

**Works Contract**

**PRE-QUALIFICATION PROCESS**

**MEMORANDUM OF INFORMATION**

**moi-part a: Generic information & Guidance**

**(To be read in conjunction with MoI-PART B attached separately)**

**PIERPONT PLAZA BUILDING 1**

**REFERENCE: 1939/16**

**Catalyst**

**Queens Road**

**Queens Island**

**Belfast BT3 9DT**

This Memorandum of Information (MoI) consists of two parts:

**MoI-Part A: Generic Information and Guidance (this document).**

This document does not contain contract specific information. It is a standard generic document which sets out Information and Guidance applicable to procurement.

Contents

[1 Overview 7](#_Toc17987291)

[1.1 PROCUREMENT REGULATIONS 7](#_Toc17987292)

[1.2 pre-qualification QUESTIONNAIRE documentation 7](#_Toc17987293)

[1.3 Purpose of memorandum of information 7](#_Toc17987294)

[1.4 Purpose of the Pre-Qualification process 7](#_Toc17987295)

[1.5 Tender stage 7](#_Toc17987296)

[1.6 Economic Operator 8](#_Toc17987297)

[1.6.1 Shortlist of economic operators 8](#_Toc17987298)

[1.6.2 Subcontractor 8](#_Toc17987299)

[1.6.3 OTHER ENTITIES 8](#_Toc17987300)

[1.7 Submissions from a Group of Economic Operators 10](#_Toc17987301)

[1.7.1 changes to AN ECONOMIC OPERATOR’S OR GROUP OF ECONOMIC OPERATORS’ TEAM STRUCTURE DURING THE PROCUREMENT PROCESS 10](#_Toc17987302)

[1.8 Compliance with PQQ criteria during procurement process 11](#_Toc17987303)

[1.9 Complaints procedure 11](#_Toc17987304)

[2 requirements for an Economic Operator TEAM 12](#_Toc17987305)

[2.1 General 12](#_Toc17987306)

[2.2 achieving excellence in construction 12](#_Toc17987307)

[2.3 Code of practice 12](#_Toc17987308)

[2.4 Design Quality 12](#_Toc17987309)

[2.5 Sustainability 12](#_Toc17987310)

[2.6 hEALTH AND SAFETY 12](#_Toc17987311)

[2.7 PROJECT BANK ACCOUNTS 12](#_Toc17987312)

[2.8 insolvency during the procurement process 12](#_Toc17987313)

[2.9 Building INFORMATION mODELLING (BIM) 13](#_Toc17987314)

[2.10 Environmental Management Systems in Construction Procurement 13](#_Toc17987315)

[2.11 LICENCE TO PRAcTICE REQUIREMENTS FOR ELECTRICAL WORKERS 13](#_Toc17987316)

[3 membership of more than one ECONOMIC OPERATOR TEAM/Group of Economic Operators 15](#_Toc17987317)

[4 Legal & Commerical 16](#_Toc17987318)

[4.1 Contractual Structure 16](#_Toc17987319)

[5 pqqp submission 17](#_Toc17987320)

[5.1 PQQP SUBMISSION 17](#_Toc17987321)

[5.2 amendments TO Prequalification questionnaire documentation 18](#_Toc17987322)

[5.3 Extension to PQQP submission deadline 18](#_Toc17987323)

[5.4 Expenses and losses 18](#_Toc17987324)

[5.5 canvassing 18](#_Toc17987325)

[5.6 compliance 19](#_Toc17987326)

[5.7 REQUESTS FOR ADDITIONAL INFORMATION FROM ECONOMIC OPERATORS AND COMMUNICATIONS DURING THE Procurement Process 19](#_Toc17987327)

[5.8 Oral Communication 20](#_Toc17987328)

[5.9 False Information 20](#_Toc17987329)

[5.10 VERIFICATION OF EXPERIENCE PROVIDED BY ECONOMIC OPERATORS DURING THE PROCUREMENT 20](#_Toc17987330)

[5.11 Supplier Contact point 20](#_Toc17987331)

[6 disclaimers 21](#_Toc17987332)

[7 PROCUREMENT details 23](#_Toc17987333)

[8 general guidance on the completion of the PQQP 24](#_Toc17987334)

[9 SPECIFIC guidance FOR the completion of SECTIONS WITHIN PQQP 26](#_Toc17987335)

[9.1 SECTION A – ECONOMIC OPERATOR INFORMATION 28](#_Toc17987336)

[9.1.1 INFORMATION TO BE SUBMITTED AND MINIMUM REQUIREMENTS TO BE ACHIEVED 28](#_Toc17987337)

[9.1.2 [A-01] eCONOMIC OPERATOR’S STRUCTURE 28](#_Toc17987338)

[9.1.3 [A-02] GROUP OF ECONOMIC OPERATOR DETAILS 28](#_Toc17987339)

[9.1.4 [A-03] GROUP OF ECONOMIC OPERATOR’S PROPOSED ADMINISTRATIVE ARRANGMENTS 29](#_Toc17987340)

[9.1.5 [A-04] GROUP OF ECONOMIC OPERATOR’S ADMINISTRATIVE INFORMATION 29](#_Toc17987341)

[9.1.6 [A-05] NAMED CONTACT DETAILS 29](#_Toc17987342)

[9.1.7 [A-06] DETAILS OF OTHER ENTITIES 29](#_Toc17987343)

[9.1.8 [A-07] proposed arrangements with other entities 29](#_Toc17987344)

[9.1.9 [A-08] proof of committment from other entities 29](#_Toc17987345)

[9.2 SECTION B – PAST PERFORMANCE, ECONOMIC AND FINANCIAL STANDING, AND PROFESSIONAL CONDUCT 30](#_Toc17987346)

[9.2.1 Information to be submitted and minimum requirements to be achieved 30](#_Toc17987347)

[9.2.2 [b-01] past Performance 30](#_Toc17987348)

[9.2.3 [b-02] constructionline details 30](#_Toc17987349)

[9.2.4 [b-03] financial assessment 33](#_Toc17987350)

[9.2.5 [b-04] financial information 33](#_Toc17987351)

[9.2.6 [b-05] unlawful discrimination/equality of opportunity 33](#_Toc17987352)

[9.2.7 [b-06] insurance requirements 33](#_Toc17987353)

[9.2.8 [b-07] professional conduct 34](#_Toc17987354)

[9.2.9 [b-08] licences, accreditations and certification 37](#_Toc17987355)

[9.3 SECTION C – HEALTH AND SAFETY AND Environmental Systems (ems) REQUIREMENTS 38](#_Toc17987356)

[9.3.1 Information to be submitted and minimum requirements to be achieved 38](#_Toc17987357)

[9.3.2 Buildsafe-ni initiative requirements 38](#_Toc17987358)

[9.3.3 Buildsafe-ni initiative minimum requirements to be achieved 39](#_Toc17987359)

[9.3.4 hEALTH & sAFETY COMPETENCE REQUIREMENTS 39](#_Toc17987360)

[9.3.5 Environmental Management Systems (EMS) 40](#_Toc17987361)

[9.4 SECTION d – evaluation of technical and/or professional ability 41](#_Toc17987362)

[9.5 Section e - Declarations 41](#_Toc17987363)

[9.5.1 Information to be submitted and minimum requirements to be achieved 41](#_Toc17987364)

[9.5.2 Conflict of interest 41](#_Toc17987365)

[9.5.3 Economic Operator’s declaration 42](#_Toc17987366)

[9.6 Section f – DOCUMENT RETURN REGISTER 42](#_Toc17987367)

[9.6.1 Information to be submitted and minimum requirements to be achieved 42](#_Toc17987368)

[10 INCOMPLETE SUBMISSIONS 43](#_Toc17987369)

|  |  |
| --- | --- |
| **GLOSSARY** | |
| **CfT** | Means “Call for Tender” in the Contracting Authority’s procurement system. |
| **Constructionline** | Constructionline is the UK’s register of local and national construction and construction-related services pre-assessed to work for public and private sector client buyers.  For further information go to: [www.constructionline.co.uk](http://www.constructionline.co.uk) |
| **Contract** | Means the contract to be entered into between the successful Economic Operator and the Contracting Authority as a result of the Procurement. |
| **Contracting Authority (buyer)** | **Catalyst, Queens Road, Queens Island, Belfast, BT3 9DT** |
|  |  |
| **CPV - (Common Procurement Vocabulary)** | Means a single classification system used to identify business opportunities published in the supplement to the OJEU, using standard codes. |
| **Economic Operator (supplier)** | Has the meaning given to it by Regulation 2 of the Public Contracts Regulations 2015. It is the single enterprise or Group of Economic Operators that will take contractual responsibility for delivering the Project and has submitted a completed PQQP Submission. |
| **Economic Operator Team (supplier)** | The Economic Operator Team is used to refer to the Economic Operator together with its Subcontractors and supply chain. |
| **European Single Procurement Document (ESPD)** | Has the meaning given to it by Regulation 2 of the Public Contracts Regulations 2015 |
| **EU** | European Union |
| **Group of Economic Operators** | Has the meaning given to it by Regulation 19(3) of the Public Contracts Regulations 2015 and means 2 or more Economic Operators forming a Group of Economic Operators acting jointly for the purpose of being awarded a public contract. |
| **Lead Enterprise (supplier)** | Means the lead organisation submitting the PQQP on behalf of a Group of Economic Operators. |
| **ITT** | Invitation to Tender documents |
| **MoI** | Memorandum of Information |
| **Other Entities** | An entity whose capacity the Economic Operator or Group of Economic Operators is relying on with regard to economic and financial standing and/or technical and professional ability. |
|  |  |
| **OJEU** | Official Journal of the European Union |
| **PQQP** | Pre-Qualification Questionnaire Package used to refer to all eight parts of the pre-qualification documentation (including all appendices) to be returned as instructed. |
| **PQQP Submission** | Means a complete PQQP submitted by an Economic Operator (including all additional information submitted, during the PQQ evaluation stage, at the request of the Contracting Authority). |
| **PQQP Submission Deadline** | Means the time and date for submission of the PQQP Submission as detailed in Section 7.8 of MOI-Part B. |
| **PQQx** | Individual part of the Pre-Qualification documentation where x refers to PQQ1 to PQQ3 for a particular questionnaire. |
| **Pre-Qualification**  **Documentation** | The complete set of documents including the Memorandum of Information, the Pre-Qualification Questionnaire Package and the proposed conditions of contract. |
| **Procurement** | Means this procurement process being conducted by the Contracting Authority for the award of the Contract. |
| **Procurement Document** | The Procurement Document means any document produced or referred to by the Contracting Authority to describe or determine elements of the procurement or the procedure. It includes the Contract Notice, Prior Information Notice, Pre-Qualification Documentation, Invitation to Tender (ITT) documents, Technical Specifications, Descriptive Document (if any), Proposed Conditions of Contract, Formats for the presentation of documents by candidates and tenderers, Information on generally applicable obligations and any additional documents. |
| **Project** | The construction of the works and services to be delivered in accordance with the Contract. |
| **Public Contracts Regulations** | The Public Contracts Regulations 2015 including any amendments. |
| **SSIP** | Safety Schemes in Procurement. For further information go to: [http:/www.ssip.org.uk/](http://www.ssip.org.uk/) |
| **Subcontractor (supplier)** | Has the meaning given to it in Section 1.6.2 of this MOI |
| **Tender Stage** | Means the competitive tender process which may be carried out between the Contracting Authority and the Economic Operators shortlisted at prequalification stage which will ultimately result in the award of the Contract. |

# Overview

* 1. PROCUREMENT REGULATIONS

The Project is being procured competitively and in accordance with the Public Contracts Regulations. The procedure to be followed for this Procurement is the restricted procedure (Regulation 28 of the Public Contracts Regulations).

Any proceedings relating to any perceived non-compliance with relevant legislation must be started within 30 days beginning with the date when the Economic Operator knew, or ought to have known of the alleged infringement.

* 1. pre-qualification QUESTIONNAIRE documentation

This document is one part which forms part of the Pre-qualification Questionnaire Documentation**.**

* 1. Purpose of memorandum of information

The purpose of the Memorandum of Information (MoI) Part A and Part B is to provide Economic Operators with preliminary information to enable them to prepare their Pre-Qualification Questionnaire Package (PQQP) responses. To this end, the following are included:

* Details of the Project.
* Details of the information to be returned by the Economic Operator.
* Details of professional and technical requirements for Economic Operators.
* An explanation of the Procurement and details of how the Economic Operator can obtain assistance and clarification.
* Details of how an Economic Operator should submit its completed PQQP (refer to Section 5.1).
  1. Purpose of the Pre-Qualification process

The purpose of this pre-qualification process is to provide the Contracting Authority with sufficient information to allow Economic Operators to be selected for the Tender Stage.

Economic Operators’ responses to the PQQP will be evaluated against the criteria set out in this MoI and the PQQP. Economic Operators must respond to all the questions in the PQQP and must provide all the supporting information requested.

* 1. Tender stage

Economic Operators short-listed from the pre-qualification process will be invited to participate in the Tender Stage. If this is the case Tender submissions will be evaluated independently on both Quality and Price. (see also MOI-Part B, section 7.5.2 ‘Tender Stage’).

The quality/price weightings, as determined by the Contracting Authority, will be applied and the overall scores for the Economic Operator’s will identify the Economic Operator who has submitted the Most Economically Advantageous Tender (MEAT) in terms of quality and price. Full information on this process is provided in the associated tender documentation.

* 1. Economic Operator

The enterprise submitting a completed PQQP is referred to as the Economic Operator whether it is a single company or organisation, or a Group of Economic Operators. The Economic Operator, if successful in the Procurement, will take contractual and organisational responsibility for delivering the Project.

### Shortlist of economic operators

It is anticipated that the 6 Economic Operators that satisfy: the completeness and compliance checks; the criteria for the rejection of Economic Operators; the information as to economic and financial standing; and who achieve the highest scores in the technical or professional ability evaluation process will beshort-listed andinvited to submit tenders.

Where there is a tie for 6th place, then all Economic Operators in 6th place will be invited to tender. For the purposes of this exercise a tie for 6th place is deemed to occur where two or more Economic Operators have identical scores or a score within 1 mark (out of a score of 100) of the 6th place score.

In the event that the Procurement is unavoidably delayed, but not cancelled, the PQQP Submission will be assessed at the time of receipt and the Economic Operators will be notified of the outcome.

The short**-**list of Economic Operators for Invitation to Tender will remain valid for a period of up to 12 months from the PQQP Submission Deadline. In certain circumstances, this period of validity may be extended.

When the Procurement is re-commenced, the Contracting Authority may seek confirmation that the shortlisted Economic Operators still meet the required minimum standards for the Procurement.

### Subcontractor

The term Subcontractor is used to refer to the party/ies selected by an Economic Operator to deliver the project or part thereof. For the purposes of pre-qualification please see Section 7.6 MoI Part B.

### OTHER ENTITIES

If the Economic Operator or Group of Economic Operators wishes to rely on the capacity of Other Entities in terms of economic and financial standing and/or technical and professional ability the Other Entities must each complete a PQQ1C.

The Group of Economic Operators and other Entities - Member Addenda (PQQ1C) together with all required addenda and supporting documentation must be returned as part of the Economic Operator’s PQQP Submission. Failure to do so may result in the entire PQQP Submission being rejected.

Other Entities will be required to demonstrate that they fulfil the selection criteria within the PQQ. However, this requirement will be limited only to fulfilling the selection criteria relevant to the capacity for which the other Entity is being relied upon to deliver. The Table below sets out the sections of the Group of Economic Operators and other Entities - Member Addenda (PQQ1C) which must be completed by an Other Entity depending on the capacity of the role it is being relied upon to deliver.

|  |  |  |
| --- | --- | --- |
| PQQ1C  Sections | **Other Entity Role Being Undertaken** | |
| Financial Standing | Technical & Professional Ability |
| Section A | Yes | Yes |
| Section B | Yes | Part  ([B-01] and [B-05] to [B-08]) |
| Section C | No | Yes |
| Section D | N/A | N/A |
| Section E | Yes | Yes |
| Section F | Yes | Yes |

Where an Other Entity is providing financial and/or technical & professional ability support, the full PQQ selection criteria shall apply and it shall complete PQQ1C in full.

* With regard to criteria relating to educational and professional qualifications, or to relevant professional experience, the capacity of other Entities may only be relied upon where those Entities will perform the works or services for which their capacities are required. Therefore, if an Economic Operator or Group of Economic Operators relies on the capacities of other Entities for these criteria, if awarded the Contract those other Entities will be required to perform the works or services for which their capacities are required.
* The Economic Operator or Group of Economic Operators will prove to the Contracting Authority that it will have at its disposal the resources necessary from those other Entities. To evidence this, the Economic Operator or Group of Economic Operators will be required to produce a commitment from those Entities to that effect as set out in PQQ1 Question A[A-08].
* Where an Economic Operator or Group of Economic Operators relies on the capacity of Other Entities with regard to criteria relating to economic and financial standing, the Economic Operator or Group of Economic Operators and those Entities will be jointly and severally liable for the execution of the Contract. Prior to contract award the Economic Operator or Group Of Economic Operators will be required to demonstrate to the Contracting Authority that a legal agreement is in place with those Other Entities which provides joint and several liability to the Contracting Authority.
* Contracting Authorities may require that certain critical tasks be performed directly by the Economic Operator, or in the case of a Group of Economic Operators by a member of that Group of Economic Operators.

In addition we add the following provision

* Where an individual company (which exists within a group of companies) wishes to rely on the financial standing and/or technical and professional ability of a parent, sister or subsidiary company then these other companies (parent, sister or subsidiary) will be considered to be Other Entities regardless of the legal nature of the links the company has with them.
  1. Submissions from a Group of Economic Operators

Where an Economic Operator is a Group of Economic Operators it shall designate a “Lead Enterprise” who will be its point of contact for the Procurement.

The Lead Enterprise must complete the **PQQ1** document together with all required addenda and supporting documentation. The Lead Enterprise’s response to **Section D** in **PQQ1** shall be on behalf of the whole Group of Economic Operators, including any other Entities and this combined PQQP Submission will be assessed and scored.

All other members of the Group of Economic Operators must submit as part of the PQQP Submission a completed Group of Economic Operators and other Entities - Member Addendum (**PQQ1C**) document together with all required addenda and supporting documentation. Failure by any member of the Group of Economic Operators to meet the minimum requirements may result in the entire Group of Economic Operators being rejected.

The member designation given in response to question [A-02] of PQQ1 shall be retained throughout the PQQP Submission.

### changes to AN ECONOMIC OPERATOR’S OR GROUP OF ECONOMIC OPERATORS’ TEAM STRUCTURE DURING THE PROCUREMENT PROCESS

An Economic Operator who is successful in being shortlisted for the Tender Stage will be required to confirm the structure of its team as part of its tender.

Where an Economic Operator was a Group of Economic Operators at pre-qualification stage then the members of the Group of Economic Operators submitting the tender at Tender Stage must be the same as those submitted within the PQQP Submission.

An Economic Operator must also base its tender on the use of the same Subcontractors and other Entities as submitted by the Economic Operator as part of the PQQP Submission.

An Economic Operator’s tender which does not include the same team (members of the Group of Economic Operators, other Entities and Subcontractors) structure as listed in the PQQP Submission will, apart from exceptional circumstances, (i.e. other Entity / Subcontractor enters administration, ceases trading, bankruptcy, etc) be **rejected.**

Following the award of the Contract and prior to commencement of the Contract, the Economic Operator will be required to notify the Contracting Authority of the name, contact details and legal representatives of its Subcontractors involved in the Project, in so far as is known to the Economic Operator at that time. The Economic Operator will also be required to notify the Contracting Authority of any changes to the information provided in respect to its Subcontractors during the course of the Contract and the name, contact details and legal representatives of any new Subcontractors which the successful Economic Operator subsequently involves in the Project.

Economic Operators should note that for any proposed change to be considered it must be supported by robust reasoning and any replacement member of a Group of Economic Operators, other Entity or Subcontractor must be assessed by the Contracting Authority as being at least equal, in all respects, to the member of the Group of Economic Operators, other Entity or Subcontractor being replaced.

If there is a change to an Economic Operator (or Group of Economic Operators) Team before it submits its tender, it must seek prior approval for any change from the Contracting Authority by:

* explaining in writing to the Contracting Authority the reasons (e.g. Subcontractor enters administration, ceases trading, bankruptcy etc.) for any change;

and

* providing full details of any proposed replacement/alternative team member (this will entail the completion of the relevant PQQP and the score awarded must be equal to or higher than that attained by the member of the Group of Economic Operators/Other Entities/Subcontractor being replaced).

The Contracting Authority will consider a request for approval of such changes only if it is received at least 21 calendar days prior to the date for submission of tenders.

**This will be a matter for the sole discretion of the Contracting Authority.**

* 1. Compliance with PQQ criteria during procurement process

Economic Operators should note that the Contracting Authority reserves the right to seek confirmation from an Economic Operator that it continues to meet the criteria set out in the Pre-qualification Questionnaire Documentation at any stage during the Procurement. Economic Operators that fail to meet and maintain the minimum standards set in the Pre-qualification Questionnaire Documentation will be rejected from this Procurement.

In addition, the Contracting Authority reserves the right to require the submission of any additional, supplementary or clarification information, at its absolute discretion, that it considers appropriate.

* 1. Complaints procedure

If you feel the Contracting Authority has fallen short of demonstrating its values, or meeting the guiding principles set down. Please contact the Contracting Authority’s Complaints Representative setting out the detail of your complaint. The Complaints Representative will try to resolve your problem.

Contact details for the Complaints Representative appointed by the Employer for this Contract are available in MoI-Part B Section 7.13.

Should the Complaints Representative be unable to resolve your complaint and you wish to take the matter further, information about the formal complaints procedure which can be followed in such cases is also available in MoI-Part B Section 7.13.

# requirements for an Economic Operator TEAM

* 1. General

The Contracting Authority is seeking to identify an Economic Operator that has all of the right skills and considered most capable of working in partnership, to identify the optimal solution and of delivering it as efficiently and as safely as possible.

The Economic Operator Team will be required to support the Contracting Authority in the development of performance indicators and in the delivery of best practice. Regular performance assessments will be required to ensure that the Economic Operator is achieving required standards and delivering continuous improvement.

This section provides an overview of the range of skills, competencies, activities and responsibilities required of an Economic Operator. The experience of key Subcontractors will be evaluated as part of the Procurement.

* 1. achieving excellence in construction

NOT USED

* 1. Code of practice

Economic Operators will need to demonstrate good supply chain management practices. In particular, the relationship between the Economic Operator, its Subcontractors and supply chain will be very important.

* 1. Design Quality

The Contracting Authority is fully committed to the highest standards of design quality.

* 1. Sustainability

Sustainability including all aspects of social, economic and environmental matters will be an integral part of the Project.

* 1. hEALTH AND SAFETY

Health and safety is paramount to the Contracting Authority and, in addition to all relevant legislation and Codes of Practice, all Economic Operators will be required to comply fully with the BuildSafe-NI initiative – see link below:

<https://www.finance-ni.gov.uk/articles/buildsafe-ni-action-plan>

* 1. PROJECT BANK ACCOUNTS

NOT USED

* 1. insolvency during the procurement process

Any Economic Operator subject to insolvency proceedings, unless there are exceptional reasons otherwise, will not be permitted to participate in any stage of the Procurement . The Economic Operator is required to inform the Contracting Authority immediately if any insolvency proceedings are commenced.

**Outlined below are examples of insolvency proceedings, however, this is not an exhaustive list:**

Where an individual has:

* Presented a petition for his or her own bankruptcy.
* Had a bankruptcy order made against him or her.
* Had a receiver appointed over assets.
* Made an arrangement with his or her creditors to avoid debt including ongoing operation under an Individual Voluntary Agreement.

Where a company or partnership has:

* Had a winding up order made against it.
* Had a provisional liquidator appointed to it.
* Passed a resolution for winding-up.
* Entered administration.
* Had a receiver, receiver and manager, or administrative receiver appointed over the whole or a substantial part of its undertaking or assets.
* Made an arrangement with its creditors to avoid debt including ongoing operation under a Company Voluntary Agreement.

See also Section 9.2.8 [B-07] Professional Conduct.

* 1. Building INFORMATION mODELLING (BIM)

NOT USED

* 1. Environmental Management Systems in Construction Procurement

NOT USED

* 1. LICENCE TO PRAcTICE REQUIREMENTS FOR ELECTRICAL WORKERS

The Economic Operator should note that the Project may include a requirement for it to operate a LtP system in connection with all electrical work undertaken within the scope of the contract. See:

[Procurement Guidance Note 01/16 - Licence to Practise Initiative for Electrical Workers)](https://www.finance-ni.gov.uk/publications/procurement-guidance-note-0116-licence-practise-initiative-electrical-workers)

A LtP system provides an assessment, grading structure and registration process for electrical workers that is appropriate to their qualifications and experience. The LtP system enables contractors to demonstrate to Government Clients that they are employing appropriately qualified and experienced electrical workers on their construction projects. An example of a LtP system is SparkSafe (https://www.SparkSafeltp.co.uk). However, other LtP systems that are equivalent to SparkSafe will be accepted.

Further details of the requirement will be included within the Invitation To Tender (ITT) documents. However, the Economic Operator, if awarded the Contract, will be required to:

* register with a LtP system;
* ensure that any Subcontractor(s) undertaking electrical work is/are registered with the same LtP system;
* ensure that all electrical workers employed to undertake electrical work on the contract are licensed to practice. This will include monitoring of the requirement. It will also include facilitating and undertaking onsite identification checks of electrical workers and cross referencing this with information held on the LtP database; and report to the Project Manager, at monthly site/project meetings, that it is complying with the above requirements by providing appropriate evidence as necessary. This will include reports extracted from the LtP system indicating the composition of the electrical workforce by LtP grade.

# membership of more than one ECONOMIC OPERATOR TEAM/Group of Economic Operators

In all circumstances, the Economic Operator is responsible for managing the integrity of its Economic Operator Team/Group of Economic Operators (as applicable).

The Economic Operator must ensure that in structuring its Economic Operator Team/Group of Economic Operators it can:

* fulfil its tender requirements;
* act independently of any other Economic Operator Team/Group of Economic Operators; and
* submit a bona fide competitive tender.

An enterprise may act as a Subcontractor or be part of the supply chain in more than one Economic Operator Team.

An enterprise that is an Economic Operator is likely to have knowledge of the price and other aspects of that Economic Operator's tender that would cause it to have a conflict of interest and give rise to a risk of collusion if it also participates in another Economic Operator Team/Group of Economic Operators. If an enterprise is considering participating in this way, it shall advise the Contracting Authority of this in advance and in any event, a minimum of 2 weeks prior to the PQQP Submission Deadline. The enterprise will need to demonstrate to the Contracting Authority’s satisfaction that there is no collusion or conflict of interest. The Contracting Authority reserves sole discretion to decide on whether an enterprise shall be permitted to participate in this manner.

Where two or more enterprises that are part of a larger business group or holding or are linked in some way wish to participate in different Economic Operator Teams/Group of Economic Operators, it is possible that a relationship of control may exist which could affect the independence and confidentiality of the PQQP Submission/tender preparation. If enterprises which are linked in this way wish to participate in the Procurement, then they shall advise the Contracting Authority of this as soon as possible, and in any event, a minimum of 2 weeks prior to the PQQP Submission Deadline. They will need to demonstrate to the Contracting Authority's satisfaction that the independence and confidentiality of their PQQP Submissions/tenders has not been compromised, and that there is no collusion or conflict of interest. The Contracting Authority reserves sole discretion to decide on whether an enterprise shall be permitted to participate in this manner.

See also, section 9.5.3 Conflict of Interest and section MoI-Part B 7.6 Conflict of Interest.

# Legal & Commerical

* 1. Contractual Structure

The Contracting Authority will require the successful Economic Operator to structure itself so that the following legal and organisational requirements are met:

* The Economic Operator is the single point of contact that takes contractual responsibility for delivering the contract, and for interfacing with the Contracting Authority in managing and delivering the project; and
* The legal obligations and liabilities of the  Economic Operator are borne by an entity or entities which satisfy the financial and economic requirements referred to in Section 9.2 of this document (having regard, where the Economic Operator so proposes, to any parent or ultimate holding company or Other Entity which will provide a guarantee or guarantees for that purpose).

An Economic Operator that is a Group of Economic Operators is reminded that should it win the Contract it must provide joint and several liability to the Contracting Authority for the performance and fulfilment of the terms of the Contract prior to award. A letter from a solicitor representing the Group of Economic Operators will be required confirming a formal agreement has been entered into by the members of the Group of Economic Operators that they are jointly and severally liable to the Contracting Authority for the execution of the Contract.

An Economic Operator is reminded that should it win the tender, having relied on the capacities of other Entities with regard to criteria relating to economic and financial standing then the Economic Operator and the other Entities must provide joint and several liability to the Contracting Authority for the performance and fulfilment of the terms of the Contract prior to award. A letter(s) from the solicitor(s) representing the Economic Operator and the other Entities will be required confirming a formal agreement has been entered into by them that provides joint and several liability to the Contracting Authority.

The Contract between the Contracting Authority and the successful Economic Operator will be as specified in MoI Part B Section 7.4. It shall be governed by the laws of Northern Ireland and any dispute arising out of the Procurement will be subject to the exclusive jurisdiction of the Courts of Northern Ireland.

# pqqp submission

* 1. PQQP SUBMISSION

The PQQP must be completed in accordance with the requirements of the Pre-qualification Questionnaire Documentation and returned via <http://www.mytenders.org/search/Search_AuthProfile.aspx?ID=AA12521>website. Telephoned, faxed or emailed PQQP Submissions will not be accepted.

The PQQP can be uploaded at any time before the submission deadline specified within this document. Submissions can be retrieved and re-submitted any time before the PQQP Submission Deadline.

The PQQP must be submitted on the mytenders.org system no later than **the PQQP Submission Deadline** **specified** in Section 7.8 of MoI-Part B*.*The option to submit the PQQP Submission will be removed on the system at the moment the PQQP Submission Deadline is passed.

When uploading your response, please be aware of the speed of your internet connection, your system configuration and general web traffic that may impact on the time required to complete the transaction. Uploading and submitting of the PQQP Submission must be completed by the PQQP Submission Deadline. If the PQQP Submission Deadline passes while the PQQP Submission is in transit, the PQQP Submission will be rejected by the system.

**Please note that in order to upload your response you will need the following software:**

* Use one of the following web browsers: Internet Explorer (version 7 or higher), Mozilla Firefox (version 3.5 or higher).
* Have a valid e-mail address
* Java Runtime Environment (version 1.7 or higher).
  + Click on the following link to verify your Java version: <https://www.java.com/verify>
  + Click on the following link to download the latest Java version: <http://www.java.com/en/download/manual.jsp>
* Javascript must be enabled in your browser, Session Cookies enabled, Internet access through HTTP/HTTPS.
  + Click on the following link to check whether Javascript is enabled: <http://enable-javascript.com/>"

**When uploading your PQQP Submission please ensure that:**

1. Any single file attachment you are uploading is not larger than 50MB;

Where multiple file attachments are to be uploaded you upload them in batches totalling less than 50MB at a time;

1. The complete PQQP Submission with attachments does not exceed 100MB;
2. You have checked that your whole PQQP Submission has been uploaded correctly, including attachments; and
3. Once uploaded and saved a final check of the PQQP Submission is carried out to ensure the documents uploaded contain ALL the answers and any appendices specifically requested. You are advised to save your PQQP Submission at regular intervals and verify that you have the correct version of JAVA installed.

**Responses may be uploaded at any time before the PQQP Submission Deadline.**

**Please do NOT wait until near the PQQP Submission Deadline to submit your PQQP Submission.**

Please be advised that **INCOMPLETE PQQP SUBMISSIONS MAY BE REJECTED**.

The Contracting Authority cannot accept responsibility for transmission delays. It is the responsibility of the Economic Operator to ensure that its PQQP Submission response has been submitted in the prescribed manner and in accordance with the PQQP Submission deadline.

* 1. amendments TO Prequalification questionnaire documentation

If it is necessary for the Contracting Authority to amend the PQQP documentation in any way, prior to receipt of PQQP Submissions, all Economic Operators will be notified via the messaging system. If appropriate, the PQQP Submission Deadline for receipt of PQQP Submission will be extended. No amendments to the documents shall be made by the Economic Operator.

* 1. Extension to PQQP submission deadline

Any decision to extend the PQQP Submission Deadline is at the sole discretion of the Contracting Authority.

Any request for an extension of the PQQP Submission Deadline must be received at least 6 calendar days before the PQQP Submission Deadline, but no undertaking can be given that an extension will be granted.

* 1. Expenses and losses

The Contracting Authority will not be liable for any bid costs, expenditure, work or effort incurred by Economic Operators in proceeding with or participating in the Procurement, including if the Procurement process is terminated or amended by the Contracting Authority.

* 1. canvassing

Any Economic Operator who directly or indirectly canvasses any official or Minister within the Contracting Authority with regard to the Procurement, or who directly or indirectly obtains or attempts to obtain information from such officials concerning the proposed or any other Procurement will be disqualified.

* 1. compliance

PQQP Submissions must be submitted in accordance with this Pre-qualification Questionnaire Documentation and any clarification notes as may be issued by the Contracting Authority before the PQQP Submission Deadline. Failure to comply may result in a PQQP Submission being rejected by the Contracting Authority.

* 1. REQUESTS FOR ADDITIONAL INFORMATION FROM ECONOMIC OPERATORS AND COMMUNICATIONS DURING THE Procurement Process

Economic Operators shall read all documentation associated with the Procurement promptly on receipt.

Through the Catalyst portal, Economic Operators may request reasonable additional information from the Contracting Authority regarding any aspect of the Pre-qualification Questionnaire Documentation.

Further details on requests for information during the Tender Stage will be included in the ITT documentation.

The Contracting Authority will not enter into detailed discussions on the requirements of the Procurement with individual respondents.

In the event that an Economic Operator considers that any part of the Pre-qualification Questionnaire Documentation or any other aspect of the Procurement is unclear, or is not compliant with relevant legislation, it shall seek additional information from the Contracting Authority. Whilst the CfT shows the end of clarification period the same date as the time limit for receipt of tenders or request to participate the Contracting Authority shall supply such further information relating to the Pre-qualification Questionnaire Documentation as may be reasonably requested, provided the request is received in sufficient time to enable the Contracting Authority to supply the information not later than 6 calendar days before the PQQP Submission Deadline specified in MoI-Part B Section 7.8.

The Contracting Authority may, at its sole discretion take account of the number of Economic Operators that raise a similar request, or issue of concern, when deciding how that request, or issue of concern shall be addressed.

Requests for additional information may be answered in batches rather than one at a time, with updates appearing at 2 to 3 working day intervals.

Responses to additional information requests raised will be published on the portal. Responses will be via a notification email sent to the registered user for the Procurement. It is the Economic Operator’s responsibility to monitor such email traffic.

Responses to additional information requests will be circulated by the Contracting Authority to all Economic Operators, without identifying the source of any requests.

Where an Economic Operator believes that a request for additional information is confidential in nature, the request should clearly identify that the Economic Operator wishes the response to be kept confidential and not circulated to all Economic Operators.

In all circumstances, the Contracting Authority reserves the right to issue additional information responses to all Economic Operators at any stage when it believes, at its sole discretion, the response should be issued to all Economic Operators.

Each request for additional information and the Contracting Authority’s response shall form part of the Pre-qualification Questionnaire Documentation and must be treated as such by the Economic Operator.

Fax, telephone or oral enquiries will **NOT** be accepted.

* 1. Oral Communication

Oral discussions will not be considered binding. An Economic Operator shall not rely on any statements or representations made to it during any site visit or at any other time by persons acting on behalf of the Contracting Authority unless they are confirmed in writing as an amendment to the Pre-qualification Questionnaire Documentation.

* 1. False Information

Economic Operators must ensure that all information included within their Submission is accurate. The inclusion of information that is found to be false or misleading will result in the Economic Operator’s exclusion from the Procurement.

Furthermore, in the event that false or misleading information comes to light after an Economic Operator has been awarded the Contract, this may result in termination of the contract.

* 1. VERIFICATION OF EXPERIENCE PROVIDED BY ECONOMIC OPERATORS DURING THE PROCUREMENT

At any time prior to award of the contract, the Contracting Authority reserves the right to validate the information (or some of the information) provided within the PQQP Submission belonging to the Economic Operator to which it is intended to award the Contract.

In particular, prior to award of the Contract, the Contracting Authority may check with the relevant client bodies referred to in the PQQP Submission that the information provided by the Economic Operator at the PQQP Submission stage is accurate.  If as part of this validation process, any member of the Economic Operator team, is found to have provided false information or to have embellished the experience which they relied upon within their PQQS Submission, then this may result in the Economic Operator being excluded from further participation in the Procurement.

In addition, the Contracting Authority may also regard the provision of false or inaccurate information as an act of grave professional misconduct and the Economic Operator may be excluded from other Government procurement competitions.

* 1. Supplier Contact point

As an Economic Operator and as part of your registration on mytenders.org you will have provided a point of contact for your organisation. The Contracting Authority shall not be responsible for contacting your organisation through any route, other than the nominated contact in relation to the Procurement. You must, therefore, ensure that any changes relating to your point of contact are made promptly through the mytenders.org messaging system.

# disclaimers

Only the express terms of any written contract relating to the subject matter of the MoI, as and when it is executed, shall have any contractual effect in connection with the matters to which it relates.

These provisions extend to liability in relation to any statement, opinion or conclusion contained in, or any omission from, this document (including its appendices) and in respect of any other written or oral communication transmitted or otherwise made available to any person, and no representations or warranties are made in relation to such opinions, statements or conclusions. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of the Contracting Authority.

Any persons considering making a decision to enter into contractual relationships with the Contracting Authority as a result of the Procurement should make their own investigations and their own independent assessment of the Economic Operator’s role and should seek their own professional financial, legal and other advice. This Pre-qualification Questionnaire Documentation should not be regarded as an investment recommendation made by the Contracting Authority. Each person considering making a decision to enter into contractual relationships with the Contracting Authority must rely on its own enquiries and on the terms and conditions set out in those contract(s) as and when finally executed, subject to such limitations and restrictions as may be specified in such contract(s). Neither the issue of this MoI nor any of the information presented in it should be regarded as a commitment or representation on the part of the Contracting Authority to enter into a contractual arrangement.

None of the information contained in this MoI, or any part of the Pre-qualification Questionnaire Documentation shall constitute a contract or part of a contract in any way, and none of the information is or should be relied on as a promise or representation as to the Contracting Authority’s ultimate decisions in relation to the Project.

No contractual rights, express or implied, arise out of the procedures set out in this MoI.

Submitting a completed PQQP Submission does not guarantee that the Economic Operator will be invited to tender or participate in the later stage(s) of the Procurement.

The Procurement may be terminated or suspended at any time without cost or liability to the Contracting Authority.

In this document, words such as "anticipate", "expects", "projects", "intends", "plans", "believes", “envisages”, "will", and words and terms of similar substance, indicate the present expectation of future events, which are subject to a number of factors and uncertainties that could cause actual requirements to differ materially from those described.

The Contracting Authority reserves the right to disqualify any Economic Operator who:

* Provides information or confirmations which later prove to be untrue or incorrect or misleading;
* Does not supply the information required by this MoI or the PQQP or as directed otherwise by the Contracting Authority during the Procurement;
* Fulfils any one or more of the criteria detailed in Regulation 57 of the Public Contracts Regulations 2015, including:
* It is in receipt of more than one current Notice of Written Warning.
* It is in receipt of a Notice of Unsatisfactory Performance within the last three years or
* It has had a prior public contract terminated or other comparable sanctions imposed on it within the last three years.

(see section 9.2.2 for further information)

The Contracting Authority reserves the right to require the submission of any additional, supplementary or clarification information as it may, at its absolute discretion, consider appropriate.

The Contracting Authority reserves the right:

* To waive any requirements of the Procurement (to the extent permitted by law);
* To disqualify any Economic Operator who does not submit a compliant response in accordance with the instructions in this MoI or PQQP;
* To withdraw this document or Procurement at any time or to re-invite responses on the same or any alternative basis;
* Not to award any contract as a result of the current Procurement; and
* To make whatever changes it sees fit to the timetable, structure or content of the Procurement, dependent on the Contracting Authority approvals processes or for any other reason.

The submission of a completed PQQP Submission will be deemed to imply the Economic Operator’s acceptance of the foregoing provisions without qualification.

# PROCUREMENT details

The particular details of the Procurement are set out in the separate document entitled Memorandum of Information, MoI-Part B: Schedule of Contract Specific Information.

Before completing its PQQP Submission, the Economic Operator must read MoI-Part B in detail.

# general guidance on the completion of the PQQP

1. This PQQP should be read in conjunction with the MoI-Part A and MoI-Part B. All defined terms within the PQQP are explained within the glossary in MoI-Part A.
2. **Failure by an Economic Operator to complete all questions fully and in accordance with all requirements therein and to return the PQQP Submission and all supporting information required by the PQQP Submission Deadline may result in the Economic Operator’s PQQP Submission being rejected as set out in Section 10 of this document.**
3. All questions must be answered in clear English. Abbreviations will only be accepted where the abbreviation is commonly used in English and/or within the construction industry. Abbreviations must in the first instance be fully spelt out followed, in brackets, with the standard abbreviation [e.g. Integrated Supply Team (IST)]. Words must be clearly separated by a space and have a font size no smaller than equivalent to 12 point Arial. Answers failing to meet this standard may result in the PQQP Submission being rejected as set out in Section 10 of this document.
4. Where a YES or NO response is requested, please clearly indicate the intended response within the drop down list provided - See **[---]** within document.
5. A non-UK based Economic Operator is requested to answer any of the questions in the PQQP that specifically refer to UK legislation by substituting, where relevant, the appropriate legislation or code of practice which is equivalent and applicable in its domestic jurisdiction.
6. The Contracting Authority reserves the right to require evidence or additional evidence in relation to any answer given to questions in this questionnaire.
7. The Economic Operator must, without undue delay, inform the Contracting Authority of any changes to the information provided in response to any questions in the PQQP that may arise at any time during the Economic Operator’s participation in the Procurement .
8. The PQQP has been electronically locked in order to maintain formatting and limitations to the size of responses to specific questions. An Economic Operator must enter its response within the text boxes provided **in the PQQP and adhere to the limit set on the number of characters. Answers submitted in any other replica documents created by the Economic Operator will be rejected** in the interest of maintaining equality in the size and format of Economic Operators’ PQQP Submissions.
9. Economic Operators shall note that the number of characters includes spaces and paragraphs and is as calculated by the word processor and may vary slightly from the nominally declared value. For editing and spell checking purposes an Economic Operator may wish to prepare its response elsewhere and paste it into the PQQP Submission.
10. Unless specifically requested in the questionnaire, additional supporting information beyond that typed into the text boxes, will not be assessed. No general marketing or promotional material from any member of the Economic Operator Team or Other Entities either in answer to any of the questions or for any other reason, should be included.
11. Where supporting information is specifically requested it should be clearly marked with the number of the question in the PQQP to which it relates. This additional information must be in a font size no smaller than equivalent to 12 point Arial and be submitted in Microsoft Word 2003 format. If there is a need to compress files please use WinZip using file extension “.zip”.
12. An Economic Operator must ensure that its response to each question is relevant and focused on addressing the question asked. Each question will be evaluated only on the information provided in the response text box(es) provided for that particular question and any specifically requested and referenced appendices. **No recognition will be given in a particular question for information stated in response to any other question or elsewhere in the PQQP Submission.**
13. Once completed the PQQP Submission should be submitted in accordance with the requirements as set out in the MoI-Part A, Section 5 - PQQ Submission.
14. Where an Economic Operator is to be fulfilled by a Group of Economic Operators, they shall designate a “Lead Enterprise” who will complete **PQQ1** document together with all required addenda and supporting documentation. All other members of the Group of Economic Operators shall submit, as part of the PQQP Submission, a completed Group of Economic Operators - Member Addendum (**PQQ1C**) document together with all required addenda and supporting documentation.
15. **Section D** is scored and if the Economic Operator meets the minimum standard for Technical and/or Professional ability their overall score is used in ranking the Economic Operators. In the case of a Group of Economic Operators the Lead Enterprise shall complete **Section D** on behalf of the whole Group of Economic Operators.
16. For a Group of Economic Operators the ‘**Member Designation**’ given in response to question [**A-02**] in PQQ1, Section A, shall be maintained throughout the whole PQQP Submission.
17. The Economic Operator, or Group of Economic Operators, where appropriate and for a particular contract, may rely on the capacities of Other Entities. If the Economic Operator or Group of Economic Operators proposes to rely on the capacities of such Entities with regard to criteria relating to economic and financial standing and/or technical and professional ability all Other Entities must complete a PQQ1C and, where applicable a PQQ1A and a PQQ1B. For Other Entities the ‘**Member Designation**’ given in response to question [**A-06**] in PQQ1, Section A, must be maintained throughout the whole PQQP Submission. The Economic Operator must also complete PQQ1 questions **[A-07]** and **[A-08]** in relation to the proposed arrangements with those other Entities.

# SPECIFIC guidance FOR the completion of SECTIONS WITHIN PQQP

The PQQ documents have a common layout as illustrated below:

|  |  |  |
| --- | --- | --- |
| **Section** | **Content** | |
| **A** | **General information about the Economic Operator Team** | **Compliance/ Minimum Standards** (These Sections do not contribute to the scored evaluation) |
| **B** | **Information as to: past performance; Economic and financial standing; and compliance with EU/UK procurement legislation** |
| **C** | **Health and safety and Environmental Management Systems.** |
| **D** | **Technical and/or professional ability** | **Minimum Standards and Ranking** (Evaluated and scored) |
| **E** | **Declarations** | **Compliance (This section does not contribute to the scored evaluation)** |
| **F** | **Document Return Register** | **Used in support of other sections** |

Economic Operators must satisfy the **Compliance/Minimum Standards** questions in **Sections A**, **B** and **C** and where applicable PQQ1A, PQQ1B and PQQ1C. These questions **do not contribute to the scored evaluation** but failure to pass all Sections may result in their PQQP Submission being rejected.

Economic Operators that satisfy the Compliance/Minimum Standards shall have their **Minimum Standards and Ranking** (**Section D**) scored and ranked. However, if an Economic Operator fails to achieve the **minimum standard score** for any question, it may result in their PQQP Submission being rejected (refer to Section 9.4).

Some questions in the PQQP are designed to obtain information from Economic Operators by way of compliance or to confirm: past performance; financial and economic standing; health and safety requirements and Environmental Management System requirements. These questions are not awarded a numerical score but are assessed on a pass or fail basis. The relevant Sections of the PQQP are listed below:

|  |  |  |  |
| --- | --- | --- | --- |
| **Document Reference** | **Section** | **Compliance/Minimum Standards** | |
| **PQQ1** | **A** | General information about the Economic Operator (Team) | |
| **PQQ1** | **B\*** | Past performance, Economic and financial standing and compliance with EU/UK procurement legislation | **Minimum Standards** |
| **PQQ1C** (If Applicable) |
|  |  |  |
| **PQQ1** | **C\*\*** | Health & Safety and Environmental Management Systems (EMS) |
| **PQQ1C** (If Applicable) |

*\* Including where applicable* ***PQQ1A*** **-** Economic Operator Financial Addendum

*\* \** Including **PQQ1B** **-** Economic Operator Health & Safety and Environmental Management

System Addendum

An Economic Operator which fails to meet the **minimum standards** for: past performance; financial standing, health & safety or environmental management systems; fails to satisfactorily complete the compliance questions; or, for any reason is deemed ineligible in accordance with the Public Contracts Regulations 2015 will be excluded from the Procurement and the remainder of its PQQP Submission will not be assessed.

Where an Economic Operator satisfies the compliance questions in PQQ1 Sections A, B and C and where applicable PQQ1A PQQ1B and PQQ1C, the assessment panel will score Section D in PQQx.

In accordance with Regulation 59 of the Public Contracts Regulations 2015, Contracting Authority will accept the European Single Procurement Document (ESPD).

Should an Economic Operator wish to submit an ESPD, please contact the Contracting Authority using the messaging system set out in MOI Part A, Section 5.7.

The ESPD is a self-declaration by Economic Operators providing preliminary evidence replacing the certificates issued by public authorities or third parties. Its objective is to reduce the administrative burden arising from the requirement to produce a substantial number of certificates or other documents relating to exclusion and selection criteria. Regulation 59 of the Public contracts Regulations sets out the use, content and form of the ESPD.

The Economic Operator may complete and sign the European Single Procurement Document (ESPD) and include it in its PQQ submission in lieu of completing part of the other Pre-Qualification Documentation. If the Economic Operator is a group of Economic Operators then all members of the group must submit a ESPD.

The EU eESPD Service (eESPD) is an online version of the EU ESPD. The Contracting Authority has created an ESPD template, specific to this procurement competition, using the EU eESPD Service and included the downloaded (XML) document as part of the Pre-Qualification Documentation, alongside the standard selection questions included in the other Pre-Qualification Documentation. The Economic Operator (including Other Entities and all members of a Group of Economic Operators) upload(s) the XML file to the E-ESPD Service and completes the self-declaration. The Economic Operator and all other entities and members of a Group of Economic Operators complete(s) the E-ESPD in their own language against their own national exclusion grounds, and the E-ESPD provides the translations. The Economic Operator (Other Entities and all members of a Group of Economic Operators) then download(s) and sign the completed XML file and the Economic Operator (or Lead Enterprise) includes these in the PQQP Submission. All ESPD must be signed before PQQP Submission. Failure to sign an ESPD may result in the PQQP submission being rejected.

If the Economic Operator (or Lead Enterprise) submits an eESPD then it does not have to answer questions [A-04], [A-05], [B-07a] and [B-07b] in the PQQ1 document. The Economic Operator (or Lead Enterprise) must answer all other questions in the PQQ1 document, as failure to do so may result in the PQQP submission being rejected.

If Other Entities or members of a Group of Economic Operators submit an eESPD then they do not have to answer questions [A-01], [B-07a] and [B-07b] in its copy of the PQQ1C document. However, all other questions in its copy of the PQQ1C document must be answered, as failure to do so may result in the PQQP submission being rejected.

The EU E-ESPD service is available at the following link:

<https://ec.europa.eu/tools/espd?lang=en>

* 1. SECTION A – ECONOMIC OPERATOR INFORMATION

### INFORMATION TO BE SUBMITTED AND MINIMUM REQUIREMENTS TO BE ACHIEVED

Economic Operators must provide all information requested in PQQ1 Section A as failure to do so may result in their PQQP Submission being rejected.

In the case of a Group of Economic Operators the Lead Enterprise must complete Section A of PQQ1 as instructed. All other members of the Group of Economic Operators including other Entities must each complete Section A of their Group of Economic Operators and Other Entities - Member Addendum (PQQ1C) submission.

### [A-01] eCONOMIC OPERATOR’S STRUCTURE

The application may be made by a single Economic Operator or a Group of Economic Operators.

### [A-02] GROUP OF ECONOMIC OPERATOR DETAILS

In the case of a Group of Economic Operators the Lead Enterprise should indicate the name of the Group of Economic Operators (if known), in the text box provided.

Where each member of a Group of Economic Operators is completing a copy of PQQ1C, then each member of the Group of Economic Operators should indicate its own relevant administrative information in the text boxes provided.

Where an Economic Operator is not a Group of Economic Operators and this has been confirmed in Question [A-01] this question can be left blank.

### [A-03] GROUP OF ECONOMIC OPERATOR’S PROPOSED ADMINISTRATIVE ARRANGMENTS

Economic Operators must provide a statement to describe how they intend to form a Group of Economic Operators indicating the Lead Enterprise.

Where an Economic Operator is not a group of economic operators and this has been confirmed in Question [A-01] this question can be left blank.

### [A-04] GROUP OF ECONOMIC OPERATOR’S ADMINISTRATIVE INFORMATION

In the case of a Group of Economic Operators the details shall be that of the “Lead Enterprise”. All other members of the Group of Economic Operators shall separately provide their company details in the Group of Economic Operators and Other Entities - Member Addendum PQQ1C.

Where an Economic Operator is not a group of economic operators and this has been confirmed in Question [A-01] this question can be left blank.

### [A-05] NAMED CONTACT DETAILS

In exceptional circumstances where there is a need for the Contracting Authority to contact the Economic Operator outside of the eportal then the named person shall be the contact point. In the case of a Group of Economic Operators this shall be a representative of the identified “Lead Enterprise”.

### [A-06] DETAILS OF OTHER ENTITIES

Where an Economic Operator or Group of Economic Operators is relying on the capacity of Other Entities, the details of the other entities should be provided.

### [A-07] proposed arrangements with other entities

The Economic Operator or Group of Economic Operators should detail how it intends to rely on the capacities of Other Entities, specifically in relation to selection criteria.

Where an Economic Operator is not relying on other Entities and this has been confirmed in Question [A-06] this question can be left blank.

### [A-08] proof of committment from other entities

The Economic Operator or Group of Economic Operators must provide proof of commitment from the Other Entities that it is relying upon that those Entities will provide the resources necessary.

Where an Economic Operator is not relying on other Entities and this has been confirmed in Question [A-06] this question can be left blank.

* 1. SECTION B – PAST PERFORMANCE, ECONOMIC AND FINANCIAL STANDING, AND PROFESSIONAL CONDUCT

### Information to be submitted and minimum requirements to be achieved

Failure to fully complete Section B, or provide any item of the supporting evidence requested may result in your PQQP Submission being rejected.

In the case where the Economic Operator is a Group of Economic Operators or is relying on the capacities of Other Entities, **each member of the Group of Economic Operators and Other Entities must complete Section B in its separate copy of PQQ1** and where applicable a PQQ1A.

In the event that any Economic Operator or member of a Group of Economic Operators or Other Entity: fails to complete the past performance question; fails to meet the minimum financial standing; fails to fully complete the compliance questions; or for any other reason are deemed ineligible in accordance with this Pre-qualification Documentation, then the entire PQQP may be rejected.

### [b-01] past Performance

Economic Operators, members of a Group of Economic Operators and each Other Entity, interested in being selected to participate in this competition, must confirm, in Section B Question [B-01] of PQQ1 or PQQ1C, if prior to the PQQP Submission Deadline:

* It is in receipt of more than one current Notice of Written Warning.
* It is in receipt of a Notice of Unsatisfactory Performance within the last three years or
* It has had a prior public contract terminated or other comparable sanctions imposed on it within the last three years.

If the Economic Operator, a member of a Group of Economic Operators or an Other Entity is in receipt of more than one valid Notices of Written Warning, a current Notice of Unsatisfactory Performance or has had a prior public sector contract terminated, or comparable sanction imposed within the last 3 years on the PQQP Submission Deadline then the Economic Operator, a member of a Group of Economic Operators or an Other Entity in answering ‘YES’ to Question [B-01] must provide details of the Notice(s) including an explanation of the deficiencies in performance that led to the issues of the Notice(s) / termination.

The details provided may include evidence to the effect that measures taken by the Economic Operator, a member of a Group of Economic Operators or an Other Entity are sufficient to demonstrate its reliability in accordance with self-cleaning - Regulation 57(13) of the Public Contracts Regulations. The Contracting Authority will then consider whether to exclude the Economic Operator from the procurement competition.

### [b-02] constructionline details

Economic Operators interested in being selected to participate in the Procurement, must comply with either [(a) and (b)] or [(c)] below. **Members of a Group of Economic Operators including Other Entities to that Group must also comply with (d) below.**

1. The Economic Operator must have **verified status** on Constructionline by the PQQP Submission Deadline.
2. The Economic Operator must have in place with Constructionline:

* a Category Value that is greater than or equal to the Minimum Category Value required by the Contracting Authority as set out in MoI-Part B, Section 7.8 Table 1;

**and**

* the Category Value that is in one of the Relevant Work Categories as set out in MoI-Part B, Section 7.8 Table 1a;

**or**

* when the Economic Operator is relying on the capacity of Other Entities for economic and financial standing, the Economic Operator must have a Category Value no less than 40% of the Minimum Category Value required by the Contracting Authority as set out in MoI-Part B, Section 7.8 Table 1;

**and**

* the sum of the Category Values of the Economic Operators and the Other Entities that it is relying on for economic and financial standing, in a ‘Relevant Work Category’ as set out in MoI-Part B, Section 7.8 Table 1a must be greater than or equal to the Minimum Category Value required by the Contracting Authority as set out in MoI-Part B, Section 7.8 Table 1.

It is the Economic Operator’s responsibility to ensure all information held by Constructionline in relation to its PQQP Submission is up-to-date by the PQQP Submission Deadline.

If an Economic Operator has **not** got the Relevant Work Category and Category Value then it must complete and submit PQQ1A as part of its PQQP Submission.

The Contracting Authority reserves the right to verify with Constructionline that all information provided is true and, if necessary, require the submission of any additional, supplementary or clarification information as it may, at its absolute discretion, consider appropriate.

An Economic Operator whose Category Value is less than the Minimum Category Value set by the Contracting Authority and/or does not have the relevant work category will be rejected from this Procurement.

1. If an Economic Operator or a member of a Group of Economic Operators or Other Entity (whose capacity is being relied upon for economic and financial standing), **is** **not registered** with Constructionline by the PQQP Submission Deadline, then the Economic Operator, member of a Group of Economic Operators and/or other Entity, must complete a separate copy of PQQ1A as part of its PQQP Submission**:**

or

If an Economic Operator or a member of a Group of Economic Operators or Other Entity (whose capacity is being relied upon for economic and financial standing), **is registered** with Constructionline but does not have verified status then the Economic Operator, member of a Group of Economic Operators and other entity, must complete a separate copy of PQQ1A as part of its PQQP Submission**:**

PQQ1A and all associated attachments will be passed by the Contracting Authority to Constructionline for assessment:

* For the purposes of the Procurement Constructionline will calculate an individual “one off” Category Value for the Economic Operator, member of a Group of Economic Operators and/or Other Entities for the relevant Work Category(s) applied for.
* If the Contracting Authority determines that:
* For the Economic Operator and Other Entities (whose capacity is being relied upon for economic and financial standing) – the Category Value calculated by Constructionline does **not** meet the requirements set out in (b) above then the Economic Operator and other Entities will be rejected from the Procurement.
* For members of a Group of Economic Operators and Other Entities (whose capacity is being relied upon for economic and financial standing) – the individual Category Values calculated by Constructionline do not meet the requirements set out in (d) below then the Group of Economic Operators and other Entities will be rejected from the Procurement.

1. In the case where an Economic Operator is a Group of Economic Operators,

(including when the Group Economic Operators relies on the capacity of Other Entities for economic and financial standing) then:

* The sum of the Category Values of the members of the Group of Economic Operators and Other Entities, in a ‘Relevant Work Category’ as set out in MoI-Part B, Section 7.8 Table 1a must be greater than or equal to the Minimum Category Value required by the Contracting Authority as set out in MoI-Part B, Section 7.8 Table 1;

**and**

* The ‘Lead Enterprise’ from the Group of Economic Operators must have an individual Category Value no less than 40% of the Minimum Category Value required by the Contracting Authority as set out in MoI-Part B, Section 7.8 Table 1, in a ‘Relevant Work Category’ as set out in MoI-Part B, Section 7.8 Table 1a.

The Economic Operator, member of a Group of Economic Operators or Other Entity (whose capacity the Group of Economic Operators is relying upon for economic and financial standing) may be rejected from the procurement if the Economic Operator, member of a Group of Economic Operators or Other Entity (whose capacity the Group of Economic Operators is relying upon for economic and financial standing) is not able to achieve verified status with Constructionline as per above.

### [b-03] financial assessment

Economic Operators who select Option 1 in question [B-02], must complete the table “ECONOMIC OPERATOR CATEGORY VALUE” with details of its Category Value against one of the Work Categories set out in **MoI-Part B, Section 7.8 Table 1a - Relevant Work Categories,** which it wishes to rely on in order to satisfy the minimum requirement.

### [b-04] financial information

The Economic Operator shall provide details of its principal banker, and its administrative details. If applicable, the Economic Operator’s latest set of accounts may also be required. See [B-04] FINANCIAL INFORMATION (b).

### [b-05] unlawful discrimination/equality of opportunity

The Economic Operator shall comply with all applicable fair employment, equality of treatment and anti-discrimination legislation.

The Economic Operator shall ensure the observance of all applicable fair employment, equality of treatment legislation and anti-discrimination by all its servants, agents, employees, and Economic Operator Team Members.

If an Economic Operator answers ‘Yes’ to question [B-05], then it must provide sufficient evidence that appropriate action has been taken as a result of any unlawful discrimination or findings by the Equality Commission. If this action is not considered appropriate, then this may result in the Economic Operator’s PQQP Submission being rejected, as follows:

**PASS/FAIL Indicators**

|  |  |
| --- | --- |
|  | **Indicators** |
| **Pass** | The actions taken by the Economic Operator, as a consequence of the findings, are appropriate. |
| **Fail** | Evidence provided fails to meet the above indicator. |

### [b-06] insurance requirements

The Economic Operator (or the Lead Enterprise in the Group of Economic Operators) is required to demonstrate the ability to obtain insurance to the applicable values set out in **PQQ1, Section B, Question [B-06], Table 1b – Insurance requirements.** The Economic Operator (or the Lead Enterprise of the Group of Economic Operators) is responsible for including details of its Team’s insurance levels. Where the provision **is lower than the values set out in PQQ1, Section B, Question [B-06], Table 1b** the Economic Operator (or the Lead Enterprise of the Group of Economic Operators) shall provide confirmation that the members of the Economic Operator Team or Group of Economic Operators, or Other Entities, or Subcontractors are capable of obtaining insurance to the applicable values stipulated. The confirmation must be provided by the Economic Operator (or the Lead Enterprise of the Group of Economic Operators) or where applicable the relevant Economic Operator Team members’ current insurance broker.

In the case where an Economic Operator is a Group of Economic Operators then the Lead Enterprise, on behalf of the Group of Economic Operators, is required to demonstrate the ability to obtain insurance to the applicable values set **out in PQQ1, Section B, Question [B-06], Table 1b**. Accordingly other members of the Group of Economic Operators, and Other Entities are not required to complete this question.

Prior to being appointed, the Economic Operator Teamwill be required to obtain and maintain insurance of at least the values stipulated in the Contract.

An Economic Operator that is a Group of Economic Operators or which relies on the capacities of Other Entities is reminded that should it win the Contract, the Group of Economic Operators and / or Other Entities will be required to obtain and maintain insurance to at least the values stipulated and the members of the Group of Economic Operators and Other Entities must provide joint and several liability to the Contracting Authority (see section 4).

### [b-07] professional conduct

**[B-07a] Mandatory Exclusion**

The Contracting Authority will exclude Economic Operators from the process if they have been convicted of any of the offences listed in regulations 57(1)(a) – 57(1)(n), and 57(3) of the Public Contracts Regulations 2015.

**The Contracting Authority will treat as ineligible and shall not select an Economic Operator if the Economic Operator (or any parent company / affiliates / Other Entities whose capacities it is relying upon) or any of its directors (of a company), partners (of a firm) or anyone who has powers of representation, decision or control has been convicted of any of the offences set out in paragraphs (a) to (n)** **below:**

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;
2. corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906;
3. the common law offence of bribery;
4. 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;
5. 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:—
6. the common law offence of cheating the Revenue;
7. the common law offence of conspiracy to defraud;
8. fraud or theft within the meaning of the Theft Act 1968(i), the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order1978;
9. fraudulent trading within the meaning of section 458 of the Companies Act 1985,article 451 of the Companies (Northern Ireland) Order 1986(n) or section 993 of the Companies Act 2006;
10. 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;
11. an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
12. 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;
13. fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or
14. 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;
15. any offence listed—
16. in section 41 of the Counter Terrorism Act 2008(a); or
17. in Schedule 2 to that Act where the court has determined that there is a terrorist connection;
18. any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subparagraph (f);
19. money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002;
20. 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;
21. an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004;
22. an offence under section 59A of the Sexual Offences Act 2003;
23. an offence under section 71 of the Coroners and Justice Act 2009;
24. 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
25. any other offence within the meaning of Article 57(1) of the Public Contracts Directive—
    1. as defined by the law of any jurisdiction outside England and Wales and

Northern Ireland; or

* 1. created, after the day on which the Public Contracts Regulations 2015 were made, in the law of England and Wales or Northern Ireland.

**Mandatory and discretionary exclusions for non-payment of taxes**

**The Contracting Authority will also treat as ineligible and shall not select an Economic Operator if the Economic Operator (or any parent company / affiliates / Other Entities whose capacities it is relying upon) or any of its directors (of a company), partners (of a firm) or anyone who has powers of representation, decision or control has been convicted of any of the offences set out below:**

is in breach of its obligations relating to the payment of taxes or social security contributions; and

the breach has been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of the country in which it is established or with those of any of the jurisdictions of the United Kingdom.

**The Contracting Authority may treat as ineligible and may not select an Economic Operator if the Contracting Authority can demonstrate by any appropriate means that the Economic Operator (or any parent company / affiliates / Other Entities whose capacities it is relying upon) or any of its directors (of a company), partners (of a firm) or anyone who has powers of representation, decision or control is in breach of its obligations relating to the payment of taxes or social security contributions.**

The Economic Operator will not be excluded on these grounds for non-payment of taxes if it has fulfilled its obligations by paying, or entering into a binding agreement with a view to paying, the taxes or social security contributions due, including, where applicable, any interest accrued or fines.

**To be eligible to participate in this procurement process the Economic Operator must confirm that the Economic Operator, its partners, other Entities whose capacities it is relying upon or any other person who is a member of the administrative, management or supervisory body of that entity / entities, which it is relying upon, or who has powers of representation, decision or control in that entity or entities have not been convicted of the offences indicated above by completing question [B-07a] in PQQ1, Section B**.

If an Economic Operator answers ‘YES’ to question [B-07a] then the Employer will reject the Economic Operator’s PQQP Submission unless:

* The Economic Operator provides evidence to the effect that measures taken by it are sufficient to demonstrate its reliability, in accordance with Regulation 57(13) *Self-cleaning -* of the Public Contracts Regulations 2015, to the satisfaction of the Contracting Authority (see question [B-07a] in PQQ1 Section B);

**[B-07b] Discretionary Exclusion**

The Contracting Authority may treat as ineligible and shall not select an Economic Operator if the Economic Operator (or any parent company / affiliates / Other Entities whose capacities it is relying upon) or any of its directors (of a company), or partners (of a firm) is in any of the situations listed in Regulations 57(8)(a) – 57(8)(i) of the Public Contracts Regulations 2015, as follows:

1. where the Contracting Authority can demonstrate by any appropriate means a violation of applicable obligations referred to in Regulation 56(2) of the Public Contracts Regulations 2015;
2. where the Economic Operator is bankrupt or is the subject of insolvency or winding-up proceedings, where its 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;
3. where the Contracting Authority can demonstrate by appropriate means that the Economic Operator is guilty of grave professional misconduct, which renders its integrity questionable;
4. where the Contracting Authority has sufficiently plausible indications to conclude that the Economic Operator has entered into agreements with other Economic Operators aimed at distorting competition;
5. where a conflict of interest within the meaning of Regulation 24 of the Public Contracts Regulations 2015 cannot be effectively remedied by other, less intrusive, measures;
6. where a distortion of competition from the prior involvement of the Economic Operator in the preparation of the procurement procedure, as referred to in Regulation 41 of the Public Contract Regulations 2015, cannot be remedied by other, less intrusive, measures;
7. where the Economic Operator 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;
8. where the Economic Operator—
9. 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
10. has withheld such information or is not able to submit supporting documents required under Regulation 59 of the Public Contracts Regulations 2015; or
11. where the Economic Operator has
12. undertaken to—

(aa) unduly influence the decision-making process of the Contracting Authority, or

(bb) obtain confidential information that may confer upon it undue advantages in the procurement procedure; or

1. negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.

The Economic Operator must confirm if it or Other Entities whose capacities it is relying upon meets, or may meet, any of the grounds, paragraphs (a) to (i) above, for discretionary exclusion by answering question [B-07b] in PQQ1, Section B.

In such instances the Contracting Authority may exclude the Economic Operator. However, if the Economic Operator confirms that it or Other Entities whose capacities it is relying upon meets or may meet any of the above grounds then in answering question [B-07b] in PQQ1, Section B the Economic Operator may provide evidence to the effect that measures taken by it are sufficient to demonstrate its reliability. This evidence will be considered by the Contracting Authority. This is in accordance with Regulation 57(13) *Self-cleaning* - of the Public Contracts Regulations 2015.

By satisfying the requirements of [B-07b] the Economic Operator also confirms that neither it nor the Other Entities upon which it relies, are guilty of serious misrepresentation in providing any information required of it under Regulation 57, 58, 59, 60, 61, 62 or 63 of the Public Contracts Regulations 2015, or in not providing such information in response to a request by the Contracting Authority.

### [b-08] licences, accreditations and certification

In order for an Economic Operator to be eligible to participate in the Procurement the Economic Operator and/or its Subcontractors as members of its team must hold relevant licences, accreditations or certificates for specific categories and sectors as set out in MoI-Part B Section 7.9, Table 1c – Licences, Accreditations and Certifications.

When it is specified in MoI-Part B Section 7.9, Table 1c that the Economic Operator **itself** must hold a relevant licence(s), accreditation or certificate(s), then these must be held by the Economic Operator or where applicable, one or more members of a Group of Economic Operators or an Other Entity whose capacity is being relied upon for professional and technical ability. In such cases the Contracting Authority will require that the Economic Operator, member(s) of the Group of Economic Operators or Other Entities that hold the relevant licences, accreditation or certificate(s) requested, undertakes the works or services for which these licences, accreditation or certificates are required.

The Economic Operator or a member of the Economic Operator Team may be required, at any time, to provide evidence that it and / or members of its Team including Subcontractors, members of a Group of Economic Operators, or Other Entities hold the relevant licences, accreditations and certificates requested.

* 1. SECTION C – HEALTH AND SAFETY AND Environmental Systems (ems) REQUIREMENTS

### Information to be submitted and minimum requirements to be achieved

PQQ1 Section C, which is administered using PQQ1B, requires the Economic Operator to demonstrate that it satisfies the **minimum standards** in respect of Section 2 and 3 of PQQ1B (see below)**.** The Economic Operator must achieve a ‘Pass’ in both Sections 2.1, 2.2 and 3. If the Economic Operator fails to meet this requirement then the entire PQQP will be **rejected**.

|  |  |  |  |
| --- | --- | --- | --- |
| **Section** | **Option** | **Question(s)** | **Subject** |
| **2.1** | **-** | **[HS-01]** | **BUILDSAFE-NI INITIATIVE** |
| **2.2** | **Option 1** | **[HS-02]**  **[HS-03]** | **health and safety competence** |
| **Option 2** | **[HS-04]**  **[HS-05]**  **[HS-06]**  **[HS-07]** |
| **3** |  | **[EMS-01]** | **Environmental management systems (ems)** |

In the case where the Economic Operator is a Group of Economic Operators, each member of the Group of Economic Operators must complete a separate PQQ1B and will be assessed individually. Each member must achieve a ‘Pass’ in both Sections 2 & 3. In the event that any member of a Group of Economic Operators fails to meet this requirement then the entire PQQP will be **rejected.**

In the case where the Economic Operator or Group of Economic Operators is relying on the capacity of Other Entities regarding professional and technical ability, each Other Entity must complete a separate PQQ1B and will be assessed individually. Each Other Entity must achieve a ‘Pass’ in both Sections 2.1, 2.2 & 3. In the event that any Other Entity fails to meet this requirement then the entire PQQP Submission will be **rejected.**

### Buildsafe-ni initiative requirements

Economic Operators must comply with the actions detailed in the Government Construction Clients Group Action Plan 2011 issued in February 2011 supporting the Buildsafe-NI initiative. This plan replaces all previous Action Plans and Guidance:

<https://www.finance-ni.gov.uk/articles/buildsafe-ni-action-plan>

**Action** **2** (**a**) requires all Economic Operators seeking to tender for public sector works contracts to have a health and safety management system certified by a 3rd party. Government Construction Clients shall recognise 3rd party certification of a health and safety management system, provided:-

* it is based on ILO OSH 2001; BSI’s OHSAS 18001 and 18002; BS 18004; HSG 65; or equivalent;
* it is construction focused and incorporates site inspections; and
* the 3rd party certification body is accredited by a National Accreditation Service and/or is recognised by a professional health and safety body or institution as having the knowledge and skill to undertake construction focused 3rd party health and safety audits.

**Action 2(b)** of the Buildsafe-NI Action Plan also introduces a requirement in contracts for the Economic Operator’s first tier Subcontractors, with 5 or more employees, to have a health and safety management system certified by a 3rd party. Accordingly the Economic Operator must ensure that it only appoints Subcontractors having 3rd party certification meeting the criteria in Action 2 (a) above.

**Economic Operators must be aware of and comply with all aspects of the Buildsafe-NI initiative as it will be monitored by the Project Manager at each project meeting under a health and safety agenda item.**

### Buildsafe-ni initiative minimum requirements to be achieved

Economic Operators must complete Question [**HS-01**], **Section 2.1**, **PQQ1B,** to confirm that they hold and will maintain 3rd party certification, meeting the Buildsafe-NI requirements, of their documented health and safety management system.

If 3rd party certification of an Economic Operator’s health and safety management system is undertaken by one of these providers no further action is required. Where this is not the case the Economic Operator must forward an ‘Assessment of Organisations Providing 3rd Party Health & Safety Management System’ questionnaire to his 3rd party health and safety certification provider for completion. The questionnaire may be accessed by clicking on the following link.

The 3rd party certification provider shall return the completed questionnaire to the Economic Operator who shall submit it as part of the PQQP Submission. Failure to return the completed questionnaire with the PQQP Submission will result in the PQQP Submission being rejected.

### hEALTH & sAFETY COMPETENCE REQUIREMENTS

The Construction (Design and Management) Regulations (NI) 2016 place a requirement on Contracting Authorities to appoint competent Economic Operators.

PQQ1B, Section 2.2, is designed to assess the Economic Operator’s health and safety competence in meeting these requirements at the PQQ stage. This may be achieved by an Economic Operator completing **one** of the two available ‘options’ as follows:

**Option 1 – Safety Schemes in Procurement (SSIP) Scheme Certificate**

An Economic Operator selecting ‘Option 1’ shall in addition to providing their assessment details under the SSIP scheme, also provide the information requested in respect of any fatal /major injury accidents or Enforcement Notices issued since the date of their assessment – Questions **[HS-02] and [HS-03]. Section 2.2, PQQ1B.**

A number of organisations offering 3rd party certification of health and safety management systems that satisfy the Buildsafe-NI initiative are also members of SSIP.

**Option 2 – Where Option 1 does not apply**

An Economic Operator shall complete ‘Option 2’ where it is not in possession of a valid health and safety certificate under the SSIP health and safety assessment scheme i.e. Options 1 above.

The competence assessment under ‘Option 2’ is based on the Economic Operator being in possession of 3rd party certification of their health and safety management system **(Question [HS-01], Section 2.1, PQQ1B)** and the **Questions [HS-04] to [HS-07], Section 2.2, PQQ1B**.

In addition a Client appointing a Principal Designer in accordance with regulation 5 of the Construction (Design and Management) Regulations (NI) 2016, or a designer, is required under regulation 8 to take reasonable steps to satisfy itself that the designer (including a Principal Designer) appointed to work on a project shall have the skills, knowledge and experience, and, if they are an organisation, the organisational capability, necessary to fulfil the role that they are appointed to undertake, in a manner that secures the health and safety of any person affected by the project.

It has been agreed by the construction industry that Safety Schemes in Procurement (SSIP) is a mandatory requirement and is used as a common approach to assessing a designer (including a Principal Designer if applicable). Therefore if the Contractor is required to nominate an entity, in its ITT submission, to undertake the duties of the principal designer the entity will be required to hold SSIP certification as a Principal Design Practice.

Further details of the requirements for Principal Designer are included in MOI-Part B section 7.16.

### Environmental Management Systems (EMS)

Economic Operators must complete Question [**EMS-01**], **Section 3**, **PQQ1B,** to confirm that they hold and will maintain 3rd party certification of their documented Environmental Management System (EMS).

If 3rd party certification of an Economic Operator’s environmental management system is undertaken by one of these providers no further action is required. Where this is not the case the Economic Operator must forward a “Questionnaire for assessment of organisations providing 3rd Party EMS certification” to his 3rd party environmental management system certification provider for completion. The questionnaire may be accessed by clicking on the following link.

<https://www.finance-ni.gov.uk/publications/environmental-management-systems-assessment-questionnaire-third-party-certification>

The 3rd party certification provider shall return the completed questionnaire to the Economic Operator who shall submit it as part of the PQQP Submission. Failure to return the completed questionnaire with the PQQP Submission will result in the PQQP Submission being rejected.

* 1. SECTION d – evaluation of technical and/or professional ability

Each question will be evaluated in accordance with the scoring guidance associated with each question and weighted in accordance with the Pre-Qualification Questionnaire Evaluation Matrix set out in Annex 1 of MoI-Part B.

Each question in Section D in PQQ1-3 shall be marked out of a maximum of 5 marks and the weightings, as set out in Annex 1, will be applied to calculate an overall score for each PQQ1-3 submitted by the Economic Operator and each Subcontractor. The **minimum standard score** for each scored question is **“two”**. In the event that an Economic Operator or Subcontractor(s) scores less than the minimum standard score in any scored question, the entire PQQP will be **rejected**. It is therefore essential that the Economic Operator and its Subcontractor(s) do not omit any answer to any of the questions.

The total quality score awarded to the Economic Operator for each individual PQQ1-3 submitted by the Economic Operator will then be inserted in Table 2 - Economic Operator Team Evaluation Matrix as set out in Annex 2 of MoI-Part B.

The total score for each individual PQQ1-3 will be weighted to provide a total overall score for the Economic Operator.

* 1. Section e - Declarations

### Information to be submitted and minimum requirements to be achieved

Failure to fully complete PQQ1, Section E, or provide any item of the supporting evidence requested may result in your entire PQQP Submission being rejected.

In the case where the Economic Operator is a Group of Economic Operators or is relying on the capacity of an Other Entity, each member of the Group of Economic Operators and each Other Entity must complete a separate PQQ1C, including Section E.

### Conflict of interest

The Economic Operator must confirm that, if successful in being short-listed for invitation to tender and ultimately awarded the tender, there would be no conflict or perceived conflict of interest in relation to the Economic Operator completing the Contract. The Economic Operator must refer to MoI-Part A Section 3, MoI-Part B Section 7.6 and must complete the “Conflict of Interest Declaration” in PQQ1, Section E, on behalf of the Economic Operator Team.

### Economic Operator’s declaration

For a PQQP Submission to be considered by the Contracting Authority, the Economic Operator must sign the declaration set out in PQQ1, Section E.

* 1. Section f – DOCUMENT RETURN REGISTER

### Information to be submitted and minimum requirements to be achieved

The Economic Operator should use the Register to ensure that it has returned all of the PQQP documentation required by the Contracting Authority.

# INCOMPLETE SUBMISSIONS

The evaluation of the PQQP Submission will include the following:

1. **Completeness and Compliance check** - this is a check by the Contracting Authority that all required information requested in the PQQP Submission has been submitted. In the event that an Appendix(ces) is/are missing then the Economic Operator may be requested to provide it within 2 working days of a request to do so.

Failure to provide the required information, complete a satisfactory response to any question or supply PQQP documentation that is requested within the specified timescales may result in the Economic Operator being disqualified.

If any answer, or appendix thereof, **to any scored question in the PQQP** Submission is missing the Economic Operator will not be requested to provide it and the PQQP Submission will be assessed accordingly. The Economic Operator’s PQQP Submission will be scored only on the information provided. It is the sole responsibility of the Economic Operator to ensure that its PQQP Submission has been completed and submitted in full before the PQQP Submission Deadline.

1. **Criteria for the rejection of Economic Operators** - this is an evaluation that the Economic Operator can comply with Regulation 57 of the Public Contracts Regulations 2015, and is not the subject of a current Notice of Unsatisfactory Performance or more than one current Notice of Written Warning (as described in section 9.2.2) on the PQQP Submission Deadline;
2. **Information as to economic and financial standing** - this is an analysis and evaluation of the financial information provided by the Economic Operator to verify that the financial, economic and insurance requirements are satisfied. An Economic Operator must be in a sound financial position to participate in a procurement of this size as set out in Regulation 58 of the Public Contracts Regulations 2015; and
3. **Information as to technical or professional ability** – this is an evaluation of the information provided by the Economic Operator that it has the required levels of technical and/or professional ability as set out in Regulation 58 of Public Contracts Regulations 2015.

**PLEASE NOTE THAT THE PUBLIC CONTRACTs REGULATIONS 2015, LIKE ALL LEGISLATION, MAY CHANGE FROM TIME TO TIME.**

**In any event, at the Employer’s absolute discretion, an incomplete PQQP submission may be rejected.**