

Cheltenham Borough Council (“the Authority”)

North Place & Portland Street Development

Public Works Concession Contract

PRE-QUALIFICATION QUESTIONNAIRE

This pre-qualification questionnaire (“PQQ”) is divided into two parts:

- **Part 1 provides information about the procurement process for the award of the contract by the Authority and in particular the pre-qualification process and evaluation.**
- **Part 2 sets out (in the form of a questionnaire, statement and checklist) the information which Candidates must submit to the Authority.**

Glossary of Terms	
Candidate	The bidder (or potential bidder) applying to compete for the award of the contract. A Candidate may be (i) an individual organisation or (ii) a Consortium.
Consortium	A group of organisations coming together to form a bidding entity (which may include partners and/or a lead contractor with sub-contractors).
Consortium Member	A member organisation of a Consortium.
Lead Organisation	The lead organisation of a Consortium that is expected to enter into the contract with the Authority and co-ordinate bid responses from Consortium Members.

Please note the Authority reserves the right to require groupings of contractors to take a particular legal form or to require a single contractor to take primary liability or to require that each party undertakes joint and several liability in the award and performance of the contract.

PART 1

1 Overview of the Document and Procurement Process

- 1.1 The Authority is seeking to appoint a contractor to award a contract for the development of the site at North Place and Portland Street. Further details of the opportunity are provided in the *Introductory Information Pack* accompanying this PQQ.
- 1.2 The Authority is running this process under the EU Procurement Rules to award a development contract (as a Public Works Concession Contract) in accordance with the Public Contracts Regulations 2006 (“the Regulations”). Many of the provisions of the Regulations do not apply to the award of a Public Works Concession Contract. However, the Authority intends to conduct a competition similar to that of the *competitive dialogue procedure* described in the Regulations in order to identify the most economically advantageous tender for its requirement. However, since the Authority is not bound by many of the formalities of the Regulations it reserves the right to use such flexibilities in this procurement process.
- 1.3 Part 1 of this document sets out background information about the process that the Authority will be using.
- 1.4 This document has been produced to enable the Authority to obtain information from potential bidders about (i) their economic and financial standing; and (ii) their technical and/or professional ability to perform the proposed contract.
- 1.5 Part 2 of this PQQ includes a questionnaire that asks for financial and technical information from you. The financial information which we are asking you to provide allows the Authority to be satisfied that a Candidate has adequate financial and other resources and will be in a position to continue to deliver the services throughout the contract period. The technical information allows the Authority to assess whether a Candidate has the relevant skills and experience to be capable of performing the proposed contract to meet the Authority’s needs.
- 1.6 Part 2 contains a statement relating to good standing which you are required to sign confirming that you are:
 - 1.6.1 not guilty of committing certain specified offences which would make you ineligible to tender; and
 - 1.6.2 various listed circumstances which could result in your exclusion from the process do not apply to you.
- 1.7 In addition, Part 2 contains a checklist for you to use to check that you have included the correct information and which you should complete and return with the pre-qualification questionnaire responses and the statement.
- 1.8 The Authority will review the responses provided by Candidates and evaluate those responses that comply with the requirements of this PQQ using the selection stage criteria and weightings in the Selection Evaluation Matrix set out at Part 1 of this document below.

- 1.9 Following this evaluation exercise, the Authority will draw up a shortlist of up to **five** Candidates that will be invited to tender. The Authority will issue an Invitation to Tender document ("ITT") to those short-listed Candidates.
- 1.10 Following the receipt of the tenders from the shortlisted Candidates, the Authority intends to evaluate the tenders received and appoint the contractor offering the most economically advantageous tender.

2 The Procurement Timetable

- 2.1 The Authority is using a process similar to the competitive dialogue procedure under the Public Contracts Regulations 2006 for the appointment of a contractor for the contract.
- 2.2 The main stages of the procurement process and the timetable are detailed in the *Introductory Information Pack* accompanying this PQQ.
- 2.3 The Authority reserves the right to vary and update this timetable at any time and will notify the relevant Candidates if it decides to do so.

3 Enquiries and Further Information

- 3.1 All queries in relation to this pre-qualification process must be made in writing and submitted by e-mail for the attention of James Petherick at: james.petherick@gva.co.uk to be received by the Authority (through GVA) no later than 5pm 25 February 2011.

The Council has appointed GVA as its agents to co-ordinate the pre-qualification exercise.

- 3.2 The Authority intends to copy both the query raised and the Authority's responses to all Candidates except where in its opinion the response relates to information that is commercially confidential.
- 3.3 Any queries arising from this PQQ document that may have a bearing on the PQQ responses to be made should be raised.

4 Right to Reject and/or Disqualify

- 4.1 The Authority reserves the right to reject or disqualify a Candidate where:
 - 4.1.1 the PQQ submission response, statement and checklist are submitted late, is completed incorrectly, is incomplete or fails to meet the Authority's submission requirements which have been notified to Candidates;
 - 4.1.2 the Candidate must or may be excluded under Article 45 of Directive 2004/18/EC at any stage during the pre-qualification selection and evaluation process or the subsequent tender evaluation process (see section 3 below in relation to the *Statement of Good Standing*);

- 4.1.3 the Candidate is guilty of serious misrepresentation in relation to its pre-qualification application, tender submissions, and/or its conduct in the procurement process; or
 - 4.1.4 there is a change in identity, control, financial standing or other factor impacting on the selection and/or evaluation process affecting the Candidate.
- 4.2 Please note that following the submission of PQQ submission responses by Candidates, Candidates continuing in the competition process are required to immediately notify the Authority of any changes (or foreseeable potential changes) to the PQQ submission responses (including the *Statement of Good Standing*) information submitted.

5 Canvassing and Non-Collusion

- 5.1 Except as specifically authorised by the Authority, Candidates shall not approach or canvass the Authority with a view to providing information in respect of any part of their PQQ submission or attempting to support or enhance their prospects of being selected to be invited to submit a tender.
- 5.2 Any collusion between Candidates, combining of Candidates or transfer of any key partner, adviser or Consortium Member from one Candidate to another may lead to the exclusion of the Candidate(s) involved at the discretion of the Authority.
- 5.3 Candidates must not collude with their approach or share information with any other Candidate in the preparation of their PQQ submissions with a view to enhancing their or such other Candidates' prospect of being selected to be invited to submit a tender in relation to the proposed contract (or as such on any other contract, project, scheme or opportunity).

6 Right to Cancel or Vary the Process

- 6.1 The Authority reserves the right to:
 - 6.1.1 cancel the selection and evaluation process at any time; and/or
 - 6.1.2 require a Candidate to clarify its submission in writing and/or provide additional information (failure to respond adequately may result in the Candidate not qualifying); and/ or
 - 6.1.3 vary or change all or any part of the procedures or requirements for this procurement process at any time.
- 6.2 The publication of the PQQ document in no way commits the Authority to award any contract and the Authority reserves the right not to proceed with the procurement process at any time.

7 Costs and Expenses

- 7.1 All Candidates are solely responsible for their costs and expenses incurred in connection with participating in all stages of the procurement process including (but

not limited to) the preparation and submission of the PQQ responses and tenders. Under no circumstances will the Authority (or any of its advisors) be liable for any costs or expenses borne by the Candidate (or any of its advisors) in this process.

8 The Pre-qualification Questionnaire

- 8.1 The PQQ (and supporting information) has been prepared by the Authority for the purpose of providing an application procedure for individuals or organisations interested in tendering for these services and to assist Candidates in making their own evaluation of the potential opportunity.
- 8.2 Whilst prepared in good faith, the PQQ (and supporting information) is intended only as a preliminary background explanation of the Authority's activities and plans and is not intended to form the basis of any decision on whether to enter into any contractual relationship with the Authority. The PQQ (and the accompanying *Introductory Information Pack*) does not purport to be all-inclusive or to contain all of the information that a potential Candidate may require.
- 8.3 Any persons considering making a decision to participating in this procurement competition process with the Authority following receipt of the PQQ (and supporting information) with a view of entering into a contract with the Authority if successful should make their own investigations and their own independent assessment of the Authority and its requirements for the development opportunity and should seek their own independent professional financial and legal advice.
- 8.4 Neither the Authority nor its advisors, directors, officers, members, partners, employees, other staff, agents (or advisors of any such body or person):
- 8.4.1 makes any representation or warranty (express or implied) as to the accuracy, reasonableness or completeness of the PQQ (and supporting information);
 - 8.4.2 accepts any responsibility for the information contained in the PQQ (and supporting information) or for its fairness, accuracy or completeness;
 - 8.4.3 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.
- 8.5 Only the express terms of any written contract relating to the subject matter of the contract as and when it is executed shall have any contractual effect in connection with the matters to which it relates. English law will govern any such contract.
- 8.6 Nothing in the PQQ (or other procurement and contract documents) is, or should be, relied upon as a promissory or a representation as to Authority's ultimate decisions in relation to the scope of services which may be awarded by the Authority at the conclusion of the procedure.

9 Confidentiality

- 9.1 The information in the PQQ and any associated documents is made available on condition that it is treated as confidential by the Candidate and is not disclosed,

copied, reproduced, distributed or passed to any other person at any time except for the purpose of enabling a submission to be made: for example disclosure by a Candidate to its insurers who are directly involved in the bid, is permitted provided they have each given an undertaking at the time of receipt of the relevant information (and for the benefit of the Authority) to keep such information confidential.

10 Freedom Of Information

10.1 The Authority is subject to the requirements of the Freedom of Information Act 2000 and the Environmental Regulations 2004, the subordinate legislation made under the Act/Regulations and any guidance and/or codes of practice issued (from time to time) in relation to such legislation. Candidates are required to:

10.1.1 specify (with reasons) those parts of their PQQ submission responses which they regard as falling within any of the exemptions from disclosure specified under the Freedom of Information Act 2000 and/or the Environmental Regulations 2004 including (without limitation) information provided in confidence; and

10.1.2 state which provisions of the Freedom of Information Act 2000 and/or the Environmental Regulations 2004 apply to the information identified under paragraph 10.1.1.

10.2 The Authority however, shall be responsible for determining, at its absolute discretion, whether such exemption should apply and Candidates agree to comply with any such decision taken by the Authority.

11 Conflicts Of Interest

11.1 The Authority is concerned to avoid conflicts of interest. Candidates should note that the Authority reserve the right to disqualify Candidates where there is an actual or potential conflict of interest. Candidates are therefore advised to review carefully the prior or current involvement of the Candidate with the Authority and to contact the named contact in paragraph 3 of the PQQ prior to submission of the completed PQQ to discuss actual or potential conflicts they have identified.

12 Selection Evaluation Matrix

12.1 The Authority will first assess PPQ submission responses to ascertain that their minimum pass/fail compliance requirements have been met. Those PQQ responses that meet these minimum requirements will then be evaluated in accordance with the matrix below.

Level 1 Criteria	Level 1 Criteria Weightings	Level 2 Criteria Question No.	Level 2 Criteria	Level 2 Criteria Sub-Weighting	Available Scores
Economic and Financial Standing	30%				
		3	Financial Information	30%	0-4
		SUB-TOTAL		30%	4
Technical and Professional Ability	70%				
		4.1	Key Personnel	10%	0-10
		4.2	Similar Project Experience	10%	0-10
		4.3	Design Quality	10%	0-10
		4.4	Sustainability Approach	10%	0-10
		4.5	Health and Safety Approach	Pass/Fail	
		4.6	Previous Contract Performance	10%	0-10
		4.7	Finance Raising Ability and Experience	20%	0-4
		SUB-TOTAL		70%	54
OVERALL TOTAL: 100%					

The Authority will apply the following scoring scale in assessing Level 2 Questions for Financial Information (3) and Finance Raising Ability and Experience (4.7)

SCORING SCALE	
Score	Commentary
0	Unacceptable
1	Poor - below expectations
2	Meets expectations
3	Good - well above expectations
4	Exceptional

The Authority will apply the following scoring scale in assessing each of the other Level 2 Criteria Questions.

SCORING SCALE	
Score	Commentary
0	Unacceptable
1	Very weak - almost unacceptable
2	Weak - well below expectations
3	Poor - below expectations
4	Satisfactory but below expectations
5	Meets expectations
6	Slightly exceeds expectations
7	Good - well above expectations
8	Very good
9	Outstanding
10	Exceptional

- 12.2 The Authority proposes to invite the Candidates with the five highest scoring compliant PQQ submissions to the tender stage of the competition process.

PART 2

INFORMATION TO BE PROVIDED TO THE AUTHORITY

1 Return of Pre-qualification/Short-listing Information Requested in Part 2

1.1 A Candidate wishing to participate must provide:

- All of the background information requested in section 1
- All of the financial and technical information requested in section 2
- the *Statement of Good Standing* at section 3 (fully completed and signed)
- the pre-qualification checklist at section 4 (fully completed)

To GVA
St Catherine's Court, Berkeley Place
Bristol BS8 1BQ

By: **12:00 noon on Monday 14 March 2011**

1.2 Please note that GVA has been appointed as the agent of the Authority to receive completed PQQ submissions on its behalf at this address. This is the only address at which the Authority will accept completed PQQ submissions in relation to this procurement.

1.3 Candidates must submit 2 hard copies and a copy in electronic format on CD-ROM. In the event of discrepancy the hard copy will take precedence.

1.4 Submissions must be contained in a sealed envelope bearing the following words "CONFIDENTIAL - PQQ for NORTH PLACE & PORTLAND STREET DEVELOPMENT – CHELTENHAM BOROUGH COUNCIL ref DM/15861" and not bear on the envelope any name or mark indicating the sender.

1.5 When providing its response to this PQQ, Candidates must follow the order set out in this Part 2. Any additional information provided (not requested in this PQQ) as supplemental sheets will not be evaluated by the Authority.

1.6 **Checklist:** There is a checklist at the end of this PQQ at section 4 which Candidates can use to check that they have answered all the questions required and which must be completed and returned as part of the PQQ.

PART 2 - SECTION 1 – CANDIDATE INFORMATION

Please provide the following information:

1 Basic Information

- Name of Candidate (or in the case of a Consortium the Lead Organisation)
- VAT Registration Number
- Contact Details:
 - Address for Correspondence
 - Contact Name and Position
 - Telephone Number
 - Fax Number
 - E-Mail Address
- A one-page chart illustrating the ownership structure of the Candidate (or in the case of a Consortium the Lead Organisation) including relations to any parent or other group and holding companies.

In the case of a Company

- Registered Company Number
- Registered Office Address
- Year of Registration
- Country of Registration

In the case of a Partnership

- Total Number of Partners
- Date the Partnership was formed
- Details of any fundamental changes in the composition of the Partnership in the last three years (e.g. partnership dissolution, merger or departure of Partners)
- County of establishment

In the case of a Limited Liability Partnership

- Registered LLP Number
- Registered Office Address

- Country of Registration

In the case of Other Entities then please specify and provide details of:

- The type of organisation
- Period of establishment
- County of establishment

- A brief history (maximum 400 words) of the Candidate (and in the case of a Consortium the Lead Organisation) including length of time trading, ownership structure; any significant changes (over last 3 years or any pending); changes in financial structure; prospective take-over bids, buy-outs etc in the public domain.

2 Consortium Information (if applicable)

Where the Candidate is a Consortium then please *additionally* provide:

- 2.1 the above Basic Information in respect of each key Consortium Member that will play a significant role in delivering the development under the proposed contract; and
- 2.2 details of the role of each Consortium Member in delivering the development under the proposed contract and their relationship with the Lead Organisation and other Consortium Members (including (but not limited to) any proposed contractual arrangements and ownership structures).

PART 2 - SECTION 2 – FINANCIAL AND TECHNICAL INFORMATION

3 FINANCIAL INFORMATION

Candidates must provide the financial information requested in this section.

In the case of a Candidate that is a Consortium then the following financial information should be provided by the Lead Organisation and also each of the key Consortium Members who will play a significant role in the performance of the services under the proposed contract.

Bankers Statement

- 3.1 Please provide the name and address of the principal banker together with a banker's reference for the Candidate confirming the period and nature of relationship together with details of the Candidate's credit status.

Statutory Accounts and Statements of Business Turnover

- 3.2 Please provide a statement of the Candidate's overall business turnover in respect of each year in the last three financial years.
- 3.3 Please provide a statement of the Candidate's turnover in respect of each year in the last three financial years in relation to similar regeneration/development opportunities to those to be provided under this procurement. Please state details of individual turnover or Consortia Aggregate.

The minimum annual turnover in order for the PQQ to be compliant is 20 million GBP.

In addition, the indicative transaction size of this project as a ratio of turnover (of individual or an aggregate if the Candidate is a Consortium) will be considered when assessing this element of the selection criteria. The Authority will take into account the risk of financial dependency on this project.

- 3.4 Candidates are required to evidence the statements of turnover referred to above and provide further financial information by providing the following statutory accounts (as required to be published under the laws of the relevant State in which the economic operator is established) and details for the Candidate:

3.4.1 *In the case of a Company*

Audited accounts for the last three financial years. If the most recent accounts submitted are for a year ended more than 10 months ago then please also enclose the latest set of management accounts.

3.4.2 *In the case of a Partnership*

Two copies of the accounts, audited if available, for the last 3 years. If the accounts submitted are for a year ended more than 10 months ago then please also enclose the latest set of management accounts. The accounts should include:

- Profit and Loss Account;
- Balance Sheet;

- Full notes to the accounts;
- Directors Report/Managing Partners Report (if available); and
- Auditor's Report (if accounts are audited).

- 3.5 Please provide an abstract of key data from the accounts stating the total business turnover, gearing, gross profit margin, net profit margin, current ratio, debt to assets, Turnover, Net assets.

Statement of any contingent liability or loss

- 3.6 Please confirm whether the Candidate, as at the last reporting date, have any contingent liability or loss (where not otherwise reported) which would require disclosure in accordance with International Accounting Standard 10.

Details of Litigation

- 3.7 Please provide details of any material, pending or threatened litigation or other legal proceedings (where not otherwise reported) against the Candidate where the claim is of a value in excess of £10,000.

Evidence of Insurance

- 3.8 Please provide copies of insurance certificates held, in particular, certificates are required for public liability insurance and employers' liability insurance.

Candidates (and in the case of Consortia the Lead Organisations) are required to hold public liability insurance at the time of PQQ submission with a minimum cover of £5m in order for the PQQ to be compliant.

In the case of Consortia, where the design team is identified, each member of the design team is required to hold professional indemnity insurance at the time of PQQ submission with a minimum cover of £10m in order for the PQQ to be compliant

Other Appropriate Information

- 3.9 A Candidate/Lead Organisation wishing to rely on the capacities of other entities, members in a group or Consortium Members for the purposes of the economic and financial standing assessment should provide *additional* details of those capacities and how they will be made available to the Candidate (e.g. banker's reference, last three financial year audited / signed accounts for any proposed guarantor and parent company guarantee details etc.).

4 TECHNICAL INFORMATION

Key Personnel

- 4.1 Please provide details of all key personnel of the Candidate that will be involved in organising the performance and delivery of the development contract using the template below:

Name of Individual	Specialist Area and role in the Candidate	Employer	Qualifications	Appointed or to be appointed

CVs should be attached in your response for all individuals listed.

Please limit your response to this question (including CVs) to no more than 5 pages of A4.

Similar Projects Experience

- 4.2 Please identify three similar projects which the Candidate has delivered in the past 5 years and believes demonstrates their capabilities to deliver this particular development recognising the issues identified in the *Supplementary Planning Document* ("SPD") http://www.cheltenham.gov.uk/site/scripts/download_info.php?fileID=2164 and development brief such as car parking, historical context, conservation area, relation to town centre, road infrastructure, bus node, public space, sustainability and affordable housing.

Please provide details of:

- Name of customer organisation to whom services are being or were provided (and whether such customer organisation was public or private)
- The date of the contract and contract period
- The value of the contract
- Nature of the scheme
- Project status (e.g. completed or projected completion)
- Specific relevance of project cited to this opportunity

Please provide contact details (name, position, address, phone number and e-mail) for each of the customer organisation (or alternatively where relevant, the public sector partner, planning department, landowner or end user etc.) whose contract is referred to in order for the Authority to take up references to verify the submitted information and the quality of the service if necessary.

Please limit your response to this question to no more than 5 pages of A4.

Design Quality

- 4.3 The Authority is requiring a high quality scheme that reflects the surrounding environment. Please provide details of 2 or 3 schemes produced by the Candidate (or key Consortium Members) that are noted for their quality of design, noting any awards won or standards attained for each scheme.

Please limit your response to this question to no more than five pages of A4.

Sustainability Approach

- 4.4 Sustainability is a key requirement for the development. Please provide details of the Candidates experience of delivering environmentally friendly construction, design and whole life cycle approach to buildings noting any awards won or standards attained for implemented schemes.

Please limit your response to this question to no more than three pages of A4.

Health and Safety Approach

- 4.5 Please provide a copy of the Candidate's (and in the case of a Consortium that of the Consortium Member responsible for co-ordinating and performing the construction works and any facilities maintenance services) health & safety policy and/or statement.

Has the Candidate (and in the case of a Consortium the Consortium Member responsible for co-ordinating and performing the construction works and any facilities maintenance services) been issued any enforcement notices or been subjected to any prosecutions in relation to Health & Safety in the last 3 years?

If so, please provide details, including details of subsequent changes to prevent reoccurrence.

Please limit your response to this question to no more than 400 words.

This is a Pass/Fail Compliance Requirement that needs to be satisfied if for your PQQ to be scored.

In order to pass, the Bidder needs to:

Demonstrate to the Authority that the Authority should not, in its reasonable opinion, have any material concerns that the bidder is not meeting its Health & Safety duties.

Previous Contract Performance

- 4.6 Has the Candidate (and in the case of a Consortium each of the key Consortium Members that will play a significant role in delivering the development under the proposed contract) ever had any contract terminated for poor performance within the last 5 years? If so then please provide details of the contract and the circumstances surrounding termination.

Please limit your response to this question to no more than 400 words.

Finance Raising Ability and Experience

- 4.7 Please provide information as to how the Candidate intends to obtain and secure finance for its delivery of the development. Please state source of funds, indicative terms and any (anticipated) covenant requirements. If applicable please provide an in principle letter of support from all relevant third party funders.

Please provide details of your track record in being able to raise finance for similar regeneration/development opportunities in the past 5 years.

Your answer should demonstrate the ability to raise finance for a minimum capital investment in the region of 20 million GBP to deliver the project.

Please limit your response to this question to no more than three pages of A4.

PART 2 - SECTION 3 – STATEMENT

STATEMENT OF GOOD STANDING – CRITERIA FOR REJECTION OF CANDIDATES - in accordance with Article 45 of Directive 2004/18/EC/Regulation 23 of the Public Contracts Regulations 2006

Name of Candidate ("Contractor"):

.....

In the case of a Consortium, each Consortium Member must complete and return this Statement.

If the Contractor is not in a position to confirm any of the statements below then full details of the relevant incident and circumstances should be provided and set out in a separate Annex as part of your PQQ submission response.

We confirm that, to the best of our knowledge, the Contractor is not in breach of the provisions of Article 45 of Directive 2004/18/EC/Regulation 23 of the Public Contracts Regulations 2006 and in particular that:

- 1 The Contractor or its directors or any other person who has powers of representation, decision or control of the Contractor has not been convicted of any of the following offences:
 - 1.1 conspiracy within the meaning of section 1 of the Criminal Law Act 1977 where that conspiracy relates to participation in a criminal organisation as defined in Article 2(1) of Council Joint Action 98/733/JHA;
 - 1.2 corruption within the meaning of section 1 of the Public Bodies Corrupt Practices Act 1889 or section 1 of the prevention of Corruption Act 1906;
 - 1.3 the offence of bribery;
 - 1.4 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 Union, within the meaning of:
 - 1.4.1 the offence of cheating the Revenue;
 - 1.4.2 the offence of conspiracy to defraud;
 - 1.4.3 fraud or theft within the meaning of the Theft Act 1968 and the Theft Act 1978;
 - 1.4.4 fraudulent trading within the meaning of section 458 of the Companies Act 1985;
 - 1.4.5 defrauding the Customs within the meaning of the Customs and Excise Management Act 1979 and the Value Added Tax Act 1994;
 - 1.4.6 an offence in connection with taxation in the European Community within the meaning of section 71 of the Criminal Justice Act 1993; or

- 1.4.7 destroying defacing or concealing of documents or procuring the extension of a valuable security within the meaning of section 20 of the Theft Act 1968;
- 1.4.8 money laundering within the meaning of the Money Laundering Regulations 2003; or
- 1.4.9 any other offence within the meaning of Article 45(1) of the Public Sector Directive.

2 None of the following sub-paragraphs 2.1 to 2.9 apply to the Contractor:

- 2.1 being an individual is bankrupt or has had a receiving order or administration order or bankruptcy restrictions 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;
- 2.2 being a partnership constituted under Scots law has granted a trust deed or become otherwise apparently insolvent, or is the subject of petition presented for sequestration of its estate;
- 2.3 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 than for the purpose 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 the above procedures or is the subject of similar procedures under the law of any other state;
- 2.4 has been convicted of a criminal offence relating to the conduct of his business or profession;
- 2.5 has committed an act of grave misconduct in the course of his business or profession;
- 2.6 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 Contractor is established;
- 2.7 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 Contractor is established;
- 2.8 is guilty of serious misrepresentation in providing any information required of him under Regulation 23 of the Public Contracts Regulations 2006;
- 2.9 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 services to be provided under the contract by a person who is not so licensed or who is not such a member.

3 Where applicable, the Contractor is registered with the appropriate trade or professional register(s) in the EU member state where it is established (as set out in Annex IX B of Directive 2004/18/EC) under the conditions laid down by that member state.

Signed

Name

Position

SECTION 4 – CHECKLIST

Candidate's Name.....

BACKGROUND INFORMATION

Question No.		Enclosed	N/A
1	Basic Information		
2	Consortium Information		

FINANCIAL INFORMATION**Submissions in relation to Economic & Financial Standing**

Question No.		Enclosed	N/A
3.1	Banker's Details and Banker's Reference		
3.2 to 3.5	Statutory Accounts and Statements of Business Turnover		
3.6	Statement of any contingent liability or loss		
3.7	Details of Litigation		
3.8	Evidence of Insurance		
3.9	Other Appropriate Information		

TECHNICAL INFORMATION**Submissions in relation to Technical and Professional Ability**

Question No.		Enclosed	N/A
4.1	Response to Key Personnel Question (<i>and CV attachments</i>)		
4.2	Response to Similar Projects Experience Question (<i>with reference details</i>)		
4.3	Response to Design Quality Question		
4.4	Response to Sustainability Approach Question		
4.5	Response to Health and Safety Approach Question (<i>and health and safety policy/statement</i>)		
4.6	Response to Previous Contract Performance Question		
4.7	Finance Raising Ability and Experience		

STATEMENT OF GOOD STANDING

	Enclosed	N/A
Signed Statement(s) of Good Standing (including where applicable from all Consortium Members)		
Where applicable, Annex submissions relating to Statement(s) of Good Standing		