the meaning of sections 68 and 69 of the Criminal Justice (Scotland) Act 2003 where the offence relates to active corruption, or bribery within the meaning of Sections 1 or 6 of the Bribery Act 2010;
4. the common law offence of incitement to commit a crime;
5. fraud, where the offence relates to fraud affecting the financial interests of the European Communities as defined by Article 1 of the Convention relating to the protection of the financial interests of the European Communities, within the meaning of:

- the offence of cheating the Revenue;
  - the common law offence of fraud;
  - the common law offence of theft or fraud;
  - fraudulent trading within the meaning of section 458 of the Companies Act 1985 or 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 Community within the meaning of section 71 of the Criminal Justice Act 1993;
  - the common law offence of uttering;
  - the common law offence of attempting to pervert the course of justice;
6. money laundering within the meaning of section 340(11) of the Proceeds of Crime Act 2002 or the Money Laundering Regulations 2007, or an offence in connection with proceeds of drug trafficking within the meaning of sections 49, 50 or 51 of the Drug Trafficking Act 1994; or
7. any other offence within the meaning of Article 45(1) of the Public Sector Directive as defined by the national law of any relevant state.

None of the following paragraphs apply to us:

1. being an individual is a person in respect of whom a debt relief order has been made or is bankrupt or has had a receiving order or administration order or bankruptcy restrictions order or a debt relief order made against us or has made any composition or arrangement with or for the benefit of his creditors or has made any conveyance or assignment for the benefit of his creditors or appears unable to pay, or to have no reasonable prospect of being able to pay, a debt within the meaning of section 268 of the Insolvency Act 1986, or article 242 of the Insolvency (Northern Ireland) Order 1989, or in Scotland has granted a trust deed for creditors or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of that individual's estate, or is the subject of any similar procedure under the law of any other state;
2. being a partnership constituted under Scots law has granted a trust deed or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of its estate;
3. being a company or any other entity within the meaning of section 255 of the Enterprise Act 2002 has passed a resolution or is the subject of an order by the court for the company's winding up otherwise for the purpose of a bona fide reconstruction or amalgamation, or has had a receiver, manager or administrator on

behalf of a creditor appointed in respect of the company's business or any part thereof or is the subject of the above procedures or is the subject of similar procedures under the law of any other state;

4. has been convicted of a criminal offence relating to the conduct of that our business or profession;
5. has committed an act of grave misconduct in the course of our business or profession;
6. has not fulfilled obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which the Candidate and/or Candidate Member is established;
7. has not fulfilled obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which the Candidate and/or Candidate Member is established;
8. is guilty of serious misrepresentation in providing any information referred to in Regulations 23 to 27 of the Public Contracts (Scotland) Regulations 2012 or has not provided such information in response to a request by the contracting authority;
9. in relation to procedures for the award of a public services contract, is not licensed in the relevant State in which the economic operator is established or is not a member of an organisation in that relevant State when the law of that relevant State prohibits the provision of the services to be provided under the contract by a person who is not so licensed or who is not such a member; or
10. subject to paragraphs (7), (8), (9), (10), (11), (12) and (13) of Regulation 23 of the Public Contracts (Scotland) Regulations 2012 is not registered on the professional or trade register of the relevant State specified in Schedule 6 of said Regulations in which that economic operator is established under conditions laid down by that State.

Signed:

Full Name:

Position:

Date:

Date:

**Annexes**

**Note: add pro forma annexes for project experience questions.**