

Contract for the provision of Multi-compartment Compliance Aids, also known as Monitored Dosage Systems (MDS), to Identified In-patients Immediately Following Discharge from the Dudley Group NHS Foundation Trust

Contract Period: 1st March 2017 to 29th February 2020 with an option to extend the Contract for a further period of up to 12 Months

Tender Reference Q005418

**Pre-Qualification Questionnaire**

**(PQQ)**

**Deadline for receipt of Pre-Qualification Questionnaire responses is:-**

**12.00 Noon 6th October 2016**

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1. **INTRODUCTION AND BACKGROUND**
   1. The Dudley Group NHS Foundation Trust (the "**Authority**") is issuing this pre-qualification questionnaire ("**PQQ**") in connection with the competitive procurement of a Contract for the provision of Multi-compartment Compliance Aids, also known as Monitored Dosage Systems (MDS), to Identified In-patients Immediately Following Discharge from the Dudley Group NHS Foundation Trust. This document contains important information about the procurement process and the contract that the Authority intends to award.
   2. The Authority will evaluate the PQQ responses and expects to select a minimum of 5 and no more than 8 of the highest ranking bidders (the "**Bidders**") who will be issued with an invitation to tender (IIT) document.
   3. Contents of the PQQ

|  |  |
| --- | --- |
| **Instructions and information** | |
| 1 | Introduction and background |
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| Section 8 | Declaration |

* 1. As part of the PQQ response, Bidders must complete all relevant sections in Annex 1. All PQQ responses must be returned no later than the deadline for receipt of PQQ responses specified on the front cover of this PQQ.

**Organisation Overview**

* 1. The Authority serves a population of around 450,000 people from three hospital sites at Russells Hall Hospital, Guest Outpatient Centre in Dudley and Corbett Outpatient Centre in Stourbridge as well as community sites. The Authority provides the full range of secondary care services and some specialist services for the wider populations of the Black Country and West Midlands region. The Authority also provides specialist adult community based care in patients’ homes and in more than 40 centres in the Dudley Metropolitan Borough Council community. The Authority employs over 4000 members of staff, including around 500 medical & dental staff and 1,500 qualified nurses. The Authority has 705 acute beds, including maternity beds and critical care beds.

## Background to the Procurement

* 1. The Authority is looking for an organization (Provider) with the capacity and capability to meet their requirements for a Contract for the provision of Multi-compartment Compliance Aids, also known as Monitored Dosage Systems (MDS), to Identified In-patients Immediately Following discharge from The Dudley Group NHS Foundation Trust (Contract).

1.7 The Authority has the following service aims for the Contract:-

1.7.1 The service aims to provide medicines in monitored dosage systems (MDS) for those patients unable to self-administer their medication by any other means

1.7.2 The service must be of a consistently high quality, safe, efficient and cost effective and put the clinical needs of the individual at the heart of the provision

1.7.3 In particular, the service must:

1.7.3.1 Ensure timely delivery of medicines to the hospital

1.7.3.2 Ensure communication of the discharge letter requirements for patients between the patient, The Dudley Group NHS Foundation Trust (Trust), the successful Pharmacy (Provider), the General Practitioner (GP) and the patient’s previous community pharmacy

1.7.3.3 Implement holistic medicines reconciliation by providing better information to patients, GPs and community pharmacies about changes to medicines at discharge

1.7.4 Achieve collaborative working to ensure that both requests for newly initiated MDS at discharge are appropriate and that ongoing provision of MDS for all patients is appropriate

1.7.5. Facilitate the Trust Medicines Management Policy and reduce waste through duplicate dispensing of discharge medicines

1.7.6. Provide the Trust with information relating to service safety, including dispensing errors, performance and patient acceptability

**Questions about this PQQ**

* 1. All questions relating to this PQQ must e-mailed to David Lewis, Head of Procurement, The Dudley Group NHS Foundation Trust at [david.lewis@dgh.nhs.uk](mailto:david.lewis@dgh.nhs.uk) by no later than 12.00 Noon on the 30th September 2016.
  2. Any specific queries should clearly reference the appropriate paragraph in the PQQ documentation and, to the extent possible, should be aggregated rather than sent individually. The Authority may decline to answer queries received after the above deadline.
  3. Answers to the questions received by the Authority will be circulated to all Bidders. Answers will not reveal the identity of the individual Bidder that asked a particular question. The Authority may decide not to disclose answers, or parts of answers, which would reveal confidential or commercially sensitive information in relation to a particular Bidder.

1. **PROCUREMENT TIMETABLE**

**Key dates**

* 1. The procurement will follow a clear, structured and transparent process to ensure a fair and level playing field so that all Bidders are treated equally.
  2. The key dates for this procurement are currently anticipated to be as follows:

|  |  |
| --- | --- |
| **Activity** | **Estimated Timescales** |
| OJEU Notice | 23/8/2016 |
| Closing Date for Expressions of Interest | 22/9/2016 |
| Closing Date of responses to the PQQ | 6/10/2016 |
| Evaluation of PQQ for shortlisting to tender stage | Week Commencing 10/10/2016 |
| Issue of tender documents to shortlisted Bidders | Week Commencing 17/10/2016 |
| Closing Date for tender responses | Week Commencing 28/11/2016 |
| Site Visits to Bidders premises | Week Commencing  05/12/2016 |
| Initial Review of tender responses | Week Commencing 05/12/2016 |
| Post Tender Meeting | Week Commencing  12/12/2016 or 19/12/2016 |
| Evaluation and Scoring of tender responses | Week Commencing  12/12/2016 or 19/12/2016 |
| Preparation of Trust Board Report | Week Commencing  19/12/2016 |
| Submission of tender report to Trust Board | 05/01/2017 |
| Notification of Contract Award to Bidders | 09/01/2017 |
| Standstill period ends | 19/01/2017 |
| Confirmation of Contract Award to Successful Bidder | 20/01/2107 |
| Contract start date | 01/3/2017 |

* 1. Whilst the Authority does not intend to amend the timescales or processes outlined in the timetable, we reserve the right to do so at any stage.
  2. The Authority also intends to conduct site visits once the ITT responses have been received during week commencing 5th December 2016. A copy of the Site Visit Evaluation Form is attached.

**Deadline for receipt of PQQ responses**

* 1. Bidders must submit their PQQ responses in the manner prescribed in section 3 below no later than the date and time specified on the front cover of this PQQ and as outlined in the Timetable.
  2. Any PQQ responses received after the deadline or by any other method than being sent to David Lewis, Head of Procurement, The Dudley Group NHS Foundation Trust may not be considered. The Authority may at its discretion extend the deadline and in such circumstances the Authority will notify all Bidders of any change.

**INSTRUCTIONS TO BIDDERS**

**Formalities for submission of PQQ responses**

* 1. Bidders must make their PQQ responses by completing the Annex to this document and sending 3 copies of their response them Bidders are required to send three copies of their PQQ responses using the PQQ Return Label to the following address no later than the deadline for receipt of PQQ responses specified on the front cover of this PQQ:-

David Lewis

Head of Procurement

The Dudley Group NHS Foundation Trust

Pensnett Road

Dudley

DY1 2HQ

3.2 Bidders must ensure that their PQQ response is drafted in accordance with the drafting guidance set out in this PQQ.

* 1. Where a word count limit is specified, Bidders should state how many words their response contains. The Authority reserves the right not to consider any part of a response exceeding the word limit. Words included within diagrams or other graphic representations will count towards the word limit.
  2. The PQQ response must be clear, concise and complete. The Authority reserves the right to mark Bidders down or exclude them from the procurement if their PQQ responses are ambiguous or lack clarity. Bidders should submit only such information as is necessary to respond effectively to this PQQ. Unless specifically requested, do not include extraneous presentation materials.
  3. PQQ responses will be evaluated on the basis of information submitted by the deadline. Where information or documentation submitted appears to be incomplete or erroneous or specific documents are missing, the Authority reserves the right to request the Bidder to submit, supplement, clarify or complete the information or documentation.
  4. The PQQ response must be signed by a duly authorised representative of the Bidder.

**Warnings and disclaimers**

* 1. Neither the issue of this PQQ, nor any of the information presented in it, should be regarded as a commitment or representation on the part of the Authority (or any other person) to enter into a contractual arrangement.

**Freedom of Information Act 2000 and Environmental Information Regulations 2004**

* 1. As a public body, the Authority is subject to, and must comply with, the Freedom of Information Act 2000 ("**FOIA**") and the Environmental Information Regulations 2004 ("**EIR**"). The Authority may therefore be required to disclose information submitted by the Bidder.
  2. If a request is made under FOIA or the EIR, the Authority will ask Bidders to make submissions if they consider that any information they have provided at the PQQ stage is confidential or commercially sensitive.
  3. Where a Bidder identifies information as commercially sensitive, the Authority will take those views into account. Bidders should note, however, that, even where information is identified as commercially sensitive, the Authority may be required to disclose such information in accordance with the FOIA or the EIR. Accordingly, the Authority cannot guarantee that it will withhold information marked ‘confidential’, 'commercially sensitive' or otherwise exempt.

**Publicity**

* 1. No publicity regarding the award of any contract will be permitted unless and until the Authority has given express written consent to the relevant communication. For example, no statements may be made to the media regarding the nature of any tender, its contents or any proposals relating to it without the prior written consent of the Authority.

**Bidder conduct and conflicts of interest**

* 1. Any attempt by Bidders or their advisors to influence the contract award process in any way may result in the Bidder being disqualified. Specifically, Bidders shall not directly or indirectly at any time:
     1. Revise or amend the content of their PQQ response in accordance with any agreement or arrangement with any other person, other than in good faith with a person who is a proposed partner, supplier, consortium member or provider of finance;
     2. enter into any agreement or arrangement with any other person as to the form or content of any other PQQ response, or offer to pay any sum of money or valuable consideration to any person to effect changes to the form or content of any other PQQ response;
     3. enter into any agreement or arrangement with any other person that has the effect of prohibiting or excluding that person from submitting a PQQ response;
     4. canvass the Authority or any employees or agents of the Authority in relation to this procurement; and/or
     5. attempt to obtain information from any of the employees or agents of the Authority or their advisors concerning another Bidder or PQQ response (except for debrief information requests made to David Lewis, Head of Procurement, The Dudley Group NHS Foundation Trust).
  2. Bidders are responsible for ensuring that no conflicts of interest exist between the Bidder and its advisers, and the Authority and its advisors. Bidders should notify the Authority promptly of any possible conflict and the proposed steps that the Bidder believes can be taken to avoid the conflict. Any Bidder who fails to comply with these requirements may be excluded from the procurement at the discretion of the Authority.

**Authority's rights**

* 1. Subject to its obligations to act in a transparent, proportionate and non-discriminatory manner, the Authority reserves the right to:
     1. waive or change the requirements of this PQQ from time to time;
     2. seek clarification or documents in respect of a Bidder's submission;
     3. disqualify any Bidder that does not submit a compliant PQQ response in accordance with the instructions in this PQQ;
     4. disqualify any Bidder that is guilty of serious misrepresentation in relation to its expression of interest, the PQQ response or the procurement process;
     5. choose not to award any contract as a result of the current procurement process; and
     6. make whatever changes it sees fit to the timetable, structure or content of the procurement process.

**Bid costs**

* 1. The Authority will not be liable for any bid costs, expenditure, work or effort incurred by a Bidder in proceeding with or participating in this procurement, including if the procurement process is terminated or amended by the Authority.

**Language**

* 1. PQQ responses, all documents and all correspondence relating to the PQQ must be written in English.

**Transparency**

* 1. In accordance with the Public Contracts Regulations 2015 and the Government’s policy on transparency, Bidders should be aware that the Authority intends to make the PQQ and details of any subsequent contract publicly available, by publication on the Government's Contracts Finder portal.

**Governing Law and Jurisdiction**

* 1. This PQQ and any disputes concerning it (including non-contractual disputes or claims) shall be governed by English law and subject to the jurisdiction of the English courts.

1. **PQQ SELECTION CRITERIA AND WEIGHTING**

**Overview**

* 1. This section of the PQQ sets out the criteria that the Authority will use to evaluate PQQ responses.
  2. Bidders are required to submit a PQQ response strictly in accordance with the requirements set out in this PQQ, to ensure the Authority has the correct information to make the evaluation. If a PQQ response is equivocal or unclear, the Authority may deduct marks when scoring it or it may treat the PQQ response as non-compliant and reject it.

**Selection criteria and weightings**

* 1. The selection criteria at the PQQ stage are:

|  |  |  |  |
| --- | --- | --- | --- |
| PQQ Section | Selection criteria | Eligibility | Weighting |
| Bidder information | For information only |  | N/A |
| Grounds for mandatory exclusion | Pass or Fail | No Mandatory grounds for exclusion declared | N/A |
| Grounds for discretionary exclusion – Part 1 | Pass or Fail | No Mandatory grounds for exclusion declared | N/A |
| Grounds for discretionary exclusion – Part 2 | Pass or Fail | No Mandatory grounds for exclusion declared | N/A |
| Economic and Financial Standing | Pass or Fail | Detailed in Section 5 | N/A |
| Experience in providing similar Contracts | Relevant experience and Reference Sites | Question 6 | 25 |
| Technical and Professional Ability | Contract Implementation | 7A Q1 | 20 |
| Technical and Professional Ability | Information Confidentiality | 7A Q2 | 20 |
| Technical and Professional Ability | Support Capability | 7A Q3 | 20 |
| Technical and Professional Ability | Quality Standards | 7A Q4 | 15 |
| 7B. Insurance | Pass or Fail |  | N/A |
| 7C. Compliance with equality legislation | Pass or Fail |  | N/A |
| 7D. Environmental Management | Pass or Fail |  | N/A |
| 7E. Health and Safety | Pass or Fail |  | N/A |

* 1. Where a Bidder scores a "fail" for any question, it will not be short listed to the Invitation to Tender (ITT) stage of the procurement process.

**Scoring System**

* 1. Scored questions will be allocated a score out of 10 using the following marking scheme

|  |  |  |
| --- | --- | --- |
| **SCORE** | **PERFORMANCE** | **JUDGEMENT** |
| 0 | Completely fails to meet the standard required | Very poor or no information provided |
| 2 | Significantly fails to meet the standard required | Poor or inadequate information provided |
| 4 | Fails to meet the standards in most aspects, meets in some | Less than satisfactory information provided |
| 6 | Meets the standards in most aspects, fails in some | Satisfactory information provided |
| 8 | Meets the standards well, but not exactly | Good information provided |
| 10 | Meets the standards exactly as specified | Excellent level of information provided |

**PQQ Evaluation Methodology**

4.6 The main objectives of the PQQ evaluation process are to:

* Review and assess Bidders’ capacity, technical or professional ability, financial and economic standing;
* Establish whether any Bidders should be excluded from further consideration because they fail to meet the Authority’s requirements or have breached the provisions of Regulation 23 of the Procurement Regulations 2015; and
* Identify a shortlist of 5 to 8 Bidders to invite to the IIT stage of the procurement process.

**PQQ Evaluation Scoring Mechanism**

4.7 Bidders must note the following regarding the scoring system of the Pre- Qualification Questionnaire responses:-

* Bidders who score either 0 or 2 on any of the selection criteria will not be considered for short listing to the tender stage of the procurement exercise.
* The evaluation score for each selection criteria will be calculated by multiplying the score it has been allocated by the Project Team by its (% weighting). The total evaluation score for a Bidder is calculated by adding the evaluation scores the Bidder receives for each evaluation criteria.

* As stated in the Contract Notice, following the evaluation of each of the responses to the PQQ the Trust will select an estimated minimum number of 5 Bidders to an estimated maximum of 8 Bidders to invite to tender for the Contract. The Bidders selected for the tender stage will be those estimated 5 to 8 Bidders with the highest total evaluation scores.
* Bidders must note that the weighting and scoring system detailed in this paragraph is only being used by the Trust for the purpose of evaluating the PQQ responses received from Bidders.

ANNEX 1  
Standardised Pre-Qualification Questionnaire (PQQ)

**Notes for completion**

1. “Authority” means the public sector contracting authority, or anyone acting on behalf of the contracting authority, that is seeking to invite suitable suppliers to participate in this procurement process.

2. “You”/ “Your” or “Supplier” means the body completing these questions **i.e. the legal entity seeking to be invited to the next stage of the procurement process and responsible for the information provided.** The ‘Supplier’ is intended to cover any economic operator as defined by the Public Contract Regulations 2015 and could be a registered company; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.

3. This Pre-Qualification Questionnaire (PQQ) has been designed to assess the suitability of a Supplier to deliver the Authority’s contract requirement(s). If you are successful at this stage of the procurement process, you will be selected for the subsequent award stage of the process.

4. Please ensure that all questions are completed in full, and in the format requested. Failure to do so may result in your submission being disqualified. If the question does not apply to you, please state clearly ‘N/A’.

5. Should you need to provide additional Appendices in response to the questions, these should be numbered clearly and listed as part of your declaration. A template for providing additional information is provided at the end of this document.

6. Please return a completed version of this document to the Authority in accordance with the Instructions to Bidders section of the PQQ (above).

**Verification of Information Provided**

7. Whilst reserving the right to request information at any time throughout the procurement process, the Authority may enable the Supplier to self-certify that there are no mandatory/ discretionary grounds for excluding their organisation. When requesting evidence that the Supplier can meet the specified requirements (such as the questions in section 7 of this PQQ relating to Technical and Professional Ability) the Authority may only obtain such evidence after the final tender evaluation decision i.e. from the winning Supplier only.

**Sub-contracting arrangements**

8. Where the Supplier proposes to use one or more sub-contractors to deliver some or all of the contract requirements, a separate Appendix should be used to provide details of the proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for.

9. The Authority recognises that arrangements in relation to sub-contracting may be subject to future change, and may not be finalised until a later date. However, Suppliers should be aware that where information provided to the Authority indicates that sub-contractors are to play a significant role in delivering key contract requirements, any changes to those sub-contracting arrangements may affect the ability of the Supplier to proceed with the procurement process or to provide the supplies and/or services required. Suppliers should therefore notify the Authority immediately of any change in the proposed sub-contractor arrangements. The Authority reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

**Consortia arrangements**

10. If the Supplier completing this PQQ is doing so as part of a proposed consortium, the following information must be provided;

* names of all consortium members;
* the lead member of the consortium who will be contractually responsible for delivery of the contract (if a separate legal entity is not being created); and
* if the consortium is not proposing to form a legal entity, full details of proposed arrangements within a separate Appendix.

11. Please note that the Authority may require the consortium to assume a specific legal form if awarded the contract, to the extent that a specific legal form is deemed by the Authority as being necessary for the satisfactory performance of the contract.

12. All members of the consortium will be required to provide the information required in all sections of the PQQ as part of a single composite response to the Authority i.e. each member of the consortium is required to complete the form.

13. Where you are proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV), you should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity in a separate Appendix.

14. The Authority recognises that arrangements in relation to a consortium bid may be subject to future change. Suppliers should therefore respond on the basis of the arrangements as currently envisaged. Suppliers are reminded that the Authority must be immediately notified of any changes, or proposed changes, in relation to the bidding model so that a further assessment can be carried out by applying the selection criteria to the new information provided. The Authority reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

**Confidentiality**

15. When providing details of contracts in answering section 6 of this PQQ (Technical and Professional Ability), the Supplier agrees to waive any contractual or other confidentiality rights and obligations associated with these contracts.

16. The Authority reserves the right to contact the named customer contact in section 6 regarding the contracts included in section 6. The named customer contact does not owe the Authority any duty of care or have any legal liability, except for any deceitful or maliciously false statements of fact.

17. 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 Public Contract Regulations 2015.

**1 - Supplier information**

|  |  |  |
| --- | --- | --- |
| **1.1 Supplier details** | **Answer** | |
| Full name of the Supplier completing this Annex B1 |  | |
| Registered company address |  | |
| Registered company number |  | |
| Registered charity number |  | |
| Registered VAT number |  | |
| Name of immediate parent company |  | |
| Name of ultimate parent company |  | |
| Please mark ‘X’ in the relevant box to indicate your trading status | i) a public limited company | 🞏 Yes |
| ii) a limited company | 🞏 Yes |
| iii) a limited liability partnership | 🞏 Yes |
| iv) other partnership | 🞏 Yes |
| v) sole trader | 🞏 Yes |
| vi) other (please specify) | 🞏 Yes |
| Please mark ‘X’ in the relevant boxes to indicate whether any of the following classifications apply to you | i)Voluntary, Community and Social Enterprise (VCSE) | 🞏 Yes |
| ii) Small or Medium Enterprise (SME) [[1]](#footnote-1) | 🞏 Yes |
| iii) Sheltered workshop | 🞏 Yes |
| iv) Public service mutual | 🞏 Yes |

|  |  |
| --- | --- |
| **1.2 Bidding model** | |
| **Please mark ‘X’ in the relevant box to indicate whether you are;** | |
| a)      Bidding as a Prime Contractor and will deliver 100% of the key contract deliverables yourself | 🞏 Yes |
| b)      Bidding as a Prime Contractor and will use third parties to deliver some of the services  If yes, please provide details of your proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for. | 🞏 Yes |
| c)       Bidding as Prime Contractor but will operate as a Managing Agent and will use third parties to deliver all of the services  If yes, please provide details of your proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for. | 🞏 Yes |
| d)      Bidding as a consortium but not proposing to create a new legal entity.  If yes, please include details of your consortium in the next column and use a separate Appendix to explain the alternative arrangements i.e. why a new legal entity is not being created.  Please note that the Authority may require the consortium to assume a specific legal form if awarded the contract, to the extent that it is necessary for the satisfactory performance of the contract. | 🞏 Yes  **Consortium members**  **Lead member** |
| e)      Bidding as a consortium and intend to create a Special Purpose Vehicle (SPV).  If yes, please include details of your consortium, current lead member and intended SPV in the next column and provide full details of the biding model using a separate Appendix. | 🞏 Yes  **Consortium members**  **Current lead member**  **Name of Special Purpose Vehicle** |

|  |  |
| --- | --- |
| **1.3 Contact details** | |
| Supplier contact details for enquiries about this PQQ | |
| Name |  |
| Postal address |  |
| Country |  |
| Phone |  |
| Mobile |  |
| E-mail |  |

|  |  |  |
| --- | --- | --- |
| **1.4 Licensing and registration (please mark ‘X’ in the relevant box)** | | |
| 1.4.1 | Registration with a professional body  If applicable, is your business registered with the appropriate trade or professional register(s) in the EU member state where it is established (as set out in Annex XI of directive 2014/24/EU) under the conditions laid down by that member state). | 🞏 Yes  🞏 No  If Yes, please provide the registration number in this box. |
| 1.4.2 | Is it a legal requirement in the state where you are established for you to be licensed or a member of a relevant organisation in order to provide the requirement in this procurement? | 🞏 Yes  🞏 No  If Yes, please provide additional details within this box of what is required and confirmation that you have complied with this. |

**2 - Grounds for mandatory exclusion**

You will be excluded from the procurement process if there is evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if you have been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations (except where this is disproportionate e.g. only minor amounts involved).

If you have answered “yes” to question 2.2 on the non-payment of taxes or social security contributions, and have not paid or entered into a binding arrangement to pay the full amount, you may still avoid exclusion if only minor tax or social security contributions are unpaid or if you have not yet had time to fulfil your obligations since learning of the exact amount due. If your organisation is in that position please provide details using a separate Appendix. You may contact the Authority for advice before completing this form.

|  |  |  |
| --- | --- | --- |
| **2.1 Within the past five years, has your organisation (or any member of your proposed consortium, if applicable), Directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?** | **Please indicate your answer by marking ‘X’ in the relevant box.** | |
| **Yes** | **No** |
| 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; |  |  |
| 1. 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; |  |  |
| 1. the common law offence of bribery; |  |  |
| 1. 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; |  |  |
| 1. any of the following offences, 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: |  |  |
| (i) the offence of cheating the Revenue; |  |  |
| (ii) the offence of conspiracy to defraud; |  |  |
| (iii) fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978; |  |  |
| (iv) fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006; |  |  |

|  |  |  |
| --- | --- | --- |
| (v) 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; |  |  |
| (vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993; |  |  |
| (vii) 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; |  |  |
| (viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or |  |  |
| (ix) 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; |  |  |
| 1. any offence listed— |  |  |
| (i) in section 41 of the Counter Terrorism Act 2008; or |  |  |
| (ii) in Schedule 2 to that Act where the court has determined that there is a terrorist connection; |  |  |
| 1. any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subparagraph (f); |  |  |
| 1. money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002; |  |  |
| 1. 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; |  |  |
| 1. an offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004; |  |  |
| 1. an offence under section 59A of the Sexual Offences Act 2003; |  |  |
| 1. an offence under section 71 of the Coroners and Justice Act 2009 |  |  |
| 1. 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 |  |  |

|  |  |  |
| --- | --- | --- |
| 1. any other offence within the meaning of Article 57(1) of the Public Contracts Directive— |  |  |
| (i) as defined by the law of any jurisdiction outside England and Wales and Northern Ireland; or |  |  |
| (ii) created, after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland. |  |  |
| **Non-payment of taxes**  **2.2 Has it been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which your organisation is established (if outside the UK), that your organisation is in breach of obligations related to the payment of tax or social security contributions?**  If you have answered Yes to this question, please use a separate Appendix to provide further details. Please also use this Appendix to confirm whether you have paid, or have entered into a binding arrangement with a view to paying, including, where applicable, any accrued interest and/or fines? |  |  |

## 3. Grounds for discretionary exclusion – Part 1

The Authority may exclude any Supplier who answers ‘Yes’ in any of the following situations set out in paragraphs (a) to (i);

|  |  |  |
| --- | --- | --- |
| **3.1 Within the past three years, please indicate if any of the following situations have applied, or currently apply, to your organisation.** | **Please indicate your answer by marking ‘X’ in the relevant box.** | |
| **Yes** | **No** |
| 1. your organisation has violated applicable obligations referred to in regulation 56 (2) of the Public Contract Regulations 2015 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 X to the Public Contracts Directive as amended from time to time; |  |  |
| 1. your organisation is bankrupt or is the subject of insolvency or winding-up proceedings, where your 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; |  |  |
| 1. your organisation is guilty of grave professional misconduct, which renders its integrity questionable; |  |  |
| 1. your organisation has entered into agreements with other economic operators aimed at distorting competition; |  |  |
| 1. your organisation has a conflict of interest within the meaning of regulation 24 of the Public Contract Regulations 2015 that cannot be effectively remedied by other, less intrusive, measures; |  |  |
| 1. the prior involvement of your organisation in the preparation of the procurement procedure has resulted in a distortion of competition, as referred to in regulation 41, that cannot be remedied by other, less intrusive, measures; |  |  |
| 1. your organisation 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; |  |  |

|  |  |  |
| --- | --- | --- |
| 1. your organisation—   (i) 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  (ii) has withheld such information or is not able to submit supporting documents required under regulation 59 of the Public Contract Regulations 2015; or |  |  |
| (i) your organisation has undertaken to |  |  |
| (aa) unduly influence the decision-making process of the contracting authority, or |  |  |
| (bb) obtain confidential information that may confer upon your organisation undue advantages in the procurement procedure; or |  |  |
| (j) your organisation has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award. |  |  |

**Conflicts of interest**

In accordance with question 3.1 (e), the Authority may exclude the Supplier if there is a conflict of interest which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.

Where there is any indication that a conflict of interest exists or may arise then it is the responsibility of the Supplier to inform the Authority, detailing the conflict in a separate Appendix. Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by the Authority should not represent a conflict of interest for the Supplier.

**Taking Account of Bidders’ Past Performance**

In accordance with question (g), the Authority may assess the past performance of a Supplier (through a Certificate of Performance provided by a Customer or other means of evidence). The Authority may take into account any failure to discharge obligations under the previous principal relevant contracts of the Supplier completing this PQQ. The Authority may also assess whether specified minimum standards for reliability for such contracts are met.

In addition, the Authority may re-assess reliability based on past performance at key stages in the procurement process (i.e. supplier selection, tender evaluation, contract award stage etc.). Suppliers may also be asked to update the evidence they provide in this section to reflect more recent performance on new or existing contracts (or to confirm that nothing has changed).

**‘Self-cleaning’**

Any Supplier that answers ‘Yes’ to questions 2.1, 2.2 and 3.1 should provide sufficient evidence, in a separate Appendix, that provides a summary of the circumstances and any remedial action that has taken place subsequently and effectively “self-cleans” the situation referred to in that question. The Supplier has to demonstrate it has taken such remedial action, to the satisfaction of the Authority in each case.

If such evidence is considered by the Authority (whose decision will be final) as sufficient, the economic operator concerned shall be allowed to continue in the procurement process.

In order for the evidence referred to above to be sufficient, the Supplier shall, as a minimum, prove that it has;

* paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
* 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 the Supplier shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the Authority to be insufficient, the Supplier shall be given a statement of the reasons for that decision.

## 4. Grounds for discretionary exclusion – Part 2

The Authority reserves the right to use its discretion to exclude a Supplier where it can demonstrate the Supplier’s non-payment of taxes/social security contributions where no binding legal decision has been taken.

Please note that Section 4 relating to tax compliance only applies where the Authority has indicated that the contract is over £5million in value, and the Authority is a Central Government Department (including their Executive Agencies and Non-Departmental Public Bodies).

“Occasion of Tax Non-Compliance” means:

1. any tax return of the Supplier submitted to a Relevant Tax Authority on or after 1 October 2012 is found to be incorrect as a result of:
   * + 1. a Relevant Tax Authority successfully challenging the Supplier under the General Anti-Abuse Rule or the Halifax Abuse Principle or under any tax rules or legislation that have an effect equivalent or similar to the General Anti-Abuse Rule or the Halifax Abuse Principle;
       2. the failure of an avoidance scheme which the Supplier was involved in, and which was, or should have been, notified to a Relevant Tax Authority under the DOTAS or any equivalent or similar regime; and/or
2. the Supplier’s tax affairs give rise on or after 1 April 2013 to a criminal conviction in any jurisdiction for tax related offences which is not spent at the Effective Date or to a penalty for civil fraud or evasion

|  |  |  |
| --- | --- | --- |
| From 1 April 2013 onwards, have any of your company’s tax returns submitted on or after 1 October 2012; (Please indicate your answer by marking ‘X’ in the relevant box). | | |
| 4.1 | Given rise to a criminal conviction for tax related offences which is unspent, or to a civil penalty for fraud or evasion; | 🞏 Yes  🞏 No |
| 4.2 | Been found to be incorrect as a result of:   * + - HMRC successfully challenging it under the General Anti-Abuse Rule (GAAR) or the “Halifax” abuse principle; or     - a tax authority in a jurisdiction in which the legal entity is established successfully challenging it  under any tax rules or legislation that have an effect equivalent or similar to the GAAR or the “Halifax” abuse principle; or     - the failure of an avoidance scheme which the Supplier was involved in and which was, or should have been, notified under the Disclosure of Tax Avoidance Scheme (DOTAS) or any equivalent or similar regime in a jurisdiction in which the Supplier is established. | 🞏 Yes  🞏 No |
| If answering “Yes” to either 4.1 or 4.2 above, the Supplier may provide details of any mitigating factors that it considers relevant and that it wishes the Authority to take into consideration.  This could include, for example:   * + Corrective action undertaken by the Supplier to date;   + Planned corrective action to be taken;   + Changes in personnel or ownership since the Occasion of Non-Compliance (OONC); or   + Changes in financial, accounting, audit or management procedures since the OONC.   In order that the Authority can consider any factors raised by the Supplier, the following information should be provided:   * A brief description of the occasion, the tax to which it applied, and the type of “non-compliance” e.g. whether HMRC or the foreign tax authority has challenged pursuant to the GAAR, the “Halifax” abuse principle etc. * Where the OONC relates to a DOTAS, the number of the relevant scheme. * The date of the original “non-compliance” and the date of any judgement against the Supplier, or date when the return was amended. * The level of any penalty or criminal conviction applied. | | |

## - Economic and Financial Standing

**Financial Assessment:**

The financial assessment will comprise the following three tests:

* Independent Credit Score (ICR);
* Annual Accounts qualification; and
* Adverse Events Test

### 

**Independent Credit Score (ICR)**

A credit rating will be sought from an independent firm for each Bidder and any Sub-contractors proposed, which will provide an independent assessment of credit worthiness to ensure the results are comparable. Where a Relevant Organisation does not have an investment grade public rating from Moodys or Standard & Poor’s, the Relevant Organisation must achieve a rating of 1 or 2 on the Dunn and Bradstreet Risk Indicator Score scale.

**Annual Account Qualifications**

In the event that any of the Bidders accounts have been qualified in the last three financial years, the reasons for the qualification will be reviewed to determine whether the matter giving rise to the qualification of the accounts would adversely affect the ability of the Bidder to deliver the project.

Whilst not possible to provide an exhaustive list, some reasons for qualification, for example on technical grounds, would not justify exclusion.  Examples of qualifications which may justify exclusion include where the accounts show (in relation to the provision of EPR products and services):

* a deviation from generally accepted accounting principles/ international financial reporting standards; and/or
* a limitation in the scope of the audit.

**Adverse Event Test**

### This test is intended to pick up doubts regarding the ability of the Bidder to continue as a going concern. This is intended to identify considerations that would justify exclusion based on the Evaluation Team’s assessment of the likely future performance of the company.

It is impossible to list all such considerations but examples include where Bidders have incurred a series of losses where:

* The summation of the net losses over the last three years/3 times length of construction is greater than the Bidders net assets.
* A Bidder is subject to an FSA or SFO investigation.
* A press release from an independent financial source (such as Standard & Poors, Perfect Information, Mint) states that the financial position of the Bidder has materially declined since the last published accounts, supported by firm released statements.
* There has been a decline in profits by 25% (or more) year on year for the 3 years in respect of the Bidder.

The Evaluation Team will be entitled to consider all information contained in the annual accounts of each Bidder.

These are some of the examples the Evaluation Team would consider in assessing the likely performance of the Bidder and may be reasons which would entitle the Evaluation Team to disqualify a Bidder.

Prior to any decision to disqualify a Bidder on this basis, the Authority will seek clarification of the relevant consideration from the Bidder and will take into account any explanation offered by the Bidder.

|  |  |  |
| --- | --- | --- |
|  | **FINANCIAL INFORMATION** | |
|  |  | |
| 5.1 | **Please provide one of the following to demonstrate your economic/financial standing;**  Please indicate your answer with an ‘X’ in the relevant box. | |
| 1. A copy of the audited accounts for the most recent two years |  |
| 1. A statement of the turnover, profit & loss account, current liabilities and assets, and cash flow for the most recent year of trading for this organisation |  |
| 1. A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position |  |
|  |  |
| 1. Alternative means of demonstrating financial status if any of the above are not available (e.g. Forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status). |  |
| 5.2 | Where the authority has specified a minimum level of economic and financial standing and/or a minimum financial threshold within the evaluation criteria for this PQQ, please self-certify by answering ‘Yes’ or ‘No’ that you meet the requirements set out here. | 🞏 Yes  🞏 No |
| 5.3 | **(a) Are you are part of a wider group (e.g. a subsidiary of a holding/parent company)?**  If yes, please provide the name below:   |  |  | | --- | --- | | Name of the organisation |  | | Relationship to the Supplier completing the PQQ |  |   If yes, please provide Ultimate / parent company accounts if available.  If yes, would the Ultimate / parent willing to provide a guarantee if necessary?  If no, would you be able to obtain a guarantee elsewhere (e.g from a bank?) | 🞏 Yes  🞏 No  🞏 Yes  🞏 No  🞏 Yes  🞏 No |

## 6 – Technical and Professional Ability

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 6 | **Relevant experience and contract examples** | | | | | |
| Please provide details of up to three contracts, in any combination from either the public or private sector, that are relevant to the Authority’s requirement for a Contract for the provision of Monitored Dosage Systems to identified in-patients immediately following discharge from The Dudley Group NHS Foundation Trust. Contracts should have been performed during the past three years.  The named customer contact provided should be prepared to provide written evidence to the Authority to confirm the accuracy of the information provided below.  Consortia bids should provide relevant examples of where the consortium has delivered similar requirements; if this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle will be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (three examples are not required from each member).  Where the Supplier is a Special Purpose Vehicle, or a managing agent not intending to be the main provider of the supplies or services, the information requested should be provided in respect of the principal intended provider(s) or sub-contractor(s) who will deliver the supplies and services. | | | | | |
|  |  | Contract 1 | | Contract 2 | | Contract 3 |
| 6.1 | Name of customer organisation |  | |  | |  |
| 6.2 | Point of contact in customer organisation  Position in the organisation  E-mail address |  | |  | |  |
| 6.3 | Contract start date  Contract completion date  Estimated Contract Value |  | |  | |  |
| 6.4 | In no more than 500 words per site, please provide a brief description of the contract delivered including evidence as to your technical capability in this market |  |  | |  | |
| 6.6 If you cannot provide at least one example for questions 6.1 to 6.4 above, in no more than 500 words please provide an explanation for this e.g. your organisation is a new start-up. | | | | | | |
|  | | | | | | |

## Additional PQQ modules

**A – Project specific questions to assess Technical and Professional Ability**

Contracting authorities are permitted to ask further project specific questions relating to the Bidders technical and professional ability as part of selection. The questions asked are relevant and proportionate to the requirement of a Contract for the provision of Multi-compartment Compliance Aids, also known as Monitored Dosage Systems (MDS), to Identified In-patients Immediately Following Discharge from the Dudley Group NHS Foundation Trust. The questions below relate and are in accordance with the technical and professional ability as set out in Regulations 60 (9) (b) - (k).

|  |  |
| --- | --- |
| 1 | **Technical and Professional Ability - Contract Implementation** |
|  | This question is to assess the technical and professional capability of the bidders in implementing a Contract for the provision of Multi-compartment Compliance Aids, also known as Monitored Dosage Systems (MDS), to Identified In-patients Immediately Following Discharge from the Dudley Group NHS Foundation Trust from 1st March 2017based on the Procurement Timetable provided in clause 2.2  Bidders should provide details of their experience in implementing contract/s similar to this Contract including the key stages they would include in their implementation plan. The information provided should demonstrate their technical and professional ability to meet a go live date of 1st March 2017. |
| Note to Suppliers:  Your response should not exceed 800 words |
| 2 | **Technical and Professional Ability – Information Confidentiality** |
|  | Please provide details of how your organisation will manage the security and confidentiality of information including patient information in accordance with NHS Information Governance standards.  Please provide details of the information systems |
| Bidders Note:  Your response should not exceed 1,000 words |
| 3 | **Technical and Professional Ability – Quality Standards** |
|  | Does the organisation have, or is it seeking, professional accreditation or certification under International, European, British or other quality standards (e.g. BS5750, BS EN ISO 9000 etc.) If so please state the relevant quality standards.  Please provide details of the quality assurance standards/procedures that your organisation will employ during the implementation and operation of the Contract. |
| You response should not exceed 600 words |
| 4 | **Technical and Professional Ability – Support Capability** |
|  | Please provide details of how your organisation will support the Trust during the period of the contract. This must include details of the number and skills of staff that your organisation employs currently and the numbers and skills of staff that would be allocated to meet the requirements of the Contract together with a brief description of their roles e.g. technical, support, administration, management etc. |
| You response should not exceed 500 words |
|  |  |

## B - Insurance

|  |  |  |
| --- | --- | --- |
| 1. | Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:  Employer’s (Compulsory) Liability Insurance = £5 million  Professional Indemnity Insurance = £5 million  Public Liability Insurance = £5 million  Product Liability Insurance = £5 million  \* It is a legal requirement that all companies hold Employer’s (Compulsory) Liability Insurance of £5 million as a minimum. Please note this requirement is not applicable to Sole Traders. | 🞏 Yes  🞏 No |

## C – Compliance with equality legislation

|  |  |  |
| --- | --- | --- |
| For organisations working outside of the UK please refer to equivalent legislation in the country that you are located. | | |
| 1. | In the last three years, has any finding of unlawful discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)? | 🞏 Yes  🞏 No |
| 2. | In the last three years, has your organisation 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 or alleged unlawful discrimination?  If you have answered “yes” to one or both of the questions in this section, please provide, as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.  If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.  You may be excluded if you are unable to demonstrate to the Authority’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring. | 🞏 Yes  🞏 No |
| 3. | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | 🞏 Yes  🞏 No |

## D - Environmental Management

|  |  |  |
| --- | --- | --- |
| 1. | Has your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last three years by any environmental regulator or authority (including local authority)?  If your answer to the this question is “Yes”, please provide details in a separate Appendix of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served.  The Authority will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last 3 years, unless the Authority is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches. | 🞏 Yes  🞏 No |
| 2. | If you use sub-contractors, do you have processes in place to check whether any of these organisations have been convicted or had a notice served upon them for infringement of environmental legislation? | 🞏 Yes  🞏 No |

## E - Health and Safety

|  |  |  |
| --- | --- | --- |
| 1. | Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements. | 🞏 Yes  🞏 No |
| 2. | Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years?  If your answer to this question was “Yes”, please provide details in a separate Appendix of any enforcement/remedial orders served and give details of any remedial action or changes to procedures you have made as a result.    The Authority will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to the Authority’s satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches. | 🞏 Yes  🞏 No |
| 3. | If you use sub-contractors, do you have processes in place to check whether any of the above circumstances apply to these other organisations? | 🞏 Yes  🞏 No |

## 8 - Declaration

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | I declare that to the best of my knowledge the answers submitted to these questions are correct. I understand that the information will be used in the selection process to assess my organisation’s suitability to be invited to participate further in this procurement, and I am signing on behalf of................................................................... (**Insert name of supplier**).  I understand that the Authority may reject my submission if there is a failure to answer all relevant questions fully or if I provide false/misleading information. I have provided a full list of any Appendices used to provide additional information in response to questions.  I also declare that there is no conflict of interest in relation to the Authority’s requirement.  The following appendices form part of our submission;   |  |  | | --- | --- | | **Section of PQQ** | **Appendix number** | |  |  | |  |  | | |
| **PQQ COMPLETED BY** | |
| 8.1 | Name |  |
| 8.2 | Role in organisation |  |
| 8.3 | Date |  |
| 8.4 | Signature |  |

**PQQ – Template for Appendices**

|  |
| --- |
| **Appendix Number -** |
| **PQQ section -** |
| **Question number -** |
|  |

1. See EU definition of SME: http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/ [↑](#footnote-ref-1)