

**SOUTH EAST ENGLAND DEVELOPMENT AGENCY**

**PRE-QUALIFICATION QUESTIONNAIRE**

**Construction of New Car Park and Access Road**

**At**

**Saunders Way, Whippingham, Isle Of Wight**

**All information requested to be submitted by 1pm on 15<sup>th</sup> June 2010**

**To: Jenifer Delahunty  
SEEDA  
Berkeley House  
Cross Lanes  
Guildford  
Surrey  
GU1 1YA**

**SEEDA Tender Reference: SEEDA/ID/May/2010/05**

**This prequalification questionnaire (“PQQ”) is divided into two parts:**

- **Part 1 provides information about the procurement process and the works contract which SEEDA intends to award**
- **Part 2 sets out – in the form of a questionnaire, statement and checklist – the information which Candidates must submit to SEEDA**

## **PART 1**

### **1 Overview of the Document and Procurement Process**

- 1.1 South East England Regional Development Agency (“SEEDA”) wishes to enter into a contract with a suitably qualified contractor to construct a new 284 space car park and access road off Saunders Way , Whippingham on the Isle of Wight.
- 1.2 Part 1 of this document sets out background information about the process which SEEDA will be using and the opportunities available to contractors.
- 1.3 This document has been produced to enable SEEDA to obtain information from potential contractors ("Candidates") about (i) their economic and financial standing; and (ii) their technical and/or professional ability.
- 1.4 Part 2 of this PQQ includes a questionnaire which asks for financial and technical information from you. The financial information which we are asking you to provide - for example details of turnover and copies of accounts - allows SEEDA to be satisfied that a Candidate has adequate financial and other resources and will be in a position to continue to deliver the services throughout the contract period. The technical information allows SEEDA to assess whether a Candidate has the relevant skills, experience and business practices to provide the services to meet SEEDA's needs.
- 1.5 Part 2 also contains a statement which you are required to sign confirming that you are:
  - 1.5.1 not guilty of committing certain specified offences which would make you ineligible to tender; and
  - 1.5.2 various listed circumstances which could result in your exclusion from the process do not apply to you.
- 1.6 In addition, Part 2 contains a list for you to use to check that you have included the correct information.
- 1.7 SEEDA will review the responses provided by Candidates and evaluate those responses that comply with the requirements of this PQQ using the selection stage criteria and weightings in the matrix set out at Part 1, Section 6 of this document.
- 1.8 Following this evaluation exercise, SEEDA will draw up a short-list of probably not more than six Candidates that will be invited to tender. SEEDA will issue an Invitation to Tender document ("ITT") to those short-listed Candidates.
- 1.9 Following the receipt of the tenders from the short-listed Candidates, SEEDA will evaluate the tenders received and then intends to appoint a contractor.

### **2 Background Information**

- 2.1 SEEDA was set up in 1999 and is one of nine such Agencies established under the Regional Development Agencies Act 1998. SEEDA is a non-departmental public body covering the counties of Buckinghamshire, Oxfordshire, Surrey, Berkshire, Hampshire, Isle of Wight, East Sussex, West Sussex and Kent

## 2.2 Description of the project

The project comprises the construction of a surfaced car park of 284 spaces, with associated drainage, landscaping and lighting and approximately 70 m of new access road and the associated junction with Saunders Way, all on Greenfield land immediately to the north of the GKN Osborne Works at Whippingham.

## 3 The Detailed Procurement Timetable

- 3.1 The main stages of the procurement process and the timetable are set out in the timetable below. This is intended as a guide and whilst SEEDA do not intend to depart from the timetable it reserves the right to do so at any stage:

<b>Date</b>	<b>Stage</b>
17 <sup>th</sup> May 2010	Publication of the PQQ by SEEDA.
15 <sup>th</sup> June 2010	PQQ to be returned to SEEDA by Candidates
16 <sup>th</sup> June- 25 <sup>th</sup> June 2010	Review and evaluation by SEEDA of the PQQs.
28 <sup>th</sup> June 2010	Short Listed Candidates notified by SEEDA
23 <sup>rd</sup> Sept 2010	Issue ITT to short-listed Candidates to SEEDA
18 <sup>th</sup> October 2010	Tenders Returned to SEEDA by Candidates
19 <sup>th</sup> October – 1 <sup>st</sup> November 2010	Evaluation of tenders and recommendation to the SEEDA Board of Candidate to be appointed
1 <sup>st</sup> November 2010	Notification of appointment
15 <sup>th</sup> November 2010	Construction works commence on site.

## 4 Enquiries and further information

- 4.1 All requests for clarification or further information in respect of this PQQ should be made by e-mail, by no later than 1pm on 1<sup>st</sup> June 2010 addressed to JeniferDelahunty@seeda.co.uk No approach of any kind in connection with this PQQ should be made to any other person within, or associated with, SEEDA.
- 4.2 SEEDA will publish its responses to Candidates except where in its opinion the response relates to information which is commercially confidential.

## 5 Right to Reject and/or Disqualify

- 5.1 SEEDA reserves the right to reject or disqualify a Candidate where:
- 5.1.1 the PQQ statement is submitted late, is completed incorrectly, is incomplete or fails to meet SEEDA's submission requirements which have been notified to Candidates;
  - 5.1.2 the Candidate is guilty of serious misrepresentation in relation to its application and/or the process; and
  - 5.1.3 there is a change in identity, control, financial standing or other factor impacting on the selection and/or evaluation process affecting the Candidate.

## **Right To Cancel Or Vary The Process**

- 5.2 SEEDA reserves the right to:
- 5.2.1 cancel the selection and evaluation process at any stage; and/or
  - 5.2.2 require a Candidate to clarify its submission in writing and/or provide additional information. (Failure to respond adequately may result in the Candidate not qualifying); and/ or
  - 5.2.3 amend the terms and conditions of the tender process. Any changes to the process will be published, or notified to shortlisted candidates.
- 5.3 SEEDA reserves the right to withdraw from the selection and evaluation process at any stage.

## **Costs And Expenses**

- 5.4 All Candidates are solely responsible for their costs and expenses incurred in connection with the preparation and submission of the PQQ and all future stages of the selection and evaluation process. Under no circumstances will SEEDA, or any of their advisers, be liable for any costs or expenses borne by the Candidate or any of its advisers in this process.

## **The Prequalification Questionnaire**

- 5.5 The Prequalification Questionnaire has been prepared by SEEDA for the purpose of providing an application procedure for individuals or organisations interested in tendering for these services and to assist Candidates in making their own evaluation of the potential opportunity.
- 5.6 Whilst prepared in good faith, the PQQ is intended only as a preliminary background explanation of SEEDA 's activities and plans and is not intended to form the basis of any decision on whether to enter into any contractual relationship with SEEDA. The PQQ does not purport to be all inclusive or to contain all of the information that a potential Candidate may require.
- 5.7 Any persons considering making a decision to enter into contractual relationships with SEEDA following receipt of the PQQ should make their own investigations and their own independent assessment of SEEDA and their requirements for the services and should seek their own professional financial and legal advice.
- 5.8 None of SEEDA, its advisors, or the directors, officers, members, partners, employees, other staff, agents or advisers of any such body or person:-
- 5.8.1 makes any representation or warranty (express or implied) as to the accuracy, reasonableness or completeness of the PQQ;
  - 5.8.2 accepts any responsibility for the information contained in the PQQ or for its fairness, accuracy or completeness;
  - 5.8.3 shall be liable for any loss or damage (other than in respect of fraudulent misrepresentation) arising as a result of reliance on such information or any subsequent communication.

- 5.9 Only the express terms of any written contract relating to the subject matter of the PQQ as and when it is executed shall have any contractual effect in connection with the matters to which it relates. Any such contract will be governed by English law.
- 5.10 Nothing in the PQQ or other contract documents is, or should be, relied upon as a promissory or a representation as to SEEDA's ultimate decisions in relation to the services which will depend at least in part on the outcome of negotiations with a potential Candidate.

### **Freedom Of Information**

- 5.11 SEEDA is subject to the requirements of the Freedom of Information Act 2000 and the Environmental Regulations 2004, the subordinate legislation made under the Act/Regulations and any guidance and/or codes of practice issued (from time to time) in relation to such legislation. Candidates are required to:
  - 5.11.1 specify (with reasons) those of their PQQ responses which they regard as falling within any of the exemptions from disclosure specified under the Act/Regulations including (without limitation) information provided in confidence; and
  - 5.11.2 state which provisions of the Act/Regulations apply to the information identified under 4.12.1.
- 5.12 SEEDA, however, shall be responsible for determining, at its absolute discretion, whether such exemption should apply and Candidates agree to comply with any such decision taken by SEEDA.

### **Conflicts Of Interest**

- 5.13 SEEDA is concerned to avoid conflicts of interest. Candidates should note that SEEDA reserve the right to disqualify Candidates where there is an actual or potential conflict of interest. Candidates are therefore advised to review carefully the prior or current involvement of the Candidate with SEEDA and to contact the named contact in paragraph 3.1 of the PQQ prior to submission of the completed PQQ to discuss actual or potential conflicts they have identified.

## **6 Selection Matrix**

- 6.1 In undertaking the selection (prequalification) process SEEDA will use the pre-agreed criteria and weightings set out in the selection stage matrix below.

<b>Description</b>	<b>Weight</b>
Financial standing	15 %
Experience of similar projects and references	40 %
Quality/Experience of staff	20%
Quality assurance (accreditations)	5 %
Availability of Resources	5 %
Health and Safety / CDM	15 %
Highway Works Accreditation	PASS / FAIL
	<b>100%</b>

## **PART 2 - INFORMATION TO BE PROVIDED TO SEEDA**

### **2.1 – GENERAL SUBMISSION REQUIREMENTS**

- 1 A Candidate wishing to participate must provide 2 hard copies of the following:
    - All of the background, financial and technical information requested in section 2.2 of this Part 2 of the PQQ
- To: Jenifer Delahunty  
SEEDA  
Berkeley House  
Cross Lanes  
Guildford  
Surrey  
GU1 1YA
- By: 1pm on 15<sup>th</sup> June 2010
- 2 Please provide the answers including any additional continuation sheets where necessary or by providing enclosures as indicated. Each such sheet and all supporting documents sent should be clearly marked with the number of question to which they relate, and the name of the Candidate.
  - 3 Responses must be in the English language or full sworn English translation provided at no cost to SEEDA.
  - 4 Please do not include general marketing or promotional material for your company, either as answers to any of the following questions, or for any other reason. It will not be used in the evaluation of the Questionnaire.

## 2.2 – INFORMATION TO BE PROVIDED BY CANDIDATE

### Company Details – For Information Only

- 1 Are you a sole trader, partnership, company or other body? Please specify, and provide your full name, registration number, and date of registration under the Companies Act 1985 or (if applicable) the Industrial and Provident Societies Acts 1965 to 1978. If part of a Group, please describe the relationship with the Group and state the names and addresses of the ultimate holding company and all other subsidiaries.
- 2 Please give details of Employers Liability Insurance, Public Liability (Third Party) Insurance and Professional Indemnity Insurance held including Insurer, policy number, extent of cover and expiry date.
- 3 Is your policy on equal opportunities set out in instructions to those concerned with recruitment, training and promotion, in documents available to employees, recognised trade unions or other representative groups of employees, and in recruitment advertisements or other literature?

### Financial Information

- 4 Please provide copies of the audited accounts for the last three financial years. Please also provide a statement of the turnover in the last three financial years in respect of services similar to those to be provided under this procurement.

### Quality Assurance

- 5 Please provide evidence of your measures of ensuring quality of service and brief details of your audit and performance monitoring.
- 6 Please provide details of standard accreditations your company conforms with, e.g. ISO 9001:2000 and ISO 14001: 2004. If you do not have any accreditations, please state the steps you would intend to undertake towards achieving these if appointed.

### Health and Safety

- 7 Please provide details of how your health and safety policies and procedures are conveyed to your staff and administered within your company, including relevant training programmes for staff, and off site working practices.
- 8 Please describe the process of risk registration and assessment operating within your company and show how this leads to safe methods of work, if possible including a job specific document used on a recent project as an example.
- 9 Please indicate the arrangements you have for appointing competent subcontractors or consultants including any secondary ones, and your mode of ensuring cooperation and coordination of the works, the welfare of the workforce and the safety of the public.
- 10 Please give records of the last 2 accidents/incidents and the action taken to avoid recurrence

### **Relevant Experience**

- 11 Please indicate the current expertise and number of professional and technical staff in your organisation to commit to this work (provide sample CVs), and describe the processes of recruitment to ensure adequate provision and continuity.
- 12 Please provide evidence of work of a similar nature, both in size and type , which you have completed previously. Please indicate how recently these works were undertaken together with the value of the contracts.
- 13 Please provide evidence that you have experience of ICE Conditions of Contract (7<sup>th</sup> Edition).
- 14 Please provide details of the accreditation of your firm and relevant staff under the New Roads and Street Works Act (NRSWA).

### **References**

- 15 Please provide details of 3 referees, including telephone numbers, that you would be happy for SEEDA to contact if required as part of the selection process (2 references must be from works/contracts that have involved Section 278 / Section 38 Highway Works).

## 2.3 STATEMENT RELATING TO GOOD STANDING

### **CRITERIA FOR REJECTION OF CANDIDATES - in accordance with Article 45 of Directive 2004/18/EC/Regulation 23 of the Public Contracts Regulations 2006**

Name of Candidate ("Contractor"):

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We confirm that, to the best of our knowledge, the Contractor is not in breach of the provisions of Article 45 of Directive 2004/18/EC/Regulation 23 of the Public Contracts Regulations 2006 and in particular that:

- 1 The Contractor or its directors or any other person who has powers of representation, decision or control of the Contractor has not been convicted of any of the following offences:
  - 1.1 conspiracy within the meaning of section 1 of the Criminal Law Act 1977 where that conspiracy relates to participation in a criminal organisation as defined in Article 2(1) of Council Joint Action 98/733/JHA;
  - 1.2 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;
  - 1.3 the offence of bribery;
  - 1.4 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:
    - 1.4.1 the offence of cheating the Revenue;
    - 1.4.2 the offence of conspiracy to defraud;
    - 1.4.3 fraud or theft within the meaning of the Theft Act 1968 and the Theft Act 1978;
    - 1.4.4 fraudulent trading within the meaning of section 458 of the Companies Act 1985;
    - 1.4.5 defrauding the Customs within the meaning of the Customs and Excise Management Act 1979 and the Value Added Tax Act 1994;
    - 1.4.6 an offence in connection with taxation in the European Community within the meaning of section 71 of the Criminal Justice Act 1993; or
    - 1.4.7 destroying defacing or concealing of documents or procuring the extension of a valuable security within the meaning of section 20 of the Theft Act 1968;
    - 1.4.8 money laundering within the meaning of the Money Laundering Regulations 2003; or
    - 1.4.9 any other offence within the meaning of Article 45(1) of the Public Sector Directive.

**2** None of the following sub-paragraphs 2.1 to 2.8 apply to the Contractor:

- 2.1 being an individual is bankrupt or has had a receiving order or administration order or bankruptcy restrictions order made against him or has made any composition or arrangement with or for the benefit of his creditors or has made any conveyance or assignment for the benefit of his 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;
- 2.2 being a partnership constituted under Scots law has granted a trust deed or become otherwise apparently insolvent, or is the subject of petition presented for sequestration of its estate;
- 2.3 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 bona fide 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 thereof or is the subject of the above procedures or is the subject of similar procedures under the law of any other state;
- 2.4 has been convicted of a criminal offence relating to the conduct of his business or profession;
- 2.5 has committed an act of grave misconduct in the course of his business or profession;
- 2.6 has not fulfilled obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which the Contractor is established;
- 2.7 has not fulfilled obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which the Contractor is established;
- 2.8 is guilty of serious misrepresentation in providing any information required of him under this regulation;
- 2.9 is not licensed in the relevant State in which he is established or is not a member of an organisation in that relevant State when the law of that relevant State prohibits the provision of services to be provided under the contract by a person who is not so licensed or who is not such a member.

**3** Where applicable, the Contractor is registered with the appropriate trade or professional register(s) in the EU member state where it is established (as set out in Annex IX B of Directive 2004/18/EC) under the conditions laid down by that member state\*.

Signed .....  
Name .....  
Position .....

**Article I.**

**Article II. FORM COMPLETED BY:**

Signature	
Name	
Position	
Date	
Telephone number	
E-mail address	

## Submission Checklist

Form Completed by

Signature

Name

Position

Date

Telephone number

Email address

### Attachments Checklist

- Completed and signed PQQ
- Company/Organisation Details
- Financial Information for Organisation
- Quality Certificate or QA Policy/Statement if not accredited
- Evidence of Relevant Experience
- Health and Safety Policy Statement
- Signed Statement relating to Good Standing