

## How to use Questionnaire Form QC1 Suitability Assessment for Service Providers – Restricted Procedure

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### *Introduction*

This standard questionnaire form should be used to select Service Providers in a restricted procurement procedure. It is intended for all types of independent technical services including Category 12 Services<sup>1</sup>.

This form provides a flexible template document that may be used whether you are procuring the design team by means of (a) separate competitions for each design team member, (b) a team-leader led procurement where the contracting authority engages a design team as part of a single procurement procedure but engages all key members by means of a separate Conditions of Engagement or (c) where a contracting authority engages a single service provider with other members of the design team acting as sub-contractors to the single service provider. Independent Project Supervisors may be identified as Specialist Skills providers, however for larger or more complex projects it is preferable to procure these particular service providers as Principal Service Providers and create a separate, dedicated questionnaire for that purpose. A separate document, *Assessment of Construction Service Providers, Restricted Procedure* (GN1.6.1), provides detailed guidance to be consulted by the Contracting Authority before preparing the Questionnaire.

The questionnaire form is presented as a protected Microsoft Word form. **It is important that the questionnaire is viewed in its electronic form so as to appreciate all the options and choices available to Contracting Authorities before it is filled in by a Contracting Authority.** It is intended to be tailored by the Contracting Authority with specific details of a project and the services required. This is facilitated through the use of Word 'form fields' while protecting the standard text which is not to be changed. The questionnaire is then issued with instructions to the Applicants who should fill in the parts of the questionnaire reserved for them, including responses to the selected criteria, and return it to the Contracting Authority with all the required signatures in hardcopy.

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<sup>1</sup> Category 12 services are listed in the EC Directives under Annex XVII A of 2004/17/EC and SI No 329 of 2006, and Annex II A of 2004/18/EC and SI No 50 of 2007.

## Suitability Assessment for Service Providers – Restricted Procedure

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### *Tendering Options*

There are essentially 3 different ways that a contracting authority may tender a services contract, in all cases they must have regard to the procurement rules surrounding a single requirement<sup>2</sup>.

- **Option 1** involves conducting a separate tender process for each of the key service providers – the Contracting Authority then assembles the design team based upon the award of each service contract. In this case each design team member will have a separate Conditions of Engagement. A separate Suitability Assessment Questionnaire (SAQ) for each Principal Service Provider is prepared, however the Contracting Authority should set out the other Principal Services required for the delivery of the project in subsection 1.5. For larger projects Contracting Authorities are encouraged to include the roles of PSDP or PSCS as Principal Services rather than indicating them as a Specialist Skill under a Principal Service.
  
- **Option 2** involves placing a contract notice for the services of a design team led by a particular service provider e.g. architect-led design team. In this case the relevant members of the design team should be identified as Principal Service Providers at Section 1.4. A separate SAQ for each Principal Service Provider must be prepared and even though the information in Section 1.0 will be identical on each SAQ this must be provided so that each of the design team members will be provided with the same information. The design team leader will then assemble their own team and collect the completed SAQs from each Principal Service provider and submit the application on their behalf. The design team is treated as a single Applicant and in the event that it is subsequently invited to tender and successful in that tender competition, the successful Tenderer will be awarded the contract with all Principal Service Providers engaged by means of separate Conditions of Engagement. For larger projects Contracting Authorities are encouraged to include the role of PSDP or PSCS (where required) as Principal Services rather than indicating them as a Specialist Skill under a Principal Service. Applications from a single applicant (e.g. a multi-disciplinary firm) may also be considered for the other Principal Services set out in subsection 1.4 providing the relevant SAQ is completed and they meet the qualification criteria set out for those roles.

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<sup>2</sup> This means that where input from a number of professional disciplines is required to satisfy the construction-related service need associated with the provision of a project, the anticipated fees of the design team (e.g. Architect, Quantity Surveyor, Services Engineer, Structural Engineer and PSDP) must first be aggregated to arrive at the fee for the single requirement. It is the total fee for the single requirement that must be considered when deciding whether the EU threshold levels are likely to be exceeded or whether below-threshold contracts are of a value that must be advertised on etenders.

## Suitability Assessment for Service Providers – Restricted Procedure

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### *Tendering Options (continued)*

- **Option 3** sees a contract notice placed for a single service provider and may require the services of other design team members to be provided as specialist skills. In this case there will only be one Conditions of Engagement, with the specialist skills provided either by the service provider (in the case of multi-disciplinary practices) or acting as sub-contractors to the service provider.

Whilst Option 3 is frequently used for consultancy services associated with civil engineering projects since many such firms are multi-disciplinary, for building projects it should only be used for straightforward, lower value contracts, feasibility studies, reports or client advisory roles. Where this option is exercised and specialist skills are provided by sub-contractors to the service provider they should be required to complete collateral warranties with the Contracting Authority where appropriate.

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### **Tasks**

There are a number of tasks to be performed by the Contracting Authority in customizing this form:

- Form fields with 'CA Note' contain general instructions to the Contracting Authority, prior to issuing the questionnaire delete this text.
  - Form fields with 'CA Entry' should be replaced by text addressed to the applicant as instructed.
  - Form fields with a 'drop-down list' contain a limited range of permitted options to be addressed to the Applicant, select the appropriate option.
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## Suitability Assessment for Service Providers – Restricted Procedure

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### *Evaluation Criteria*

The evaluation criteria that are supplied in the form (Section 3) are specifically designed to be used in Suitability Assessment and should not be confused with the Tender Award criteria. Prior to issuing the questionnaire:

1. A table summarizing the Criteria to be used in the pre-qualification process may be found at Section 3 of QC1. Certain criteria are always applicable and there is no option to change their status. However, where a drop down menu is provided in the third column of the table, the Contracting Authority may choose whether they will apply to the pre-qualification process. The table is preset but the Contracting Authority may select and de-select criteria as appropriate to their needs.
2. Applicants may be permitted to self-declare all criteria which are being evaluated on a pass/fail basis; however documentary evidence in support of the declarations should be sought prior to shortlisting. For this reason the minimum standards required and, where appropriate, the evidence required to satisfy this standard must be stated in the SAQ regardless of whether a declaration is permitted or evidence is required to be submitted along with the SAQ. Contracting Authorities may also opt not to permit self-declaration of any criterion but may seek documentary evidence for pass/fail criteria where it is appropriate. However where a pass/fail plus qualitative evaluation is being used, documentary evidence should be sought from applicants to permit ranking and the creation of a provisional shortlist. The Contracting Authority must set the drop-down menu in the fourth column of the table to suit those requirements. Where the criterion is set as not applicable in the third column - the 'Response' column should read 'Not Required'.
3. The fifth column of the table sets out whether the criterion selected for assessment is to be subject to a pass/fail evaluation or pass/fail plus qualitative. Where the criterion is set as not applicable then the Evaluation column should read 'N/A'.

Once the options in the table are selected the Contracting Authority should follow through the document and ensure that the same options are chosen under each of the criteria listed throughout the document. Further details on the criteria should then be added in the form fields provided under each criterion. In some cases it will necessary to fill in fields specifying minimum levels of turnover, insurance etc. and guidance on this can be found in guidance note GN 1.6.3.

In other cases the form fields are provided to include additional requirements over and above those listed in the fixed text – Contracting Authorities are advised to take time to read the elements in the fixed text as, in most cases, these are only very basic requirements and do not purport to set an acceptable standard for all projects' requirements.

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## Suitability Assessment for Service Providers – Restricted Procedure

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### ***Specialist Skill Providers***

Where Specialist Skills are indicated in Section 1.4, Applicants may propose to provide those skills from within their own organisation or, alternatively, to propose a subcontractor to provide this service. Where the Applicant chooses the latter option, they must indicate this at Section 2.2.

The document provides a form field to permit the Contracting Authority to set out (where necessary) criteria appropriate for the Specialist Skill under each criterion except 3.3f and 3.3g. The Contracting Authority must indicate what evidence is required to satisfy the requirement and such evidence must be provided when required either directly by the Applicant, where they propose to provide the specialist skill in-house or by the subcontractor named at Section 2.2 via the Applicant where the specialist skill is to be provided by a sub-contractor.

Where a Contracting Authority permits the Principal Service Provider to self-declare a criterion, it may not require evidence to be submitted for a Specialist Skills Provider under that same criterion i.e. the self-declaration applies to the entire criterion.

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### ***Safety and Health Supplements***

Under the Safety, Health and Welfare at Work (Construction) Regulations 2006 – 2013 clients have a duty to appoint competent and adequately resourced entities for certain key roles. Most members of a construction design team are covered by the broad definition of 'designers' and 'design' contained in Regulation 2 of those regulations.

Competency is assessed under the Safety and Health Supplement under each of the main criteria covering technical capability (Criterion 3.4) and set minimum standards which designers must attain before they may be considered for the award of a services contract. The criteria set in these supplements are always assessed on a pass/fail basis and Applicants must pass the Safety and Health Supplement (where applicable) before they may be considered for assessment under the main criterion.

Resources form an important part of the evaluation of a service provider. Financial capacity is evaluated under Criteria 3.3a – 3.3g inclusive and human and technical resources are considered under Criteria 3.4a – 3.4g inclusive. Contracting Authorities should have regard to both aspects of resourcing when assessing the suitability of an Applicant from the Safety and Health perspective.

Safety and Health Supplements are not intended for Project Supervisors who should be assessed either as Principal Service Providers or Specialist Skills Providers with their own particular criteria.

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## Suitability Assessment for Service Providers – Restricted Procedure

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### *Project Category*

Project Category defines the minimum standards that should apply to the role of Project Supervisor for the Construction Stage (PSCS) and guidance note GN 1.6.3 sets out the different standards for each category of project. However the category also provides a general guide to the level of risk that a project presents from the safety and health perspective. The categories relate project complexity (and hence the potential safety and health risk) to the value of the contract. This is not always a reliable indicator of safety and health risk and where appropriate a higher category should be selected where the project value may not adequately represent its risk.

In subsection 1.6 of the main form the Contracting Authority must select:

- Type 1 project has a value < €500,000; or
  - Type 2 project has a value €500,000 to €5,000,000; or
  - Type 3 project has a value > €5,000,000.
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### *Certificate of Satisfactory Execution*

Where the criterion states 'Evidence Required', the Applicant fills in the certificate of Satisfactory Execution at Appendix B3 and the List of Projects on the form at Appendix B1 to which the Certificates relate to and submits these documents (as appropriate) as part of the response to the criteria in the Suitability Assessment Questionnaire. A Contracting Authority, if it so wishes can have the information in the Certificates verified by the relevant Contracting Authority whose project is being used as a reference by the Applicant. The purpose of the list is to identify the order the Applicant places on its projects so that if there is a maximum number set by a Contracting Authority the Applicant's projects within that limit can be identified for assessment purposes.

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### *Appendices to the Questionnaire*

There are separate links on the website to the following documents:

- Appendices A, A1, B1 and B3.

They are to be found by clicking on the (more...) to the right hand side of the link to the QC1 on the website.

Contracting Authorities should select which of the appendices are relevant to its procurement exercise and indicate this at the appropriate point under Section 3 of the Questionnaire.

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***Declaration***

Section 4 contains the Declaration which lists all the criteria in the main form. When the Contracting Authority has prepared all the criteria necessary it should ensure that the drop-down menus giving the options under ‘Applicable’ and ‘Response’ match those set in the summary table at the start of Section 3 and the requirements set under each criterion.

Applicants are required to sign the Declaration whether or not any of the criteria have been set to allow self-declaration as it also covers misrepresentation which applies to any evidence that may be submitted.

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