

Construction prequalification questionnaires



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ISBN 978 0 580 93182 6

ICS 03.100. 10; 91.010.01

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Publication history

First published March 2013

Amendment 1 November 2017

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Foreword

This Publicly Available Specification (PAS) was sponsored by the Department for Business Energy and Industrial Strategy (BEIS). Its development was facilitated by BSI Standards Limited and it is published under licence from the British Standards Institution.

This amendment to the PAS includes changes to PAS 91: 2013 that are intended to restore its alignment with legislation extant at the time of publication. The amendment was sponsored by BEIS for that purpose and it comes into effect in November 2017.

Acknowledgement is given to the following organizations that were involved in the development of this PAS and/or its amendment, as members of the Steering Group:

- Action Sustainability
- Altius Vendor Assessment Limited
- Avetta
- AWE
- Building Engineering Services Association
- Builder's Profile (UK) Limited
- Build UK
- Cabinet Office
- Chartered Institute of Building
- Contractors Health and Safety Assessment Scheme (CHAS)
- Constructionline
- Construction Products Association
- Crown Commercial Service
- Department of Finance and Personnel Northern Ireland
- East Riding of Yorkshire Council
- Electrical Contractors' Association
- Federation of Master Builders (FMB)
- Highways England
- Health and Safety Executive (HSE)
- Kier Group
- Lafarge Aggregates Limited
- LHC
- Local Government Association
- Ministry of Defence

- National Federation of Builders Limited
- Royal Institute of British Architects (RIBA)
- Safety Schemes in Procurement (SSIP)
- Scape Group Ltd
- Specialist Engineering Contractors' Group

This PAS is not to be regarded as a British Standard.

The PAS process enables a specification to be developed rapidly in order to fulfil an immediate need in industry or in the wider community. A PAS can be considered for further development as a British Standard, or constitute part of the UK input to the development of a European or International Standard.

This PAS will be withdrawn upon publication of its content in or as, a British Standard or if an equivalent European standard is published.

Publishing information

The British Standards Institution retains ownership and copyright of this PAS. BSI Standards Limited as the publisher of the PAS reserves the right to withdraw or amend this PAS on receipt of authoritative advice that it is appropriate to do so. This PAS will be reviewed at intervals not exceeding two years, and any amendments arising from the review will be published as an amended PAS and publicized in Update Standards.

To facilitate the use of the PAS 91 question modules in organizational prequalification processes, BSI permits the copying of the questions by those wishing to use them. For this purpose, editable copies of the question modules are available on request, from BSI. Potential users are however referred to the 'rules for use of the question modules' provided in clause 3 of this PAS.

Use of this document

It has been assumed in the preparation of this PAS that the execution of its provisions will be entrusted to a competent person or persons for whose use it has been produced.

Presentational conventions

The provisions of this PAS are presented in roman (i.e. upright) type. Its requirements are expressed in sentences in which the principal auxiliary verb is "shall". Its recommendations are expressed in sentences in which the principal auxiliary verb is "should".

Commentary, explanation and general informative material, e.g. Notes, are presented in italic type, and do not constitute a normative element.

Where words have alternative spellings, the preferred spelling of the Shorter Oxford English Dictionary is used (e.g. "organization" rather than "organisation").

Contractual and legal considerations

This publication does not purport to include all the necessary provisions of a contract. Users are responsible for its correct application.

As the National Standards Body for the United Kingdom, BSI has facilitated the drafting of this specification with the intention that it will be applicable across the United Kingdom. Its use in relation to procurement for works contracts (including the procurement of supplies and services subject to the Construction (Design and Management) Regulations 2015 and needed in relation to the works) in the scope of the Public Contract Regulations 2015 is confirmed in a Procurement Policy Note issued by the Crown Commercial Service in November 2017. However, when working in areas under the jurisdiction of a devolved administration, users of PAS 91 are recommended to confirm the acceptability of the PAS 91 Question Modules with that devolved administration.

Attention is drawn to the principle, applicable in British Standards generally, that they do not specifically require actions that are the subject of legal requirement. Therefore, this PAS does not include, for example, requirement to observe Health and Safety or Building Regulations, with which it is assumed users of this PAS will be in compliance.

Compliance with this PAS does not in itself confer immunity from legal obligations.

Introduction

BSI PAS 91 is a publicly available specification (PAS) that sets out the content, format and use of questions that are widely applicable to prequalification for construction tendering.

To be eligible for prequalification, it is necessary that suppliers are able to demonstrate that they possess or have access to the governance, qualifications and references, expertise, competence, health and safety/ environmental/financial and other essential capabilities to the extent necessary for them to be considered appropriate to undertake work and deliver services for potential buyers.

The use of this set of common criteria by those who undertake prequalification activity or provide prequalification services helps to streamline tendering processes by:

- reducing the need for the unproductive, repetitive completion of multiple prequalification processes;
- facilitating the identification of suitably qualified and experienced suppliers;
- increasing consistency between various prequalification databases;
- clarifying the distinction between criteria at the prequalification and contract award stages of the procurement process.

Throughout the construction supply chain, many suppliers seeking to demonstrate their suitability for delivering construction projects are required to submit to frequent prequalification processes involving many different questionnaire forms. This leads to considerable unnecessary effort and wastes time and money, not only for those suppliers but also for the buyers and assessment providers who have to read and evaluate the varied information provided in many different formats. This proliferation of questions and question formats is exacerbated by the many procurement officers that choose, for whatever reason, to undertake their own prequalification activity.

For suppliers seeking to establish themselves as prequalified to deliver construction projects, the sheer number and variety of the questionnaires that they are presented with can be a continual drain on resources.

The consistent use of a set of common questions in all construction related prequalification activity would not only significantly reduce the resources invested by suppliers in such activity, but would also enable assessment providers and procurement officers to more reliably source suppliers solely on the basis of the level of assurance they provide (i.e. the extent to which the answers to the questions given by the suppliers are checked and evaluated), and facilitate suppliers' access to work where the risk levels are appropriate.



This PAS therefore specifies a set of questions that enable the acquisition of the essential information required in all prequalification processes in a uniform and commonly usable manner.

The benefits to buyers of the introduction of PAS 91 to procurement prequalification processes can include considerable saving in time and money when compiling, using and comparing prequalification questionnaires, more supply chain certainty about basic prequalification requirements and that more suppliers (notably SMEs) can be encouraged to take part, giving wider choice to clients. In addition, the universal use of this PAS could also help to raise the overall standard of communication, understanding and supplier capability across the construction sector.

The benefits to suppliers can include not only reduced cost of prequalification and an increase in the possibility of participating in additional prequalification processes, but also freeing up often scarce resources to invest in potentially more profitable activity.

For assessment providers, the use of PAS 91 can reduce the time spent developing and refining the questions themselves and make available more time to focus on developing and selling added value services to a better informed procurement client base which understands the benefits of applying PAS 91.

It is important to recognise that the information obtained from applying PAS 91 does not remove a buyer's legal or other requirements to make further enquiries about the supplier's capabilities, beyond the questions in these modules, to satisfy specific requirements for projects, services or other activities. Provision is therefore made in PAS 91 for the inclusion of supplementary questions if necessary, subject to certain restrictions.

It is the intention that through the application of PAS 91 to prequalification services and processes, suppliers obtain more control over the timing and extent of their prequalification activity and that meeting widely accepted prequalification criteria can and will be recognized by all potential buyers. Inclusion on a prequalification database does not necessarily guarantee an invitation to tender or an engagement of services. It is recognized that those seeking to have work done might choose to select pre-qualified tenderers or might decide, or be required, to advertise for tenders or expressions of interest for particular projects. However, with the prevalence of prequalification activity, it is suggested that by applying for prequalification through a scheme that conforms to PAS 91, those seeking to tender for construction contracts can access the tendering processes in a resource efficient manner. For those seeking to have contracts fulfilled, the use of PAS 91 can enhance the effectiveness and efficiency of construction tendering processes, whether it is used directly or through an external prequalification assessment provider. The use of PAS 91 is therefore recommended wherever construction-related prequalification is undertaken.

PAS 91 Module C3 Tables 9 and 10, take account of the European Single Procurement Document (ESPD) as required to comply with the Public Contract Regulations 2015.

The significant benefits from uniform application of the PAS 91 question sets can only be fully realized when secure data exchange can take place between databases holding prequalification data, allowing those seeking prequalification to securely store and manage their prequalification data and those seeking to build a list of suitable suppliers to draw the information they require upon submission of appropriate qualification.

Such a development is beyond the remit of the PAS 91 development but the question sets it provides have been prepared with the intention of facilitating the exchange of data in due course. At the time of publication of this amendment, a full review and possible further revision of this PAS is under consideration.

1 Scope

This PAS provides a set of questions to be asked by buyers of potential suppliers to enable prequalification of the supply chain for construction-related projects. This PAS also specifies requirements for the consistent use of those questions across projects of varying sizes and types, including in respect of the Official Journal of the European Community (OJEU) procurement thresholds for public sector procurement. It is intended that the questions also be used by assessment providers in their intermediary role between buyers and suppliers.

It is widely recognized that excessive prequalification activity adds unacceptable cost, bureaucracy and confusion to the construction supply chain. Unnecessary bureaucracy associated with prequalification diverts both buyers' and suppliers' resources and attention away from proportionate and effective risk management. It is therefore necessary that buyers and assessment providers pay particular regard to reducing unnecessary documentation requirements for businesses, and in any event only require suppliers to provide information and evidence that is related and proportionate to the subject matter of the contracts likely to be awarded.

- This PAS provides construction sector stakeholders with prequalification questions that:
- are typical of the common questions that are relevant to construction-related procurement;
- increase the scope for cross-recognition between various types of prequalification activity;

help to significantly reduce duplication, unnecessary paperwork and cost for both buyers and suppliers.

The question modules are presented in Clause 4 as a series of tables, each containing questions relating to a particular aspect of supplier capability. These questions are already widely asked across a range of commonly applied construction-related prequalification processes. This PAS collates them and provides for their use in a uniform manner.

This PAS does not include project-specific questions to suppliers, but does make provision for buyers or assessment providers to insert additional project-specific questions into the question modules if necessary, subject to certain restrictions, and it provides a suggested format for their inclusion.

This PAS specifies what is to be asked in prequalification processes for construction-related procurement but not how the enquiry process is to be undertaken. The PAS aims to underpin widely accepted good practice in the construction sector. It is not intended to add to or 'gold plate' prequalification activity or to raise requirements or standards beyond those which are already widely accepted as good practice in the sector.



2 Terms and definitions

For the purposes of this PAS, the following definitions shall apply to the terms used in this specification.

2.1 area of capability

prequalification topic that enquires about the capability of suppliers and their supply chains – as defined by the relevant question module, e.g. health and safety

2.2 assessment provider

entity undertaking prequalification of suppliers as a service to both buyers and suppliers

2.3 buyer

client or other entity procuring the services of supplier(s) contributing to the fulfilment of a construction related contract

2.4 client

entity (individual, company or organization) seeking or accepting the services of one or more suppliers as the first tier of a construction project supply chain

2.5 construction (work)

NOTE In the interest of uniformity, this definition and the content of the explanatory notes that follow have been extracted from the Construction (Design and Management) Regulations 2015, which interpret construction work as follows:

“construction work” means the carrying out of any building, civil engineering or engineering construction work and includes

- a) *the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or other maintenance (including cleaning which involves the use of water or an abrasive at high pressure, or the use of corrosive or toxic substances), de-commissioning, demolition or dismantling of a structure;*
- b) *the preparation for an intended structure, including site clearance, exploration, investigation (but not site survey) and excavation (but not pre-construction archaeological investigations), and the*

clearance or preparation of the site or structure for use or occupation at its conclusion;

- c) *the assembly on site of prefabricated elements to form a structure or the disassembly on site of the prefabricated elements which, immediately before such disassembly, formed a structure;*
- d) *the removal of a structure, or of any product or waste resulting from demolition or dismantling of a structure, or from disassembly of prefabricated elements which immediately before such disassembly formed such a structure;*
- e) *the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure, but does not include the exploration for, or extraction of, mineral resources, or preparatory activities carried out at a place where such exploration or extraction is carried out.”*

2.6 construction organization

group of individuals acting together in a structured, coordinated manner to achieve a common construction objective

NOTE In PAS 91 this term is used generically to encompass firms, companies or other entities functioning as one element of a supply chain.

2.7 consultant

entity (including sub-consultant) providing expert advice or other services in relation to a construction project, e.g. a designer

2.8 contractor

entity (including sub-contractor) undertaking construction works and services at one or more construction sites in accordance with a formal arrangement made in advance

NOTE A contractor is a supplier but a supplier is not necessarily a contractor.

2.9 procurement [construction related]

commissioning of supplies, works and services in relation to a construction related project

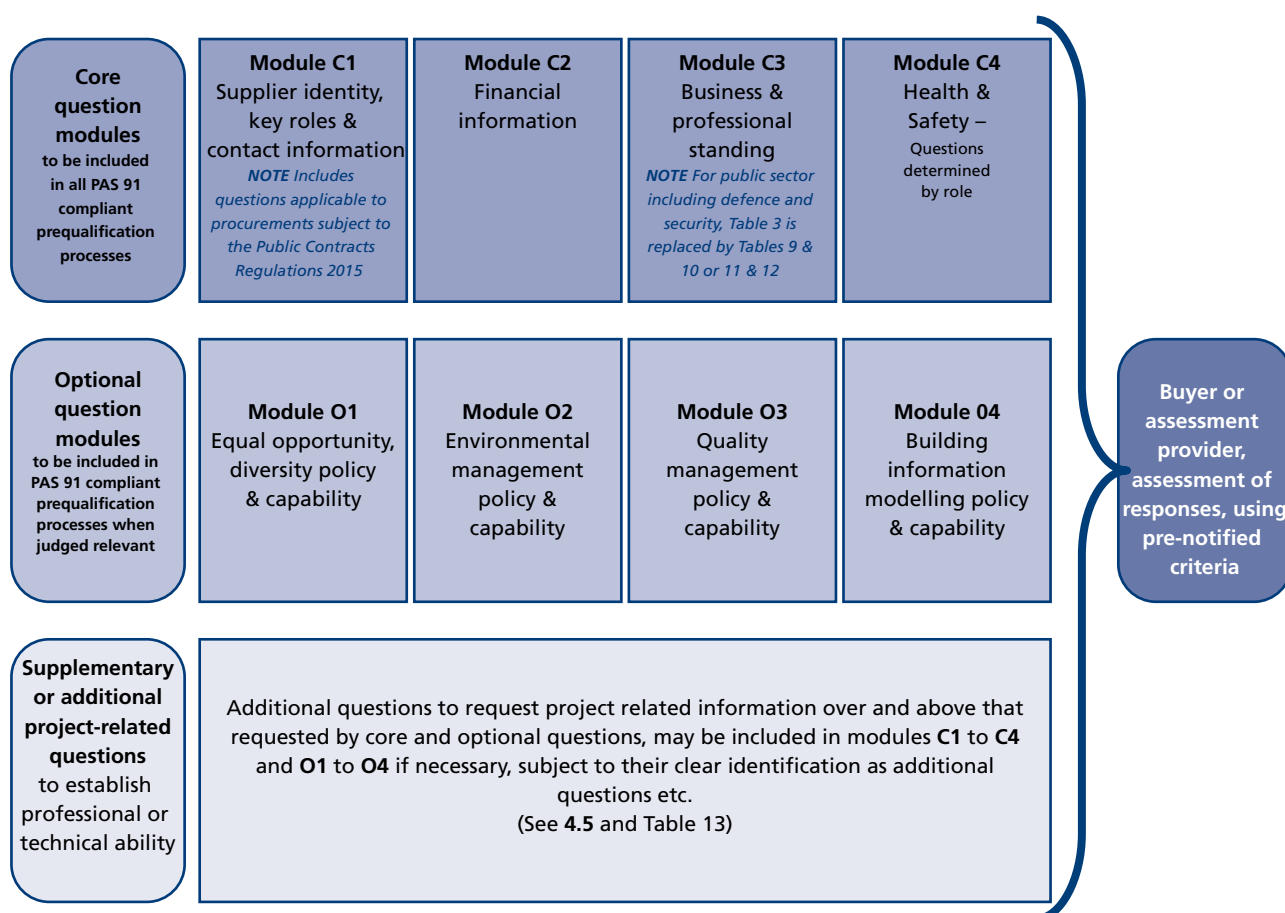
2.10 supplier

entity intending to provide supplies, works or services for all or part of a construction related project

2.11 supply chain

sequence of all entities engaged directly or indirectly, by a client to contribute supplies, works and services to a construction-related project

Figure 1 – PAS 91 compliant prequalification



NOTES to Figure 1

A PAS compliant prequalification questionnaire (see Figure 1):

- makes the criteria to be used in assessment of responses available to question respondents prior to their completion of the questionnaire (3.3);
- asks all the core questions set out in Tables 1 to 4 of Clause 4.1 (as required in 3.1.1.1);
- where the module topic is relevant use optional question modules selected from Tables 5 to 8 of Clause 4.2, (as required in 3.1.1.2);
- asks additional questions, but only if they are related and proportionate to the subject matter of the contracts likely to be awarded, in accordance with 3.2;
- is designed to obtain only information that is related and proportionate to the subject matter of the contracts likely to be awarded (as required in 3.1.1.3);
- provides for public sector or defence and security buyers to use questions alternative to those in C3 in order to meet regulatory requirements (Tables 9 & 10 of 4.3 and Tables 11 & 12 of 4.4 (as required in 3.1.2)).

3 Rules for use of the question modules

3.1 Application of question modules

3.1.1 General application

Prequalification processes claimed to be compliant with this PAS, shall:

3.1.1.1 ask all the (core) questions set out in **Tables 1 to 4** of **Clause 4.1**, without modification of the individual questions, only permitting exemption as shown in the module Table;

3.1.1.2 at their discretion and where the module topic is relevant, use (optional) question modules selected from **Tables 5 to 8** of **Clause 4.2**, asking all the questions included in the selected module(s) without modification and only permitting exemption as shown in the module Table;

3.1.1.3 require from suppliers only documentary evidence that is related and proportionate to the subject matter of the contracts likely to be awarded (for assessing supplier compliance with any particular prequalification question) at the stage of the process at which it becomes necessary for assessment purposes and should have particular regard to reducing unnecessary documentation requirements for businesses.

NOTE The forms of evidence described in relation to the various questions in Question Modules **C1** to **C4** and **O1** to **O4** of this PAS, are provided for guidance only. It is for buyers and/or assessment providers to state the precise requirements for evidence provision, at the time the questions are issued.

3.1.2 Application for public sector or defence and security public contract procurement

Prequalification processes for projects in the public sector or in defence and security public contract procurement, claimed to be compliant with this PAS shall follow the requirements of **3.1.1** with the exception that the questions provided in **Table 3** of **Clause 4.1** can be replaced by those in **Tables 9** and **10** of **Clause 4.3** or **Tables 11** and **12** of **Clause 4.4**, as necessary to meet legislative requirements. Also, for public sector procurements subject to the Public Contracts Regulations 2015 (PCR 2015) which exceed the relevant EU declared threshold, the supplementary questions to Table 1 and a declaration (see Annex C) are included to comply with the PCR 2015.

NOTE 1 As indicated in **4.3**, buyers may opt to use an electronic-ESPD option in lieu of tables 9 and 10; also suppliers may submit an ESPD in lieu of tables 9 and 10.

NOTE 2 Further to the note to clause **3.1.1.3**, buyers for procurements in the scope of **3.1.2** need to include appropriate arrangements for evidence provision for each question (including any supplementary questions) sufficient to enable compliance with relevant obligations for such procurements (e.g. for self-certification and access to information available electronically for above threshold contracts under the Public Contracts Regulations 2015) this includes adjustments to table headers and to details regarding information to be provided for individual questions.

NOTE 3 Buyers should refer to any relevant advice by appropriate authorities regarding the use of this PAS for procurements in the scope of **3.1.2**, including relevant Procurement Policy Notes issued by Crown Commercial Service. When working in areas under the jurisdiction of a devolved administration, users of this PAS are strongly recommended to confirm the acceptability of the PAS question modules with that devolved administration.

3.2 Supplementary questions

PAS 91 recognizes that beyond the scope of the questions included in PAS 91, a buyer may need to ask a supplier supplementary or additional questions, notably for professional or technical reasons, that relate to the type of project or other specific services likely to be undertaken. PAS 91 therefore permits the inclusion of questions in existing modules to accommodate this, subject to the requirements below.

Prequalification processes claimed to be compliant with this PAS shall only incorporate such supplementary or additional questions within the question modules provided in 4.1 and 4.2, if those questions are:

- designed to obtain information that is related and proportionate to the subject matter of the contracts likely to be awarded, and that is clearly additional to that already addressed by the PAS 91 questions provided in the core and optional modules; and
- numbered in a sequence that does not break the number sequence of the PAS 91 question module in which they are inserted.

NOTE When introducing supplementary questions, buyers and assessment providers should maintain their regard for reducing unnecessary documentation requirements for businesses.

3.3 Assessment criteria

The criteria used to assess supplier responses shall be derived solely from the information required from suppliers in their response to questions from the question modules in 4.1 and 4.2 (or in 4.3 or 4.4 where substituted) and to any supplementary questions that may be asked (4.5). This information shall include responses obtained from referees nominated by suppliers. Buyers or assessment providers applying this PAS to their prequalification processes shall inform suppliers of any weighting or ranking given to the assessment criteria to be applied, prior to their responding to the questions.

NOTE Ranking of questions should be avoided unless required by the particular circumstances of a contract. Any ranking of question modules considered necessary should be transparent, fair and equitable and not be used as a means to reserve contracts for those suppliers that may be preferred for reasons other than those provided for in this PAS.



4 Core and optional questions

4.1 Application of core question modules

The questions provided in tables 1 to 4 are core questions and shall be included as specified in Clause 3, in every prequalification questionnaire for which compliance with this PAS is claimed, other than in the circumstances provided for in the respective tables.

Table 1 – Core Question Module C.1: Supplier identity, key roles and contact information

Q Ref	Nature of information	Description of response expected, which will be taken into account in assessment	Response
C1-Q1	Name of legal entity or sole-trader	Unique name of legal entity or name of individual	
C1-Q2	Registered office Address	C1-Q2-1 Address line 1 (Property name/number)	
		C1-Q2-2 Address line 2	
		C1-Q2-3 Address line 3	
		C1-Q2-4 Town	
		C1-Q2-5 County	
		C1-Q2-6 Postcode	
		Website address	C1-Q2-7 website (if applicable)
C1-Q3	Contact Details for Enquiries	C1-Q3-1 Title (Mr, Mrs, Ms, etc.)	
		C1-Q3-2 Forename	
		C1-Q3-3 Family name	
		C1-Q3-4 Job title	
		C1-Q3-5 e-mail	
		C1-Q3-6 Telephone number	
		C1-Q3-7 Fax number	
		C1-Q3-8 Address line 1 (Property name/number)	
		C1-Q3-9 Address line 2	
		C1-Q3-10 Address line 3	
		C1-Q3-11 Town	
		C1-Q3-12 County	
		C1-Q3-13 Postcode	
C1-Q4	Registration number, if registered with Companies House or equivalent	C1-Q4-1 Registration number with Companies House	
		C1-Q4-2 Registration number with equivalent body	
C1-Q5	Charity registration number		

Table 1 – Core Question Module C.1: Supplier identity, key roles and contact information (continued)

Q Ref	Nature of information	Description of response expected, which will be taken into account in assessment	Response
C1-Q6	VAT registration number		
C1-Q7	Name of immediate parent company		
C1-Q8	Name of ultimate parent company		
C1-Q9	Type of organization	<i>e.g. PLC; limited company; LLP; other partnership; sole trader; other (please specify)</i>	
<p>In addition to the information called for in C1-Q1 to C1-Q9, the following (pale blue shaded) supplementary questions (C1-Q10 to C1-Q14) are applicable to procurements subject to the Public Contracts Regulations 2015 which exceed the relevant EU declared threshold. <i>Where applicable, these shall be incorporated in Table 1; a declaration regarding the responses to Table 1 and to the other Tables/questions in this document (questionnaire) is also required (see Annex C).</i></p>			
C1-Q10	Size of business	Are you a micro, a small, or a medium-sized enterprise ⁽¹⁾ ?	YES <input type="checkbox"/> NO <input type="checkbox"/>
C1-Q11	ONLY IN THE CASE THE PROCUREMENT IS RESERVED ⁽²⁾ Sheltered workshop/"social business"	C1-Q11-1 Is your organization a sheltered workshop, a "social business" ⁽³⁾ or will it provide for the performance of the contract in the context of sheltered employment programmes? IF YES Please respond to C1-Q11-2 and C1-Q11-3 below	YES <input type="checkbox"/> NO <input type="checkbox"/>
		C1-Q11-2 What is the corresponding percentage of disabled or disadvantaged workers?	
		C1-Q11-3 Please specify which category or categories of disabled or disadvantaged workers the employees concerned belong to	

Table 1 – Core Question Module C.1: Supplier identity, key roles and contact information (*continued*)

Q Ref	Nature of information	Description of response expected, which will be taken into account in assessment	Response
C1-Q12	APPLICABLE TO NON-UK BUSINESSES ONLY Official lists/national pre-qualification system	C1-Q12-1 If applicable, is your organization registered on an official list of approved economic operators or does it have an equivalent certificate (e.g. under a national (pre)qualification system)? IF YES: Please answer the remaining parts of Table 1 and complete Tables 9 and 10 and the required declaration. Complete C1-Q12-2 to C1-Q12-6 below.	YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
		C1-Q12-2 Please provide the name of the list or certificate and the relevant registration or certification number, if applicable	
		C1-Q12-3 If the certificate of registration or certification is available electronically, please state the: <ul style="list-style-type: none"> • web address • issuing authority or body • precise reference of the documentation 	
		C1-Q12-4 Please state the references on which the registration or certification is based, and, where applicable, the classification obtained in the official list ⁽⁴⁾	

Table 1 – Core Question Module C.1: Supplier identity, key roles and contact information (continued)

Q Ref	Nature of information	Description of response expected, which will be taken into account in assessment	Response
		<p>C1-Q12-5 Does the registration or certification cover all of the required criteria in Tables (document compiler to insert the table numbers for all of the questions included for the procurement, other than those in tables 1, 9 and 10)?</p> <p>IF NO</p> <p>In addition, please complete the missing information in Tables (document compiler to insert the table numbers for all of the questions included for the procurement, other than those in tables 1, 9 and 10)</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
		<p>C1-Q12-6 ONLY if this is required in the relevant notice or procurement documentation: Will your organization be able to provide a certificate with regard to the payment of social security contributions and taxes or provide information enabling the contracting authority or contracting entity to obtaining it directly by accessing a national database in any Member State that is available free of charge?</p> <p>If the relevant documentation is available electronically, please state the:</p> <ul style="list-style-type: none"> • web address • issuing authority or body • precise reference of the documentation 	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>
C1-Q13	Form of Participation	<p>C1-Q13-1 Are you participating in the procurement procedure together with others ⁽⁵⁾?</p> <p>IF YES</p> <p>Please respond to C1-Q13-2, C1-Q13-3 and C1-Q13-4 below</p> <p>Please ensure that the others concerned, each provide a separate questionnaire</p>	<p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>

Table 1 – Core Question Module C.1: Supplier identity, key roles and contact information (*continued*)

Q Ref	Nature of information	Description of response expected, which will be taken into account in assessment	Response
		C1-Q13-2 Please indicate your organization's role ⁽⁶⁾ <i>i.e. sole supplier/lead entity, group member, other entity (relied upon)⁽⁷⁾, other entity (not relied upon)</i>	
		C1-Q13-3 To enable the collation of the group's responses, please identify the other organizations participating in the procurement procedure together	
		C1-Q13-4 Where applicable, please provide the name of the group	
C1-Q14	Lots	Where applicable, please indicate the lot(s) for which you wish to tender	

NOTES to Table 1

- ¹⁾ See EU definition of SME https://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en
- ²⁾ See contract notice point III.1.5
- ³⁾ *I.e. its main aim is the social and professional integration of disabled or disadvantaged persons*
- ⁴⁾ *The references and classification, if any, are set out on the certification*
- ⁵⁾ *Notably as part of a group, consortium, joint venture or similar, or a subcontractor that is being relied on to meet the selection criteria.*
- ⁶⁾ *Where the supplier is participating in the procurement with others as referred to in question C1-Q13-2, the organizational roles should be understood, as follows:*
Sole supplier/ Lead entity: Sole entity or, in case of consortium, joint venture or other types of groups, the leader of the group.
Group member: Member (not leader) of the consortium, joint venture or other type of group.
Other entity (relied upon): Entity on which the main supplier, the group or other subcontractor, relies in order to meet the selection criteria.
Other entity (not relied upon): Entity on which the main supplier, the group or other subcontractor, does not rely in order to meet the selection criteria.
- ⁷⁾ *This includes subcontractors that the supplier relies on in the application and other organizations that the group relies on in the application (see Regulation 63 of the Public Contracts Regulations 2015).*
- ⁸⁾ *For subcontractors that are not relied on by a candidate in its application, the buyer may ask whether the candidate intends to subcontract, the details of the proposed subcontractors (in so far as this is possible) and also for those subcontractors to complete a self-declaration against the exclusion grounds (Regulation 71 (1) and (8) Public Contracts Regulations 2015)*

Table 2 – Core Question Module C2: Financial information

Q Ref	Information required	Description of information expected, which will be taken into account in assessment	Tick as applicable	Supplier's unique reference to relevant supporting information
C2-Q1	<i>Please select the one organization description that most closely matches your organization and provide information accordingly</i>			
	C2-Q1-1 Financial information for a start-up business that has not reported accounts to the Inland Revenue or Companies House	Forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, or an alternative means of demonstrating financial status (See Note 2 to this Table)	<input type="checkbox"/>	
	C2-Q1-2 Accounts for an unincorporated business (sole traders and partnerships)	Copy of the most recent accounts that contain turnover, profit before tax, and balance sheet (if prepared) covering either the most recent two-year period of trading or, if trading for less than two years, the period that is available. If accounts are not prepared, provide the relevant pages from the latest tax returns (self-employment pages for sole traders, partnership pages for partnerships), together with the tax assessment.	<input type="checkbox"/>	
	C2-Q1-3 Accounts for a small company or limited liability partnership with a turnover below the audit threshold at which the preparation of audited accounts is not required	Copy of the most recent accounts as submitted to the Inland Revenue covering either the most recent two-year period of trading or, if trading for less than two years, the period that is available. Abbreviated accounts are not acceptable	<input type="checkbox"/>	
	C2-Q1-4 Accounts for a medium to large incorporated entity and all other organizations that are required to prepare audited accounts	Copy of the most recent audited accounts covering either the most recent two-year period of trading or, if trading for less than two years, the period that is available	<input type="checkbox"/>	
	C2-Q1-5 Accounts for other organization types (e.g. not for profit entities, local authorities, housing associations, charities)	In most cases it is likely that audited accounts will have been prepared and the accounts required at C2-Q1-4 above will suffice. Where this is not the case, an unaudited copy of the most recent accounts as described in C2-Q1-2 above should be provided.	<input type="checkbox"/>	

Table 2 – Core Question Module C2: Financial information (continued)

C2-Q2	Insurance statement and certificates	Please enter the requested information in the response column		Response
	C2-Q2-1 Employers' liability insurance	C2-Q2-1-1	Policy No.	
		C2-Q2-1-2	Limit of indemnity	
		C2-Q2-1-3	Excess	
		C2-Q2-1-4	Limit for a single event	
		C2-Q2-1-5	Expiry date	
	C2-Q2-2 Public liability insurance	C2-Q2-2-1	Policy No.	
		C2-Q2-2-2	Limit of indemnity	
		C2-Q2-2-3	Excess	
		C2-Q2-2-4	Limit for a single event	
		C2-Q2-2-5	Expiry date	
	C2-Q2-3 Professional indemnity insurance (Where consultancy input involved)	C2-Q2-3-1	Policy No.	
		C2-Q2-3-2	Limit of indemnity	
		C2-Q2-3-3	Excess	
		C2-Q2-3-4	Expiry date	
	C2-Q2-4 Product liability insurance (Where product is to be supplied)	C2-Q2-4-1	Policy No.	
C2-Q2-4-2		Limit of indemnity		
C2-Q2-4-3		Excess		
C2-Q2-4-4		Expiry date		

NOTE 1 to Table 2 Where an insurance type is claimed to be "not in scope", it is essential that an explanation supporting that claim is provided, e.g. the explanation could support the fact that a particular type of insurance was not required for the work undertaken.

NOTE 2 to Table 2 At the discretion of the buyer, a minimum level of turnover may be asked for. However, buyers should avoid insisting on requirements which may not be proportionate or relevant to the procurement, or which may discriminate against or be burdensome for SMEs or new providers. It is acknowledged that the nature and extent of the accounts provided will be commensurate with the business requirements and legal obligations of the supplier.

Table 3 – Core Question Module C3: Business and professional standing

For all procurement situations other than that for the public sector, including defence and security, procurement buyers shall require that suppliers in their responses to the questions in module C3, make known all pertinent information in respect of business related, criminal or civil court judgements against them and identify any ongoing or pending cases.

For public sector procurement the process for obtaining this information is prescribed in the Public Contact Regulations 2015 (PCR 2015), and Clause 4.3 of this PAS provides alternative questions aligned to the requirements of the PCR 2015, including those for the ESPD. Alternatively, suppliers who have already completed an ESPD template can submit that completed ESPD in lieu of Table 3. For procurement in the scope of the Defence and Security Public Contract Regulations 2011, Clause 4.4 of this PAS provides the necessary alternative questions (see also Annex B).

Table 3 – Core Question Module C3: Business and professional standing (*continued*)

Q Ref	Core question	Information required	YES	NO	Supplier's unique reference to relevant supporting information
C3-Q1	Has your company or any of its Directors and/ or Executive Officers been the subject of criminal or civil court action (including for bankruptcy or insolvency) in respect of the business activities currently engaged in, for which the outcome was a judgement against you or them?	Details of any such action. <i>Responses will be taken into account in assessing the outcome of this prequalification application where the circumstances of the judgement are pertinent to anticipated future projects or services. They will not necessarily constitute a reason for rejection</i>	<input type="checkbox"/>	<input type="checkbox"/>	
C3-Q2	If your company or any of its Directors and/ or Executive Officers are the subject of ongoing or pending criminal or civil court action (including for bankruptcy or insolvency) in respect of the business activities currently engaged in, have all claims been properly notified in accordance with relevant Insurance policy requirements and been accepted by the insurers?	Details of any such action, insurance notification requirements where relevant, and confirmation, with references, of relevant insurance notification and insurer acceptance. <i>Responses will be taken into account as part of the assessment process.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
C3-Q3	Has your company or any of its Directors and/ or Executive Officers been in receipt of enforcement/remedial orders that are still unresolved (such as those in relation to Environment Agency or Office of Rail Regulation enforcement), in the last three years?	Details, including the status of the required action. <i>Responses will be taken into account as part of the assessment process</i>	<input type="checkbox"/>	<input type="checkbox"/>	

Table 4 – Core Question Module C4: Health and safety: policy and capability

Q Ref	Exemptions and pertinent question selection	Exemption(s) Claimed	
		Please tick i and /or ii for C4-Q1-1a, b and /or c, as appropriate, and for i, also state the CDM duty holder role(s) for which exemption is claimed	Supplier's unique reference to certificates or other supporting information
C4-Q1	<p>In the circumstances set out in C4-Q1-1a) to C4-Q1-1c), if your organization meets the relevant criteria in respect of exemption categories i) and/or ii) below:</p> <ul style="list-style-type: none"> i. one or more of the following CDM duty holder roles: contractor, principal contractor, designer, principal designer; ii. general health and safety: policy and capability; <p>and you can provide the supporting information to evidence this, the following exemptions apply:</p> <ul style="list-style-type: none"> • for an exemption under i) or ii) above: questions C4-Q2 to C4-Q11 need not be completed • for an exemption under i) above questions C4-Q12 to C4-Q22 also need not be completed in respect of the role(s) identified. <p>If you are not claiming an exemption, please move to question C4-Q2.</p> <p>However, if you are claiming exemption(s), but such exemption(s) does not cover all the categories/roles relevant to your application, please:</p> <ul style="list-style-type: none"> • complete questions C4-Q12 to C4-Q22 in respect of each relevant category/role not covered by an exemption; and • provide any additional information required for C4-Q2 to C4-Q11 in respect of relevant categories/ roles that are not covered by an exemption.* <p><i>NOTE *Additional information to that relevant to the exemption(s) claimed could be required to demonstrate satisfactory organization and arrangements appropriate to the categories/ roles not covered by such exemption(s).</i></p>		

Table 4 – Core Question Module C4: Health and safety: policy and capability (continued)

Circumstances of exemption					
	C4-Q1-1a) You have, within the last twelve months, successfully completed a prequalification application undertaken by an assessment provider able to demonstrate that its information gathering process is equivalent to that of PAS 91.	For i) <input type="checkbox"/> CDM duty holder role(s) claimed. For ii) <input type="checkbox"/>			
	C4-Q1-1b) You have, within the last twelve months, successfully met the assessment requirements of a construction-related scheme in registered membership of the Safety Schemes in Procurement (SSIP) forum (see Annex D).	For i) <input type="checkbox"/> CDM duty holder role(s) claimed. For ii) <input type="checkbox"/>			
	C4-Q1-1c) You hold a certificate of compliance with BS OHSAS 18001 (or equivalent) issued by a Conformity Assessment Body accredited to provide conformity assessment services to that standard, ¹ e.g. accredited by UKAS.	For i) <input type="checkbox"/> CDM duty holder role(s) claimed. For ii) <input type="checkbox"/>			
Q Ref.	Question	Example of the type of information in support of responses, which will be taken into account in assessment	YES	NO	Supplier's unique reference to relevant supporting information
C4-Q2	Are you able to show that you have a general policy and an organization which is responsible for ensuring effective health and safety (H&S) management?	Evidence of periodically reviewed general H&S policy, signed and dated by a senior person within the organization. The H&S policy should also contain the organization and arrangements. These should be relevant to the anticipated nature and scale of activity to be undertaken, and set out responsibilities for H&S management at all levels in the organization. <i>(Organizations with fewer than 5 employees, see Note 4 to this Table)</i>	<input type="checkbox"/>	<input type="checkbox"/>	

¹⁾ In C4-Q1-1c), 'accredited' means having undergone third-party attestation by an organization that is a signatory to either or both of the European Accreditation or International Accreditation Forum, multi-lateral agreements.

Table 4 – Core Question Module C4: Health and safety: policy and capability (*continued*)

Q Ref.	Question	Example of the type of information in support of responses, which will be taken into account in assessment	YES	NO	Supplier's unique reference to relevant supporting information
C4-Q3	Are you able to show your arrangements for ensuring that your H&S measures are effective in reducing/ preventing work-related incidents, occupational ill-health and accidents?	Details of the arrangements for H&S management that are relevant to the anticipated nature and scale of activity to be undertaken, and how these arrangements are communicated to workers. (<i>Organizations with fewer than 5 employees, see Note 4 to this Table</i>)	<input type="checkbox"/>	<input type="checkbox"/>	
C4-Q4	Do you have ready access to competent H&S advice/assistance?	Evidence of how your organization has ready access to competent H&S advice, for both general health and safety and, for CDM duty holders, construction-related health and safety. (<i>Access to competent in-house advice, in whole or part, is usually preferred. It is essential that H&S advisor(s) are able to provide general H&S advice and that, for CDM duty holders (from the same source or elsewhere) advice on relevant construction H&S issues is accessible as required.</i>)	<input type="checkbox"/>	<input type="checkbox"/>	
C4-Q5	Do you have a process for providing your employees/other workforce with training and other information appropriate to the activities that your organization is likely to undertake?	Evidence that your organization implements relevant training arrangements to ensure that employees/other workforce have sufficient skills and understanding to discharge their various duties. This should include refresher training on relevant good H&S practice and, for CDM contractors and principal contractors, Construction Phase Plans (CPP) may be used to show how information is disseminated or communicated on-site (<i>see note 5 to this Table</i>).	<input type="checkbox"/>	<input type="checkbox"/>	

Table 4 – Core Question Module C4: Health and safety: policy and capability (continued)

Q Ref.	Question	Example of the type of information in support of responses, which will be taken into account in assessment	YES	NO	Supplier's unique reference to relevant supporting information
C4-Q6	Do your employees/other workforce have H&S and other relevant knowledge, experience and skills to carry out activities that your organization is likely to undertake?	Evidence that your employees/other workforce have suitable knowledge, experience and skills for the activities assigned to them, unless there are specific situations where they need to work under competent control and/or supervision (e.g. apprentices and other trainees).	<input type="checkbox"/>	<input type="checkbox"/>	
C4-Q7	Do you check, review and, where necessary, improve your H&S performance?	Evidence that your organization has an effective, ongoing system for monitoring H&S procedures, and for periodically reviewing and updating that system as necessary.	<input type="checkbox"/>	<input type="checkbox"/>	
C4-Q8	Do you have procedures for involving your employees/other workforce in the planning and implementation of H&S measures?	Evidence that your organization implements a means of consulting with its employees/other workforce on H&S matters and how comments, concerns or complaints submitted by employees/other workforce are taken into account.	<input type="checkbox"/>	<input type="checkbox"/>	
C4-Q9	Do you routinely record and review accidents/incidents and undertake follow-up action?	Evidence that your organization maintains records of all RIDDOR-reportable (see note 6 to this Table) and other incidents for at least the last three years. Evidence that your organization has an effective system for reviewing significant incidents, and recording any resulting action taken (including your response to any H&S enforcement activity).	<input type="checkbox"/>	<input type="checkbox"/>	

Table 4 – Core Question Module C4: Health and safety: policy and capability (*continued*)

Q Ref.	Question	Example of the type of information in support of responses, which will be taken into account in assessment	YES	NO	Supplier's unique reference to relevant supporting information
C4-Q10	Do you have arrangements for ensuring that your suppliers also apply H&S measures that are appropriate to the activities that your organization is likely to undertake?	Evidence that your organization implements arrangements for ensuring and monitoring H&S skills, knowledge and experience, and performance, throughout your entire supply chain, appropriate to the work likely to be undertaken.	<input type="checkbox"/>	<input type="checkbox"/>	
C4-Q11	Do you operate a process of risk assessment, capable of supporting safe systems of work?	<p>Evidence that your organization implements procedures for carrying out relevant risk assessments and for developing and implementing safe systems of work ("method statements").</p> <p>Please provide indicative examples, which must include: the identification and control of any significant occupational health (not just safety) issues, appropriate to the work likely to be undertaken. (<i>Organizations with fewer than 5 employees, see Note 4 to this Table</i>)</p> <p>NOTE Risk assessments should focus on, and be proportionate to, the risks arising from the type of work to be undertaken. The need to reduce documentation requirements on micro-businesses in particular should be taken into account by buyers and assessment providers. Excessive bureaucracy associated with prequalification assessment can obscure the real H&S issues to be considered, and even divert effort away from them.</p>	<input type="checkbox"/>	<input type="checkbox"/>	

Table 4 – Core Question Module C4: Health and safety: policy and capability (continued)

C4-Q12	CDM duty holder related question selection: The questions asked in C4-Q13 to C4-Q22 (in conjunction with questions C4-Q2 to C4-Q11) are appropriate for particular construction duties and have been colour coded accordingly to assist identification. Please indicate below which duty (or duties) best describes your organization's activity and then only provide responses to the questions colour coded to the duty (or duties) you have selected. <i>NOTE The questions refer to duty holders under the Construction (Design and Management) Regulations 2015, which defines the scope of "construction" activity. If your organization potentially fills more than one role (e.g. "Design and Build"), please provide responses to the questions applying to all relevant duty holder roles (e.g. Designer and Principal Contractor)</i>			
	CDM DUTY HOLDER ROLE(S) IDENTIFIED <i>Please respond "yes" or "no" to each role identified below</i>			
	<i>NOTE 1 If none of the duty holder roles identified below are relevant, you do not need to respond to any of questions C4-Q13 to C4-Q22</i> <i>NOTE 2 Principal contractors will also need to respond to questions applicable to contractors, and principal designers will also need to respond to questions applicable to designers</i>	YES	NO	
	C4-Q12-a) Contractor/principal contractor (respond to grey shaded questions C4-Q13 to C4-Q16)	<input type="checkbox"/>	<input type="checkbox"/>	None required
	C4-Q12-b) Principal contractor (in addition to C4-Q13 to C4-Q16 also respond to yellow shaded question C4-Q17)	<input type="checkbox"/>	<input type="checkbox"/>	
	C4-Q12-c) Designer/principal designer (respond to red shaded questions C4-Q18 to C4-Q19)	<input type="checkbox"/>	<input type="checkbox"/>	
	C4-Q12-d) Principal designer (in addition to C4-Q18 to C4-Q19 also respond to green shaded questions C4-Q20 to C4-Q22)	<input type="checkbox"/>	<input type="checkbox"/>	



Table 4 – Core Question Module C4: Health and safety: policy and capability (continued)

Q Ref	Question	Example of the type of information in support of responses, which will be taken into account in assessment.	YES	NO	Supplier's unique reference to relevant supporting information
C4-Q13 Contractor/ principal contractor	Do you have arrangements for co-operating and co-ordinating your work with others (including other suppliers, notably contractors)?	Describe how co-operation and co-ordination of the work is achieved in practice, and how any other organizations are involved in drawing up method statements, etc. including response to emergency situations. This should include how input from your suppliers will be taken into account, and how external comments, including any concerns or complaints, will be responded to. This may include CPPs.	<input type="checkbox"/>	<input type="checkbox"/>	
C4-Q14 Contractor/ principal contractor	Do you have arrangements for ensuring on-site welfare for your employees/other workforce?	Describe how you ensure suitable welfare facilities for your employees/other workforce are in place before starting work on site, whether provided by a site-specific arrangement with others, or your own measures. This may include CPPs.	<input type="checkbox"/>	<input type="checkbox"/>	
C4-Q15 Contractor/ principal contractor	Are you able to provide evidence of the skills, knowledge and experience of H&S in construction in your organization?	Examples of actual knowledge, skills and experience within your organization. This may include: NEBOSH Construction Certificate; membership of Association for Project Safety; membership of Institution of Construction Safety; SSSTS; SMSTS (e.g. provided in a skills matrix for key personnel)	<input type="checkbox"/>	<input type="checkbox"/>	

Table 4 – Core Question Module C4: Health and safety: policy and capability (continued)

Q Ref	Question	Example of the type of information in support of responses, which will be taken into account in assessment.	YES	NO	Supplier's unique reference to relevant supporting information
C4-Q16 Contractor/ principal contractor	Do you review and develop your effectiveness in the contractor/ principal contractor role?	Evidence that your organization Implements an ongoing system for monitoring performance, including post-project review.	<input type="checkbox"/>	<input type="checkbox"/>	
C4-Q17 Principal contractor	Do you implement arrangements to meet the 'principal contractor' duties under the Construction (Design and Management) Regulations 2015?	Concise, practical examples, relevant and proportionate to the type of activity likely to be carried out, of how your organization meets the requirements of principal contractor. In particular, provide evidence of how you: C4-Q17-1 Plan, manage, monitor and coordinate H&S in the construction phase, including communication with the client, principal designer and contractors; C4-Q17-2 Prepare, review and maintain CPPs; C4-Q17-3 Organize co-operation between contractors and others, and coordinate the work; C4-Q17-4 Ensure relevant and suitable site inductions; C4-Q17-5 Provide information for the H&S file.	<input type="checkbox"/>	<input type="checkbox"/>	

Table 4 – Core Question Module C4: Health and safety: policy and capability (*continued*)

Q Ref	Question	Example of the type of information in support of responses, which will be taken into account in assessment.	YES	NO	Supplier's unique reference to relevant supporting information
C4-Q18 Designer/ principal designer	Do you implement arrangements to meet the 'designer' duties under the Construction (Design and Management) Regulations 2015?	<p>Evidence showing how you address C4-Q18-1 to C4-Q18-4 below.</p> <p>Provide relevant examples showing how risk was reduced through design.</p> <p><i>NOTE Emphasis should be on practical, proportionate measures that address significant risks arising from designs for relevant construction, not on lengthy documentation about generic risks.</i></p> <p>C4-Q18-1 Check that the client is aware of their duties</p> <p>C4-Q18-2 Ensure that you and your workforce have the necessary skills, knowledge and experience to discharge their legal duties under CDM 2015?</p> <p>Provide relevant evidence of:</p> <ul style="list-style-type: none"> • your CPD programme and/or examples of training and development plans (which may include in-house training). • your relevant qualifications, e.g. membership of a professional institution such as CIAT; CIBSE; ICE or RIBA. • how you maintain your technical knowledge and understanding of construction design. <p>C4-Q18-3 Ensure significant risks are eliminated by design, taking account of the principles of prevention and show how construction and lifecycle risks are eliminated or controlled (with reference to buildability, maintainability and use).</p> <p>C4-Q18-4 Effectively manage design changes, with regard to ensuring H&S during and post-completion.</p>	<input type="checkbox"/>	<input type="checkbox"/>	

Table 4 – Core Question Module C4: Health and safety: policy and capability (continued)

Q Ref	Question	Example of the type of information in support of responses, which will be taken into account in assessment.	YES	NO	Supplier's unique reference to relevant supporting information
C4-Q19 Designer/ principal designer	Do you review and monitor your design performance, notably in relation to H&S?	Evidence that your organization implements an ongoing system for monitoring H&S design procedures and for reviewing and updating that system as necessary, e.g. through project design review (during and post-completion).	<input type="checkbox"/>	<input type="checkbox"/>	
C4-Q20 Principal Designer	Do you implement arrangements to meet the "principal designer" duties under the Construction (Design and Management) Regulations 2015?	<p>Concise, practical examples, relevant and proportionate to the type of activity likely to be carried out, of how your organization meets the requirements of principal designer. In particular, evidence of how you:</p> <p>C4-Q20-1 Help the client to meet its duties under CDM 2015</p> <p>C4-Q20-2 Gather, prepare, communicate and coordinate information, including design information, with other duty holders during the pre-construction phase</p> <p>C4-Q20-3 Plan, manage and monitor health and safety-related information, including design information, in the pre-construction phase of a project, with the aim of identifying, eliminating or controlling foreseeable risks;</p> <p>C4-Q20-4 Ensure designers carry out their duties, including oversight and co-ordination within the design team and with other designers/contractors;</p> <p>C4-Q20-5 Liaise with the principal contractor;</p> <p>C4-Q20-6 Prepare and provide relevant information to other duty holders, including the H&S file.</p>	<input type="checkbox"/>	<input type="checkbox"/>	

Table 4 – Core Question Module C4: Health and safety: policy and capability (*continued*)

Q Ref	Question	Example of the type of information in support of responses, which will be taken into account in assessment.	YES	NO	Supplier's unique reference to relevant supporting information
C4-Q21 Principal designer	Are you able to provide evidence of the skills, knowledge and experience of H&S in construction in your organization?	Examples of actual skills, knowledge and experience. This may include validated CPD, and typical additional qualifications. <i>For example, a member of the registers administered by the Association for Project Safety or the Institution of Construction Safety (formerly known as the CDM co-ordinator's register), or the ICE construction health and safety register.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
C4-Q22 Principal designer	Do you review and develop your effectiveness in the principal designer role?	Evidence that your organization implements, an ongoing system for monitoring performance, including post-project review.	<input type="checkbox"/>	<input type="checkbox"/>	

NOTES TO TABLE 4

NOTE 1 Assessors should not request unnecessary paperwork and may not necessarily require evidence of all the examples in column 3 of Table 4. Suppliers (including contractors, consultants and others) should only be required to produce enough evidence to show that they meet the relevant criteria, taking account of the nature of activities/projects likely to be involved, and the hazards and risks. This requires assessors to make a judgement as to whether the evidence provided meets the standard to be achieved. If that judgement is reasonable, and clearly based on the evidence requested, assessors cannot be criticised if the supplier they appoint subsequently proves not to have the necessary capability (essential knowledge, skills and experience) when carrying out the activity.

NOTE 2 For suppliers that will be CDM duty holders – The core questions in Table 4 align with legal requirements on the relevant duty holder under the Construction (Design and Management) Regulations (CDM 2015).

NOTE 3 For suppliers that will be CDM duty holders – Asking the questions in Table 4 does not remove the buyer's requirement to make further enquiries about the supplier's H&S capability, as required for specific projects, services or other activities.

Stage 1: An assessment of the supplier's organization and arrangements for H&S, to determine whether these are sufficient to enable the supplier to carry out the activity safely and without risk to health. Stage 1 assessments assess the general (basic) capability of the supplier and are within the scope of PAS 91.

Stage 2: Stage 2 assessments are outside the scope of PAS 91*. They involve an additional assessment of the supplier's experience, technical capability and track record, to establish that: it is capable of carrying out the actual construction activity/project required (i.e. project, activity or service-specific enquiries), and notably in relation to higher hazard activity; that the supplier recognizes any limitations and how these should be overcome; and appreciates the hazards associated with the activity and how the risk should be effectively controlled.

*Stage 2 assessments follow Stage 1 enquiries and they should not therefore be asked in relation to PAS 91 (although in the public sector only, stage 2 questions relating to previous experience will be asked in the prequalification questionnaire – if required by law).

NOTE 4 If a supplier has fewer than five employees it is not legally required to write down its general policy, organization or arrangements. However, it does need to be able to show that its arrangements are adequate in relation to the type of activity likely to be undertaken.

NOTE 5 Relevant and proportionate CPPs are required for 'construction work' covered by CDM 2015. CPPs need only be proportionate to the nature of the activity likely to be undertaken.

NOTE 6 RIDDOR: The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.

4.2 Application of optional question modules

The questions provided in Tables 5 to 8 constitute optional modules that can be included, where relevant, but where included they shall be applied as specified in Clause 3 in every prequalification questionnaire for which compliance with this PAS is claimed.

Table 5 – Optional Question Module O1: Equal opportunity and diversity policy and capability

Q Ref.	Question	Description of information in support of response, which will be taken into account in assessment	YES	NO	Supplier's unique reference to relevant supporting information
O1-Q1	<p>As an employer, do you meet the requirements of the positive equality duties in relation to the Equalities Act 2010?</p> <p><i>NOTE This applies to both public and private procurement</i></p>	<p>In respect of O1-Q1, copies of:</p> <p>O1-Q1-1 relevant instructions or written statement/evidence of relevant actions</p> <p>O1-Q1-2 relevant guidance or written statement/evidence of relevant actions</p> <p>O1-Q1-3 relevant policies/literature or written statement/evidence of relevant actions</p> <p>O1-Q1-4 evidence of where you believe these policies have made a difference</p>	<input type="checkbox"/>	<input type="checkbox"/>	
O1-Q2	<p>Is it your policy as an employer to comply with anti-discrimination legislation, and to treat all people fairly and equally so that no one group of people is treated less favourably than others?</p>	No supporting evidence required	<input type="checkbox"/>	<input type="checkbox"/>	

Table 5 – Optional Question Module O1: Equal opportunity and diversity policy and capability (*continued*)

Q Ref.	Question	Description of information in support of response, which will be taken into account in assessment	YES	NO	Supplier's unique reference to relevant supporting information
O1-Q3	In the last three years has any finding of unlawful discrimination been made against your organization by any court or industrial or employment tribunal or equivalent body?	Details of any findings	<input type="checkbox"/>	<input type="checkbox"/>	
O1-Q4	In the last three years, has your organization been subject to a compliance action by the Equality and Human Rights Commission or an equivalent body on grounds of alleged unlawful discrimination?	Details of any investigations	<input type="checkbox"/>	<input type="checkbox"/>	
O1-Q5	In the last three years, has your organization been found in breach of section 15 of the Immigration, Asylum and Nationality Act 2006?	Details of any findings	<input type="checkbox"/>	<input type="checkbox"/>	
O1-Q6	In the last three years, has your organization been found in breach of section 21 of the Immigration, Asylum and Nationality Act 2006?	Details of any findings	<input type="checkbox"/>	<input type="checkbox"/>	
O1-Q7	In the last three years, has your organization been found to be in breach of the National Minimum Wage Act 1998?	Details of any findings	<input type="checkbox"/>	<input type="checkbox"/>	
O1-Q8	If the answer to any of questions 3 to 7 is "yes", what steps did your organization take as a result of that finding or investigation?	Details/evidence of remedial action			

Table 5 – Optional Question Module O1: Equal opportunity and diversity policy and capability (continued)

Q Ref.	Question	Description of information in support of response, which will be taken into account in assessment	YES	NO	Supplier's unique reference to relevant supporting information
O1-Q9	Does your organization operate appropriate arrangements to ensure that equality and diversity is embedded within your organization?	Provide copies of any relevant policies or written statement/evidence of relevant actions	<input type="checkbox"/>	<input type="checkbox"/>	
O1-Q10	Do you actively promote good practice in terms of eliminating discrimination in all forms through:				
	O1-Q10-1 guidance to your employees/suppliers concerned with recruitment, training and promotion?	In respect of O1-Q10-1, copies of any relevant guidance or written statement/evidence of relevant actions.	<input type="checkbox"/>	<input type="checkbox"/>	
	O1-Q10-2 making guidance or policy documents concerning how the organization embeds equality and diversity available to employees/sub-contractors, recognized trade unions or other representative groups of employees?	In respect of O1-Q10-2, copies of any relevant guidance, policies, or written statement/evidence of relevant actions.	<input type="checkbox"/>	<input type="checkbox"/>	
	O1-Q10-3 appropriate recruitment advertisements or other literature?	In respect of O1-Q10-3, copies of any relevant advertisement or written statement/evidence of relevant actions.	<input type="checkbox"/>	<input type="checkbox"/>	

Table 6 – Optional Question Module O2: Environmental management policy and capability

Q Ref	Exemption	Exemption claimed	If exemption claimed, supplier's unique reference to certificates or other supporting information		
O2-Q1	The questions in this module need not be completed if your organization holds a certificate of compliance with BS EN ISO 14001 (or equivalent) issued by a Conformity Assessment Body accredited to provide conformity assessment services to that standard ² , e.g. accredited by UKAS, or you have a valid EMAS certificate, and can provide information to evidence this.	YES <input type="checkbox"/>			
		NO <input type="checkbox"/>			
Q Ref	Question	Description of information in support of response, which will be taken into account in assessment	YES	NO	Supplier's unique reference to relevant supporting information
O2-Q2	Do you have a documented policy and organization for the management of construction-related environmental issues?	Evidence that you or your organization has an environmental management policy authorized by the chief executive or equivalent that is regularly reviewed. The policy should be relevant to the nature and scale of the activity and set out the responsibilities for environmental management throughout the organization.	<input type="checkbox"/>	<input type="checkbox"/>	
O2-Q3	Do you have documented arrangements for ensuring that your environmental management procedures are effective in reducing/preventing significant impacts on the environment?	Evidence that your organization's environmental policy implementation plan provides information as to how the company aims to discharge relevant legal responsibilities and provides clear indication of how these arrangements are communicated to employees/other workforce, in relation to environmental matters including: <ul style="list-style-type: none"> • sustainable materials procurement; • waste management; • energy management. This should include the arrangements for responding to, monitoring and recording environmental incidents, emergencies and complaints.	<input type="checkbox"/>	<input type="checkbox"/>	

²⁾ In O2-Q,1 accredited means having undergone third-party attestation by an organization that is a signatory to either or both of the European Accreditation or International Accreditation Forum, multi-lateral agreements.

Table 6 – Optional Question Module O2: Environmental management policy and capability (*continued*)

Q Ref	Question	Description of information in support of response, which will be taken into account in assessment	YES	NO	Supplier's unique reference to relevant supporting information
O2-Q4	Do you have arrangements for providing employees who will engage in construction, with training and information on construction-related environmental issues?	Evidence that your organization has in place, and implements, training arrangements to ensure that its workforce has sufficient skills and understanding to carry out their various duties. This should include a programme of refresher training that will keep employees/other workforce updated on relevant legal requirements and good environmental management practice.	<input type="checkbox"/>	<input type="checkbox"/>	
O2-Q5	Do you check, review and where necessary improve your environmental management performance?	Evidence that your organization has a system for monitoring environmental management procedures on an ongoing basis and for updating them at periodic interval.	<input type="checkbox"/>	<input type="checkbox"/>	
O2-Q6	Do you have arrangements for ensuring that any suppliers you engage apply environmental protection measures that are appropriate to the activity for which they are being engaged?	Evidence that your organization has procedures for monitoring supplier's environmental management arrangements and ensuring that environmental performance appropriate for the activity to be undertaken is delivered throughout the whole of your organizations supply chain.	<input type="checkbox"/>	<input type="checkbox"/>	

NOTE EMAS is the European Eco-management and Audit Scheme, sponsored by the European Commission (see http://ec.europa.eu/environment/emas/index_EN.htm)

Table 7 – Optional Question Module O3: Quality management policy and capability

Q Ref	Exemption	Exemption claimed	If exemption claimed, supplier's unique reference to certificates or other supporting information		
O3-Q1	The questions O3-Q2 to O3-Q6, need not be completed if your organization holds a certificate of compliance with BS EN ISO 9001(or equivalent) issued by a Conformity Assessment Body accredited to provide conformity assessment services to that standard ³ e.g. accredited by UKAS, and can provide information to evidence this.	YES <input type="checkbox"/>			
		NO <input type="checkbox"/>			
Q Ref	Question	Description of information in support of response, which will be taken into account in assessment	YES	NO	Supplier's unique reference to relevant supporting information
O3-Q2	Do you have a policy and organization for quality management?	Evidence that your organization has and implements a quality management policy that is authorized by the chief executive or equivalent that is periodically reviewed at a senior management level. The policy should be relevant to the nature and scale of the work to be undertaken and set out responsibilities for quality management throughout the organization.	<input type="checkbox"/>	<input type="checkbox"/>	
O3-Q3	Do you have arrangements for ensuring that your quality management, including the quality of construction output and general performance, is effective in reducing/preventing incidents of sub-standard delivery?	Evidence that your organization keeps copies of documentation setting out quality management organization and procedures that meet currently agreed good. practice. These should include the arrangements for quality management throughout the organization. They should set out how the company will carry out its policy, with a clear indication of how the arrangements are communicated to employees/other workforce.	<input type="checkbox"/>	<input type="checkbox"/>	

³⁾ In O3-Q1 accredited means having undergone third-party attestation by an organization that is a signatory to either or both of the European Accreditation or International Accreditation Forum, multi-lateral agreements.

Table 7 – Optional Question Module O3: Quality management policy and capability (*continued*)

Q Ref	Question	Description of information in support of response, which will be taken into account in assessment	YES	NO	Supplier's unique reference to relevant supporting information
O3-Q4	Do you have arrangements for providing your workforce with quality-related training and information appropriate to the type of work for which your organization is likely to bid?	Evidence that your organization has in place and implements, training arrangements to ensure that its employees/other workforce has sufficient skills and understanding to discharge their various responsibilities. These arrangements should include a programme of training that will keep employees/other workforce up to date with required knowledge about quality related issues, including copies of job profiles; training manuals and training records.	<input type="checkbox"/>	<input type="checkbox"/>	
O3-Q5	Do you have procedures for periodically reviewing, correcting and improving quality performance?	Evidence that your organization has a system for monitoring quality management procedures on an on-going basis. Your organization should be able to provide evidence of systematic, periodic review and improvement of quality in respect of construction output and general performance.	<input type="checkbox"/>	<input type="checkbox"/>	
O3-Q6	Do you have arrangements for ensuring that your own suppliers apply quality management measures that are appropriate to the work for which they are being engaged?	Evidence that your organization has arrangements for monitoring supplier's quality management arrangements and ensuring that quality performance appropriate for the work to be undertaken is delivered throughout the whole of your organizations supply chain.	<input type="checkbox"/>	<input type="checkbox"/>	

Table 8 – Optional Question Module O4: Building information modelling (BIM), policy and capability

NOTE This will be used for UK Government procured projects for Departments that have commenced implementation of the BIM Strategy and may be used by other clients adopting a similar path.

Q Ref	Exemptions	Exemption claimed	If exemption claimed, supplier's unique reference to certificates or other supporting information		
O4-Q1	The questions O4-Q2 to O4-Q5 need not be completed if your organization holds a third-party certificate of compliance with PAS 1192-2:2013 *(or equivalent) issued by a Conformity Assessment Body accredited to provide conformity assessment services to that standard ⁴ e.g. accredited by UKAS, and can provide information to evidence this. <i>NOTE Such accrediting organizations will be required to have specialized design management competences *updated version expected November 2017.</i>	YES <input type="checkbox"/>			
		NO <input type="checkbox"/>			
Q Ref	Question	Description of information in support of response, which will be taken into account in assessment	YES	NO	Supplier's unique reference to relevant supporting information
O4-Q2	Do you have the capability of working with a project using a "Common Data Environment" as described in PAS 1192-2:2013?	Evidence that your organization understands the concept of a "Common Data Environment" as described in PAS 1192-2:2013 and is able to exchange information between supply chain members in an efficient and collaborative manner. If you have delivered a project in this way, you may use this to demonstrate your capability. Your explanation should be clear and concise.	<input type="checkbox"/>	<input type="checkbox"/>	
O4-Q3	Do you have documented policy, systems and procedures to achieve "Level 2 BIM" maturity as defined in the government's BIM Strategy? (see note to this Table)	Evidence that you or your organization has a policy authorized by the chief executive or equivalent that is regularly reviewed. The policy and procedures should be relevant to the nature and scale of the work to be undertaken.	<input type="checkbox"/>	<input type="checkbox"/>	

⁴⁾ In O3-Q1 accredited means having undergone third-party attestation by an organization that is a signatory to either or both of the European Accreditation or International Accreditation Forum, multi-lateral agreements.

Table 8 – Optional Question Module O4: Building information modelling (BIM), policy and capability (*continued*)

Q Ref	Question	Description of information in support of response, which will be taken into account in assessment	YES	NO	Supplier's unique reference to relevant supporting information
O4-Q4	Do you have the capability of developing and delivering or working to (depending upon the role(s) that this PQQ covers) a BIM Execution Plan (BEP) as described in PAS 1192-2:2013?	Evidence that your organization understands the requirements of PAS 1192-2:2013, in particular with respect to BEP. This will include how to create reliable information and exchange it between supply chain members in an efficient and collaborative manner, and where appropriate, to the client, in the form specified (e.g. in accordance with the COBie UK 2012 standard and other typical client's information requirements). If you have delivered a project in this way, you may present an example BEP.	<input type="checkbox"/>	<input type="checkbox"/>	
O4-Q5	Do you have arrangements for training employees in BIM-related skills and do you assess their capabilities?	Evidence that your organization has in place training arrangements to ensure that its staff/workforce have sufficient skills and understanding to implement and deliver projects in accordance with the policy and procedures established to achieve "Level 2 BIM" maturity. Completed Construction Project Information Exchange (CPIX) templates referred to in the Project Implementation Plan (PIP), part of the BEP defined in PAS 1192-2:2013 would be considered. If this PQQ is for the first such project that you have considered undertaking, a training plan and evidence of how prior training outcomes in other areas have been assessed, would be considered.	<input type="checkbox"/>	<input type="checkbox"/>	

NOTE Level 2 BIM describes a specific range of BIM capabilities (see PAS 1192-2:2013) These involve developing and sharing 3D construction project-related data, via an electronic "BIM environment", with others involved in a project. This includes an as-built "Data Drop" for use by the Client. The electronic BIM environment allows design models (digital objects and supporting information about these objects) to be shared. Each model requires platform software and a database of object information.

4.3 Application of C3 (business and professional standing) in Public Sector procurement

The questions provided in Tables 9 and 10 shall be used in place of those in Table 3 for public sector procurement in the scope of the Public Contracts Regulations 2015.

Suppliers who have an already completed a European Single Procurement Document (ESPD) template can submit that completed ESPD in lieu of Tables 9 and 10. Alternatively Contracting Authorities can request that suppliers complete the EU electronic version of the ESPD, through the Commission's E-ESPD service or the self-declaration module of the Contracting Authorities e-procurement platform.

Tables 9 and 10 need to be completed by each organization being relied on to meet the selection criteria. A completed Table 1 and self-declaration is also required from each organization.

Procurements in scope of the Defence and Security Public Contract Regulations 2011 shall substitute Tables 11 and 12 for Table 3. Clause 4.4 of this PAS provides the necessary alternative questions.

NOTE For further information on Public Procurement see Annex B.

Table 9 – Core Question Module C3 for Public Sector procurement – ESPD option, Grounds for mandatory exclusion and non-payment of tax and social security contributions (mandatory and discretionary exclusion)

Q Ref.	Question	Response	
ESPD Option			
C3-QP1	Have you submitted a completed European Single Procurement Document (ESPD)? The questions in this module (Tables 9 and 10) need not be completed if you have provided a completed and signed European Single Procurement Document (ESPD).	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Grounds for Mandatory Exclusion			
C3-QP2	In respect of Regulations 57(1 and 2) of the Public Contracts Regulations 2015 the detailed grounds for mandatory exclusion of an organization are set out on the <i>webpage</i> – https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf which should be referred to before completing these questions. Within the past five years, anywhere in the world, have you, your organization or any person who has powers of representation, decision or control in the organization been convicted of any of the offences within the summary (C3-QP2-1 to C3-QP2-8) below, and listed on the above referenced webpage?		
C3-QP2-1	Participation in a criminal organization	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP2-2	Corruption	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP2-3	Fraud	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP2-4	Terrorist offences or offences linked to terrorist activities	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP2-5	Money laundering or terrorist financing	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP2-6	Child labour and other forms of trafficking human beings	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP2-7	Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any jurisdiction outside England, Wales or Northern Ireland	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP2-8	Any other offence within the meaning of Article 57(1) of the Directive created after 26 th February 2015 in England, Wales or Northern Ireland.	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Table 9 – Core Question Module C3 for Public Sector procurement – ESPD option, Grounds for mandatory exclusion and non-payment of tax and social security contributions (mandatory and discretionary exclusion) (*continued*)

Q Ref.	Question	Response	
C3-QP2-9	<p>If you have answered yes to any of questions C3-QP2-1 to C3-QP2-8, provide further details for each such question, including:</p> <ul style="list-style-type: none"> • date of conviction and the jurisdiction; • which of the grounds listed the conviction was for; • the reasons for conviction; • the identity of who has been convicted. <p>If the relevant documentation is available electronically, provide:</p> <ul style="list-style-type: none"> • the web address; • issuing authority; • precise reference of the documents. 	Response	
C3-QP2-10	<p>If you have answered Yes to any of the questions C3-QP2-1 to C3-QP2-8, explain, for each such question, what measures have been taken to demonstrate the reliability of the organization despite the existence of relevant grounds for exclusion (self-cleaning - see Regulation 57 (13 to 17) of the Public Contracts Regulations 2015).</p>	Response	
Non-payment of tax and social security contributions (mandatory and discretionary exclusion)			
C3-QP3	<p>In respect of Regulation 57(3) and (4) of the Public Contracts Regulations 2015, the detailed grounds for mandatory and discretionary exclusion of an organization are set out on the webpage:</p> <p>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf</p> <p>which should be referred to before completing these questions.</p>		
C3-QP3-1	Has your organization met all its obligations relating to the payment of taxes or social security contributions, both in the UK and in the country in which the organization is established (if outside the UK)?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP3-2	If you responded “No” for question C3-QP3-1, was this through a judicial or administrative decision having final and binding effect?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP3-3	Have any tax returns submitted on or after 1 October 2012 been found to be incorrect as a result of:		
C3-QP3-3(a)	<ul style="list-style-type: none"> • HMRC successfully challenging the potential supplier under the General Anti – Abuse Rule (GAAR) or the “Halifax” abuse principle; 	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP3-3(b)	<ul style="list-style-type: none"> • 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; or 	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP3-3(c)	<ul style="list-style-type: none"> • 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), 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 <input type="checkbox"/>	NO <input type="checkbox"/>

Table 9 – Core Question Module C3 for Public Sector procurement – ESPD option, Grounds for mandatory exclusion and non-payment of tax and social security contributions (mandatory and discretionary exclusion) (continued)

Q Ref.	Question	Response
C3-QP3-4	<p>If you have answered No to C3-QP3-1 and/or Yes to any of questions C3-QP3-2 to C3-QP3-3(c), provide further details for each instance, including:</p> <ul style="list-style-type: none"> • whether you believe there to be any overriding reasons for non-payment; • the country or state concerned; • the amount concerned; • details of the means for a No response to question C3-QP3-1 (if not included the response to C3-QP3-2 or C3-QP3-3(a) (b) or (c)); • the date of the conviction or decision (if applicable); • in case of a conviction, insofar as established directly therein, the length of the period of exclusion; • whether you have paid, or have entered into a binding arrangement with a view to paying, “the taxes or social security contributions due” including where applicable any interest accrued and/or fines; and • if the relevant documentation is available electronically indicate the web address, issuing authority or body and precise reference of the document. 	Response

Note to Table 9

We reserve our right to use our discretion to exclude your bid where we can demonstrate by any appropriate means that you are in breach of your obligations relating to the non-payment of taxes or social security contributions.

Table 10 – Core Question Module C3 for Public Sector procurement: grounds for discretionary exclusion

Q Ref	Question	Response	
C3-QP4	<p>Regulation 57 (8) of the Public Contracts Regulations 2015</p> <p>The detailed grounds for discretionary exclusion of an organization are set out on the webpage: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf which should be referred to before completing these questions.</p> <p>Within the past three years, anywhere in the world, have any of the situations identified in C3- QP4-1 to C3-QP4-8(e) below applied, to you or your organization.</p>		
C3-QP4-1	Breach of obligations in the field of environment, social and/or labour law.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP4-2	Bankruptcy, insolvency	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP4-3	Guilty of grave professional misconduct	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Table 10 – Core Question Module C3 for Public Sector procurement: grounds for discretionary exclusion (*continued*)

Q Ref	Question	Response	
C3-QP4-4	Distortion of competition	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP4-5	Aware of any conflict of interest	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP4-6	Been involved in the preparation of the procurement procedure	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP4-7	Performance deficiencies on a previous contract leading to early termination, damages or other sanctions	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP4-8	Misrepresentation and undue influence Do any of the following statements apply to your organization?		
C3-QP4-8(a)	The organization is 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.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP4-8(b)	The organization has withheld such information.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP4-8(c)	The organization is not able to submit supporting documents required under Regulation 59 of the Public Contracts Regulations 2015.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP4-8(d)	The organization has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organization undue advantages in the procurement procedure.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP4-8(e)	The organization has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
C3-QP4-9	If you have answered Yes to any of questions C3- QP4-1 to C3-QP4-8(e), provide <ul style="list-style-type: none"> • details of the circumstances; • explain what measures have been taken to demonstrate the reliability of the organization despite the existence of a relevant ground for exclusion (Self cleaning - see Regulation 57 (13 to 17) of the Public Contracts Regulations 2015); • if relevant documentation is available electronically, indicate the web address, issuing authority or body and precise reference of the document. 	Reponse	

4.4 Application of C3 (business and professional standing) in Defence and Security Public Contract Procurement

Table 11 – Core Question Module C3 for Defence and Security Public Contract Regulations 2011 Part 4 Regulation 23(1) – Mandatory exclusion

Q Ref	Information required and description of information expected, which will be taken into account in assessment	Answer	
		YES	NO
C3-QD1	Do any of the circumstances as set out in Part 4 Regulation 23(1) of the Defence and Security Public Contracts Regulations 2011 (SI 1848), including any amendments to the legislation identified*, apply to you as the Applicant or to members of any Applicant Group? If yes, supply details in C3-QD1-1 to C3-QD-1(l) , as applicable.	<input type="checkbox"/>	<input type="checkbox"/>
Response			
	C3-QD1-1 If your organization or any directors or partner or any other person who has powers of representation, decision or control has been convicted of any of the following offences, provide information.		
	C3-QD1-1(a) conspiracy within the meaning of section 1 or section 1A of the Criminal Law Act 1977 or article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983, or in Scotland the Offence of conspiracy, where that conspiracy relates to participation in a criminal organization as defined in Article 2 of Council Framework Decision 2008/841/JHA.		
	C3-QD1-1(b) involvement in serious organized crime or directing serious organized crime within the meaning of section 28 or 30 of the Criminal Justice and Licensing (Scotland) Act 2010;		
	C3-QD1-1(c) corruption within the meaning of section 1 of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906*;		
	C3-QD1-1(d) the offence of bribery;		
	C3-QD1-1(e) bribery within the meaning of section 1, 2 or 6 of the Bribery Act 2010;		
	C3-Q1-1(f) bribery or corruption within the meaning of section 68 and 69 of the Criminal Justice (Scotland) Act 2003;		
	C3-QD1-1(g) fraud, where the offence relates to fraud affecting the financial interests of the European Communities as defined by Article 1 of the Convention relating to the protection of the financial interests of the European Union*, within the meaning of:		
	C3-QD1-1(g) (i) the offence of cheating the Revenue;		
	C3-QD1-1(g) (ii) the offence of conspiracy to Defraud;		

Table 11 – Core Question Module C3 for Defence and Security Public Contract Regulations 2011 Part 4 Regulation 23(1) – Mandatory exclusion (*continued*)

		Response
	C3-QD1-1(g) (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*;	
	C3-QD1-1(g) (iv) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006;	
	C3-QD1-1(g) (v) in Scotland, the offence of fraud;	
	C3-QD1-1(g) (vi) in Scotland, the offence of theft;	
	C3-QD1-1(g) (vii) fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies Act (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006;	
	C3-QD1-1(g) (viii) 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*;	
	C3-QD1-1(g) (ix) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;	
	C3-QD1-1(g) (x) 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* or making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of the Fraud Act 2006;	
	C3-QD1-1(g) (xi) in Scotland the offence of uttering; or	
	C3-QD1-1(g) (xii) in Scotland, the criminal offence of attempting to pervert the course of justice;	
	C3-QD1-1(h) money laundering within the meaning of section 93A, 93B, or 93C of the Criminal Justice Act 1988, section 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996 or the Money Laundering Regulations 2003 or money laundering or terrorist financing within the meaning of the Money Laundering Regulations 2007*;	

Table 11 – Core Question Module C3 for Defence and Security Public Contract Regulations 2011 Part 4 Regulation 23(1) – Mandatory exclusion (*continued*)

		Response
	C3-QD1-1(i) terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Framework Decision 2002/475/JHA*;	
	C3-QD1-1(j) an offence in connection with proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994; or	
	C3-QD1-1(k) in Scotland, the offence of incitement to commit any of the crimes described in Regulation 23(1);	
	C3-QD1-1(l) any other offence within the meaning of Article 39(1) of the Defence and Security Procurement Directive 2009/81/EC as defined by the national law of any member State.	

* including any amendments to the legislation identified”

NOTE Regulation requires that Defence and Security Public Contracts procurers exclude any applicant from the tender process who satisfies any of the criteria for rejection set out in Part 4, Regulation 23(1) of the DSPCR 2011. It is therefore essential that entities applying for pre-qualification are required to confirm that none of the circumstances set out in Part 4, Regulation 23(1) of the DSPCR 2011 apply to them or any member of an applicant group that they represent.

Table 12 – Core Question Module C3 for Defence and Security Public Contract Regulations 2011 Regulation 23(4) – Discretionary exclusion

Q Ref	Information required and description of information expected, which will be taken into account in assessment	Answer	
C3-QD2	Do any of the circumstances as set out in Part 4 Regulation 23(4) of the Defence and Security Public Contracts Regulations 2011 (SI 1848), apply to the Applicant or to members of any Applicant Group? If yes, please supply details below.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Question		Response	
	C3-QD2-1 Is any of the following true of your organization?		

Table 12 – Core Question Module C3 for Defence and Security Public Contract Regulations 2011 Regulation 23(4) – Discretionary exclusion (*continued*)

Question	Response
<p>C3-QD2-1(a) being an individual, is a person in respect of whom a debt relief order has been made or is bankrupt or has had a receiving order or administration order or bankruptcy restrictions order or debt relief restrictions order made against him or has made any composition or arrangement with or for the benefit of creditors or has made any conveyance or assignment for the benefit of creditors or appears unable to pay or to have no reasonable prospect of being able to pay, a debt within the meaning of Section 268 of the Insolvency Act 1986, or Article 242 of the Insolvency (Northern Ireland) Order 1989, or in Scotland has granted a trust deed for creditors or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of his estate, or is the subject of any similar procedure under the law of any other State;</p>	
<p>C3-QD2-1(b) being a partnership constituted under Scots law, has granted a trust deed or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of its estate;</p>	
<p>C3-QD2-1(c) being a company or any other entity within the meaning of section 255 of the Enterprise Act 2002 has passed a resolution or is the subject of an order by the court for the company's winding up otherwise than for the purpose of <i>bona fide</i> reconstruction or amalgamation, or has had a receiver, manager or administrator on behalf of a creditor appointed in respect of the company's business or any part of the company's business or is the subject of similar procedures under the law of any other State?</p>	
<p>C3-QD2-2 Has your organization</p>	

Table 12 – Core Question Module C3 for Defence and Security Public Contract Regulations 2011 Regulation 23(4) – Discretionary exclusion (*continued*)

Question	Response
<p>C3-QD2-2(a) been convicted of a criminal offence relating to the conduct of its business or profession, including, for example, any infringements of any national or foreign law on protecting security of information or the export of defence or security goods;</p>	
<p>C3-QD2-2(b) committed an act of grave misconduct in the course of its business or profession, including a breach of obligations regarding security of information or security of supply required by the contracting authority in accordance with Regulation 38 or 39 of the DSPCR during a previous contract;</p>	
<p>C3-QD2-2(c) been told by a contracting authority, that the Potential Provider does not to possess the reliability necessary to exclude risks to the security of the United Kingdom*;</p>	
<p>C3-QD2-2(d) failed to fulfil obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the member State in which it is established;</p>	
<p>C3-QD2-2(e) failed to fulfil obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the member State in which it is established;</p>	

NOTE *The Authority is entitled to exclude applicants from participating in this procurement if any of the above apply but it may decide to allow the applicant to proceed further. If the applicant cannot answer 'No' to every question it is possible that its application might not be accepted. In the event that any of the following do apply, the applicant should set out (in a separate annex) full details of the relevant incident and any remedial action taken subsequently. The information provided will be taken into account by the Authority in considering whether or not to allow the applicant to proceed further.*

4.5 Supplementary or additional questions

Introduction: Table 13 provides a format for asking supplementary or additional questions which, if necessary can be interpolated into the core and optional question modules presented in Tables 1 to 8. In recognizing that supplementary or additional questions may need to be asked and providing for their inclusion in existing question modules, Clause 3.2 specifically requires that any supplementary or additional questions be referenced in a manner that clearly identifies the fact that they are supplementary or additional questions and numbered in a manner that does not change the number sequence of the original PAS 91 questions, in the module in which they are inserted.

This format and the example questions used for its demonstration in Table 13, may be used in prequalification processes that relate to specific projects or frameworks, where applicants are required to meet minimum standards of technical and/or professional ability. Before choosing to use these example questions however, buyers and assessment providers should have particular regard to reducing unnecessary documentation requirements for businesses and in any event only request information that is related and proportionate to the subject matter of the contracts likely to be awarded (see Note to this Clause).

Whilst the use of this particular format and numbering system are not requirements of this PAS and users may adopt whatever method of presentation is best suited to the nature of the question(s) to be asked, the requirements of Clause 3.2 in respect of relevance and proportionality, additionality and numbering, shall still be met for any supplementary or additional questions that may be asked.

NOTE Where prequalification processes are required to be OJEU compliant, the allowable means of evaluating compliance with minimum standards of technical and professional ability are described in Public Contracts Regulations 2015 Regulations 58(15) - 58(18) and Regulation 60(9), and questions should be formulated to address such evaluation. They should also be related and proportionate to the subject matter of the contracts likely to be awarded.

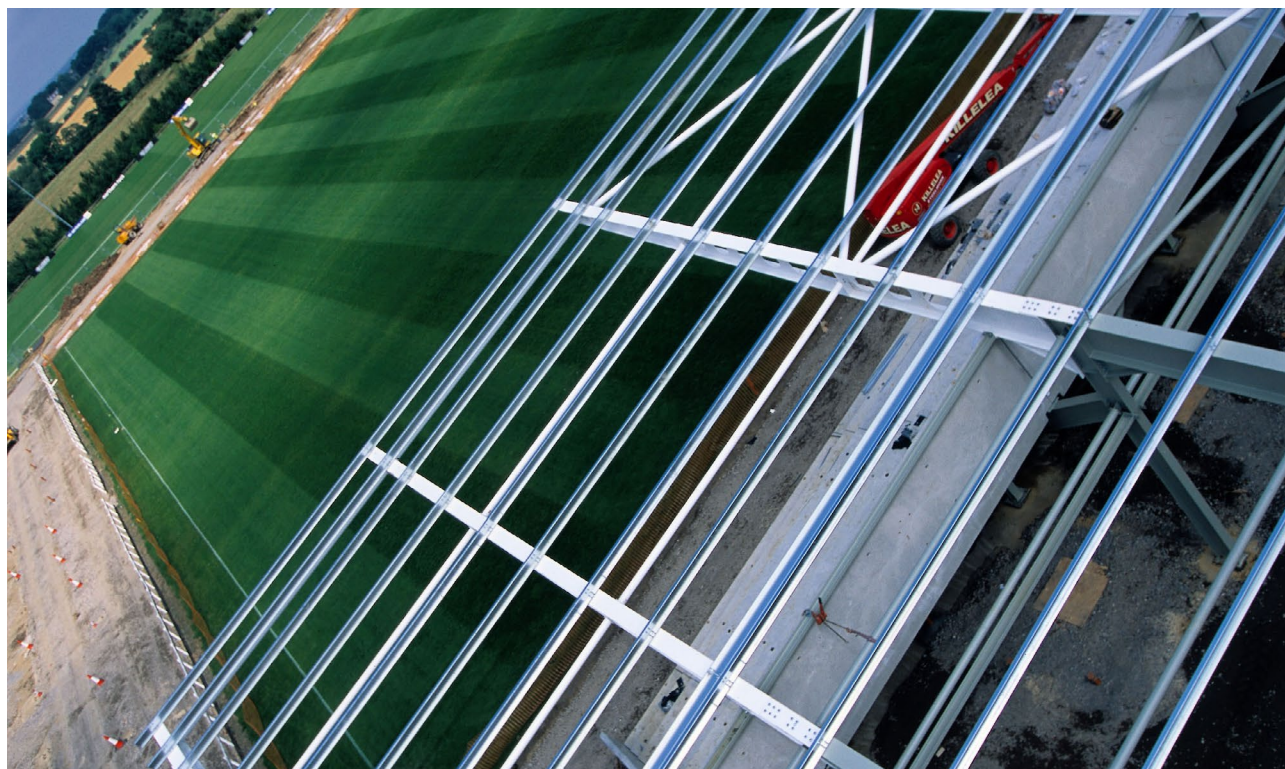


Table 13 – Examples of supplementary/additional questions including in respect of organizational technical and/or professional capability

Example numbering	Example question	Description of information in support of response, which will be taken into account in assessment	YES	NO	Unique reference to supporting information
S1-Q1	<p>Do you and/or your company have the technical ability to carry out the activities that are the subject of this prequalification questionnaire?</p>	<p>Evidence of your company's capability of carrying out the activities described, by way of a completed project record, demonstrating the skills, efficiency, experience and reliability of your organization.</p> <p>Responses will be evaluated with regard to provision of comprehensive information on the following:</p> <ul style="list-style-type: none"> i) description of the project including project value and Client details and Client brief; ii) pre-construction services, including any pre-contract advice, surveys and design drawings undertaken by your company, pre-contract planning, construction phase programming and management plans; iii) construction phase Health & Safety services, including examples of Construction Phase Health & Safety Project Plan and Health & Safety Inspections; iv) cost planning and management; v) specific working methods for providing, maintaining and monitoring a high level of service delivery and customer satisfaction; vi) details of meetings, communications and interactions between all parties to ensure efficient project completion; vii) description of approach to handover, including awareness training of all relevant persons involved. 	<input type="checkbox"/>	<input type="checkbox"/>	

Table 13 – Examples of supplementary/additional questions including in respect of organizational technical and/or professional capability (*continued*)

Example numbering	Example question	Description of information in support of response, which will be taken into account in assessment	YES	NO	Unique reference to supporting information
S1-Q2	Have you and/or your company carried out activities of the same or similar nature to that which is the subject of this prequalification questionnaire?	A list of relevant activities carried out over the past 5 years together with evidence of satisfactory completion for the most important of those activities, indicating in each case: i) project size (e.g. by value); and ii) when and where the work or works were carried out.	<input type="checkbox"/>	<input type="checkbox"/>	
S1-Q3	Have you and/or your company provided supplies or services of the same or similar nature to that which is the subject of this prequalification questionnaire?	A statement of the principal supplies sold or services provided in the past 3 years including: i) the dates on which the supplies or services were provided; ii) the identity of the person to whom the supplies were sold or the services were provided; and iii) any certificate issued or countersigned by that person confirming the details of the contract for those supplies sold or services provided.	<input type="checkbox"/>	<input type="checkbox"/>	
S1-Q4	Do you and/or your company have the necessary technical facilities to fabricate, supply and deliver the supplies and services that are the subject of this prequalification questionnaire?	A statement of the professional qualifications held by you and/or other members of staff/workforce within your company who will be responsible for providing the services or carrying out the activities that are the subject of this prequalification questionnaire.	<input type="checkbox"/>	<input type="checkbox"/>	
S1-Q5	Do you and/or your company have the necessary numbers of staff to fabricate, supply and deliver the activities, supplies and/or services that are the subject of this prequalification questionnaire?	A statement of the average annual number of managerial staff and other workforce over the previous 3 years.	<input type="checkbox"/>	<input type="checkbox"/>	

NOTE In the question referencing above, the questions are numbered appropriately for inclusion in a separate set of supplementary or additional questions. If the supplementary or additional questions are to be interpolated into PAS 91 core or optional question modules, the letter in the first element will be C or O dependent upon whether the question is to be added to a core or optional module and the number of the first element will be determined by the particular module into which the question is being inserted. SUP is then added as a suffix to denote a supplementary or additional question.

Annex A PAS 91 Overview (informative)

This Annex builds on the information provided in the introduction to this PAS and includes:

- **A1 Introduction**
- **A2 What are the buyer benefits?**
- **A3 What are the supplier benefits?**
- **A4 How should a buyer use the PAS?**
- **A5 Use of assessment providers**
- **A6 How to use the PAS when looking at projects with different levels of risk?**
- **A7 Application of the PAS to additional cases**

A.1 Introduction

The problem – Across the construction supply chain suppliers wishing to prequalify for work are frequently required to complete a variety of different prequalification questionnaires. This leads to considerable duplication of supplier effort which costs both time and money. Often, particular questions are essentially seeking the same information but because they are presented in a different way and in a different order, suppliers can be placed under resource and other pressures due to confusion and the wasted money, time and effort required. There is also increased risk that responses will differ unnecessarily. On the other side of the process, buyers or their assessment providers may have to devote excessive time and effort to reading and evaluating this variety of responses, which adds yet more unnecessary cost to the overall process.

The solution – This PAS provides a standard wording and order for a set of questions that will enable the acquisition of the essential information required in all prequalification processes in a uniform and commonly usable, manner. The intention is that buyers should use these “core” questions, either directly or through an assessment provider that complies with this PAS to obtain the information they require. A supplier can then efficiently complete a prequalification questionnaire, referring to their pre-prepared answers.

Further standard questions, which may be relevant to some but not all construction procurements, are provided in optional modules that can be used as required.

It is important to recognize that prequalification is an initial filter of interested suppliers who can then be short-listed for the tender stage. So the questions should be kept to a minimum and only include those that will help with this stage of the buying decision.

However, if prequalification is in respect of a specific project, additional project-specific questions can also be used to filter out those companies that do not have the technical capability to successfully complete an invitation to tender.

A.2 What are the buyer benefits?

Less time spent on routine tasks, more confidence that they are following good practice, more sustainable processes, more time to focus on significant parts of the tendering process, more suppliers willing to apply for work, giving more choice.

By utilizing this PAS greater clarity is provided bringing more certainty that buyers are prequalifying suppliers correctly whilst simultaneously saving time and resources. By using a set of questions with which potential suppliers will be familiar the cost and uncertainty surrounding basic prequalification will be reduced for suppliers, so that more suppliers should feel able to take part, bringing greater choice to clients. In addition, the use of this PAS should also enable buyers to devote more time to developing any necessary project-specific questions.

Use of this PAS can be of benefit to an organization in relation to corporate responsibility, as it is part of the common agenda to reduce burdens on buyers and suppliers alike, and to increase the understanding and application of widely applicable standards in the construction industry.

Occasional buyers – This PAS gives a clear guide and structure to the prequalification process which can be of considerable help to the occasional buyer. Use of the PAS gives assurance to buyers that they are following good practice without needing to invest a lot of time researching processes and experiencing delay as a result. They can also have confidence that they will have greater opportunity for response from better prepared and informed suppliers.

A.3 What are the supplier benefits?

Less confusion, less possibility of misunderstanding what information is required, less time taken to prepare responses, less cost and paperwork, more confidence in the process bringing greater certainty that questionnaires have been completed correctly, and more time to spend on other business activity.

A supplier should be able to devote time to developing an authoritative set of standard answers to the “core” questions which will then be a resource that they can then use, update and adapt as necessary in response to any buyer using PAS 91 in its prequalification processes. In this situation, answering a prequalification questionnaire becomes a routine process, saving both time and money with the result that a supplier is likely to feel more confident about applying for more contracts. It is important to recognize however that suppliers will need to maintain the currency, content and relevance of their pre-prepared answers to ensure that they are up to date and fit for purpose, at any given time.

Use of this PAS is in line with public sector policy in that it will help to open more opportunities to small- and medium-sized organizations. This is achieved not only through its standardization of the questions, but also by its requirement that the information being asked for should be limited to that which is related and proportionate to the subject matter of the contracts likely to be awarded.

A.4 How should a buyer use the PAS?

PAS 91 takes a modular approach to its set of questions and is structured to enable buyers to include the minimum number of modules necessary to cover the areas of capability that are relevant to the procurement process being undertaken.

Clause 4.1 contains modules that constitute the “core” questions that are to be asked in all prequalification activity. These core modules are:

- C1: Supplier identity; key roles and contact information;
- C2: Financial information;
- C3: Business and professional standing;
- C4: Health and safety policy and capability.

For public sector or defence and security buyers, Tables 9 and 10 or 11 and 12, provide alternative questions to C3.

In addition, where it is necessary to assess supplier capability in the areas of equal opportunity, environmental management and quality management, optional question modules are provided in Clause 4.2, as follows:

- O1: Equal opportunity and diversity policy and capability;
- O2: Environmental management policy and capability;
- O3: Quality management policy and capability;
- O4: Building information management policy and capability.

Although the optional questions in 4.2 need not be asked by all construction buyers, it is vital that if they are

asked, then they should be consistently used. Adoption of the 4.2 question modules will increase consistency in prequalification activity across the industry.

Can I ask additional questions beyond those listed in 4.1 and 4.2?

Yes, if the answers will help with the procurement in question. Although the PAS sets out the essential “core” questions and common “optional” questions, it is recognized that a buyer can require additional project-related information and may therefore need to ask questions about professional or technical ability or other “project specific” issues, to obtain it. The PAS makes provision for this (see 3.2 and 4.5) however buyers should have particular regard to reducing unnecessary documentation requirements for businesses and the requirement that in any event the information being asked for should be limited to that which is related and proportionate to the subject matter of the contracts likely to be awarded.

A.5 Use of Assessment providers

Types of providers – Various organizations provide third-party prequalification assessment services to buyers and many of them only provide assessment in the area of Health and Safety (notably SSIP, see www.SSIP.org.uk).

Some assessment providers operate a single register of prequalified construction suppliers; from which lists of potential suppliers can be selected according to preferred criteria, e.g. size of company/turnover, geographic location, etc. Some assessment providers maintain lists by industry sector (e.g. a trade association) whilst others maintain local lists. The use of the “core” questions in this PAS is not affected by these different approaches. Assessment providers are therefore encouraged to use this PAS, and buyers are encouraged to select assessment providers whose information collection processes comply with the PAS and its principles.

Capability of assessment providers – Other than for exemption purposes, the scope of this PAS does not address the capability of assessment providers, whether by UKAS accreditation or other means. Accordingly, it is a matter for buyers to satisfy themselves that the assessment provider(s) whose members they accept through the prequalification services provided, are sufficiently able to carry out a reliable assessment of suppliers.

Additional questions – Assessment providers often ask additional questions to provide the functionality that buyers require. Assessment providers and their clients however should have particular regard to reducing unnecessary documentation requirements for businesses

and in any event only require suppliers to provide information and evidence that is related and proportionate to the subject matter of the contracts likely to be awarded. Such additional questions should be clearly shown to be supplementary to (and beyond the scope of) this PAS.

Transitional adoption of the PAS – It may not be practical or cost effective for all assessment providers to fully adopt this PAS immediately. Wholesale modification of existing question sets to comply with this PAS together with requirement that all members should resubmit applications at that point could be unhelpful to buyers and suppliers. It is therefore reasonable to “migrate” to the full adoption of this PAS over a practical time frame but the intention to do so should be made clear to existing and new buyers and suppliers at the earliest opportunity.

A.6 How to use the PAS when looking at projects with different levels of risk

Types of project “risk” – For any given project there will be a number of “risks” to its successful completion, and these will depend on the nature of the individual project and the environment in which it is being undertaken. The same prequalification questions can still be used however, for the core and optional requirements but buyers may need to apply different types of assessment to the evaluation of supplier responses, depending on the risk levels involved. For example with projects which are not likely to go wrong or for which there will not be serious consequence if upsets occur, buyers may be satisfied with not assessing the prequalification information supplied by suppliers, in any degree of detail.

At the other end of the spectrum, for “mission critical” projects, buyers may wish to know that the suppliers’ answers have been thoroughly checked.

Where a third-party assessment provider is used by a buyer, the buyer’s choice of assessment provider(s) should take account of the processes the assessment provider follows, and whether this is likely to provide the assurance that they require for their projects in respect of a potential supplier’s capability.

The three assurance level model – Although this paragraph models assessment by reference to three types of assessment, this should be seen as a simplified framework – there is in fact a continuous spectrum from high to low.

Verification and assessment of supplier – Level 1

The assessment includes an audit typically involving on-site verification and outcome assessment, before accepting the supplier as meeting the requirements:

- most expensive for suppliers, most certain for buyers. Preferable for where high levels of assurance are essential or sought;

- limited choice of suppliers.

Validated assessment – Level 2

The assessment includes for example obtaining copies of certificates, details of company procedures, etc. This commonly includes so-called “desktop” assessment:

- medium cost for suppliers;
- more certainty for buyers;
- wider choice of suppliers.

Self-assessment – Level 3

The supplier fills in a questionnaire and makes statements about their work and certifications, minimal verification activity is carried out:

- cheapest for suppliers, least certain for buyers;
- widest choice of suppliers.

Various approaches to assessment may be suitable throughout the supply chain. Equally the buyer may choose to carry out a higher level of verification during the tender stage so it can be very project specific.

A.7 Application of the PAS to additional cases

A.7.1 Supplier cannot answer a question – In some circumstances, a question in the PAS may not be answerable by suppliers. For example:

- a start-up company would not be able to supply a financial history;
- a self-employed supplier may not need to show evidence of employee communication.

Assessment providers may already have “exception procedures” in place to deal with these and similar issues and they may continue to do so. Again, it is for the buyers to satisfy themselves that acceptable assessment procedures are in place.

A.7.2 Use of PAS 91 with unincorporated Joint Ventures or Consortia – these are often temporary entities that combine to pool resources and/or capability to bid for a specific project, although more permanent relationships also exist.

For procurements subject to the Public Contracts Regulations 2015 (PCR 2015) which exceed the relevant EU declared threshold, there are specific requirements under the PCR 2015 (see the supplementary questions to table 1, question C1-Q13 and the notes to table 1, and also Annexes B and C for further details).

Other than for the above, PAS refers to no specific provisions and it is for buyers and assessment providers to satisfy themselves that adequate provision is included.

Annex B Public sector buyers (informative)

This Annex covers:

- B1 General
- B2 Procurement policy
- B3 Mandatory and discretionary exclusion
- B4 Organizational roles where the supplier is participating in procurement together with others
- B5 Subcontractors not relied upon
- B6 Scoring mechanism
- B7 Use of equivalent standards

in relation to public-sector procurement.

B.1 General

This Annex briefly explains for public sector buyers how the PAS enables compliance with regulations

Public sector and certain other buyers (e.g. some utilities) are subject to EU treaties and directives regarding procurement of works, supplies and services contracts or frameworks. For projects or frameworks the value of which exceeds EU declared thresholds EU Directive 2014/24/EU is implemented in the UK by the Public Contracts Regulations and explained in Procurement Policy Note 2/15. Although broadly similar, the regulations for Scotland contain some significant differences from those applicable in England and Wales, and Scottish procurers should ensure that these differences are accounted for when conducting procurement exercises. Both the English/Welsh and Scottish regulations require procurers to act in an open, transparent and non-discriminatory way when selecting companies to receive tender enquiries, and so place certain restrictions on what public sector buyers can ask of contractors, suppliers, and consultants during the procurement process.

A prequalification process is often, but not always, used at the selection stage of a restricted procedure, where a candidate's capability of performing the contract or framework is evaluated. Information requested at prequalification stage that is intended to be used to evaluate a candidate's technical and professional capability is required to be consistent with Regulations 58(15) to 58(18) and 60(9) of the Public Contracts Regulations 2015 and for their financial and economic standing with Regulations 58 (7) to (10) and 60 (6) to (8); it is also necessary that the

process be capable of being evaluated objectively and proportionately. Contracting authorities should ensure that the questions asked of candidates are related and proportionate to the subject matter of the contract or framework.

It is important to distinguish between the Prequalification Questionnaire (PQQ) and Invitation To Tender (ITT) and decide at this stage what information is required to enable identification of which candidates are capable of delivering the contract or framework and can, therefore, be invited to submit a tender. Questions asked in the PQQ must be in respect of the organization's legal status, economic and financial standing (Regulations 58 (7) to (10) and 60(6) to 60(8)) and technical or professional ability (Regulations 58(15) to 58(18) and 60(9)) to perform the contract only and must not be based on criteria that examine quality. Questions asked at PQQ stage must not be repeated in the ITT, and they must not be expressed in such a way that would discriminate against non UK candidates. Specific questions about how suppliers would deliver the contract or framework should be dealt with within the ITT.

Where project-specific contract or framework tenders are being sought, for which questions in respect of technical and professional ability are necessary, in accordance with Regulations 58(15) to 58(18) and 60(9) of the Public Contracts Regulations 2015, appropriate additional questions may be included in a PAS 91 compliant questionnaire. Table 13 provides example of how such questions can be included.

The questions in 4.1 and 4.2 of this PAS are all allowable at prequalification stage under the above Regulations. Users should ensure that any additional questions inserted in the modules are also allowable.

B.2 Procurement policy

Public sector buyers are also often committed to promoting certain policy objectives in their procurements, such as local employment, apprenticeships and training, SME-friendly, social and environmental matters, etc., and will wish to confirm that candidates are capable of complying with such objectives. In these cases it is unlikely that questions regarding information that is intended to be used

to evaluate a candidate's capability are allowable at prequalification stage.

In some cases it may be appropriate to ask additional "policy delivery" questions at the prequalification stage for evaluation purposes, if they are directly related to the subject matter of the contract or framework. In these cases, such questions should be treated in exactly the same way as any additional "project specific" questions. In any case, buyers should ensure that these policy questions are acceptable under the Regulations.

Following the key tenet of this PAS, if policy-related prequalification questions are to be asked, it is strongly recommended that all buyers that ask such questions are consistent, i.e. they use the same questions to the maximum practical extent. Policy makers are therefore encouraged to provide clear guidance on the questions and/or contract clauses relevant to the particular policy aim.

To fulfil buyers' policy objectives, there may be a requirement to agree in the awarded contract or framework to work to certain standards or agree to other conditions not directly associated with the delivery of the work. These requirements should be made clear to candidates at the prequalification stage to avoid them expending effort in prequalifying if they do not find the additional policy requirements acceptable.

B.3 Mandatory and discretionary exclusion

The Public Contracts Regulations 2015 introduces the European Single Procurement Document that contains the exclusion grounds for public procurement. It is essential that a candidate confirms whether it is liable to be excluded from a public procurement and, if liable to exclusion, can explain what action it has taken to ensure that a breach of the exclusion grounds will not recur. The PAS 91 Module C3 Tables 9 and 10 incorporate the ESPD exclusion questions.

Clause 4.3 (Tables 9 and 10) of this PAS includes all questions and references to grounds for mandatory and discretionary exclusion in accordance with Regulation 57 and 59 of the Public Contracts Regulations 2015.

Clause 4.4 (Tables 11 and 12) of this PAS include questions relating to mandatory and discretionary exclusion in accordance with Regulation 23 of the Defence and Security Public Contract Regulations 2011.

B.4 Organizational roles where the supplier is participating in the procurement together with others

Where the supplier is participating in the procurement with others as referred to in **question C1-Q13-2** in Table 1, the organizational roles should be understood, as follows:

- **Sole supplier/Lead entity:** Sole entity or, in case of consortium, joint venture or other types of groups, the leader of the group.
- **Group member:** Member (not leader) of the consortium, joint venture or other type of group.
- **Other entity (relied upon):** Entity on which the main supplier, the group or other subcontractor, relies in order to meet the selection criteria.
- **Other entity (not relied upon):** Entity on which the main supplier, the group or other subcontractor, does not rely in order to meet the selection criteria.

B.5 Subcontractors not relied upon

Contracting authorities may ask for information on subcontractors that are not relied on and have several choices regarding this.

- A contracting authority may choose to ask whether the candidate intends to subcontract (Regulation 71 (1) Public Contracts Regulations 2015).
- A contracting authority may choose to ask for details of the proposed subcontractors (in so far as this is possible) (Regulation 71 (1) Public Contracts Regulations 2015)
- A Contracting authority may choose to ask for self-declarations relating to the exclusion grounds from subcontractors who are not being relied on by the candidate to meet the selection criteria. However if subcontractors who are not being relied on are asked to complete the self-declaration then the procurement documents are to explicitly state that one is required. If a self-declaration is requested and there are mandatory grounds for exclusion, then the candidate is to be required to replace the subcontractor. If there are discretionary grounds for exclusion then the candidate may be required to replace the subcontractor. (Regulation 71 (8) Public Contracts Regulations 2015).

It is essential that the procurement documents make clear what information a candidate is required to provide in respect of subcontractors that are not being relied on.

B.6 Scoring mechanism

As with all selection processes, PQQs should be evaluated consistently and objectively according to a defined scoring model. The scoring model should be formulated prior to inviting expressions of interest but has to be finalized and candidates informed prior to completing the PQQ. The Regulations require that where a scoring model is used, candidates are to be advised of:

- the scoring model, including the weightings and maximum marks assigned to each question;
- if and where an unsatisfactory answer to one or more questions may of itself lead to exclusion from further consideration (irrespective of the quality of the remainder of the responses); and
- the criteria to be applied where the buyer elects to limit the number of candidates to be invited to tender.

B.7 Use of equivalent standards

Contracting authorities may lay down technical specifications which are to be met, but they are required to ensure that such technical specifications do not create barriers to open competition. Where PQQs require compliance with British, European or International standards, technical approvals or technical specifications or other technical reference systems, each reference is to be accompanied by “or equivalent”. Public Sector Buyers are therefore required to consider offers which claim to satisfy the requirements in an equivalent manner even though they do not conform to the standard in question. It is required that tenders be examined to establish whether they satisfy the contracting authority’s requirements in an equivalent manner and under no circumstances may contracting authorities reject offers solely on the grounds that they are not based on a specified standard or technology. The burden of proving technical equivalence will fall on the bidder in the absence of certification of conformity with the standard.



Annex C Requirement for a declaration (informative)

C.1 Provision of declaration

The Public Contracts Regulations 2015 (Regulation 59) stipulate that suppliers and any entities relied on, be required to complete a declaration in respect of their prequalification responses, and that this be included with the issued questionnaire (see C.2 for form of declaration). Subcontractors not relied on that are instructed to complete a self-declaration (as per B.5) also required to complete the declaration.

C.2 Form of declaration

I declare that to the best of my knowledge the answers submitted and information contained in this completed document (questionnaire) are correct and accurate, including Tables 1, 9 and 10 and where applicable Tables (document compiler to insert the table numbers for all of the other questions included for the procurement)

I declare that, upon request and without delay I will provide the certificates and/or documentary evidence referred to in this document.

I understand that the information will be used in the selection process to assess my organization's suitability to participate further in this procurement.

I understand that the contracting authority may reject this submission in its entirety if there is a failure to answer all the relevant questions fully, or if false/ misleading information or content is provided in any section.

I am aware of the consequences of serious misrepresentation.

By completing this declaration you are agreeing with the statement above

Details of person completing the Declaration.

Signature
(an electronic signature is acceptable)

Name.....

Position.....

For and on behalf of.....

Date.....



Annex D Health and safety: SSIP and supplier capability (informative)

PAS 91 provides for acceptance by buyers of relevant successful assessments by registered members of the Safety Schemes in Procurement Forum (SSIP), against Module C4.

SSIP and Module C4 cover health and safety questions only.

To help reduce cost and bureaucracy for the buyer and supplier, buyer compliance with PAS 91 includes acceptance of relevant, successful assessments by an SSIP registered member scheme in lieu of responses to Module C4, without requiring separate responses from the supplier to the corresponding health and safety questions in Module C4 of this PAS.

Furthermore, accepting an SSIP registered member-assessed supplier as part of general PQQs can allow buyers to give additional attention to project-specific health and safety questions and can make a significant contribution to “mutual recognition” of core health and safety prequalification requirements.

The HSE actively supports SSIP, noting that suitable assessment of a supplier by an SSIP member assessor meets the buyer’s general requirement to exercise “reasonable judgment” based on the evidence provided. However, using an SSIP member-assessed scheme, or adopting PAS 91, does not remove the buyer’s responsibility to:

- ensure that a supplier is indeed “SSIP member-assessed”;
- further enquire, as necessary, about the supplier’s health and safety capability to carry out specific projects, services or other activities.

SSIP member schemes are subjected annually to independent third-party audit.

For more on SSIP- and the prequalification assessment schemes in the SSIP Forum – go to: www.ssip.org.uk/



Annex E Building Information Modelling and PAS 91 (informative)

Building Information Modelling (BIM) involves the creation, collation and exchange of shared 3D models throughout the asset lifecycle, including the intelligent, structured data attached to the models. Effective use of BIM is underpinned by collaborative working and effective information exchange.

The Government's BIM Strategy, promoted by The Department for Environment and Business Strategy (BEIS) and the Efficiency and Reform Group of the Cabinet Office (ERG), prepared by industry representatives and originally published in March 2011, set out the route map by which widespread adoption of BIM to Level 2 will be achieved, aimed at delivering benefits during construction and post-occupancy.

Following the publication of the strategy, the BIM Task Group has been established to bring together expertise from industry, government, public sector, institutes and academia in the development of standards and ways of working. The work of the Task Group can be accessed on the website <http://www.bimtaskgroup.org/>.

Widespread adoption of BIM was a key recommendation of the Government Construction Strategy, published in May 2011. The Government Construction Strategy (GCS) required fully collaborative 3D BIM (with all project and asset information, documentation and data being electronic) as a minimum by April 2016 on all centrally procured Government projects as outlined in the GCS including new build and retained estate, vertical and linear.

In recognition of the Government BIM mandate, optional questions have been included within PAS 91 examining competence in BIM and collaborative information exchange.



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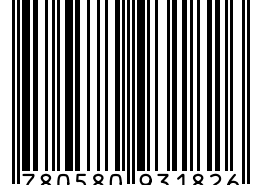
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ISBN 978-0-580-93182-6



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