**PART A: The Health Care Services (Provider Selection Regime) Regulations 2023** – **Direct Award Process B**

**Exclusion ground and confirmation of economic and financial standings:** An Organisation must provide a response to **all questions in Sections 1 to 6** below criteria to ascertain any possibility of exclusion and confirm economic and financial standing before providing services.

**Section 1: Your information**

|  |  |  |
| --- | --- | --- |
| **Question number** | **Question** | **Response** |
| 1.1(a) | Name (if registered, please give the registered name) |  |
| 1.1(b) – (i) | Registered address (if applicable) or head office address |  |
| 1.1(b) – (ii) | Registered website address (if applicable) |  |
| 1.1(c) | Trading status  a) - public limited company  b) - private limited company  c) - limited liability partnership  d) - other partnership  e) - sole trader  f) - third sector  g) - other (please specify your trading status) |  |
| 1.1(d) | Date of registration (if applicable) or date of formation. |  |
| 1.1(e) | Registration number (company, partnership, charity, etc if applicable). |  |
| 1.1 (g) | Details of Persons with Significant Control (PSC), where appropriate:  - Name  - Date of birth  - Nationality  - Country, state or part of the UK where the PSC usually lives  - Service address  - The date he or she became a PSC in relation to the company ;  - Which conditions for being a PSC are met:  - Shares and voting righrs over 25% up to (and including) 50%  - Shares and voting rights more than 50% and less than 75%  - Shares and voting rights of 75% or more  (Please enter N/A if not applicable) |  |
| 1.1(h) | Details of your immediate parent company:  - Full name of immediate parent company,  - Registered or head office address,  - Registration number (if applicable),  - VAT number (if applicable),  (Please enter N/A if not applicable) |  |
| 1.1(i) | Details of ultimate parent company:  - Full name of ultimate parent company,  - Registered or head office address,  - Registration number (if applicable),  - VAT number (if applicable),  (Please enter N/A if not applicable) |  |

**Please note: A criminal record check for relevant convictions may be undertaken for the preferred supplier and all relevant persons and entities (as described above).**

**Section 2: Grounds for mandatory exclusion**

The detailed grounds for mandatory exclusion of a supplier for non-payment of taxes and social security contributions, are set out in **Annex A** and should be referred to before completing these questions.

|  |  |  |
| --- | --- | --- |
| **Question number** | **Question** | **Declaration (click the Yes/No box where relevant)** |
| 2.1 (a) | Within the past five years, anywhere in the world, have you or any person who:   * is a member of the supplier’s administrative, management or supervisory body or * has powers of representation, decision, or control in the supplier3,   been convicted of any of the offences within the summary below and listed in full in **Annex D**? |  |
|  | Participation in a criminal organisation. | Yes  No |
|  | Corruption. | Yes  No |
|  | Terrorist offences or offences linked to terrorist activities. | Yes  No |
|  | Money laundering or terrorist financing. | Yes  No |
|  | Child labour and other forms of trafficking in human beings. | Yes  No |
|  | 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  No |
|  | Any other offence within the meaning of Article 57(1) of the Directive created after 26th February 2015 in England, Wales or Northern Ireland. | Yes  No |
| 2.1(b) | **If you have answered yes to any part of question 2.1(a), please provide further details,** including:  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.  If the relevant documentation is available electronically please provide:  the web address,  issuing authority,  precise reference of the documents. |  |
| 2.1(c) | If you have answered yes to any part of the question above please explain what measures have been taken to demonstrate your reliability despite the existence of relevant grounds for exclusion. (Self cleaning). |  |

|  |  |  |
| --- | --- | --- |
| **Question number** | **Question** | **Declaration (click the Yes/No box where relevant)** |
| 3.1(a) | Please confirm that you have met all your obligations relating to the payment of taxes and social security contributions, both in the country in which you are established and in the UK.  If documentation is available electronically please provide:  the web address,  issuing authority,  precise reference of the documents | Yes  No |
| 3.1(b) | If you have answered no to 3.1(a) please provide further details including the following:  Country concerned,  what is the amount concerned  how the breach was established, i.e. through a judicial or administrative decision or by other means.  if the breach has been established through a judicial or administrative decision please provide the date of the decision,  if the breach has been established by other means please specify the means. |  |
| 3.2 | Please also confirm whether you have paid, or have entered into a binding arrangement with a view to paying, the outstanding sum including, where applicable, any accrued interest and/or fines. | Yes  No |

**Section 3: Mandatory and discretionary grounds relating to the payment of taxes and social security contributions**

The detailed grounds for mandatory and discretionary exclusion of a supplier for non-payment of taxes and social security contributions, are set out in **Annex A** and should be referred to before completing these questions.

**Please Note: 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 payment of taxes or social security contributions.**

**Section 4: Grounds for discretionary exclusion**

The detailed grounds for discretionary exclusion of an organisation are set out in **Annex A** and should be referred to before completing these questions.

|  |  |  |
| --- | --- | --- |
| **Question number** | **Question** | **Declaration (click the Yes/No box where relevant)** |
| 4.1 | Within the past three years, anywhere in the world, have any of the situations summarised below and listed in full in Annex D applied to you? |  |
| 4.1(a) | Breach of environmental obligations?  To note that environmental law obligations include Health and Safety obligations. See Annex D. | Yes  No |
| 4.1(b) | Breach of social law obligations? | Yes  No |
| 4.1(c) | Breach of labour law obligations? | Yes  No |
| 4.1(d) | Bankruptcy or subject of insolvency? | Yes  No |
| 4.1(e) | Guilty of grave professional misconduct? | Yes  No |
| 4.1(f) | Distortion of competition? | Yes  No |
| 4.1(g) | Conflict of interest? | Yes  No |
| 4.1(h) | Been involved in the preparation of the procurement procedure? | Yes  No |
| 4.1(i) | Prior performance issues? | Yes  No |
| 4.1(j)  4.1(j) - (i)  4.1(j) - (ii)  4.1(j) –(iii)  4.1(j)-(iv) | Do any of the following statements apply to you ?  You have been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria.  You have withheld such information.  You are not able, without delay, to submit documents if/when required under Regulation 59.  You have undertaken to unduly influence the decision-making process of the contracting authority to obtain confidential information that may confer upon you undue advantages in the procurement procedure, or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award. | Yes  No  Yes  No  Yes  No  Yes  No |
| 4.2 | You are a relevant commercial organisation subject to Section 54 of the Modern Slavery Act 2015 if you carry on your business, or part of your business in the UK, supplying goods or services and you have an annual turnover of at least £36 million.  If you are a relevant commercial organisation please -  confirm that you have published a statement as required by Section 54 of the Modern Slavery Act.  confirm that the statement complies with the requirements of Section 54. | Yes  No  Yes  No |
| 4.3 | If you have answered YES to any of the questions in 4.1, or NO to question 4.2, please explain what measures have been taken to demonstrate your reliability despite the existence of a relevant ground for exclusion. (Self cleaning) |  |

**Section 5: Additional questions, including project-specific questions**

|  |  |  |
| --- | --- | --- |
| **Question number** | **Question** | **Response (click the Yes/No box where relevant)** |
| **5.1** | **Insurance**  Please provide copies of current insurance certificates confirming the levels of insurance cover indicated below:  Employer’s (Compulsory) Liability Insurance = £10million  Public Liability Insurance = £5million  Professional Indemnity Insurance = £1million  \*There is a legal requirement for certain employers to hold Employer’s (Compulsory) Liability Insurance of £5 million as a minimum. See the Health and Safety Executive website for more information:  <http://www.hse.gov.uk/pubns/hse39.pdf> | Yes  No  Yes  No  Yes  No |

**SECTION 6 - CONTACT DETAILS AND DECLARATION**

I declare that to the best of my knowledge the answers submitted, and information contained in this complete document are correct and accurate, including parts 1, 2 and part 3.

I declare that, upon request and without delay I will provide the certificates and/or documentary evidence referred to in this document except where this documentation can be accessed by the contracting authority via a national database free of charge or the contracting authority already possesses the documentation.

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

I understand that the 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.

|  |  |
| --- | --- |
| **Signature (electronic is acceptable)** | **Date** |
|  |  |

|  |  |
| --- | --- |
| **Contact details** | **Response** |
| Contact name |  |
| Name of organisation |  |
| Role in organisation |  |
| Phone number |  |
| E-mail address |  |
| Postal address |  |

**PART B: The Health Care Services (Provider Selection Regime) Regulations 2023** – **Direct Award Process B**

**Your ability declaration:** An Organisation must confirm these criteria to confirm their ability to provide the services listed below:

**Service 1: NHS Health Checks in General Practices**

|  |  |
| --- | --- |
| I confirm my organisation will deliver NHS Health Checks in accordance with the service specification. | Click the **Yes** box below  Yes |
| I confirm my organisation agrees to the prices per NHS Health Check activity delivered. | Click the **Yes** box below  Yes |
| I confirm my organisation will ensure adequate staffing to deliver the NHS Health Check service at the contract start date or within 3 months. | Click the **Yes** box below  Yes |
| I confirm my organisation will ensure that all required equipment to carry out an NHS Health Check is purchased, utilised and maintained in accordance with the service specification | Click the **Yes** box below  Yes |
| I confirm that my organisation will register in and participate in an appropriate EQA programme through an accredited (CPA or ISO 17043) provider. (EQA service commissioned by B&NES Council) | Click the **Yes** box below  Yes |
| I confirm my organisation will ensure all staff are competent to deliver NHS Health Checks and compliant with the training required as set out in the best practice guidance at <https://www.healthcheck.nhs.uk/commissioners-and-providers/national-guidance/>  and in accordance with the service specification. | Click the **Yes** box below  Yes |
| I confirm my organisation will record all NHS Health Check activity data in SystmOne/Ardens to enable quarterly reporting on activity. | Click the **Yes** box below  Yes |
| I confirm my organisation will provide B&NES Council with all NHS Health Check monitoring data as required and in accordance with the service specification | Click the **Yes** box below  Yes |
| I confirm my organisation will deliver the service in person across B&NES Council areas. | Click the **Yes** box below  Yes |

|  |
| --- |
| **Your details** |
| Name: |
| Job Title: |
| Organisation address: |
| Email: |
| Phone number: |
| Address of where service will be delivered (if different to organisation address above): |
| Date: |

**Service 2: Long Acting Reversible Contraception (LARC) service in General Practices**

|  |  |
| --- | --- |
| I confirm my organisation will deliver the LARC service in accordance with the service specification | Click the **Yes** box below  Yes |
| I confirm my organisation agrees to the prices per LARC fits and removals activity delivered | Click the **Yes** box below  Yes |
| I confirm my organisation will ensure adequate and qualified staffing to deliver the LARC service at the contract start date or within 3 months. | Click the **Yes** box below  Yes |
| I confirm my organisation will have adequate healthcare facilities, including premises and equipment, as necessary to enable the proper provision of the LARC service in accordance with the service specification. | Click the **Yes** box below  Yes |
| I confirm my organisation will keep in stock, and therefore be able to supply, the full choice of SDI and IUD/IUS devices | Click the **Yes** box below  Yes |
| I confirm my organisation will ensure that all healthcare professionals undertaking the full range of contraceptive fitting services hold the Faculty of Sexual and Reproductive Health (FSRH) accredited qualifications of the LoC SDI and LoC IUT | Click the **Yes** box below  Yes |
| I confirm my organisation will record all LARC activity data in SystmOne/Ardens to enable quarterly reporting on activity | Click the **Yes** box below  Yes |
| I confirm my organisation will provide B&NES Council with all LARC service monitoring data as required in accordance with the service specification | Click the **Yes** box below  Yes |
| **Your details** | |
| Name: | |
| Job Title: | |
| Organisation address: | |
| Email: | |
| Phone number: | |
| Address of where service will be delivered (if different to organisation address above): | |

**Service 3: Stop smoking support in General Practices**

|  |  |
| --- | --- |
| I confirm my organisation will deliver practice-based Stop smoking support in accordance with the service specification | Click the **Yes** box below  Yes |
| I confirm my organisation agrees to the fixed prices per stop smoking support activity delivered. | Click the **Yes** box below  Yes |
| I confirm my organisation will ensure adequate staffing to deliver the stop smoking support service at the contract start date or within 3 months. | Click the **Yes** box below  Yes |
| I confirm my organisation will ensure that all required equipment to carry out the stop smoking support is purchased, utilised and maintained in accordance with the service specification | Click the **Yes** box below  Yes |
| I confirm my organisation will ensure the staff delivering the stop smoking support service have undertaken the National Centre for Smoking Cessation and Training (NCSCT) and have passed the certified practitioner assessment and have reviewed the NCSCT Vaping: A guide for healthcare professionals | Click the **Yes** box below  Yes |
| I confirm my organisation will have staff qualified to prescribe any pharmacological products relating to smoking cessation including nicotine replacement therapies (NRT) and medications approved for use in line with NICE Guidance and BSW Formulary Guidance | Click the **Yes** box below  Yes |
| I confirm my organisation will record all Stop Smoking support activity data in SystmOne to enable quarterly reporting on activity. | Click the **Yes** box below  Yes |
| I confirm my organisation will provide B&NES Council with all Stop smoking support monitoring data as required and in accordance with the service specification | Click the **Yes** box below  Yes |
| **Your details** | |
| Name: | |
| Job Title: | |
| Organisation address: | |
| Email: | |
| Phone number: | |
| Address of where service will be delivered (if different to organisation address above): | |
| Date: | |

**Annex A - Exclusion Grounds: Public Procurement**

**Mandatory Exclusion Grounds**

Listed in Public Contract Regulations 2015 (as amended) R57(1), (2) and (3) and the Public Contract Directives 2014/24/EU Article 57(1).

**Participation in a criminal organisation**

* Participation offence as defined by section 45 of the Serious Crime Act 2015
* Conspiracy within the meaning of:
* Section 1 or 1A of the Criminal Law Act 1977; or
* article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983,

where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime.

**Corruption**

* Corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906;
* The common law offence of bribery;
* Bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010, or section 113 of the Representation of the People Act 1983.

**Terrorist offences or offences linked to terrorist activities**

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

**Money laundering or terrorist financing**

* Money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002
* An offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996.

**Child labour and other forms of trafficking human beings**

* An offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004;
* An offence under section 59A of the Sexual Offences Act 2003
* An offence under section 71 of the Coroners and Justice Act 2009;
* An offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994
* An offence under section 1, 2 or section 4 of the Modern Slavery Act 2015.

**Non-payment of tax and social security contributions**

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

**Other offences**

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

**Discretionary Exclusions Grounds**

Listed in Public Contract Regulations 2015 (as amended) R57(8) and the Public Contract Directives 2014/24/EU Article 57(4).

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

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

**Bankruptcy, insolvency**

* Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation’s assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State.

**Grave professional misconduct**

* Guilty of grave professional misconduct

**Distortion of competition**

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

**Conflict of interest**

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

**Been involved in the preparation of the procurement procedure**

* Advised the contracting authority or contracting entity or otherwise been involved in the preparation of the procurement procedure.

**Prior performance issues**

* Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions.

**Misrepresentation and undue influence**

* The organisation has influenced the decision-making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award, or withheld such information or is not able to submit supporting documents required under regulation 59.

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

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

**Additional grounds**

**ANNEX X** Extract from Public Procurement Directive 2014/24/EU

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

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

**Consequences of misrepresentation**

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

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