

National Highways Limited

Social Enterprise Dynamic Purchasing System

SUPPLIER PACK PART A

A3 – How to Complete the Selection Questionnaire

This document is designed to help Suppliers complete the Selection Questionnaire (SQ) in order to apply to join the Social Enterprise Dynamic Purchasing System (SEDPS) and understand how the Selection Questionnaire will be assessed by National Highways.

This document is for information only and Suppliers are reminded that the applications to join the SEDPS needs to be fully completed on the National Highways E-Sourcing Portal; Jaggaer, which can be accessed via the link below.

<https://nationalhighways.ukp.app.jaggaer.com/esop/ogc-host/public/nationalhighways/web/login.lst? ncp=1668156695442.1319654-1>

1 GUIDANCE ON COMPLETION OF SELECTION QUESTIONNAIRE (SQ)

1.1 Definitions

In this Selection Questionnaire (SQ):

- a) the “Authority” or “National Highways” means National Highways Limited.
- b) “Applicant” or “You/Your” refers to the potential supplier completing this SQ, i.e. the legal entity responsible for the information provided. The term “potential supplier” is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 and could be a registered company, the lead contact for a group of economic operators, charitable organisation, Community Interest Charity (CIC), Voluntary Community and Social Enterprise (VCSE), Special Purpose Vehicle, or other form of entity.
- c) The “Application” means the Selection Questionnaire when completed and submitted for the purposes of joining the Social Enterprise Dynamic Purchasing System (SEDPS).

1.2 Structure

The SQ is structured in three parts:

- Part 1 covers the basic information about applicants, such as contact details, trade memberships, details of parent companies, group bidding, etc.
- Part 2 covers a self-declaration regarding whether any of the exclusion grounds apply.

- Part 3 covers questions specific to the Social Enterprise Dynamic Purchasing System

Part 1 Supplier's Information

A separate response must be provided by the Applicant, the Applicant's parent company (where the parent company is relied on to meet the selection criteria), each consortium member (where You are joining a group of organisations), and each sub-contractor that You rely on to meet the selection criteria ("Named Sub-contractors).

A single combined response must be provided by the Applicant on behalf of itself, its parent company (where applicable), its consortium members (where applicable), and any Named Sub-contractors (where applicable).

Part 2 Exclusion Grounds

Part 2 is a self-declaration, made by You (the potential supplier), that You do not meet any of the grounds for exclusion. If there are grounds for exclusion, there is an opportunity to explain the background and any measures You have taken to rectify the situation (we call this self-cleaning).

A completed declaration of Section 2 and Section 3 provides a formal statement that the organisation making the declaration has not breached any of the exclusions grounds. Consequently, we require all the organisations that You will rely on to meet the selection criteria to provide a completed Part 1 and Part 2. A separate response must be provided by the Applicant, its parent company (where applicable), its consortium members (where applicable), and each Named Sub-contractor (where applicable).

Part 3 Supplier Selection Questions

For the following questions a separate response must be provided by the Applicant, each Consortium member (where applicable), and each Named Sub-contractor (where applicable):

- Health and Safety

For the following questions a single combined response must be provided by the Applicant on behalf of itself, its parent company (where applicable), its consortium members (where applicable), and any Named Sub-contractors (where applicable).

- Social Enterprise Dynamic Purchasing System eligibility.
- Technical and Professional ability
- Data Protection
- Insurance
- Modern Slavery

Declaration – a separate response must be provided by the Applicant, its parent company (where applicable), its consortium members (where applicable), and any Named Sub-contractors (where applicable).

1.3 **Consequences of misrepresentation**

If You seriously misrepresent any factual information in filling in the SQ, and so induce the Authority to enter into a contract, there may be significant consequences. You may be excluded from the procurement procedure, and from bidding for other contracts for three years. If a contract has been entered into You may be sued for damages and the contract may be rescinded. If fraud, or fraudulent intent, can be proved, You or Your responsible officers may be prosecuted and convicted of the offence of fraud by false representation, and You must be excluded from further procurements for five years. If any of the information You provide when responding to this Selection Questionnaire changes prior to contract award You must notify the Authority in writing.

1.4 **Notes for completion**

B1 – Selection Questionnaire must be completed and submitted on the National Highways E-Sourcing Portal; Jaggaer. A link to Jaggaer can be found below.

<https://nationalhighways.ukp.app.jaggaer.com/esop/ogc-host/public/nationalhighways/web/login.jst? ncp=1668156695442.1319654-1>

[Annex C](#) provides guidance on how to complete the Selection Questionnaire on Jaggaer.

Please ensure that **all questions are completed in full**. In Jaggaer, You will not be able to submit Your application if one or more mandatory questions have not been completed. If the question does not apply to You, please state 'N/A'.

1.5 **Customer contacts**

The Authority confirms that it will keep confidential and will not disclose to any third parties any information obtained from a named customer contact, other than to the Cabinet Office and/or contracting authorities defined by the regulations, or pursuant to an order of the court or demand made by any competent Authority or body where the Authority is under a legal or regulatory obligation to make such a disclosure.

2 INSTRUCTIONS FOR SUBMISSION OF SQ RESPONSES

On Jaggaer, the Selection Questionnaire is divided into two sections, known as Envelopes. These envelopes are titled 'Qualification' and 'Technical'.

As your responses to the SEDPS Eligibility questions will be scored, only the Technical envelope allows evaluation on Jaggaer. Further guidance on how your responses to these questions will be scored is detailed in section 2.6 below.

The Qualification envelope holds Part 1, Part 2 and the majority of Part 3.

The Technical envelope holds the SEDPS Eligibility, Categories and Regions questions.

Guidance on how to complete each envelope is provided in [Annex C](#).

2.1 Part 1 Information

Part 1 of the SQ contains questions in relation to organisational details, the bidding model, and subcontracting arrangements.

2.2 Part 2 Exclusion Grounds

Part 2 of the SQ enables You to self-certify that there are no mandatory/discretionary grounds for exclusion.

You should refer to Regulation 57 of the Regulations before completing this part, which sets out the detailed grounds for mandatory and discretionary exclusion (see this link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf)

Self-cleaning

In accordance with Regulation 57 of the Regulations, if an Applicant has breached certain exclusion grounds, it has an opportunity to explain how and what actions have been taken to rectify the situation (referred to as “self-cleaning”).

The Applicant is permitted to provide evidence of self-cleaning if it answers “Yes” to certain questions within the mandatory and discretionary exclusion parts of the SQ.

The evidence of self-cleaning must include:

- a) a summary of the circumstances; and
- b) remedial action that has taken place subsequently that effectively “self-cleans” the situation.

The Applicant must demonstrate that it has taken such remedial action, to the satisfaction of the Authority and in accordance with Regulation 57 of the Regulations.

Conflicts of interest

Where a conflict of interest exists, or may arise, it is the Applicant’s responsibility to inform the Authority.

You must explain the actual or potential conflict of interest; and measures You propose to implement to mitigate, remove or manage the conflict of interest.

You are required to demonstrate that You have mitigated, removed, or managed the conflict of interest to the satisfaction of the Authority and in accordance with Regulation 24 of the Regulations.

2.3 Part 3 DPS Specific Questions

Part 3 of the SQ contains questions related to suitability in respect of:

- Social Enterprise Dynamic Purchasing System Eligibility
- Categories and Regions
- Economical and Financial Standing
- Data Protection

- Technical and Professional Ability
- Insurance Requirements
- Health and Safety
- Modern Slavery
- Declaration
- Supplier Directory

Declaration

This part of the SQ requires You to make a declaration regarding the accuracy and completeness of Your SQ responses and commitment to providing additional evidence to support Your SQ responses where requested by the Authority.

SELECTION QUESTIONNAIRE ASSESSMENT PROCESS

2.4 **Part 1 – General Information**

This section is for information only.

2.5 **Part 2 – Exclusion Grounds**

Grounds for Mandatory and Discretionary Exclusion

This part is pass/ fail.

If You answer “No” to every question this will be a pass.

If You answer “Yes” to a question You will fail and be rejected, unless You can demonstrate, to the satisfaction of the Authority and in accordance with Regulation 57 of the Regulations, that:

If You have answered ‘Yes’ to any of the questions within the mandatory and discretionary exclusion sections. You should provide sufficient supporting evidence. This should include a summary of the circumstances and any remedial action that has taken place. You must demonstrate that You have taken such

remedial action to our satisfaction, in each case.

For the evidence to be sufficient, You should, as a minimum, prove that You have:

- paid, or undertaken to pay, compensation in respect of any damages caused by the criminal offence or misconduct; and
- clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and
- taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

The measures taken by You will be evaluated, considering the seriousness and circumstances of the criminal offence or misconduct. Where the Authority considers the remedial measures to be insufficient, You will be given a statement of the reasons for that decision.

Whilst the Authority reserves the right to request information at any time throughout the procurement process, we have enabled You to self-certify that there are no mandatory/discretionary grounds for excluding Your organisation. If You self-certify that You meet the requirements for these modules, You will be required to provide evidence of Your ability to meet the specified requirements of this SQ were You to be successful at contract award stage.

2.6 Part 3 – DPS SPECIFIC QUESTIONS

Eligibility

This section contains three (3) questions in order for National Highways to understand Your business model, and Your responses to these questions are scored in line with the scoring criteria detailed in Annex D.

Applicants are advised that where a page limit has been detailed, National Highways will not consider any information which exceeds the specified limit.

The weightings applied to each question are below:

- **Question 1 – 30%**

If You are a Social Enterprise as defined above, in no more than three (3) A4 pages, please provide confirmation and evidence to support Your response. For examples of such evidence, please see below. This is not an exhaustive list.

- 1) Your Registration Number with the relevant Registry Body (Community Interest Company (CIC)/Charity, Community Benefit Society, etc.),
- 2) Your Social Enterprise Accreditation mark (i.e. Accreditation of Social Enterprise mark or Gold mark),
- 3) Evidence of Your Membership to Social Enterprise UK or equivalent,
- 4) Evidence of a Social Enterprise award

Or

If You are not a Social Enterprise, please confirm that You can and will deliver the services called-off under the SEDPS with primarily social objectives in mind and in no more than three (3) A4 pages, please provide evidence that demonstrates where in the past three (3) years You have delivered and funded social or community schemes on a "not-for profit" basis and name the nature of those social value activities.

- **Question 2 – 40%**

To be a Social Enterprise, a business must: re-invest or donate at least half of its profits or surpluses towards their social mission. In order to complete the question below, You will need to download the Instructional Document attached to this question and upload upon completion.

Please respond to the questions below.

Question 2A	Yes	No
Confirmation that Your organisation is a Social Enterprise as defined in Question 1		
Question 2B	Yes	No
Confirm that Your organisation distributes less than 50% of post-tax profits and		

reinvests at least 51% surpluses into pursuing its social mission		
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- If You have responded “**Yes**” to Question 2A and Question 2B, You do not need to complete Question 2C and Question 2D – please continue to Question 3.
- If You have responded “**No**” to either Question 2A or Question 2B, please complete Question 2C and Question 2D.

Question 2C	Yes	No
Confirmation that your organisation will donate or re-invest 50% or more of any profits made under any contract awarded pursuant to the SEDPS in the community or social schemes		
Question 2D	Response	
To support Your response above, please provide in no more than 500 words an explanation as to how You would reinvest or donate the profits made under any contract award pursuant to the SEDPS.		

- Question 3 below can be answered in the following ways:
 1. Written submission, in no more than three (3) A4 pages (where You complete the application in the form of a written submission via the online E-sourcing portal Jaggaer).
 2. Pre-recorded video (where You record a video answering the Eligibility Question 3 within 10 minutes). You then need to issue National Highways with a link to your video, and this can be done via WeTransfer.com. Should any video exceed the time limit above, the exceeding footage will not be transcribed.
 3. Arrange an Interview (where National Highways conduct an Interview with You). Interview requests need to be submitted to National Highways one (1) week prior to the closure of the SQ Cohort. This interview will be recorded and transcribed by

National Highways. In your application, please insert the following wording “*An Interview was held and pre-recorded by National Highways*” in a word document and attach it to your Question 3 response section.

To arrange an interview for the cohort you are applying to join, you will need to send an interview request message via the E-Sourcing Portal messaging function. A member of the National Highways Procurement Team will contact you with a proposed date to conduct the interview.

The interview will be conducted in a way that is fair and transparent and compliant with the procurement Contract Regulations. Please Annex B for the Interview guidance notes.

The request for an interview will need to be prior to the deadline date set out in the B1 - Selection Questionnaire (SQ). This will be a week prior to the cohort closing date.

Question 3 is shown below.

Question 3 – 30%

Please provide a case study which evidences how your organisation has previously contributed to the key objectives of the SEDPS (as detailed in the **Annex B of the A1 – SEDPS Overview Document - SEDPS Social Value Objectives**) in no more than three (3) A4 pages.

Or

If you cannot provide a case study, please explain how you are committed to, and will contribute towards the SEDPS Social Value Objectives (as detailed in **Annex B of the A1 - Overview of the SEDPS Document - SEDPS Social Value Objectives**) in no more than three (3) pages.

In your response, please ensure you clearly link your evidence to the SEDPS Social Value Objectives by highlighting how you achieve the objectives with the use of sub-headings.

Assessment

The pass mark is 70 – this means that you will need to score seventy (70) or higher to be accepted onto the SEDPS. The highest score you can achieve is one-hundred (100) and would consist of scoring full marks on all questions.

How National Highways will calculate your score is defined in the scoring criteria found in [Annex D](#). It is advised that you review the scoring criteria before you compile your application in order to understand National Highways will score your submission. Your weighted score is calculated using the following calculation: Your Score / The Max Score x the Weighting

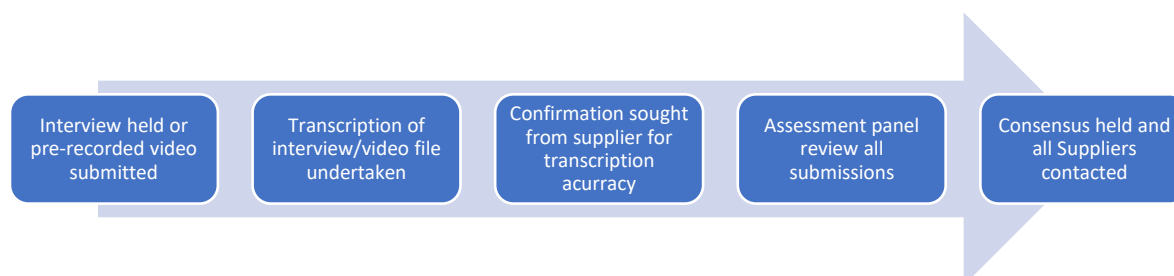
An example is as follows for Question 1: $7 / 7 \times 30 = 30.00$

	Weighting	Your Score	Max Score	Total Weighted Score
Question 1	30%	7	7	30.00
Question 2	40%	5	5	40.00
Question 3	30%	5	7	21.43
Total	100%	17	19	91.43

Should You provide a response to Question 3 via a pre-recorded video or an interview, National Highways will record (interview) and transcribe (video/interview) the resulting video. National Highways will use the transcription of Your response for assessment, in accordance with the PCR 2015 and assessment procedure detailed above.

A time limit of 10 minutes has been allocated to Question 3. This means You will have 10 minutes to respond to question 3, and any response that exceeds this limit will not be considered for assessment.

Please see below the process of video transcription and its assessment.



Categories and Regions

This section is for information only.

Economical and Financial Standing Testing (EFST)

Regulation 58(7) of the Public Contracts Regulations 2015 allows a contracting Authority such as the Authority to impose requirements ensuring that economic operators expressing an interest in bidding for an opportunity will, if successful, possess the necessary economic and financial standing to perform the contract to be awarded.

The assessment process described below allows the Authority to take a proportionate, flexible, contract specific and not unduly risk adverse view of Your economic and financial standing.

The assessment methodology comprises three separate economic and financial standing tests (EFSTs):

- Test 1 is an assessment using a Dun & Bradstreet (D&B) comprehensive report;
- Test 2 is an assessment using the turnover figure from Your most recent financial statements compared to the projected annual value of the contract being procured;
- Test 3 (if necessary – see below) is an assessment of four accounting ratios using information from Your last two years' financial statements.

Each of these three tests will result in You being rated as High or Low risk. In this context “risk” means the risk of You not being able to perform the contract for its full duration were You to be successful in the procurement.

Your overall risk rating will be determined as follows. If You receive a Low risk rating for both Tests 1 and 2 then Your overall risk rating is Low and Test 3 is not performed. If You receive a High risk rating for either Test 1 or Test 2 then Test 3 is performed. If You receive a High risk rating for two or more of the four elements in Test 3 then Your overall risk rating is assessed as High.

The information that the Authority will use to conduct Test 2 is taken from Your most recent set of audited financial statements and for Test 3 is taken from Your last two years audited financial statements. If no such audited financial statements are available, then unaudited financial statements will be used instead.

Consequences of being assessed High risk

If You are assessed as High risk the Authority will engage in dialogue with You. This will identify the Authority's concerns and ask if You can provide any mitigation, e.g. more recent unpublished or management accounts showing an improvement in Your

financial position or details of an agreed but unannounced re-capitalisation, merger or takeover.

If You are unable to provide any, or sufficient, mitigation the Authority reserves the right to exclude You from further participation in the procurement.

If You can provide mitigation, then unless this is sufficient to downgrade Your risk assessment to Low, Your continued participation in the process will be made conditional upon You providing a written commitment to obtain either a parent company guarantee or other form of financial security should You be successful in the procurement.

Consequences of being assessed Low risk.

If You are assessed as Low risk, no dialogue is required and You will be allowed to continue to participate in the procurement process.

Parent Company Guarantee or Other Form of Financial Security

Where Your continued participation in the procurement process is conditional upon You committing to provide a parent company guarantee Your parent company must itself achieve a Low risk rating when subjected to the three EFSTs set out below.

If You are:

- c) a company without a parent company, or
- d) a company whose parent company does not achieve a Low risk rating for the three EFSTs

then the Authority will accept a suitable form of alternative financial security. This will be in the form of an on-demand bond issued by a reputable financial institution with a credit rating of at least BBB+ and with a value of [10%] of overall contract value.

The Three Economic and Financial Standing Tests (EFSTs)

Test 1 – Dun and Bradstreet Comprehensive Business Credit Report

To conduct Test 1 the Authority will obtain a Dun & Bradstreet (D&B) comprehensive business credit report about Your company.

The D&B comprehensive business credit report contains D&B scores and ratings which are produced using a combination of mathematical modelling, expert rules, skilled business analysis and experience of insolvency trends. D&B carefully analyse

all business failures and compare them with the normal population of actively trading companies, to identify those events which are most significant and predictive in nature, and which could affect the status of a business.

The D&B Risk Indicator is based on daily monitoring of the subject company's financial and other key strategic activities and is predictive of the probability that the company will fail. The D&B Risk Indicator is a score from 1 to 4, where 1 represents a minimum risk of failure, 2 a lower than average risk of failure, 3 a higher than average risk of failure and 4 a high risk of failure.

For Test 1

- a D&B score of 4 will be regarded as High risk
- a D&B score of 1, 2 or 3 will be regarded as Low risk.

Test 2 – Annual Turnover Relative to Contract Value

Test 2 involves calculating a ratio by dividing the annual turnover from Your most recent year's audited financial statements by the estimated value of the contract to be awarded.

An Applicant will only be eligible to be invited to the SEDPS provided it passes the part of the economic and financial standing test. The Applicant's annual turnover must be greater than the threshold amount shown in the left hand column of the table below.

Category	Average Contract Value used for SQ Financial Threshold Test	SQ Financial threshold (1.6 times annual Contract Value)
All Category	£20,000	£32,000

For example, if You have an annual turnover of £170,000 and the average estimated contract value is £100,000 then Your turnover ratio will be 1.7.

A turnover ratio of 1.6 or less is High risk.

A turnover ratio of above 1.6 is Low risk.

Test 3 – Financial Ratios

Test 3 will only be performed if You are assessed as High risk on either Test 1 or Test 2.

Test 3 involves an analysis of the four accounting ratios a) - d) below.

Each ratio will be calculated based on Your last two years audited financial statements. Your overall risk rating will be determined by the highest risk rating for any individual ratio.

e) Pre-Tax Margin Ratio

This ratio is calculated by dividing Your company's annual pre-tax profits by Your annual turnover expressed as a percentage.

A result that is below 0% (i.e. negative) is High risk

A result that is at or above 0% is Low risk

f) Finance Cover Ratio

This ratio is calculated by dividing Your operating profit plus finance income by Your finance expenses. It is a test of whether You are generating enough profit to service Your interest-bearing debt.

A result that is 2 or less is High risk

A result that is above 2 is Low risk

g) Current Ratio

This is calculated by dividing Your current assets by Your current liabilities. It is a test of whether You have sufficient liquid assets, e.g. cash, short term debtors and stock to meet Your outstanding current liabilities, e.g. trade creditors, bank overdraft, lease payments and interest due.

A result that is less than 0.8 is High risk.

A result that is 0.8 or above is Low risk.

h) Debt to Equity Ratio

This is determined by dividing Your total liabilities by Your shareholder equity. It is a basic test of Your solvency.

A result that is more than 4 is High risk.

A result that is 4 or lower is Low risk.

Repetition of Economic and Financial Standing Assessment

The Authority will repeat the EFSTs if it has any concerns that there has been a change in Your circumstances or if new information becomes available since the initial assessment.

This turnover test will be repeated by the Authority at call-off contract award, using the actual contract value of the Category that the Authority is proposing to award to the Applicant.

Technical and Professional Ability

This is assessed as pass/fail.

You shall fail and be rejected if You:

- a) are unable to provide an example of one contract; and
- b) where You are unable to provide details of the contract and unable to provide an explanation to the satisfaction of the Authority.

Where You intend to sub-contract a proportion of the contract, You shall fail and be rejected if You are:

- c) unable to demonstrate how You have previously maintained healthy supply chains with Your sub-contractor(s); or
- d) unable to provide evidence which includes details of Your supply chain management tracking systems to ensure performance of the contract.

Insurance

This is assessed as pass/fail.

Failure to self-certify whether You have or can commit to obtain prior to the commencement of the contract, the level of insurance cover means that You shall fail and be rejected.

Data Protection

This is assessed as pass/fail

You shall fail and be rejected if:

You fail to self-certify whether You have or can commit to providing the human and technical resources to perform the contract to ensure compliance with the General Data Protection Regulation.

Health and Safety

This is assessed as pass/fail.

You shall fail and be rejected if:

- a) You answer “No” or are unable to provide Your health and safety policy.

Modern Slavery

This is assessed as pass/fail.

You shall fail and be rejected if:

- a) You answer “No” and You are unable to provide Your statement of compliance with the Modern Slavery Act 2015.

Declaration and Contact Details

- This section is pass/fail. You will fail and be rejected if You do not confirm acceptance of the declaration.

Supplier Directory

This is not assessed.

You are required to complete company information (mission statement, company logo etc.) in an instructional document and attach it to Your response. This information is required to help National Highways populate the [Supplier Directory](#) found on the SEDPS website. Failure to provide this information may delay Your application.

ANNEX A - EXCLUSION GROUNDS: PUBLIC PROCUREMENT

Participation offence as defined by section 45 of the Serious Crime Act 2015.

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.

Corruption

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;

- The common law offence of bribery;
- 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.

Terrorist offences or offences linked to terrorist activities

Any offence:

- listed in section 41 of the Counter Terrorism Act 2008;
- listed in schedule 2 to that Act where the court has determined that there is a terrorist connection;
- under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by the previous two points.

Money laundering or terrorist financing

Money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002:

- 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.

Child labour and other forms of trafficking human beings

- An offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004;
- An offence under section 59A of the Sexual Offences Act 2003
- An offence under section 71 of the Coroners and Justice Act 2009;
- 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
- An offence under section 1, 2 or section 4 of the Modern Slavery Act 2015.

Non-payment of tax and social security contributions

- Breach of obligations relating to the payment of taxes or social security contributions that has been established by a judicial or administrative decision.
- Where any tax returns submitted on or after 1 October 2012 have been found to be incorrect as a result of:
- HMRC successfully challenging the potential supplier under the General Anti – Abuse Rule (GAAR) or the “Halifax” abuse principle; or
- a tax Authority in a jurisdiction in which the potential supplier is established successfully challenging it under any tax rules or legislation that have an effect equivalent or similar to the GAAR or “Halifax” abuse principle;
- a failure to notify, or failure of an avoidance scheme which the supplier is or was involved in, under the Disclosure of Tax Avoidance Scheme rules (DOTAS) or any equivalent or similar regime in a jurisdiction in which the supplier is established.

Other offences

- Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any jurisdiction outside England, Wales and Northern Ireland.
- Any other offence within the meaning of Article 57(1) of the Directive created after 26th February 2015 in England, Wales or Northern Ireland.

Discretionary Exclusions Grounds

- Part 2 Section 3 of the standard Selection Questionnaire.
- Listed in Public Contract Regulations 2015 (as amended) R57(8) and the Public Contract Directives 2014/24/EU Article 57(4).

Obligations in the field of environment, social and labour law.

- Where an organisation has violated applicable obligations in the fields of environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex B to the Directive (see copy below) as amended from time to time; including, but not limited to, the following:-
- In the last 3 years, where the organisation or any of its Directors or Executive Officers has been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body).
- In the last three years, where the organisation has had a complaint upheld following an investigation by the Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds of alleged unlawful discrimination.
- In the last three years where the organisation has been convicted of a breach of the Health and Safety legislation.
- In the last three years, where any finding of unlawful discrimination has been made against the organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or incomparable proceedings in any jurisdiction other than the UK).
- Where the organisation has been in breach of section 15 of the Immigration, Asylum, and Nationality Act 2006;
- Where the organisation has a conviction under section 21 of the Immigration, Asylum, and Nationality Act 2006;
- Where the organisation has been in breach of the National Minimum Wage Act 1998.

Bankruptcy, insolvency

- Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation's 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.

Grave professional misconduct

- Guilty of grave professional misconduct

Distortion of competition

- Entered into agreements with other economic operators aimed at distorting competition.

Conflict of interest

- Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure

Been involved in the preparation of the procurement procedure.

- Advised the contracting Authority or contracting entity or otherwise been involved in the preparation of the procurement procedure.

Prior performance issues

- 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.

Misrepresentation and undue influence

- The organisation has influenced the decision-making process of the contracting Authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.

Breach of obligations relating to the payment of taxes or social security contributions.

- The contracting Authority reserves the right to use its discretion to exclude a potential supplier where it can demonstrate by any appropriate means that the potential supplier is in breach of its obligations relating to the non-payment of taxes or social security contributions.

ANNEX B - Extract from Public Procurement Directive 2014/24/EU

LIST OF INTERNATIONAL SOCIAL AND ENVIRONMENTAL CONVENTIONS REFERRED TO IN ARTICLE 18(2) —

- ILO Convention 87 on Freedom of Association and the Protection of the Right to Organise;
- ILO Convention 98 on the Right to Organise and Collective Bargaining;
- ILO Convention 29 on Forced Labour;
- ILO Convention 105 on the Abolition of Forced Labour;
- ILO Convention 138 on Minimum Age;
- ILO Convention 111 on Discrimination (Employment and Occupation);
- ILO Convention 100 on Equal Remuneration;
- ILO Convention 182 on Worst Forms of Child Labour;
- Vienna Convention for the protection of the Ozone Layer and its Montreal Protocol on substances that deplete the Ozone Layer;
- Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention);
- Stockholm Convention on Persistent Organic Pollutants (Stockholm POPs Convention)
- Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (UNEP/FAO) (The PIC Convention) Rotterdam, 10 September 1998, and its 3 regional Protocols.

Consequences of misrepresentation

A serious misrepresentation which induces a contracting Authority to enter into a contract may have the following consequences for the signatory that made the misrepresentation:

- The potential supplier may be excluded from bidding for contracts for three years, under regulation 57(8)(h)(i) of the PCR 2015;
- The contracting Authority may sue the supplier for damages and may rescind the contract under the Misrepresentation Act 1967.
- If fraud, or fraudulent intent, can be proved, the potential supplier or the responsible officers of the potential supplier may be prosecuted and convicted of the offence of fraud by false representation under s.2 of the Fraud Act 2006, which can carry a sentence of up to 10 years or a fine (or both).
- If there is a conviction, then the company must be excluded from procurement for five years under reg. 57(1) of the PCR (subject to self-cleaning).

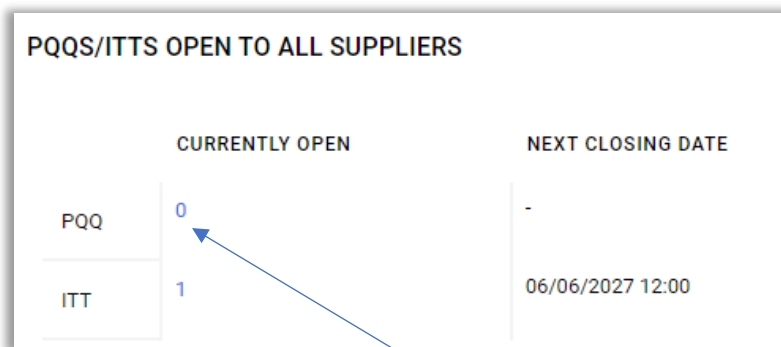
ANNEX C – How to complete the Selection Questionnaire on Jaggaer

* Step 1 – Accessing Jaggaer

Using the **A2 – How to Join Jaggaer** document, Suppliers should first ensure they complete their registration and authentication process on Jaggaer. Once Suppliers have gained full access to Jaggaer, they should progress to Step 2. If Suppliers have any issues with their registration, they should contact the Jaggaer helpdesk via the contact details in the **A2 – How to Join Jaggaer document**. Unfortunately, National Highways cannot help with any technical issues.

* Step 2 – How to Express Interest

- On the main page of Jaggaer, Suppliers will see a section called **‘PQQ’s/ITT’s OPEN TO ALL SUPPLIERS’**.



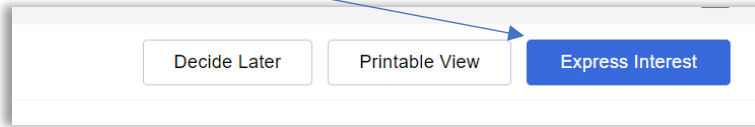
	CURRENTLY OPEN	NEXT CLOSING DATE
PQQ	0	-
ITT	1	06/06/2027 12:00

- In this section, Suppliers should **click** on the number next to PPQ.
- Suppliers will be taken to a section titled **‘PQQ’s Open to All Suppliers’**.
- In this section, the **‘SEDPS Selection Questionnaire’** will be available and Suppliers should click on the PQQ title.

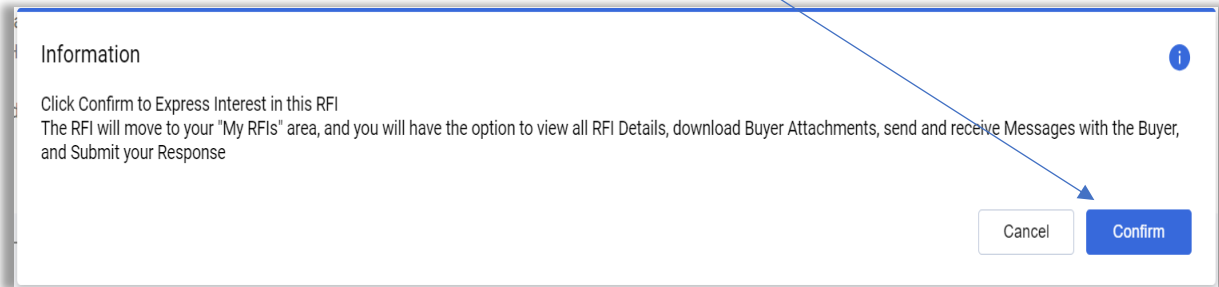
	PQQ CODE	PQQ TITLE	PROJECT CODE
1	PQQ_8	TEST SQ SEDPS 3	pro_398

- The next page will provide Suppliers will information in relation to the PQQ, including the closing date.
- **Please Note:** The SQ’s will be released in cohorts of three (3) weeks. You are advised to take note of when the SQ closes, as although late submissions can be made, they may not reach evaluation stage and may be lost. Please ensure you give yourself enough time to complete and your application before the SQ closes.

- then, In the top right-hand corner of this page, Suppliers should click ‘**Express Interest**’.

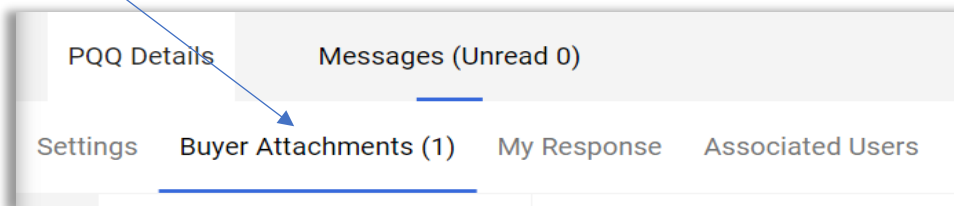


- Suppliers will then be prompted to confirm they want to express interest in the SEDPS Selection Questionnaire – click ‘**Confirm**’.

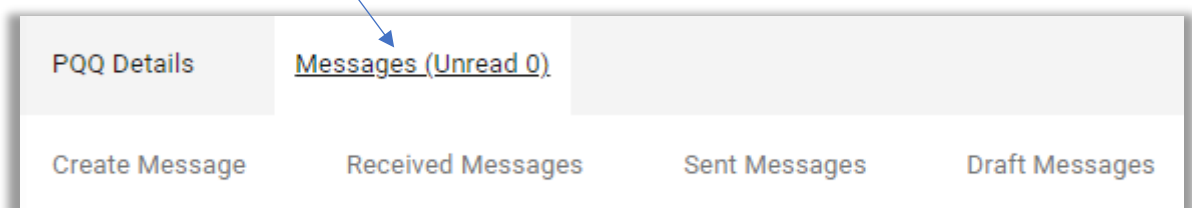


* **Step 3 – How to begin the application**

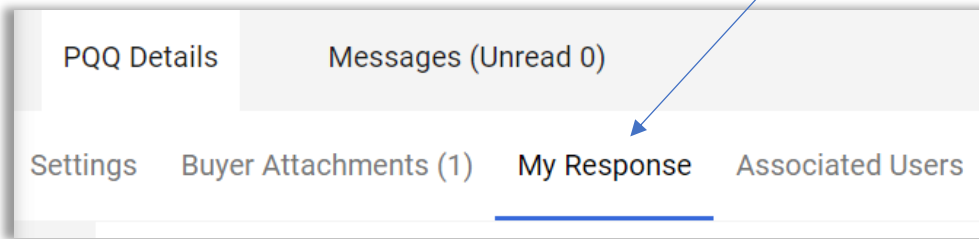
- On the main page of the SEDPS Selection Questionnaire (PQQ), Suppliers can view the PQQ settings, any attachments added by the Buyer, and any associated users. All SEDPS documents will be stored in the **Buyer Attachments** area for your perusal.



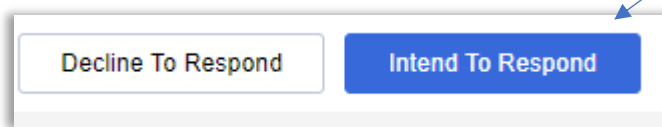
- Suppliers can also access the **messaging function**, where they can send the Buyer a message, store draft messages and view their received and sent messages at any point.



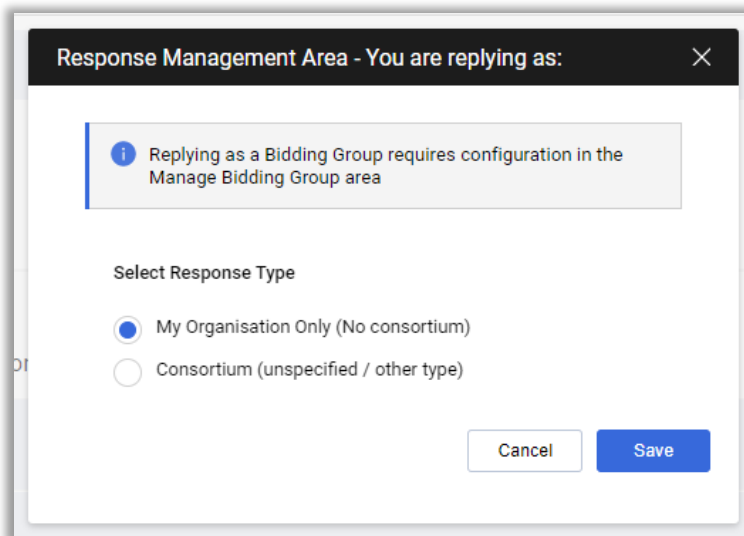
- To begin completing the SQ, Suppliers must go to the **'My Response'** tab. From there, they can view the questions and get a feel for what they will be asked.



- Once you're happy to continue, click the **'Intend to Respond'** button in the top right-hand corner.



- You will immediately be asked if you are are completing the SQ for your organisation only or for a consortium. For the purposes of this guidance, we will progress only one organisations application. If the wrong setting is selected, You can change this on the next page.



*** Step 4 – Completing the Selection Questionnaire**

You are now ready to begin entering your answers to the questions. There are two sections of the SQ to complete:

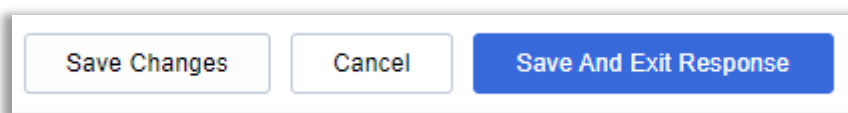
- The Qualification Response (some of these questions are pass/fail, but are mostly there for NH to understand your business)
- The Technical Response (these questions will be scored)

- You may complete either section first, but both sections contain mandatory questions which must be answered before you can submit your response.
- Click which envelope you wish to complete first by selecting either .e.g.

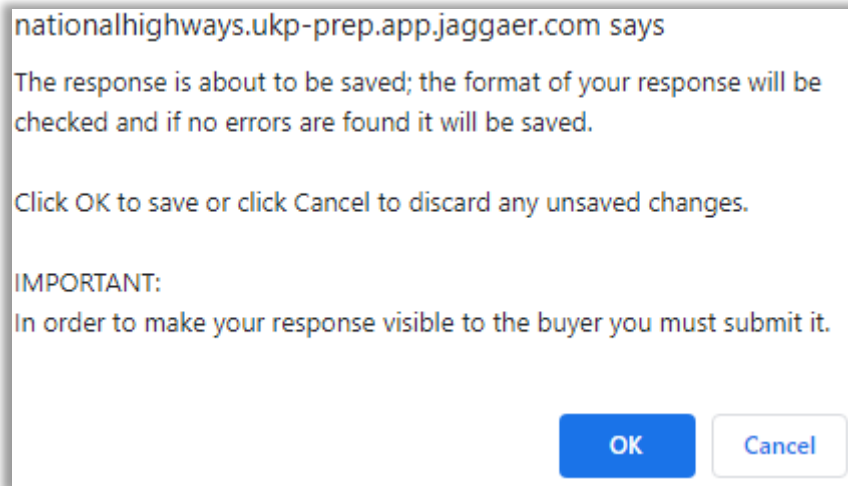
	ENVELOPE	QUESTION INFORMATION
1.	Qualification Response	Missing mandatory responses (39)
2.	Technical Response	Missing mandatory responses (6)

Important

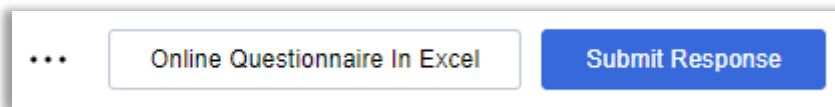
- Mandatory questions will be marked with a *.
- Other questions are not mandatory, but we encourage answering all questions as best as possible to inform Supplier applications.
- Suppliers are also asked to provide attachments to support their application, where possible.
- Suppliers should review their answers to each question to ensure there are no errors. At the end of the SQ, Suppliers will be asked to declare that all their answers are correct and accurate.
- Once Suppliers are satisfied they have answered all questions to the best of their ability in both envelopes, they should select what action they wish to take next. They can save their changes, cancel their application (this will delete all answers entered so far), or save and exit response (this will take Suppliers to the next step).



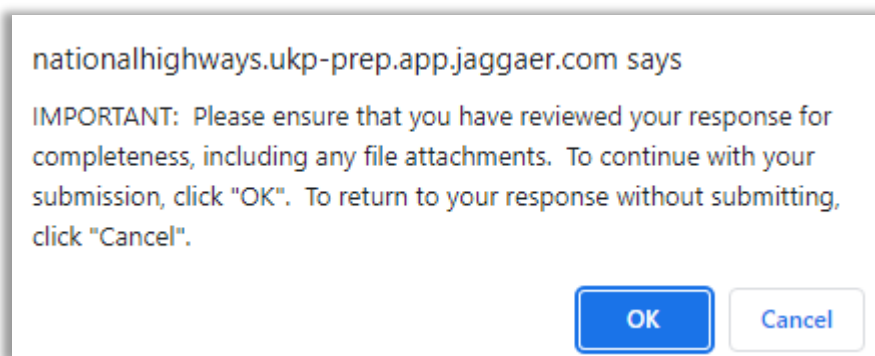
- If **'Save and Exit Response'** is selected, Suppliers will be prompt to confirm all answers will be saved.



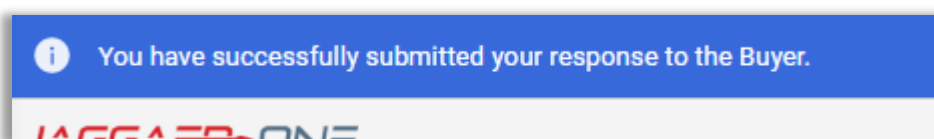
- Suppliers will now back on the main PQQ page, with options in the top right-hand corner, including three dot drop-down options: ...
- These options include deleting the entire response, downloading a printable view of their response, opening an Excel version of the online questionnaire, or submitting their response. These options are self-explanatory, so for this guidance the **'Submit Response'** button will be selected.



- Suppliers will be further prompted to confirm all responses have been reviewed for completeness. Suppliers should click **'Ok'** if they are content to submit their application, or **'Cancel'** if they wish to make changes.



- Suppliers have now successful applied to join the SEDPS.



* **Step 5 – After application submission**

- Once Suppliers have submitted their application to join the SEDPS, NH Procurement will be in contact with Suppliers to advise if their application has been successful.
- If it has been successful, Suppliers will be added to the ‘Supplier Directory’ ready to be invited to bid for contracts when they arise.
- If it hasn’t been successful, Suppliers will be advised the reasons why and given constructive feedback.

ANNEX D – Scoring Criteria for Part 3 SEDPS Eligibility

Score	Question 1	Question 2	Question 3
1 – Unsatisfactory	<p>The applicant is not a Social Enterprise (as defined in Section 1.1 of the A3 – How to Complete the Selection Questionnaire)</p> <p>And</p> <p>The applicant has not confirmed they will deliver the services called off under the SEDPS with primarily social objectives in mind</p> <p>And</p> <p>has not provided evidence that demonstrates where in the past 3 years they have delivered and funded social or community schemes on a "not-for profit" basis</p> <p>Overall, the response provides National Highways with unsatisfactory confidence that the SEDPS objectives will be achieved.</p>	<p>The applicant has answered “no” to both Question 2A and Question 2B</p> <p>And</p> <p>The applicant has answered “yes” or “no” to Question 2C</p> <p>And</p> <p>The applicant has provided an unsatisfactory response to Question 2D</p> <p>Overall, the response provides National Highways with unsatisfactory confidence that the SEDPS objectives will be achieved.</p>	<p>The evidence supports the delivery of Two (2) or less of the SEDPS Social Value Objectives</p> <p>Overall, the response provides National Highways with unsatisfactory confidence that the SEDPS objectives will be achieved.</p>
3 – Satisfactory	<p>The applicant is not a Social Enterprise</p> <p>But</p> <p>The applicant has confirmed they will deliver the services called off under the SEDPS with primarily social objectives in mind</p> <p>And</p>	<p>The applicant has answered “no” to either Question 2A and Question 2B</p> <p>And</p> <p>The applicant has answered “yes” to Question 2C</p> <p>And</p>	<p>The evidence supports the delivery of Three (3) or Four (4) of the SEDPS Social Value Objectives</p> <p>Overall, the response provides National Highways with satisfactory confidence that the SEDPS objectives will be achieved.</p>

	<p>has provided weak evidence that demonstrates where in the past 3 years they have delivered and funded social or community schemes on a "not-for profit" basis</p> <p>Overall, the response provides National Highways with satisfactory confidence that the SEDPS objectives will be achieved.</p>	<p>The applicant has provided a satisfactory response to Question 2D</p> <p>Overall, the response provides National Highways with satisfactory confidence that the SEDPS objectives will be achieved.</p>	
5 – Good	<p>The applicant is not a Social Enterprise But The applicant has confirmed they will deliver the services called off under the SEDPS with primarily social objectives in mind And has provided good evidence that demonstrates where in the past 3 years they have delivered and funded social or community schemes on a "not-for profit" basis</p> <p>Overall, the response provides National Highways with good confidence that the SEDPS objectives will be achieved.</p>	<p>The applicant has answered “yes” to both Question 2A and Question 2B And No response is required for Question 2C and Question 2D.</p> <p>Overall, the response provides National Highways with good confidence that the SEDPS objectives will be achieved.</p>	<p>The evidence supports the delivery of Five (5) or Six (6) of the SEDPS Social Value Objectives</p> <p>Overall, the response provides National Highways with good confidence that the SEDPS objectives will be achieved.</p>
7 – Excellent	<p>The applicant is a Social Enterprise And has provided evidence that confirms this Or The applicant is not a Social Enterprise</p>	N/A	<p>The evidence supports the delivery of Seven (7) or more of the SEDPS Social Value Objectives</p> <p>Overall, the response provides National Highways with excellent confidence that the SEDPS objectives will be achieved.</p>

But

The applicant has confirmed they will deliver the services called off under the SEDPS with primarily social objectives in mind

And

has provided **excellent** evidence that demonstrates where in the past 3 years they have delivered and funded social or community schemes on a "not-for profit" basis

Overall, the response provides National Highways with **excellent** confidence that the SEDPS objectives will be achieved.