

APPRAISAL QUESTIONNAIRE

PROJECT TITLE: _____

Instructions: Please complete all parts of this questionnaire fully in black ink or typeface, providing all the necessary supplementary information, before returning to the officer named in the OJEU advertisement no later than the deadline given in the OJEU advertisement.

PART A - GENERAL INFORMATION

1. ORGANISATION IDENTITY

1.1 Name of the Company in whose name the tender would be submitted:

Contact: _____

Address: _____

Telephone No: _____ Fax No: _____ E-mail: _____

Registration No: _____ Date of Registration: _____

1.2 Registered Address, if different from above:

Address: _____

2. ORGANISATION INFORMATION

2.1 Is your organisation, please tick:

- a. a public limited company
- b. a limited company
- c. a sole trader
- d. a partnership

2.2 Date of organisation's formation (please provide brief history on a separate sheet):

2.3 Date of incorporation in U.K. if different from 2.2:

2.4 VAT registration number:

2.5 Is your organisation registered under the Data Protection Act 1984 and 1998? If so, what is your DPA registration number:

2.6 Please enclose details of your organisation structure, e.g. organisation chart.

2.7 Are there any court actions and/or industrial tribunal hearings outstanding against your organisation? If so, please give details:

2.8 Has your organisation been involved in any court action and/or industrial tribunals over the last 3 years? If so, please give details:

2.9 Is your company a subsidiary (as understood by the Inland Revenue) of another company? If so, please provide the name and registered office address of the holding or parent company and the ultimate parent (if applicable):

2.10 Is your company affiliated or associated with any other company, which would be capable of tendering for these Services? If so, please provide the name and registered office address.

Address: _____

2.11 Please give the names and responsibilities of the Executive Directors/Partners of your organisation.

Name:	Responsibility:
_____	_____
_____	_____
_____	_____
_____	_____

2.12 Please give the number and locations of the premises from which your organisation provides services similar to those required by the Authority (please continue on separate sheet if necessary).

No of Offices: _____

Address: _____

Address: _____

3. COMPLIANCE WITH EC LEGISLATION/UK PROCUREMENT LEGISLATION

3.1 Do any of the circumstances as set out in Public Procurement: The Public Contracts Regulations 2006 (UK SI 2006 No. 5) Part IV, Regulation 23 apply to your company?

Yes/No

The Authority may seek evidence at a later date, in confirmation of your answer.
(Appendix 1 contains both a summary of the circumstances and the full text of Regulation 23)

4. FINANCIAL

4.1 Please indicate the annual turnover of your organisation over the last 3 years. If your organisation is part of a group, please give figures for both your own organisation and the group.

4.1.1 Organisation

Annual Turnover	£ _____	For year _____
Annual Turnover	£ _____	For year _____
Annual Turnover	£ _____	For year _____

4.1.2 Group

Annual Consolidated Turnover	£ _____	For year _____
Annual Consolidated Turnover	£ _____	For year _____
Annual Consolidated Turnover	£ _____	For year _____

4.2 Please enclose a set of the last 3 audited accounts for your own company and the holding and/or ultimate parent (if applicable).

4.3 Please give details of your Bankers:

Name: _____

Branch Address: _____

Account No: _____ Sort Code: _____

Number of Years Account has been opened: _____

May bankers be approached for a reference? Yes/No

4.4 Please provide a brief outline of how your organisation would obtain any required funding for this contract (only insert if third party finance is being specifically provided for this contract).

5. AREAS OF BUSINESS

5.1 Please indicate below the principal areas of business activity of your company:

6. QUALITY ASSURANCE

6.1 Please provide details of any quality assurance accreditation that your company holds e.g., BS EN ISO 9001 or equivalent standard. If no accreditation held, please attach an outline of your quality assurance policy.

6.2 Please provide details of any quality assurance accreditations for which you have applied.

7. STAFF

7.1 Number of staff employed.

Permanent: _____ Casual: _____

7.2 Of the above number of staff, which hold the following skills (by number)?

Management/Supervision: _____
Clerical/Support: _____
Operational: _____
Sales/Marketing: _____

7.3 Please also state the number of staff currently involved directly in the provision of the Service to which this questionnaire relates:

Permanent: _____ Casual: _____

7.4 Please give details of staff turnover as a percentage of your workforce for the last 3 years.

8. REFERENCES

8.1 Please provide details of major private sector contracts you have been awarded for the provision of services similar to those required by the Authority under the following categories:

- a. Contracts currently undertaken and
- b. Contracts that have been undertaken in the last three years

The details should include:

- a. customer name and address;
- b. contact name and telephone number;
- c. contract reference and brief description of service undertaken and
- d. name(s) of sub-contractors and/or consortium members and their role.

(N.B The Authority may elect to contact any of the above companies for a reference. Your permission to do so will be assumed unless you state any objections)

8.2 Please provide details of any major contracts you have been awarded by central government departments, agencies, local authorities, health authorities or NHS trusts for the provision of services similar to those required by the Authority:

- a. Contracts currently undertaken,
- b. Contracts that have been undertaken in the last three years; and
- c. Contracts that have been terminated during the last three years.

9. PROFESSIONAL ORGANISATIONS

9.1 Please indicate which professional or trade bodies your organisation belongs to:

10. INSURANCE

10.1 Please provide details of your organisation’s insurance protection in respect of professional indemnity cover.

Policy	Insurer	Indemnity Value (£)
_____	_____	_____
_____	_____	_____
_____	_____	_____

11. HEALTH AND SAFETY

11.1 Please provide details of your organisation’s Health & Safety at Work Policy.

PART B - ADDITIONAL INFORMATION

12. PREVIOUS EXPERIENCE

12.1 Please describe on a separate sheet, your previous experience of providing services similar to those required by the Authority. You may wish to include promotional material along with this section.

13. SUB-CONTRACTING

13.1 Please give a brief outline on your policy regarding the use of sub-contractors and, if applicable, the extent to which you might envisage using them for this contract.

14. TRANSFER OF UNDERTAKINGS (PROTECTION OF EMPLOYMENT)

14.1 In the event of the Transfer of Undertakings (Protection of Employment) Regulations 1981 (TUPE) applying to this contract, would you be willing to submit a tender? The submission of tender and acceptance by the Authority of an offer in these circumstances could mean that you may have to employ the personnel of the [the *Authority/current contractor*] who are currently engaged in this work, on their existing terms. [you would have to make pension arrangements for those personnel involved, at least comparable to the Principle Civil Service Pension Scheme. Alternatively if you were unable to provide pension benefits is fully comparable with this standard, you would have to provide a remuneration package that fully offsets any degree of detriment suffered by the Authority's personnel. We have appended a [] page summary under Appendix 2 of the main terms and conditions of service of personnel, under Appendix 3 we have appended [] page summary of the current general pay scale ranges for civil servants and under Appendix 4, a [] page summary of the terms, values and benefits of the Principal Civil Service Pension Scheme. These are for your information in order to enable you to make any necessary comparisons.]

We confirm we would/would not in principle be willing to submit a tender.

{Only insert the wording commencing "You would" and ending "necessary comparisons" for market testing or outsourcing cases where it is anticipated that civil servants may be transferred to the contractor – exclude in relet contractor A-B situations}

15 PENSION SCHEME

15.1 Does your organisation have a pension scheme? Yes/No

15.2 If No would you be willing in principle to provide one? Yes/No

[Only insert this question for market testing or outsourcing cases where it is anticipated that civil servants may be transferred to the contractor - exclude and renumber in relet contractor A-B situations]

16. ENCLOSURES

Please check that you have enclosed the following details with your completed questionnaire:

- details of organisational structure. (see 2.6);
- set of audited accounts for the last 3 financial years (where applicable). (see 4.2);
- details of quality assurance accreditation and/or policy. (see 6.1 and 6.2);
- reference information (see 8.1);
- Health and Safety Policy. (see 11.1);
- statement of previous experience. (see 12.1);
- outline of policy regarding the use of sub-contractors (see 13.1).

Appendix 1

PART IV SELECTION OF ECONOMIC OPERATORS

Criteria for the rejection of economic operators

23. (1) Subject to paragraph (2), a contracting authority shall treat as ineligible and shall not select an economic operator in accordance with these Regulations if the contracting authority has actual knowledge that the economic operator or its directors or any other person who has powers of representation, decision or control of the economic operator has been convicted of any of the following offences -
- a. 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;
 - b. 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;
 - c. the offence of bribery;
 - d. 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 –
 - i. the offence of cheating the Revenue;
 - ii. the offence of conspiracy to defraud;
 - iii. fraud or theft within the meaning of the Theft Act 1968 and the Theft Act 1978;
 - iv. fraudulent trading within the meaning of section 458 of the Companies Act 1985;
 - v. defrauding the Customs within the meaning of the Customs and Excise Management Act 1979 and the Value Added Tax Act 1994;
 - vi. an offence in connection with taxation in the European Community within the meaning of section 71 of the Criminal Justice Act 1993; or
 - vii. 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;
 - e. money laundering within the meaning of the Money Laundering Regulations 2003; or
 - f. 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.
- (2) In any case where an economic operator or its directors or any other person who has powers of representation, decision or control has been convicted of an offence described in paragraph (1), a contracting authority may disregard the prohibition described there if it is satisfied that there are overriding requirements in the general interest which justify doing so in relation to that economic operator.
- (3) A contracting authority may apply to the relevant competent authority to obtain further information regarding the economic operator and in particular details of convictions of the offences listed in paragraph (1) if it considers it needs such information to decide on any exclusion referred to in that paragraph.

- (4) A contracting authority may treat an economic operator as ineligible or decide not to select an economic operator in accordance with these Regulations on one or more of the following grounds, namely that the economic operator -
- a. 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;
 - 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 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;
 - 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;
 - 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
 - j. subject to paragraphs (7), (8) and (9), is not registered on the professional or trade register of the relevant State specified in Schedule 6 in which he is established under conditions laid down by that State.

- (5) The contracting authority may require an economic operator to provide such information as it considers it needs to make the evaluation in accordance with paragraphs (1) and (4) except that it shall accept as conclusive evidence that an economic operator does not fall within the grounds specified in paragraphs (1) and (4)(a), (b), (c), (d), (f) or (g) if that economic operator provides to the contracting authority –
- a. in relation to the grounds specified in paragraphs (1) and (4)(a), (b), (c) or (d) –
 - i. an extract from the judicial record; or
 - ii. in a relevant State which does not maintain such a judicial record, a document issued by the relevant judicial or administrative authority;
 - b. in relation to the grounds specified in paragraphs (4)(f) or (g), a certificate issued by the relevant competent authority; and
 - c. in a relevant State where the documentary evidence specified in paragraphs (5)(a) and (b) is not issued in relation to one of the grounds specified in paragraphs (1),(4)(a), (b), (c), (d), (f) or (g), a declaration on oath made by the economic operator before the relevant judicial, administrative or competent authority or a relevant notary public or Commissioner for oaths.
6. In this regulation, "relevant" in relation to a judicial, administrative or competent authority, notary public or Commissioner for oaths means an authority designated by, or a notary public or Commissioner for oaths in the relevant State in which the economic operator is established.
7. An economic operator established in the United Kingdom or Ireland shall be treated as registered on the professional or trade register for the purposes of paragraph (4)(j) if the economic operator -
- a. is established in Ireland and is certified as registered with the Registrar of Friendly Societies; or
 - b. is established in either State and is either -
 - i. certified as incorporated by their respective Registrar of Companies; or
 - ii. is certified as having declared on oath that it is carrying on business in the trade in question in the State in which it is established at a specific place of business and under a specific trading name.
8. In relation to procedures for the award of a public services contract, an economic operator established in Greece shall be treated as registered on the professional or trade register for the purposes of paragraph (4)(j) -
- a. when the services to be provided under the contract are specified in category 8 of Schedule 3 and when Greek legislation requires persons who provide those services to be registered on the professional register (Μητρώο Μελετητών and Μητρώο Γραφείων Μελετών), if it is registered on that register; and
 - b. in any other case, in accordance with paragraph (9).
9. An economic operator established in a relevant State, other than the United Kingdom or Ireland, which either has an equivalent professional or trade register which is not listed in Schedule 6 or which does not have an equivalent professional or trade register shall be treated as registered on a professional or trade register for the purposes of paragraph (4)(j) on production of either a certificate that he is registered on the equivalent professional or trade register or where no such register exists, a declaration on oath, or in a relevant State which does not provide for a declaration on oath a solemn declaration, made by the economic operator before the relevant judicial, administrative or competent authority or a relevant notary public or Commissioner for oaths, that he exercises the particular profession or trade.