

Registration

1	2	3	4	5	6	7	8	9
---	---	---	---	---	---	---	---	---

Part 3: Exclusion Grounds

Evaluation guidance

The regulations which govern how we procure specify that we must exclude any organisation which has been convicted of certain offences.

Note that if you are the lead member of a consortium, you do not need to complete these particular questions on behalf of other members of the group or consortium, because they must complete Parts 2, 2A, 3 and 4 for themselves, using the 'information and declaration' workbook or by submitting an EU ESPD.

For these mandatory exclusion grounds only, you must respond for your organisation and for all relevant persons and entities. Each organisation must decide which entities and persons are relevant.

There are two categories of persons and entities that may be relevant:

- Members of the organisation's administrative, management or supervisory board. This category will typically cover company directors and members of an executive board
- Entities and persons who have powers of representation, decision or control. This could be:
 - entities or persons with a 25% or more shareholding
 - entities or persons with less than 25% shareholding who have the relevant powers depending on their particular rights
 - a supplier's ultimate parent company that has powers of representation, decision or control
 - intermediate parent companies that do not have a direct shareholding
 - directors or members of an executive board of their immediate parent company (for example, in the case of an SPV set up specifically to bid for a particular contract)
 - holders of mortgages or liens

If the information we ask for is not provided you will Fail this question and your bid may be rejected.

It isn't necessary for you to identify which entities and persons you think are covered in the declarations. However, you must be satisfied that the declaration is made in respect of all of those that are relevant.

Self-cleaning evaluation guidance

If you declare any convictions you must demonstrate to our satisfaction that you have taken effective remedial action. In order for the evidence provided to be sufficient it must, as a minimum, prove that you have 'self-cleaned' as follows:

- 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 actions agreed on deferred prosecution agreements (DPAs) may be submitted as evidence of self-cleaning and evaluated by us as described below.

The measures taken will be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. If we consider such evidence as sufficient, you will continue in the procurement process. Our decision will be final.

If you cannot provide evidence of 'self-cleaning' that is acceptable to us, you will be excluded from the competition. We will tell you if you are excluded and say why.

Convictions

Within the past five years, anywhere in the world, have you or any person who is a member of the bidder's administrative, management or supervisory body or has powers of representation, decision or control in the bidder been convicted of any of the offences identified in the questions below?

1.14.4 Participation in a criminal organisation

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

Conspiracy within the meaning of:

- 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.

☐ Yes

☐ No

Who has been convicted

--

Date of the conviction and jurisdiction

Which of the grounds listed conviction was for

The facts and circumstances relating to the conviction

Details of investigations carried out by relevant authorities

Evidence that you have paid or made arrangements to pay any compensation due

Web address of relevant documentation:

Issuing authority

Precise reference of the documents

1.14.5 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

☐ Yes

☐ No

Who has been convicted

Date of the conviction and jurisdiction

Which of the grounds listed conviction was for

The facts and circumstances relating to the conviction

Details of investigations carried out by relevant authorities

Evidence that you have paid or made arrangements to pay any compensation due

Web address of relevant documentation

Issuing authority

Precise reference of the documents

1.14.6 Fraud

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:

- the common law offence of cheating the Revenue
- the common law offence of conspiracy to defraud
- 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
- 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
- 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
- an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993
- 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
- fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006
- 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.

☐ Yes

☐ No

Who has been convicted

Date of the conviction and jurisdiction

Which of the grounds listed conviction was for

The facts and circumstances relating to the conviction

Details of investigations carried out by relevant authorities

Evidence that you have paid or made arrangements to pay any compensation due

Web address of relevant documentation**Issuing authority****Precise reference of the documents****1.14.7 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 that relates to an offence covered by the previous two points.

☐ Yes☐ No**Who has been convicted****Date of the conviction and jurisdiction****Which of the grounds listed conviction was for****The facts and circumstances relating to the conviction****Details of investigations carried out by relevant authorities****Evidence that you have paid or made arrangements to pay any compensation due****Web address of relevant documentation**

Issuing authority**Precise reference of the documents****1.14.8 Money laundering or terrorist financing****Any offence:**

- 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.

☐ Yes☐ No**Who has been convicted****Date of the conviction and jurisdiction****Which of the grounds listed conviction was for****The facts and circumstances relating to the conviction****Details of investigations carried out by relevant authorities****Evidence that you have paid or made arrangements to pay any compensation due****Web address of relevant documentation**

Issuing authority**Precise reference of the documents****1.14.9 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, section 2 or section 4 of the Modern Slavery Act 2015

☐ Yes☐ No**Who has been convicted****Date of the conviction and jurisdiction****Which of the grounds listed conviction was for****The facts and circumstances relating to the conviction****Details of investigations carried out by relevant authorities****Evidence that you have paid or made arrangements to pay any compensation due****Web address of relevant documentation****Issuing authority**

Precise reference of the documents**1.14.10 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.

☐ Yes☐ No**Who has been convicted****Date of the conviction and jurisdiction****Which of the grounds listed conviction was for****The facts and circumstances relating to the conviction****Details of investigations carried out by relevant authorities****Evidence that you have paid or made arrangements to pay any compensation due****Web address of relevant documentation****Issuing authority****Precise reference of the documents**

1.14.12 If you have answered Yes to any of the questions above, in this section please explain what measures have been taken to ensure that the relevant grounds for exclusion will not be triggered again. This is called self-cleaning.

1.14.16 Has your organisation committed a breach of obligations relating to the payment of taxes or social security contributions that has been established by a judicial or administrative decision that has a final and binding effect?

☐ Yes

☐ No

1.14.18 Please provide these details for each occurrence:

Country or Member State concerned

What is the amount concerned (nearest £)

How and when the breach was established or challenge brought or enter N/A

If the breach has been established through a judicial or administrative decision please provide the date of the decision

<input type="text"/>	
----------------------	---

If the breach has been established by other means please specify the means or enter N/A

1.14.19 Please also confirm whether you have paid or have entered into a binding arrangement with a view to paying the outstanding sum, including, where applicable, any accrued interest and / or fines.

☐ Yes

☐ No

☐ N/A

1.14.20 Have any of your organisation's tax returns submitted on or after 1 October 2012 been found to be incorrect, as a result of any of:

- HMRC successfully challenging you under the General Anti – Abuse Rule (GAAR) or the "Halifax" abuse principle; or
- a tax authority in a jurisdiction in which you are 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 in which you are or were involved, under the Disclosure of Tax Avoidance Scheme rules (DOTAS), VADR (Schedule 11A to the Value Added Tax Act 1994 (as amended by Schedule 1 to the Finance (no. 2) Act 2005)) or any equivalent or similar regime in a jurisdiction in which the supplier is established.

☐ Yes

☐ No

1.14.21 Please provide these details for each occurrence:

Country or Member State concerned

What is the amount concerned (nearest £)

How and when the breach was established or challenge brought or enter N/A

1.14.22 Please also confirm whether you have paid or have entered into a binding arrangement with a view to paying the outstanding sum, including, where applicable, any accrued interest and / or fines.

☐ Yes

☐ No

☐ NA

1.14.23 If you have answered no to any questions in this section exclusion relating to the payment of taxes and social security contributions, and evidence of meeting all obligations is available electronically, please provide:

Web Address

Issuing Authority

Precise reference of the documents

Grounds for Discretionary Exclusion

Evaluation guidance

The regulations which govern how we procure specify that we may exclude any organisation which has been convicted of certain offences, has been subject to certain proceedings, has had unacceptable conduct or has violated obligations in the field of environmental, social and labour law.

For these exclusion grounds you must respond for your organisation. (If you are the lead member of a consortium, you do not need to complete these particular questions on behalf of other members of the consortium, because they must complete Parts 2, 2A, 3 and 4 for themselves, using the 'information and declaration' workbook or EU ESPD.)

Self-cleaning evaluation guidance

If you declare any convictions you must demonstrate to our satisfaction that you have taken effective remedial action. In order for the evidence provided to be sufficient it must, as a minimum, prove that you have 'self-cleaned' as follows:

- 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 actions agreed on deferred prosecution agreements (DPAs) may be submitted as evidence of self-cleaning and evaluated by us as described below.

The measures taken will be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. If we consider such evidence as sufficient, you will continue in the procurement process. Our decision will be final.

If you cannot provide evidence of 'self-cleaning' that is acceptable to us, you will be excluded from the competition. We will tell you if you are excluded and say why.

The past three years

Within the past three years, anywhere in the world, have any of the situations listed in questions below applied to your organisation?

1.15.4 Obligations in the fields of environmental, social and labour law established by EU law, national law or collective agreements

- Violation of applicable obligations in the fields of environmental, social and labour law established by EU law, national law or collective agreements; including, but not limited to:
- The organisation or any of its Directors or Executive Officers has been in receipt of enforcement/remedial notices in relation to the Health and Safety Executive (or equivalent body)
- The organisation has been convicted of a breach of the Health and Safety legislation
- 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
- The organisation has been in breach of the National Minimum Wage Act 1998

☐ Yes☐ No**1.15.5 Obligations in the fields of environmental, social and labour law established by listed in Annex X of the Public Procurement Directive 2014/24/E**

- Violation of applicable obligations in the fields of environmental, social and labour law established by these international environmental, social and labour law provisions:
- 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

☐ Yes☐ No**1.15.6 Bankrupt or subject of insolvency**

Is 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

☐ Yes☐ No

1.15.7 Grave professional misconduct**Is guilty of grave professional misconduct**☐ Yes☐ No**1.15.8 Distortion of Competition****Has entered into agreements with other economic operators aimed at distorting competition**☐ Yes☐ No**1.15.9 Conflict of Interest****Has been aware of conflict of interest within the meaning of regulation 24 due to the participation of the procurement procedure**☐ Yes☐ No**1.15.10 Been involved in the preparation of the procurement procedure?****Has advised CCS or otherwise been involved in the preparation of this procurement procedure**☐ Yes☐ No**1.15.11 Prior performance issues****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 including previous termination or suspension from this DPS.**☐ Yes☐ No

1.15.12 Misrepresentation and undue influence

- Has been found 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
- Has withheld such information
- Is not able, without delay, to submit supporting documents if or when required

Has undertaken:

- to unduly influence the decision-making process of CCS to obtain confidential information that may confer upon your organisation undue advantages in the procurement, or
- to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award

☐ Yes

☐ No

1.15.13 If you answered Yes to any of the questions above, please attach a file to provide further details as appropriate including:

- Date of the violation or offence
- Which of the grounds listed applied
- The facts and circumstances relating to the violation or offence
- Details of investigations carried out by relevant authorities
- Evidence that you have paid or made arrangements to pay any compensation due
- Web address of relevant documentation
- Issuing authority
- Precise reference of the documents

Upload File (5MB maximum)

1.15.14 If you have answered Yes to any of the questions above, please explain what measures have been taken to ensure that the relevant grounds for exclusion will not be triggered again. This is called self-cleaning.

Or enter N/A

Save For Later

Next