

DRAFT PRE-TENDER QUESTIONNAIRE

The purpose of a pre-tender questionnaire is to obtain sufficient information about an applicant to enable the Council to decide whether to invite that applicant to submit a tender, e.g. is the applicant a company, does the applicant have sufficient experience and expertise, does it have enough staff, is it financially sound, is its performance record satisfactory, etc.

This questionnaire must be adapted to ensure that it is relevant to the goods or services that are being procured, although its overall content and length should normally remain the same, since the bulk and detail of the assessment of an applicant's suitability for a contract should take place at the tender or invitation to stage. The scores entered in the evaluation section below are examples and again should be tailored to the particular contract.

For contracts which are subject to the full force of the European Public Procurement Regulations the Council has a choice of whether to use the Open or Restricted Selection Procedure (in certain circumstances there is also a competitive dialogue or a negotiated Procedure under EU rules)

Also, under EU rules there are specific legal restrictions on what the Council can take into account at the pre-tender stage. The questionnaire has been drafted so as to comply with those restrictions.

Royal Borough of Kensington and Chelsea

Pre-Tender Questionnaire

Section 1

What the Council is looking for

Section 2

Current Situation

Technical Details

Disclaimers

The Council will not re-reimburse any expenses incurred by organisations in preparing their responses to the Questionnaire. The Council reserves the right to discontinue the procurement process at any time and will not accept any liability towards organisations should it have to do so.

Freedom of Information Act 2000

Under the Freedom Of Information Act 2000 (FOI) and the Environmental Information Regulations 2004 (EIR) the public have a general right of access to Council information. This right of access to information will not only include access to information about the Council's contracts but also its procurement arrangements with potential Contractors.

This right does not extend to information which is commercially sensitive or otherwise "exempt" from disclosure under FOI or EIR.

Organisations are asked to identify those areas in their Questionnaire that they consider to be commercially sensitive and for how long as these may be subject to discussion as part of the Tender process and during post-tender negotiations (if any).

The Council reserves the right to hold all or any information from organisations in confidence whether or not it is identified as commercially sensitive by the Organisation.

For organisations not short-listed their completed Questionnaire will be disposed of in accordance with the Council's document retention and disposal policy.

Section 3

Instructions for Completion

The purpose of this questionnaire is to assist The Royal Borough of Kensington and Chelsea in deciding which suppliers to invite to tender.

In order to simplify this process, you don't need to provide supporting documents, for example, accounts, certificates, statements or policies with this questionnaire. However, you may be asked to supply these documents at a later stage. You may also be asked to clarify your answers or provide more details.

Please respond to this questionnaire in full. All questions must be answered using 'none' or 'not applicable' where appropriate. Clearly mark on any additional sheets the name of your Organisation and the question number it refers to.

Organisations not currently registered in the UK should answer all questions substituting where relevant the appropriate professional or commercial registers, legislation, Codes of Practice etc., which are applicable within their domestic jurisdiction.

The information disclosed in this form will be used in the selection of tenderers. However, the issue of any invitation to tender based on this questionnaire does not imply any representation by the Council as to your ongoing financial stability, technical competence or ability in any way to carry out the services. The right to return to these matters is reserved by the Council.

Except where instructed otherwise, please give details that relate to the organisation applying for the contract, not to the whole of the group if your organisation forms part of a group. Please note that any organisation selected and invited to tender for any contract must submit its tender in the name given in response to question 1, section 5. Failure to do so without prior approval of the Council will result in tenders being rejected.

This questionnaire must be responded to in full even if your organisation has previously submitted a questionnaire to the Council. It is not sufficient to refer to earlier or other questionnaires.

Versions of this questionnaire can be supplied (specify electronic means).

Please do not include general marketing or promotional material for your organisation to answer any of the questions in this questionnaire or for any other reason.

Please return the questionnaire, together with any supporting documents, by [] on [] to:

Attn: *[insert name of officer]*
Royal Borough of Kensington and Chelsea
[Insert return address] The Town Hall
Hornton Street
London W8 7NX
England

If you have any queries about this form please contact:

[Name]

[Phone]

[Email]

Section 4

Evaluation Criteria

The following criteria will be used to evaluate this PQQ; to proceed to Invitation to Tender stage a minimum score of **X** must be achieved. In the event that more than **X** candidates exceed this score, the **X** highest scoring candidates will be invited to tender.

Criteria	PQQ Question	Marks Available
Organisation Profile	5.1 – 5.11	Info Only
	5.12 – 5.13	Pass/Fail
Financial Information	6.1 – 6.2	Info Only
	6.3	Pass/Fail/Score
	6.4	Info Only
	6.5	Pass/Fail
	6.6	Info Only
	6.7	Pass/Fail
	6.8	Pass/Fail/Score
	Relevant Experience and Technical Expertise	7.1
7.2		
a)		Score
b)		Score
c)		Score
7.3		Score
7.4		Score
Quality Assurance		8.1
Health and Safety	8.2 a-f	Info only
	8.2 g	Score
Equalities and Diversity	8.3	Add in
Sustainability	8.4	Add in

Section 5

Note: Where the word “organisation” is used in this document it refers to a sole trader, partnership, incorporated company, co-operative, charity or analogous entities operating outside the United Kingdom as appropriate. The term ‘officer’ refers to any director, company secretary, partner, associate, employee, trustee or other person occupying a position of authority or responsibility in the organisation.

General Information Questions

5.1) Name of the organisation making the application

5.2) Contact for enquiries about this expression of interest

Name:

Position (Job Title):

Telephone:

Email:

5.3) Status of organisation e.g. sole trader, partnership, private limited company, public limited company, charity or other? (please specify)

5.4) Registered Company name (if different from 4.1)

5.5) Address of Registered Office if organisation is a registered company

Telephone number:

Fax number:

5.6 Please state the organisation's date of incorporation or formation and registration number under the Companies Act 2006 (if applicable)

5.7) Address of Head Office if organisation is not a registered company

Telephone number:

Fax number:

5.8) Address to which correspondence is to be sent if not Head Office

5.9) Address from which services will be managed if successful

5.10) Is the organisation a member of a group including other organisations?

Yes	
No	

- (a) If yes, please attach the names and addresses of the holding company and associated companies, the objectives of the group and full details of the structure of the group including a group organisation chart.

Attached

Yes	
No	

- (b) Would the group or the ultimate holding company be prepared to guarantee your contract performance as its subsidiary? (if applicable)

Yes	
No	

- 5.11) Do you propose to deliver the service requirement by way of a joint venture with other firms?

Yes	
No	

- a) If yes, please provide details of the proposed venture including the financial, managerial and legal relationships between the companies involved (write an organisation chart illustrating these relationships).

Attached

Yes	
No	

- b) The Council reserves the right to raise such additional questions it may consider necessary in the light of the information given before accepting or rejecting any application.

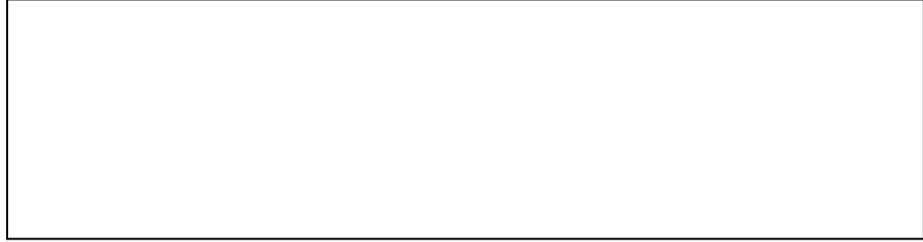
- 5.12) Regulation 23 (4) of the Public Contracts Regulations 2006 (The Regulations) provides that an Organisation may be treated as ineligible to tender on the following grounds:

- a) being an individual is bankrupt or has had a receiving order or administration order made against him 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 his estate, or is the subject of any similar procedure under the law of any other state;

- b) 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;
- c) 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 than for the purposes of 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 proceedings for any of the above procedures or is the subject of similar procedures under the law of any other state;
- d) has been convicted of a criminal offence relating to the conduct of his business or profession;
- e) has committed an act of grave misconduct in the course of his business or profession;
- f) 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 economic operator is established;
- g) 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 economic operator is established;
- h) is guilty of serious misrepresentation in providing any information required of him under this regulation and regulations 23,24 and 25
- i) in relation to procedures for the award of a public services contract is not licensed in the [relevant] State in which he 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 is not otherwise treated as so registered for the purposes of the Regulations

5.13 Please provide a statement confirming that there are no grounds applicable to the organisation pursuant to which it could be rejected by the Council under Regulation 23 (4) of the Regulations.

A large, empty rectangular box with a thin black border, intended for the user to provide a statement as requested in the text above.

Section 6

Financial Information

- 6.1) Who is the person in the Organisation responsible for financial matters?

Name:
Job Title:
Telephone Number:
Fax Number:

- 6.2) Please provide on headed paper, details of your principal banker, and authorisation for the Council to take up reference from your bank at your expense.

- 6.3) (a) What was your turn over in the last 3 years (if this applies)

£ for year ended --/--/----

£ for year ended --/--/----

£ for year ended --/--/----

- (b) What was your turn over in the last 3 years in respect of the work, goods or services which are of a similar type to the subject matter of this contract opportunity (if this applies)

£ for year ended --/--/----

£
for year ended
--/--/----

£
for year ended
--/--/----

6.4) If the figures you are submitting are more than 10 months old, has the organisation's trading position significantly changed?

Yes	
No	

If yes please forward details.

Attached	Yes	
	No	

6.5) If asked, would you be able to provide at least **one** of the following:

Copies of your most recent audited accounts (for the last three years if this applies).

Yes	
No	

A statement of your turnover; profit and loss account and cash flow for the most recent year of trading.

Yes	
No	

A statement of your cash flow forecast for the current year and a bank letter outlining the current cash and credit position.

Yes	
No	

6.6) Please state your VAT registration number.

6.7) Insurance - please provide confirmation that you have or intend to procure insurance of the type and value indicated below:

a) Employers Liability Insurance: £X [INDICATE RELEVANT VALUE]

b) Public Liability (Third Party) Insurance: £X [INDICATE RELEVANT VALUE]

c) Professional Indemnity Insurance: £X [INDICATE RELEVANT VALUE]

6.8) Financial appraisal

The Council may also undertake a financial assessment of your company's suitability to be invited to Tender by undertaking an independent business appraisal check.

Section 7

Relevant Experience and Technical Expertise

7.1) Please provide details of three recent contracts that are relevant to the Council’s requirement. Where possible at least one should be from the public sector. If you cannot provide three references please explain why.

	Reference 1	Reference 2	Reference 3
Customer Organisation (name):			
Customer contact name and phone number:			
Date contract awarded:			
Value (£):			
Date contract was completed			

Section 8

Quality Assurance, Health and Safety, Sustainability considerations and 'Whistle blowing' requirements

8.1 Quality Assurance

Does your organisation hold a recognised quality management certification, for example BS/EN/ISO 9000 or equivalent, or a quality management system¹?

Yes	
No	

If 'No', please explain why.

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8.2 Health and safety

a) Does your organisation have a written health and safety at work policy²?

Yes	
No	

b) Does your organisation have a health and safety at work system³?

Yes	
No	

If 'No' to either of the above, please explain why.

c) From where do you obtain your competent health and safety assistance as required by Regulation 7 of the Management of Health and Safety at Work Regulations 1999 (please select from the following options)?

we have appointed a person internally (i.e. an employee)	
we have appointed a person externally (i.e. a consultant)	

¹ "system" means processes and procedures to ensure that the subject is properly managed. This includes making sure that legal requirements are met.

² Any business employing 5 or more people has, by law, to prepare and bring to the attention of employees a written Health and Safety Policy.

we have made other arrangements (please give brief details)	
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Details where appropriate:

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d) Has your company, or any individual director, partner or proprietor been prosecuted under health and safety and related legislation or had enforcement action taken against it/them by the enforcing authorities (this includes the issuing of a prohibition or improvement notice), or are any such actions pending? If yes, please give details.

Yes	
No	

Details where appropriate:

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e) Has any person taken civil action against your company or any individual director, partner or proprietor with regard to the award of compensation for loss suffered as the result of a health and safety incident, or have arrangements to compensate for such incidents been agreed out of court (through insurance companies, for example), or is any such action pending? If yes, please give full details.

Yes	
No	

Details where appropriate:

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f) Are you an approved contractor under a recognised pre-qualification scheme such as Constructionline or the Contractors' Health and Safety Assessment Scheme (please say which one)?

Yes	
No	

g) Please enclose a suitable and sufficient assessment of risk for this type of work, as required by Regulation 3 of the Management of Health and Safety at Work Regulations 1999 and other legislation (we

understand that your assessment may, at this stage, be generic in nature and not relate specifically to this project).

8.3 Workforce Matters, Diversity and Equalities

Non UK companies should attempt to answer each of the following questions substituting where relevant the appropriate legislation or code of practice etc applicable to their domestic jurisdiction.

8.4 Environmental, Economic and Social Sustainability

SECTION 9

Declaration

I/we certify that the information supplied is accurate to the best of my/our knowledge and understanding and I/we accept the conditions and undertakings requested in the questionnaire

I/we understand and accept that false information could result in my/our exclusion from the tendering exercise or cancellation of any contract awarded.

I/we understand that our application will be considered in accordance with (specify EU requirement)

I/we understand that 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 any such action will empower the Council to cancel any contract currently in force and will result in my/our exclusion from the tendering exercise.

I/we also understand that canvassing of Officers or Members will result in disqualification from the tendering exercise.

1. **Signature:**

2. **Full name:**

3. **For and on behalf of:**

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4. **Date:**