**Annex [1] Qualification Questionnaire (QQ)**

**Notes for completion**

1. The “authority” means the British Council, or anyone acting on behalf of the British Council, that is seeking to invite suitable Suppliers to participate in this Procurement Process (as defined in the authority’s RFP or ITT. This QQ forms part of the authority’s RFP or ITT.

2. “You”/ “your” or “supplier” means the body completing these questions **i.e. the legal entity seeking to be awarded the Contract and responsible for the information provided.** The ‘Supplier’ is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 and could be a registered company; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.

3. This QQ is based on the template questions designed by the Crown Commercial Service to assess the suitability of a supplier to deliver the authority’s contract requirement(s). Your completed QQ will be reviewed to confirm that you meet all of the qualification criteria set out in this QQ. You may be excluded from this Procurement Process if you do not meet all of the qualification criteria set out in the QQ. Where you are excluded at this point, your tender response will be rejected in full and will not be evaluated further and you will be disqualified from this Procurement Process.

4. Please ensure that all questions are completed in full, and in the format requested. Failure to do so may result in your submission being disqualified. If the question does not apply to you, please state clearly ‘N/A’. For ease of reference, any field marked with a turquoise highlight are completed by the supplier.

5. Should you need to provide additional Appendices in response to the questions, these should be numbered clearly and listed as part of your declaration. A template for providing additional information is provided at the end of this document.

6. Please return a completed version of this document as part of your tender response.

**Verification of Information Provided**

7. Whilst reserving the right to request information at any time throughout the Procurement Process, the authority may enable you to **self-certify** that there are no mandatory/ discretionary grounds for excluding your organisation. When requesting evidence that the Supplier can meet other requirements set out in the QQ, the authority may also allow you to **self-certify.** Where a section is a “**self-certification”** section, this will be indicted by the words “**self-certification**” and/or “**self-certify*”*** appearing in bold as part of that section and/or sub-section of this QQ. The authority will only obtain evidence in relation to any self-certification sections and sub-sections after the final tender evaluation decision i.e. in relation to the provisional winning supplier only. If you are the provisional winning supplier and you do not supply any evidence requested at this stage in accordance with any timescales specified by the authority and/or any evidence reviewed by the authority (whose decision shall be final) is inadequate to demonstrate compliance with any self-certified requirement forming part of this QQ, the authority may reject your tender response in full at that point and disqualify you from the Procurement Process. Suppliers should also note that the authority (as part of its own due diligence processes) may, at any point in the Procurement Process, also carry out searches of relevant third party databases to corroborate any information provided by you and by participating in this Procurement Process you grant your consent to the authority carrying out such searches.

**Sub-contracting arrangements**

8. Where a supplier proposes to use one or more sub-contractors to deliver some or all of the contract requirements, a separate Appendix should be used to provide details of the 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.

9. Suppliers should note the following when proposing any sub-contractors:

9.1 The authority recognises that arrangements in relation to sub-contracting may be subject to future change, and may not be finalised until a later date. However, suppliers should be aware that where information provided to the authority indicates that sub-contractors are to play a significant role in delivering key contract requirements, any changes to those sub-contracting arrangements may affect the ability of the supplier to proceed with the procurement process or to provide the supplies and/or services required. Suppliers should therefore notify the authority immediately of any change in the proposed sub-contractor arrangements. The authority reserves the right to deselect a supplier prior to any award of contract, based on an assessment of the updated information.

9.2 By proposing any sub-contractors at any stage in the process, the supplier **self-certifies** that such sub-contractors are not subject to any mandatory or discretionary grounds for exclusion (as respectively referred to at sections 2 and 3 of this QQ) other than as notified to the authority by the supplier at the point at which such sub-contractors are proposed. The authority may at any point verify whether there are grounds for the exclusion of sub-contractors in accordance with Regulation 71(8) of the Public Contracts Regulations 2015. In such cases, the authority, shall require the supplier to replace any sub-contractor in respect of which such verification has shown that there are mandatory grounds for exclusion; and may require the supplier to replace a sub-contractor in respect of which such verification has shown that there are discretionary grounds for exclusion.

**Consortia arrangements**

10. If a supplier completing this QQ is doing so as part of a proposed consortium, the following information must be provided;

* names of all consortium members;
* the lead member of the consortium who will be contractually responsible for delivery of the contract (if a separate legal entity is not being created); and
* if the consortium is not proposing to form a legal entity, full details of proposed arrangements within a separate Appendix.

11. Please note that the authority may require the consortium to assume a specific legal form if awarded the contract, to the extent that a specific legal form is deemed by the authority as being necessary for the satisfactory performance of the contract.

12. All members of the consortium will be required to provide the information required in all sections of the QQ as part of a single composite response to the authority i.e. each member of the consortium is required to complete the form. Where one consortium member is excluded based on any of the responses it provides, the authority shall have the right to exclude the consortium as a whole from this Procurement Process and reject their tender response in full.

13. Where you are proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV), you should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity in a separate Appendix.

14. The authority recognises that arrangements in relation to a consortium bid may be subject to future change. Suppliers should therefore respond on the basis of the arrangements as currently envisaged. Suppliers are reminded that the authority must be immediately notified of any changes, or proposed changes, in relation to the bidding model so that a further assessment can be carried out by applying the selection criteria to the new information provided. The authority reserves the right to deselect a supplier prior to any award of contract, based on an assessment of the updated information.

**Confidentiality**

15. When providing details of contracts in answering section 6 of this QQ (Technical and Professional Ability), the supplier agrees to waive any contractual or other confidentiality rights and obligations associated with these contracts.

16. The authority reserves the right to contact the named customer contact in section 6 regarding the contracts included in section 6. The named customer contact does not owe the authority any duty of care or have any legal liability, except for any deceitful or maliciously false statements of fact.

17. The authority confirms that it will keep confidential and will not disclose to any third parties any information obtained from a named customer contact, other than to the Cabinet Office and/or contracting authorities defined by the Public Contracts Regulations.

## 1 - Supplier information

|  |  |  |  |
| --- | --- | --- | --- |
| **1.1 Supplier details** | **Answer** | | |
| Full name of the supplier completing the QQ | Mandatory Response | | |
| Registered company address | Mandatory Response | | |
| Registered company number | Mandatory Response | | |
| Registered charity number |  | | |
| Registered VAT number |  | | |
| Name of immediate parent company |  | | |
| Name of ultimate parent company |  | | |
| Please check 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 check 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 check the relevant box to indicate whether you are;** | | | |  |
| 1. Bidding as a Prime Contractor and will deliver 100% of the key contract deliverables yourself | | | Yes |  |
| 1. 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 row below and use a separate Appendix to explain the alternative arrangements i.e. why a new legal entity is not being created.  Please note that the authority 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. | | | Yes |  |
| If you responded “Yes” in *1.2 d)*, please include details here:  **Consortium members**  **Lead 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 row below and provide full details of the bidding model using a separate Appendix. | | Yes | |  |
| If you responded “Yes” in *1.2 e)*, please include details here:  **Consortium members**  **Current lead member**  **Name of Special Purpose Vehicle** | | | |  |

|  |  |
| --- | --- |
| **1.3 Contact details** | |
| **Supplier contact details for enquiries about this QQ** | |
| Name | Mandatory Response |
| Postal address | Mandatory Response |
| Country | Mandatory Response |
| Phone | Mandatory Response |
| Mobile |  |
| E-mail | mandatory response |

|  |  |  |
| --- | --- | --- |
| **1.4 Licensing and registration (check the relevant box to indicate a “Yes” or “No” response)** | | |
| 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  No  If Yes, please provide the registration number |
| 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  No  If Yes, please provide additional details of what is required and confirmation that you have complied with this |

## 2 - Grounds for mandatory exclusion (Self-certification)

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 e.g. only minor amounts involved).

If you have answered “yes” to question 2.2 on the non-payment of taxes or social security contributions, and have not paid or entered into a binding arrangement to pay the full amount, you may still avoid exclusion if only minor tax or social security contributions are unpaid or if you have not yet had time to fulfil your obligations since learning of the exact amount due. If your organisation is in that position please provide details using a separate Appendix. You may contact the authority for advice before completing this form.

**All responses in this section are mandatory. Please check the relevant box to indicate a “Yes” or a “No” response.**

|  |  |  |
| --- | --- | --- |
| **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 selection:** | |
| 1. 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; | Yes | No |
| 1. 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; | Yes | No |
| 1. the common law offence of bribery; | Yes | No |
| 1. 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; | Yes | No |
| 1. 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; | Yes | No |
| (ii) the offence of conspiracy to defraud; | Yes | No |
| (iii) fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978; | Yes | No |
| (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; | Yes | No |
| (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; | Yes | No |
| (vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993; | Yes | No |
| (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; | Yes | No |
| (viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or | Yes | No |
| (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; | Yes | No |
| 1. any offence listed— |  | |
| (i) in section 41 of the Counter Terrorism Act 2008; or | Yes | No |
| (ii) in Schedule 2 to that Act where the court has determined that there is a terrorist connection; | Yes | No |
| 1. any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subparagraph (f); | Yes | No |
| 1. money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002; | Yes | No |
| 1. 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; | Yes | No |
| 1. an offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004; | Yes | No |
| 1. an offence under section 59A of the Sexual Offences Act 2003; | Yes | No |
| 1. an offence under section 71 of the Coroners and Justice Act 2009 | Yes | No |
| 1. 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 | Yes | No |
| 1. 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 | Yes | No |
| (ii) created, after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland. | Yes | No |
| **Note: Non-EU based suppliers should note that 2.1 (n)(i) above requires you to confirm that you have not been convicted of any such offences in your home jurisdiction and/or any other jurisdiction outside of England and Wales and 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?**  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? | Yes | No |

## 3 - Grounds for discretionary exclusion – Part 1 (Self-certification)

The authority may exclude any supplier who answers ‘Yes’ in any of the following situations set out in paragraphs (a) to (j);

**All responses in this section are mandatory. Please check the relevant box to indicate a “Yes” or a “No” response.**

|  |  |  |
| --- | --- | --- |
| **3.1 Within the past three years, please indicate if any of the following situations have applied, or currently apply, to your organisation.** | **Please indicate your selection:** | |
| 1. your organisation has violated applicable obligations referred to in regulation 56 (2) of the Public Contracts Regulations 2015 in the fields of environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X to the Public Contracts Directive as amended from time to time; | Yes | No |
| 1. 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; | Yes | No |
| 1. your organisation is guilty of grave professional misconduct, which renders its integrity questionable; | Yes | No |
| 1. your organisation has entered into agreements with other economic operators aimed at distorting competition; | Yes | No |
| 1. your organisation has a conflict of interest within the meaning of regulation 24 of the Public Contracts Regulations 2015 that cannot be effectively remedied by other, less intrusive, measures; | Yes | No |
| 1. the prior involvement of your organisation in the preparation of the procurement procedure has resulted in a distortion of competition, as referred to in regulation 41, that cannot be remedied by other, less intrusive, measures; | Yes | No |
| 1. 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; | Yes | No |
| 1. 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 | Yes | No |
| (ii) has withheld such information or is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015; or | Yes | No |
| (i) your organisation has undertaken to |  | |
| (aa) unduly influence the decision-making process of the contracting authority, or | Yes | No |
| (bb) obtain confidential information that may confer upon your organisation undue advantages in the procurement procedure; or | Yes | No |
| (j) your organisation has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award. | Yes | No |

**Conflicts of interest**

In accordance with question 3.1 (e), the authority 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 authority, 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 authority should not represent a conflict of interest for the Supplier.

**Taking Account of Bidders’ Past Performance**

In accordance with question 3.1 (g), the authority may assess the past performance of a supplier. 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 3.1 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 authority in each case.

If such evidence is considered by the authority (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 authority to be insufficient, the supplier shall be given a statement of the reasons for that decision.

## 4 - Grounds for discretionary exclusion – Part 2

**Not Used.** Section 4 of the Crown Commercial Services template relates to further discretionary tax compliance grounds and only applies where the British Council has indicated in the OJEU Contract Notice and/or ITT relating to this Procurement Process that the contract is over £5million in value. It is not, therefore, relevant to this Procurement Process as this contract is not estimated to be over £5million pounds.

## 5 - Technical and Professional Ability

**Relevant experience and contract examples**

Please provide details of up to three contracts, in any combination from either the public or private sector, that are relevant to the authority’s requirement. Contracts for supplies or services should have been performed during the past three years. VCSEs may include samples of grant funded work.

You self-certify that the named customer contacts provided have been contacted by you and are prepared to provide (within 7 calendar days following a written request from the authority) written evidence to the authority to confirm the accuracy of the information provided below and a reference to confirm that their contract was satisfactorily performed.

Consortia bids should provide relevant examples of where the consortium has delivered similar requirements; if this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle 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 | Mandatory Response | Mandatory Response | Mandatory Response |
| 5.2 | Point of contact in customer organisation  Position in the organisation  E-mail address | Mandatory Response | Mandatory Response | Mandatory Response |
| 5.3 | Contract start date  Contract completion date  Estimated Contract Value | Mandatory Response | Mandatory Response | Mandatory Response |
| 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. | Mandatory Response | Mandatory Response | Mandatory Response |
| 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 (e.g. your organisation is a new start-up). To include why you still feel that you have the technical and professional ability to perform the contract. | | | | |
|  | | | | |

## 6 – Declaration

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| I declare that to the best of my knowledge the answers submitted to these questions are correct. I understand that the information will be used in the selection process to assess my organisation’s suitability to be invited to participate further in this procurement, and I am signing on behalf of Mandatory Response. Insert name of Supplier.  I understand that the authority may reject my submission if there is a failure to answer all relevant questions fully or if I provide false/misleading information. I have provided a full list of any Appendices used to provide additional information in response to questions.  I also declare that there is no conflict of interest in relation to the authority’s requirement.  The following appendices form part of our submission;   |  |  | | --- | --- | | **Section of QQ** | **Appendix number** | |  |  | |  |  | | | |
| **QQ COMPLETED BY** | | |
| 8.1 | Name | Mandatory Response |
| 8.2 | Role in organisation | Mandatory Response |
| 8.3 | Date | Click here to enter a date. |
| 8.4 | Signature | Mandatory Response |

**QQ – Template for Appendices**

|  |
| --- |
| **Appendix Number -** |
| **QQ section -** |
| **Question number -** |
|  |

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