Suitability Assessment Questionnaire

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| for  |  |
| for | Project Title |

to be assessed under a

**OPEN** procedure

PART 1

Information for Tenderers, Project Particulars

and

Suitability Assessment Questionnaire

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Suitability Assessment for Works Contractors

Open Procedure

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# Glossary

Acronyms or capitalised terms used throughout this Questionnaire are defined in this glossary. Other Capitalised terms (that are not defined below) are defined in the particular Form of Contract stated in the Project Particulars and have the same meaning in this document.

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| **Term** | **Meaning**  |
| **Tenderer** | The term is used for an individual (sole) trader, a single entity, or a Consortium, a Joint Venture or a Partnership seeking to be awarded the Contract.  |
| **Tenderer Specialist**  | (Applicable to PW-CF2 or PW-CF4 where the Tenderer is required to propose Specialists to be named in the Contract).An entity proposed by the Tenderer to undertake specialist areas of works or services described in Section 2.6.1 of the Project Particulars.Note: an Tenderer Specialist may be the Tenderer itself (or an any member of an Tenderer), or a subcontractor to the Tenderer. Tenderer Specialists must always complete the relevant Specialist Questionnaires issued by the Contracting Authority with this Questionnaire.  |
| **ARM 4** | Agreed Rules of Measurement Revision 4 – These are rules governing the preparation of bills of quantities for building projects.ARM 4 must be amended for use with the Public Works Contracts. The approved amendments are published under ARM 4, 2016, Supplement 1 Issue 2 by the Society of Chartered Surveyors Ireland and the Construction Industry Federation.  |
| **BC(A)R** | Building Control Regulations 1997 – 2021. |
| **Builder** | Has the meaning given in BC(A)R. |
| **CESMM3**  | Civil Engineering Standard Method of Measurement Revision 3 – these are rules published by the Institute of Civil Engineers governing the preparation of bills of quantities for civil engineering projects. CESMM 3 must be amended for use with the Public Works Contracts. The approved amendments are published inGuidance Note [GN 1.5.3](http://constructionprocurement.gov.ie/wp-content/uploads/GN-1.5.3-v1.1-21-03-2016.pdf) under the CWMF. |
| **CESSM4: Revised** | Civil Engineering Standard Method of Measurement Revision 4: Revised – these are rules published by the Institute of Civil Engineers governing the preparation of bills of quantities for civil engineering projects. CESMM 4: Revised must be amended for use with the Public Works Contracts. The approved amendments are published in Guidance Note [GN 1.5.3](http://constructionprocurement.gov.ie/wp-content/uploads/GN-1.5.3-v1.1-21-03-2016.pdf) under the CWMF. |
| **the/this Competition**  | The tender competition to which this Questionnaire relates. |
| **Consortium** | An association or combination of businesses or individuals who combine with the purpose of delivering a single objective.  |
| **Construction Regulations** | Safety, Health and Welfare at Work (Construction) Regulations 2013 and any amendments thereto. |
| **Contract** | The contract that may be awarded by the Contracting Authority for the Works at the conclusion of this Competition. The particular form of the public works contract to be used is stated in the Project Particulars. |
| **CPV Code** | [Common Procurement Vocabulary](http://simap.ted.europa.eu/cpv) is a single classification system for public procurement aimed at standardising the references used by contracting authorities and entities to describe the subject of procurement contracts. |
| **CRO** | Companies Registration Office. |
| **CWMF** | The Capital Works Management Framework is mandated by Circular for public sector construction procurement and consists of a suite of best practice guidance, standard forms of public works contracts and generic template documents, available for download at <http://constructionprocurement.gov.ie/>. |
| **Designer** | Has the meaning given in the Construction Regulations. |
| **eESPD** | The electronic European Single Procurement Document, which, where required, the Tenderer, any members of an Tenderer and any entities relied upon by the Tenderer or any members of an Tenderer, must complete in order to provide a self-declaration in regards to the situations referred to in Regulation 57 of SI 284/2016.  |
| **Employer** | On award of the Contract, the Contracting Authority is referred to as the Employer. |
| **European Procurement Regulations** | Means SI 284 of 2016 (European Union (Award of Public Authority Contracts) Regulations 2016) or SI 286 of 2016 (European Union (Award of Contracts by Utility Undertakings) Regulations 2016), as may be applicable to the Competition. |
| **Health and Safety Co-coordinator** | Any entity appointed by the Project Supervisor Design Stage in accordance with the Construction Regulations.  |
| **Health and Safety Supplements**  | The health and safety supplement(s) issued with this Questionnaire to assess an Tenderer’s (and Tenderer Specialists, where applicable) competence and satisfactory allocation of resources in compliance with the Construction Regulations. Tenderers **must always** complete Health and Safety Supplement 3.4.1 (Contractor) and, where applicable, to the role(s) stated in section 2.3 of the Project Particulars, Health and Safety Supplement 3.4.2 (PSCS) |
| **Joint Venture** | A joint venture is a contractual business undertaking involving two or more parties.  |
| **Novated Specialist** | (Applicable to PW-CF1 to PW-CF5 only). The term given to one of the two categories of Specialists (the other being Reserved Specialist) that may be named by the Employer in the Contract. Where Novated Specialists will be named in the Contract, the Contracting Authorities will enter into a separate contract for novated specialist areas described in Section 2.7.1 of the Project Particulars (“Specialist contract”) and, upon award of the Contract, will novate the Specialist contract to the Works Contractor. The Works Contractor replaces the Employer in the Specialist contract.  |
| **OJEU** | Official Journal of the European Union. |
| **Partnership** | A business that has two or more owners who are individually liable for the entity’s actions. There are different types of partnerships which range from unlimited liability of the individual parterns to limited liability of the partners and/or the partnership.  |
| **PSCS** | Project Supervisor Construction Stage, appointed by the Employer in accordance with the Construction Regulations. |
| **PSDP** | Project Supervisor Design Process, appointed by the Employer in accordance with the Construction Regulations. |
| **PW-CF1** | [Public Works Contract for Building Works designed by the Employer](http://constructionprocurement.gov.ie/contracts/). |
| **PW-CF2** | [Public Works Contract for Building Works designed by the Contractor](http://constructionprocurement.gov.ie/contracts/). |
| **PW-CF3** | [Public Works Contract for Civil Engineering Works designed by the Employer](http://constructionprocurement.gov.ie/contracts/). |
| **PW-CF4** | [Public Works Contract for Civil Engineering Works designed by the Contractor](http://constructionprocurement.gov.ie/contracts/). |
| **PW-CF5** | [Public Works Contract for Minor Building and Civil Engineering Works designed by the Employer](http://constructionprocurement.gov.ie/contracts/). |
| **PW-CF6** | [Short Public Works Contract](http://constructionprocurement.gov.ie/contracts/). |
| **PW-CF7** | [Investigation Contract](http://constructionprocurement.gov.ie/contracts/). |
| **PW-CF8** | [Short Investigation Contract](http://constructionprocurement.gov.ie/contracts/). |
| **PW-CF9** | [Framework Agreement for Construction Work](http://constructionprocurement.gov.ie/contracts/). |
| **PW-CF10** | [Public Works Contract for Early Collaboration](http://constructionprocurement.gov.ie/contracts/). |
| **PW-CF11** | [Term Maintenance and Refurbishment Contract](http://constructionprocurement.gov.ie/contracts/). |
| **Qualification Criteria** | Suitability assessment criteria that apply in this Competition. The suitability assessment criteria identified in Section 3 of this Questionnaire, in Health and Safety Supplements, and, where applicable, in Section 3 of any Specialist Questionnaire(s), as Qualification Criteria for this Competition.  |
| **the/this Questionnaire** | Means this Questionnaire, accompanying Health and Safety Supplements, annexes and related documents, and, where applicable, Specialist Questionnaires. |
| **SAQ Response** | The Tenderer’s response to this Questionnaire, as described in Section 1.2 of the Questionnaire. |
| **Specialist** | Means an entity to be named in the Contract by the Employer and/or the Contractor to undertake specialists areas of work or services.  |
| **Specialist Questionnaire** | (Applies to PW-CF2 or PW-CF4 onlywhere Tenderers are required to propose Specialists to be named in the Contract).Means a QW3(a) (Works Specialist) and/or QC1 (Service Provider) suitability assessment questionnaire(s) issued with this Questionnaire, to be completed by the relevant Tenderer Specialist.  |
| **Works** | The construction works which are the subject of this Competition.  |
| **Works Contractor** | Refers to the successful Tenderer appointed as the Contractor under the Contract to provide the Works.  |

1. INSTRUCTIONS FOR TENDERERS
	1. THIS QUESTIONNAIRE

Part 1 of this Questionnaire comprises the following:

* Section 1 contains instructions in relation to completing this Questionnaire.
* Section 2 contains the information particular to the project (“the Project Particulars”).
* Section 3 contains the Qualification Crtieria and for each such criterion, the response type that Tenderers are required to provide, and the basis of evaluation of the response.

Tenderers should note that Qualification Criteria and requirements are also contained in any Health and Safety Supplements and, where applicable, Specialist Questionnaires, issued with this Questionnaire.

Tenderers should read this information carefully before submitting their response to this Questionnaire. Tenderers must follow the instructions set out in the Questionnaire and submit the information required in the format required, otherwise the submission may be declared invalid.

* 1. SAQ RESPONSE

Tenderers must complete and submit the following:

1. Part 2 (Tenderer Details and Declaration) of this Questionnaire; and
2. where the Project Particulars state that grounds for exclusion in Regulation 57 of SI 284/2016 apply to this Competition, a self-declaration regarding the Tenderer’s circumstances either in the form of an eESPD, or Appendix A, as stated in the Project Particulars; and
3. any evidence or other documentation required by the Questionnaire.

## Completing Part 2 of the Questionnaire

The Tenderer must always complete and submit Part 2 of this Questionnaire. In Part 2, Tenderers must provide information on the Tenderer’s organisation(s) and, where applicable, any entities upon whose capacity they rely for the purpose of meeting the requirements of any Qualification Criteria.

The Tenderer must always complete and sign the Declaration in Part 2, otherwise the SAQ Reponse may be declared invalid. The Declaration must still be completed and signed even where the Tenderer has submitted an eESPD.

## Completing an eESPD or Appendix A - Self Declaration in relation to Regulation 57

Where the Competition is subject to the application of the European Procurement Regulations, Tenderers must always complete and submit an eESPD (in addition to completing Part 2).

Where the Competition is not subject to the application of the European Procurement Regulations, the Tenderer may be required to complete and submit an eESPD or Appendix A (Self-declaration in relation to Regulation 57), where specified in the Project Particulars.

Where an eESPD is required to be submitted, the Tenderer must complete Parts II (Information concerning the economic operator), Part III (Exclusion Grounds), Part IVα (Selection Criteria) and Part V (Concluding Statement) of the eESPD.

Tenderers may use an existing eESPD, provided however that their circumstances have not changed since the eESPD was originally completed.

## Providing Evidence

Where evidence is required to be submitted as part of the SAQ Response, the Tenderer must only provide evidence that is current up to the date of submission of the SAQ Response.

Failure to submit the required evidence with the SAQ Response may result in exclusion from this Competition.

Where the required means of submission of the SAQ Response is by electronic submission, the Contracting Authority reserves the right to inspect any original hardcopy signed documents.

* 1. APPLICATIONS BY CONSORTIA

For entities which apply and tender as a Consortium, Joint Venture or Partnership and the members have not set up together as a company (to be the legal entity which enters into the contract), one member of the Consortium must act as the lead member ("Lead Member") in compiling and submitting a single SAQ Response.

Notwithstanding the above, where an Tenderer is a Consortium, Joint Venture or Partnership each member of the Tenderer must respond to the applicable sections of Section 3 of this Questionnaire (and the applicable H&S Supplements and Specialist Questionnaires), the applicable sections of Part 2, and the responses are to be submitted as a single SAQ Response by the Lead Member.

* 1. RELIANCE ON RESOURCES (PW-CF1 to PW-CF4 only)

Where, in order to meet any Qualification Criteria in Section 3.3 (Financial and Economic Standing) (including for the avoidance of doubt, with respect to evidence of turnover) and/or Section 3.4 (Technical Capability) (including in any Health and Safety Supplements and Specialist Questionnaires, where applicable), an Tenderer (or a member of the Tenderer, where the Tenderer is a Consortium, Joint Venture or Partnership) relies on the capacities of other entities or undertakings with which it is directly or indirectly linked, whatever the legal nature of those links may be (including, for example, but not limited to, a parent company and/or a subcontractor), the Tenderer will be required to demonstrate to the satisfaction of the Contracting Authority that the capacities relied upon will actually be available to the Tenderer if it is awarded the Contract.

If availability of capacities is not established to the satisfaction of the Contracting Authority, the Contracting Authority will assess the suitability of the Tenderer without taking into account the capacities of such an entity or entities.

For the purpose of responding to this Questionnaire, it shall suffice for an entity being relied upon to[[1]](#footnote-2):

* provide a response to applicable sections of Part 1 and Part 2 of the Questionnaire and provide a letter in the form set out in Appendix 1 to this Questionnaire; or
* where the entity being relied upon is an Tenderer Specialist[[2]](#footnote-3), the entity must provide a response to the applicable sections of Part 1 of the Questionnaire and complete the relevant Specialist Questionnaire.

At contract award stage, the Contracting Authority reserves the right to require the following from any entity relied upon with regard to:

1. any of the economic or financial standing Qualification Criteria, the entity relied upon may be required to enter into a guarantee in the form of Model Form MF 1.7 Reliance Guarantee in respect of the performance of the contract by the Tenderer[[3]](#footnote-4);
2. any of the technical capability Qualification Criteria, the entity relied upon may be required to enter into either a Reliance Warranty (in the form of Model Form MF 1.30) or Collateral Warranty in the form of Model Form MF 1.12 or MF 2.3 (as appropriate to the nature of the resource relied upon by the Tenderer) with regard to the making available the resources relied upon by the Tenderer[[4]](#footnote-5). Note that where an Tenderer relies on another entity for educational or professional qualifications, or, with regard to relevant professional experience (whether in Part 1, H&S Supplements or Specialist Questionnaires), the entity being relied upon must perform the works or services to which those educational or professional qualifications or professional experiences relate.
3. further evidence of the availability of the resources relied upon may be required by the Contracting Authority at a later stage in the Competition and/or upon award of the Contract.

Where Tenderers are required to submit an eESPD, each entity relied upon by the Tenderer (including Tenderer Specialists who are not the Tenderer themselves) must also submit an eESPD.

* 1. GROUNDS FOR EXCLUSION UNDER REGULATION 57 OF SI 284/2016

Note: Where a Competition is subject to the application of the European Procurement Regulations, grounds for excluding Tenderers from participation in the Competition will automatically apply.

Where a Competition is not subject to the application of the European Procurement Regulations, a Contracting Authority may apply grounds for exclusion. The position for the Competition is set out in Section 2.2 of the Project Particulars.

The grounds under which the Contracting Authority may exclude an Tenderer, any member of the Tenderer (where the Tenderer is a Consortium, Joint Venture or Partnership), or any entity relied upon by the Tenderer, from participation in this Competition are set out below.

The term 'Tenderer' as used below refers to each of (a) the Tenderer (b) any member of the Tenderer (c) any entity being relied upon by the Tenderer.

Subject always to the provisions of Regulation 57 of the European Union (Award of Public Authority Contracts) Regulations 2016 (SI 284 of 2016):

1. if:
2. the Tenderer is in one of the situations listed in Regulations 57(1) or 57(3) of SI 284 of 2016; or
3. a member of the administrative, management or supervisory body of the Tenderer/member of the Tenderer, or a person having powers of representation, decision or control therein, is in one of the situations listed in Regulation 57(1) of SI 284 of 2016,

the Tenderer shall be excluded from the Competition;

(b) if the Tenderer (or a member of the Tenderer, where the Tenderer is a Consortium, Joint Venture or Partnership), is in any of the situations listed in Regulation 57(4) or 57(8) of SI 284 of 2016 that are applied by the Contracting Authority for the purposes of this Competition, the Tenderer may be excluded from the Competition.

Any Tenderer which is in one of the situations referred to above must provide details of any factors or circumstances which it believes are relevant to the Contracting Authority’s assessment of whether the existence of these grounds should lead to the exclusion of the Tenderer. For example, where an Tenderer is in one of the situations referred to above but has taken measures which it believes are sufficient to demonstrate its reliability, that Tenderer may provide evidence of such measures to the Contracting Authority for consideration. Tenderers should note that, with regard to the situations listed in (a) above, the circumstances which the Contracting Authority may take into account before deciding whether or not to exclude an Tenderer are prescribed by law, and Tenderers are directed to Regulation 57 of SI 284/2016 in this regard.

If an entity being relied upon is in one of the situations listed above, the Contracting Authority may require that the Tenderer replaces such entity with another entity which is not in any of these situations. In the event that the entity cannot be replaced with another entity to whom the grounds do not apply (including where the Contracting Authority concludes that to permit such replacement would be contrary to law), the Contracting Authority reserves the right to eliminate the Tenderer from the Competition.

Where grounds for exclusion apply in the Competition, the Tenderer, each member of the Tenderer and any entity being relied upon by the Tenderer (or any member of the Tenderer), must provide a self-declaration regarding the situations referred to above in the form of an eESPD, or, by completing the self-declaration in the form of Appendix A – Self Declaration re Regulation 57, as specified in the Project Particulars[[5]](#footnote-6).

Note: The Contracting Authority may, at any time during the Competition (for example at shortlisting stage), require the Tenderer to provide a sworn oath in the form of Model Form MF 1.32 Declaration Under Oath/Solemn Oath regarding the situations referred to above, and where the date of the Declaration Under Oath/Solemn Oath pre-dates the date of submission of the SAQ Response, Tenderers must also provide a confirmation in the form of Model Form MF1.33 that the oath is still valid.

* 1. ADDITIONAL GROUNDS FOR EXCLUSION

The Contracting Authority reserves the right to exclude any Tenderer from the Competition should the Contracting Authority be of the view that entry into the Contract with such Tenderer (bearing in mind any Tenderer members (here the Tenderer is a Consortium, Joint Venture or Partnership), entities relied upon or subcontractors) would be contrary to any applicable law or regulation, including any applicable sanctions regimes.

Where required in the Particulars, Tenderers shall be required to disclose in their SAQ Response any issues giving rise to possible sanctions applications.

* 1. MEASURES UNDER THE INTERNATIONAL PROCUREMENT INSTRUMENT

Where the Project Particulars state that Regulation (EU) 2022/1031 of the European Parliament and of the Council of 23 June 2022 on the access of third-country economic operators, goods and services to the Union’s public procurement and concession markets and procedures supporting negotiations on access of Union economic operators, goods and services to the public procurement and concession markets of third countries (“The International Procurement Instrument” – IPI) applies to this Competition, (having regard to the estimated value of the contract[[6]](#footnote-7), the scope of application of the IPI measure, or the date on which the IPI measure was made[[7]](#footnote-8)), the provisions of Appendix 2 to this Questionnaire apply in this Competition.

* 1. SPECIALISTS TO BE NAMED BY THE EMPLOYER (PW-CF1 to PW-CF5 only)

The Employer may name Novated Specialists (as described below) in the Contract for appointment by the Works Contractor as Specialist sub-contractors. Where the Employer intends to name Specialists in the Contract, further details will be provided at the next stage of the Competition.

Where Section 2.1 of the Project Particulars states that the Employer will novate Specialist contracts to the Works Contractor, the Contracting Authority will conduct separate tender competition(s) to appoint contractor/(s) (“Novated Specialist) for those specialist novated areas described in Section 2.6.1 (of the Project Particulars).

At the next stage of the Competition, the Contracting Authority will name the Novated Specialist(s) and provide the applicable conditions of contract, the novated contract sum and any other appropriate contract information in the Form of Tender and Scheule, part 3B, either in the tender documents or during the tendering period.

* 1. SPECIALISTS TO BE NAMED BY THE CONTRACTOR (PW-CF2 or PW-CF4 only)

Where Section 2.1 of of the Project Particulars states that the Contractor is required to name Specialists in the Contract, Tenderers may be required

1. to propose the Specialists to be named (“Tenderer Specialists”); or,
2. at the next stage of the Competition, select and name a Specialist from a Listed Panel of Specialists provided by the Contracting Authority, or alternatively, propose an Tenderer Specialist, which is subject to evaluation by the Contracting Authority on the same basis as the Listed Panel Specialists.

The successful Tender will be required to name such Specialists in the Schedule, Part 3E at the next stage of the Competition.

* + 1. Tenderer Specialists

Where Section 2.1 of the Project Particulars state that Tenderers are required to propose Specialists to undertake the areas of specialist works and/or services (“specialist areas”) described in Section 2.7.1 of the Project Particulars, the following applies:

* Where an Tenderer proposes that a specialist area is undertaken by specialists in the direct employ of an Tenderer (e.g. directly by the Tenderer or by any member of the Tenderer), the Tenderer Specialist must complete the relevant Specialist Questionnaire and the Specialist Questionnaire will be evaluated on the same basis as Tenderers proposing to rely upon sub-contractors for the relevant specialist area(s) (see below).
* Where an Tenderer proposes that a specialist area is undertaken by a sub-contractor, the Tenderer Specialist must complete the relevant Specialist Questionnaire. Such an entity will be treated as an entity being relied upon by the Tenderer and the requirements of Section 1.4 Reliance on Resources in relation to Tenderer Specialists, apply to such an entity.
	+ 1. Listed Panel Specialists provided by the Contracting Authority

Where the Project Particulars state that the Contracting Authority will list a panel(s) of Specialists (“Listed Panel Specialists”), at the next stage of the Competition, the Contracting Authority will provide details of one or more panels of Specialists (for the avoidance of doubt the panel may comprise of one specialist) for the specialist areas described in Section 2.7.2 of the Project Particulars.

At the next stage of the Competition, short-listed Candidates may:

1. select and name in their tender, a Specialist selected from the Listed Panel Specialists; or,

subject always to acceptance by the Contracting Authority, propose an alternative Specialist to the Listed Panel Specialist(s) (i.e. propose an Tenderer Specialist).

* 1. COMPETITIONS WHERE THE CONTRACT IS TO BE NOVATED AS A SPECIALIST CONTRACT

Where Section 2.1 of the Project Particulars states that the Contract is to be novated as a Specialist contract (“novated Specialist contract”), the Contracting Authority intends to novate the Contract for the works described in the Project Particulars to a main works contractor.

In a separate tender competition for a main works contract, the Contracting Authority intends to name and provide details of the novated Specialist contract to be novated, including the name of the Novated Specialist, the form of contract to be novated and the novated contract price, either in the tender documents or during the tendering period for the main works contract.

On award of the main works contract, the Employer novates the Specialist contract to the main works contrator. A Novation Agreement will be required to be entered into by the Employer, the novated Specialist and the main works contractor.

* 1. QUALIFICATION CRITERIA
		1. General

In order to pass the suitability assessment overall, an Tenderer must pass the requirements of all Qualification Criteria, (whether in Section 3 of this Questionnaire, Health and Safety Supplement(s) and, where relevant, in Specialist Questionnaires). If an Tenderer does not pass a Qualification Criterion, the Tenderer will be eliminated from the Competition.

The Tenderer must follow the instructions and respond as required by the following titles under the ‘Response’ heading for each Qualification Criterion:

* Where the Contracting Authority has chosen “Declaration Required”, it shall suffice for the purposes of SAQ Response for the Tenderer to complete the Declaration in Part 2 of the Questionnaire (and may also respond by selecting Yes in Part IVα (Selection Criteria) of the eESPD, where an ESPD is required). The Declaration in Part 2 of the Questionnaire will be required to be completed even if the Tenderer is also submitting an eESPD. The Contracting Authority may, at any time (for example, prior to shortlisting), request supporting documentation substantiating any declaration made in respect of any or all such Qualification Criteria. Supporting documents must prove that the Tenderer meets the relevant Qualification Criterion as of the date of submission of the Tenderer’s SAQ Response. Where the Contracting Authority requests supporting documentation substantiating any declaration made in respect of any or all such Qualification Criteria, the supporting documents must be provided promptly and within the timeframe specified by the Contracting Authority. Failure to provide the requested supporting documentation within the timeframe specified may result in exclusion from the Competition.
* Where the Contracting Authority has chosen “Evidence Required”, Tenderers must include the evidence required in their SAQ Response. Tenderers should not purport to have responded to any such Qualification Criterion solely by having provided the completed Part 2 (and/or an eESPD where an eESPD is required). The evidence submitted must prove that the Tenderer (or an entity being relied upon for these purposes in accordance with the terms of this Questionnaire) meets the relevant Qualification Criteria as of the date of submission of the Tenderer's SAQ Response. Failure to submit the required evidence in the SAQ Response may result in exclusion from the Competition.

All Qualification Criteria are evaluated on a “Pass/Fail”, and the requirements specified in the Qualification Criterion must be met in full in order to pass. Where an Tenderer does not pass a Qualification Criterion, the Tenderer will be eliminated from the Competition.

* + 1. Evaluation of Tenderer Specialists (applies to PW-CF2 or PW-CF4 only)

Where Tenderers are required to propose Specialists to be named in the Contract, the following applies:

Tenderers may, for each specialist work area described in the Project Particulars, propose up to the maximum number of Works Specialists as stated in Section 2.2 of the Project Particulars.

Where an Tenderer proposes only one and only one Works Specialist, in order for the Tenderer to pass overall (and subject always to the Tenderer passing all Qualification Criteria), the Tenderer’s Work Specialist must pass the Qualification Criteria in the Specialist Questionnaire (“Specialist Qualification Criteria”). Where the Tenderer’s Works Specialist does not pass the Specialist Qualification Criteria, the Tenderer will be eliminated from the Competition.

Where an Tenderer proposes more than one Works Specialist, in order for the Tenderer to pass overall (and subject always to the Tenderer passing all Qualification Criteria), at least one of the Tenderer’s Works Specialists must pass the Specialist Qualification Criteria. Where none of the Tenderer’s Works Specialists passes the Specialist Qualification Criteria, the Tenderer will be eliminated from the Competition. Where more than one of the Tenderer’s Works Specialists passes the Specialist Qualification Criteria, and subject to the Tenderer passing overall, and being invited to tender, the Tenderer must name one of the Works Specialists that passed in the Form of Tender and Schedule Part 2E, at the next stage of the Competition.

1. PROJECT PARTICULARS
	1. PROJECT INFORMATION

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| TABLE 1: GENERAL |
| 1(i) | Project Title: | CA Entry |
| 1(ii) | Suitability assessment for: |  |
| 1(iii) | Form of public works contract to be used:  |  | **Note**: If any of PW-CF1 to PW-CF5, see Tables 2 to 3 |
| 1(iv) | The Bill of Quantities Method of Measurement to be used is (where applicable): |  |
| 1(v) | Is the Contract to be novated as a Specialist contract? |  | **Note:** If Yes, see Tables 4 and 5 |

**ADDITIONAL INFORMATION TO BE PROVIDED ONLY WHERE THE FORM OF PUBLIC WORKS CONTRACT TO BE USED IS ANY OF PW-CF1 to PW-CF5:**

*CA Note: Complete Tables 2 and 3 below ONLY where it states in Table 1, row (iii) that the form of public works contract to be used is any of PW-CF1 to PW-CF5. Otherwise, enter “N/A”.*

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| TABLE 2: SPECIALISTS TO BE NAMED BY THE EMPLOYER |
| 2(i) | Novated SpecialistsAre Specialists contracts to be novated to the Works Contractor?  |  | **Note:** If “YES”, see Section 2.7.1  |

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| TABLE 3: SPECIALISTS TO BE NAMED BY THE CONTRACTOR |
| 3(i) | Tenderer SpecialistsIs the Tenderer required to propose Specialist(s) to name in the Contract? |  | **Note:** If “YES”, see Section 2.6  |
| 3(ii) | Listed Panel SpecialistsWill the Contracting Authority provide Listed Panel Specialists? |  | **Note:** If “YES”, see Section 2.7 |

**ADDITIONAL INFORMATION TO BE PROVIDED ONLY WHERE THE CONTRACT IS TO BE NOVATED**

*CA Note: Complete Tables 4 and 5 below ONLY where it states in Table 1, row (v) that the contract is to be novated as a Specialist contract.*

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| TABLE 4: MAIN WORKS CONTRACT DESCRIPTION |
| 4(i) | Contract Notice Reference for the main works contract | CA Entry |
| 4(ii) | Approximate size and general description of the main works contract: CA Entry |
| 4(iii) | Approximate value of the main works contract, where known: | CA Entry |
| 4(iv) | Anticipated start of the main works contract: | CA Entry |
| 4(v) | The form of contract to be used for the main works contract: | CA Entry |

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| TABLE 5: WHERE THE CONTRACT IS TO BE NOVATED AS A SPECIALIST CONTRACT |
| 5(i) | Will the **other** contracts be novated as Specialist contracts to the main works contractor?  |  |
| 5(ii) | Where other contracts are to be novated as specialist contracts, provide a brief description below of the other specialist areas to be novated.CA Entry |

* 1. COMPETITION DETAILS

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| TABLE 6 – COMPETITION DETAILS |
| Regulation 57 (Exclusion Grounds) Of SI 284/2016  |
| 6(i) | Tenderers (and any members of the Tenderer and entities relied upon) are required to provide a declaration in relation to Regulation 57 (Exclusion Grounds) of SI 284/2016[[8]](#footnote-9) the form of: |  |
| Regulation (Eu) No 833/2014 as amended by Council Regulation (Eu) 2022/576 - Sanctions Against Russia  |
| 6(ii) | Are Tenderers required to provide a declaration in the form of Appendix E that the Tenderer, any members of the Tenderer and entities relied upon do not exceed the limits set in Article 5k of Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia’s actions destabilising the situation in Ukraine, as amended by Council Regulation (EU) No 2022/578 of 8 April 2022[[9]](#footnote-10). |  |
| Regulation (EU) 2022/1031 of the European Parliament and of the Council of 23 June 2022 - the International Procurement Instrument  |
| 6(iii) | Does Appendix 2 - IPI Measures apply to this Competition[[10]](#footnote-11)?**Note to Tenderers:** if “YES” is selected, Tenderers must provide a declaration in relation to their country of origin in the form of Appendix F – Declaration re International Procurement Instrument.  |  |
| Tenderer‘s Specialists (PW-CF2 or PW-CF4 only, where applicable) |
| 6(iv) | The maximum number of permissible Specialists that may be proposed by the Tenderer is:  |

* 1. CONTRACTOR ROLE(S)

The successful Tenderer will be appointed to, or carry out, the roles stated below (as appropriate).

|  |
| --- |
| TABLE 7: COMPETITIONS FOR WORKS CONTRACTORS |
| Ref | Role | Requirement |
| 7(i) | Works Contractor | **The successful Tenderer WILL BE appointed the Contractor** on the project for the purpose of the Construction Regulations (and the Builder for the purposes of BC(A)R, where BC(A)R applies)*.* Note Tenderers must always complete H&S Supplement 3.4.1. |
| 7(ii) | PSCS | The successful Tenderer appointed as the PSCS on the project in accordance with the Construction Regulations.Where the response is “will be”, Tenderers must alsocomplete H&S Supplement 3.4.2. |
| Additional requirements only where Table 1, row (iii) states that PW-CF2 or PW-CF4 is to be used:  |
| 7(iii) | Health and Safety Coordinator (HSC) | **The successful Tenderer required to provide a HSC for** approval and appointment by the [Employers] PSDP in accordance with the Construction Regulations for the purposes of the tender design stage.Where the successful Tenderer is required to provide a HSC, Tenderers must **also** complete the appropriate Specialist Services Provider QC1 Questionnaire. |
| 7(iv) | Designer (H&S): | **The successful Tenderer be the appointed Designer** on the project for the purpose of the Construction Regulations and BC (A) R (where BC (A) R applies).Where the successful Tenderer will be the appointed Designer, Tenderers must also complete the appropriate Specialist Services Provider QC1 Questionnaire. |
| 7(v) | PSDP | The successful Tenderer appointed as the PSDP on the project in accordance with the Construction Regulations.Where the successful Tenderer will be appointed the PSDP, Tenderers must also complete the appropriate Specialist Services Provider QC1 Questionnaire. |
| 7(vi) | Design Certificate (BC(A)R): | The successful Tenderer required to sign the Design Certificate in accordance with BC (A) R, where BC (A) R applies.  |

* 1. PROJECT CATEGORY[[11]](#footnote-12)

|  |
| --- |
| TABLE 8: PROJECT CATEGORY |
| Project categorisation for assessment of Works Contractor (and Tenderer Specialists where such Specialists are required under section 2.6 below).  |  |

* 1. HEALTH AND SAFETY

The successful Tenderer will be required to comply with the Safety, Health and Welfare at Work Act 2005 and any subsequent Safety, Health and Welfare legislation including the requirement to have a Safety Statement. The successful Tenderer will also be required to comply with the Construction Regulations, particularly in relation to the appointment (as applicable) of the Works Contractor, Health and Safety Coordinator, Designer, PSCS, and the PSDP.

|  |
| --- |
| TABLE 9: Areas of work involving particular risks known to Contracting Authority at issue of Questionnaire: |
| CA Entry: Describe any areas of the works involving particular risks, as defined in the Construction Regulations |

* 1. SPECIALISTS TO BE NAMED BY THE CONTRACTOR (PW-CF2 or PW-CF4 only)
		1. TENDERER SPECIALISTS

*CA Note: In Table 10 below give a brief description and percentage cost of each area for which the Tenderer Applicant must propose a Specialist.*

|  |  |
| --- | --- |
| TABLE 10: TENDERER’S SPECIALIST AREAS | % of total project costs |
| **(i) Specialist Works**  |  |
| CA Entry  | CA Entry |
| CA Entry | CA Entry |
| CA Entry | CA Entry |
| CA Entry | CA Entry |
| CA Entry | CA Entry |
| **(ii) Specialist Services**  |  |
| CA Entry  | CA Entry |
| CA Entry | CA Entry |
| CA Entry | CA Entry |
| CA Entry | CA Entry |
| CA Entry | CA Entry |
| CA Entry | CA Entry |

* + 1. SPECIALISTS LISTED BY THE EMPLOYER

*CA Note: In Table 11 below give a brief description and percentage cost of each area of work for which you intend to select a panel of Specialists (in some cases this may turn out to be only one Specialist) to propose to the Works Contractor.*

|  |  |
| --- | --- |
| TABLE 11: LISTED PANEL SPECIALIST AREAS | % of total project costs |
| CA Entry | CA Entry |
| CA Entry | CA Entry |
| CA Entry | CA Entry |
| CA Entry | CA Entry |
| CA Entry | CA Entry |

* 1. SPECIALISTS NAMED BY THE EMPLOYER (PW-CF1 to PW-CF5 only)
		1. NOVATED SPECIALISTS

*CA Note: Where the Competition is to appoint a Works Contractor, in Table 12 below, give a brief description and percentage cost of the specialist areas for which you intend to novate a Specialist contract to the Works Contractor.*

|  |  |
| --- | --- |
| TABLE 12: NOVATED SPECIALIST CONTRACT AREA(S) | % of total project costs |
| CA Entry | CA Entry |
| CA Entry | CA Entry |
| CA Entry | CA Entry |
| CA Entry | CA Entry |
| CA Entry | CA Entry |
| CA Entry | CA Entry |

* 1. OTHER WORKS

*CA Note: List in Table 13 other works intended to be carried out by independent contractors who will be working on the site at the same time as the Works Contractor.*

|  |
| --- |
| The following works will be undertaken on the Site by independent contractors at the same time as the works that are the subject of this Competition. |

|  |
| --- |
| TABLE 13: DESCRIPTION OF OTHER WORKS |
| CA Entry |
| CA Entry |
| CA Entry |
| CA Entry |
| CA Entry |
| CA Entry |
| CA Entry |
| CA Entry |
| CA Entry |

* 1. ADDITIONAL TENDERER INFORMATION

|  |
| --- |
| TABLE 14: OTHER INFORMATION REQUIRED |
| CA Entry- enter addtional information here, if required |

1. SUITABILITY ASSESSMENT QUESTIONNAIRE

*CA Note: Select the Qualification Criteria/Requirement that apply for the Competition the Response required and the Evaluation that will apply in the summary Table 15 below by selecting from the drop down options in each column. Ensure these match the options under each individual Qualification Criteria selected in sections 3.2, 3.3 and 3.4, H&S Supplements 3.4.1 and 3.4.2 (where applicable). Where a Requirement/ Criterion is not an Qualification Criterion in this competition, select “No” in the headed column entitled “Qualification/ Criterion”, and in the column “Response”, select “N/A” in the drop down fields.*

| TABLE 15: CONTRACTING AUTHORITY’S ASSESSMENT SCHEME SUMMARY[[12]](#footnote-13) |
| --- |
| **No.[[13]](#footnote-14)** | **Requirement/Criterion** | **Qualification Criterion** | **Response Type** | **Evaluation** |
| **3.1** | **(NOT USED[[14]](#footnote-15))** |  |  |  |
| **3.2** | **PROFESSIONAL OR TRADE REGISTER** |  |   |  |
| **3.3** | **FINANCIAL & ECONOMIC STANDING CRITERIA** |
| 3.3a | Evidence of Turnover |  |  | l  |
| 3.3b | Balance sheet or Extracts from a Balance Sheet |  |  |  |
| 3.3c | Banker’s Letter |  |  |   |
| 3.3d | Financial Statements or Extracts From Financial Statements  |  |  |  |
| 3.3e | Professional Indemnity Insurance |  |  | l  |
| 3.3f | Public Liability Insurance | Yes |  | Pass/Fail  |
| 3.3g | Employer’s Liability Insurance | Yes |  | Pass/Fail  |
| 3.3h | Performance Bond |  |  |   |
| **3.4** | **TECHNICAL CAPABILITY CRITERIA (Contractor Technical Competency)**  |
| 3.4a | Educational and Professional Qualifications (Managerial) |  |  | l  |
| 3.4b | Educational and Professional Qualifications (Personnel) |  |  | l  |
| 3.4c | List Works carried out over the Past Years |  |  | l  |
| 3.4d | List Technicians or Technical Bodies involved especially those responsible for Quality Control and those whom the contractor can call on in order to carry out work |  |  |   |
| 3.4e | A statement of the Average Annual Numbers of Persons Employed by the Contractor and those in a Managerial Position over the Past 3 Years |  |  | l |
| 3.4f | A statement of the Technical Equipment Available |  |  |  |
| 3.4g | Environmental Management Measures  |  |  | l |
| 3.4h | Supply Chain Management & Tracking Systems |  |  | l |

|  |
| --- |
| TABLE 16: H&S 3.4.1 SUPPLEMENT: HEALTH AND SAFETY COMPETENCE OF A CONTRACTOR |
| **No.** | **Requirement/Criterion** | **Qualification Criterion**  | **Response Type** | **Type of Evaluation** |
|

|  |  |
| --- | --- |
| **3.4.1** | **TECHNICAL CAPABILITY CRITERIA in SUPPLEMENT 3.4.1 (Health and Safety competence of Contractor)** |

 |
| 3.4.1a | (HS) Educational and Professional Qualifications (Management) |  |  |   |
| 3.4.1b | (HS) Educational and Professional Qualifications (Personnel) |  |  |   |
| 3.4.1c | (HS) List Works carried out over the Past Years |  |  |   |
| 3.4.1d | (HS) Measures for Ensuring Quality |  |  |   |
| 3.4.1e | (HS) A statement of the Average Annual Numbers of Persons Employed by the Contractor and those in a Managerial Position over the Past 3 Years |  |  |   |

|  |
| --- |
| TABLE 17: H&S SUPPLEMENT 3.4.2: HEALTH AND SAFETY COMPETENCE OF A PSCS*CA Note: Complete the Table 17 ONLY where the Particulars state that the role of PSCS is required, otherwise select N/A in the drop-down fields below*  |
| **No.** | **Requirement/Criterion** | **Qualification Criterion**  | **Response Type**  | **Type of Evaluation** |
|

|  |  |
| --- | --- |
| **3.4.2** | **TECHNICAL CAPABILITY CRITERIA in SUPPLEMENT 3.4.2 (Health and Safety competence of Project Supervisor for the Construction Stage) (where required in Section 1.3)** |

 |
| 3.4.2a | (HS) Educational and Professional Qualifications (Management) |  |  |   |
| 3.4.2b | (HS) Educational and Professional Qualifications (Personnel) |  |  |   |
| 3.4.2c | (HS) List of Technical Services provided for Works over the Past Years |  |  |   |
| 3.4.2d | (HS) Measures for Ensuring Quality |  |  |   |
| 3.4.2e | (HS) A statement of the Average Annual Numbers of Persons Employed to Provide PSCS Services and those in a Managerial Position over the Past 3 Years |  |  |   |

* 1. (NOT USED)[[15]](#footnote-16)
	2. ENROLMENT ON PROFESSIONAL OR TRADE REGISTER

|  |  |  |  |
| --- | --- | --- | --- |
|

|  |  |  |
| --- | --- | --- |
| Qualification Criterion: | Response Type: | Type of Evaluation: |

 |

Tenderers must be enrolled on a professional or trade registers in accordance with Annex XI of Directive 2014/24/EU and meet the supplemental requirements (if any) as identified by the Contracting Authority below.

The evidence required to pass this criterion is proof of enrolment on a relevant professional or trade register in accordance with in accordance with Article 80 of Directive 2014/25/EU (and Regulation 85 of the European Union (Award of Contracts by Utility Undertakings) Regulations 2016 and Article 58 of Directive 2014/24/EU (and Regulation 58 of the European Union (Award of Public Authority Contracts) Regulations 2016) and the supplemental requirements (if any) as identified by the Contracting Authority below.

**CA SUPPLEMENTARY REQUIREMENTS:** CA Entry: List here supplementary requirements (if any) in relation to this criterion, for instance in relation to consortia, joint ventures etc.

* 1. ECONOMIC AND FINANCIAL STANDING SELECTION CRITERIA

Information in this Section 3.3 must be provided by the Tenderer, or, where the Tenderer a Joint Venture, Consortium or Partnership, each member of the Tenderer. If the Tenderer (or any member of the Tenderer) is relying on a separate entity (including but not limited to a parent company) for the purposes of meeting the requirements of this criterion 3.3 (and the sub-criteria therein), information in this Section 3.3 must be provided by the entity being relied upon in respect of the sub-criterion for which reliance is required.

### 3.3a EVIDENCE OF TURNOVER

CA Note: you may state your requirements for the response to this criterion (in text fields below) and any additional requirements as long as it is appropriate and relevant to the criterion title.

|  |  |  |  |
| --- | --- | --- | --- |
|

|  |  |  |
| --- | --- | --- |
| Qualification Criterion: | Response Type: | Type of Evaluation: |

 |

The evidence required to pass this criterion is statements of yearly turnover for the 3 most recently completed financial years which demonstrate that the Tenderer meets or exceeds the Turnover Requirement set out below. If the date of establishment of the Tenderer means the Tenderer cannot provide yearly turnover for 3 years, the Tenderer must submit statements of yearly turnover for each year the Tenderer (or member of the Tenderer, or entity being relied upon) has been established to demonstrate they have the necessary financial standing. Tenderers may be required to demonstrate the basis for the statements provided in order to allow the Contracting Authority to verify accuracy. If, for a reason deemed valid by the Contracting Authority, the evidence sought cannot be provided then alternative evidence which is considered appropriate by the Contracting Authority may be provided.

**Turnover Requirement**

|  |  |
| --- | --- |
| Area of Business/Work: |  Yearly Turnover arising from the area of work specified: |
| General Construction/Civil Engineering category[[16]](#footnote-17) | € CA Entry |

*CA Note: if stating a minimum yearly turnover threshold, take care the standard is not set at a level that discriminates against otherwise suitable Tenderers.*

**CA SUPPLEMENTARY REQUIREMENTS**: CA Entry: List here supplementary requirements (if any) in relation to this criterion, or "N/A".

Where the Tenderer is a Consortium or Joint Venture the aggregated turnover for all members of the Tenderer must meet the Turnover Requirements set out above. The Contracting Authority may specify minimum yearly turnover requirements for any person(s)[[17]](#footnote-18) who are providing certain roles which must be met for the Tenderer to avoid elimination. The relevant minimum requirements are as follows:

**CA SUPPLEMENTARY REQUIREMENTS in relation to Consortia etc**: *CA Entry: In relation to consortia or similar, a percentage of the overall turnover requirement appropriate to each of the roles deemed critical may be specified here. Where used, the CA should set percentages that are proportionate to those roles.*

### 3.3b BALANCE SHEET OR EXTRACTS FROM A BALANCE SHEET

*CA Note: you may state the requirement for the response to this criterion (in text fields below) as long as it is appropriate and relevant to the criterion title.*

|  |  |  |  |
| --- | --- | --- | --- |
|

|  |  |  |
| --- | --- | --- |
| Qualification Criterion: | Response Type: | Type of Evaluation: |

 |

The evidence required to pass this criterion should meet the requirements identified below (or if for any valid reason this evidence cannot be provided then alternative evidence which is considered appropriate by the Contracting Authority may be provided).

CA REQUIREMENTS: *CA Entry: list here your requirements in relation to this criterion.*

### 3.3c BANKER’S LETTER

*CA Note: For contract values in excess of €5m the CA should consider whether the basic requirements set for the banker's letter should be increased to provide more detailed information. If so the drop down menu below should be changed from* *" " to "(in the format set out at Appendix C Bankers Letter issued with this Questionnaire)" and the text in the subsequent form field deleted entirely*

|  |  |  |  |
| --- | --- | --- | --- |
|

|  |  |  |
| --- | --- | --- |
| Qualification Criterion: | Response Type: | Type of Evaluation: |

 |

The evidence required to pass this criterion is a letter  from the Tenderer’s current principal banker dated within the past 3 months stating the duration of the relationship, that, to the best of its knowledge, this is the Tenderer’s principal account and it is currently in good standing.

### 3.3d FINANCIAL STATEMENTS OR EXTRACTS FROM FINANCIAL STATEMENTS

*CA Note: you may create a financial criterion in the blank field below. The criterion should be appropriate and relevant so that the evidence sought can demonstrate economic and financial standing.*

|  |  |  |  |
| --- | --- | --- | --- |
|

|  |  |  |
| --- | --- | --- |
| Qualification Criterion: | Response Type: | Type of Evaluation: |

 |

The evidence required to pass this criterion should be in accordance with the requirements identified below (or, if for any valid reason this evidence cannot be provided then alternative evidence which is considered appropriate by the Contracting Authority may be provided).

**CA REQUIREMENTS** *CA Entry: List here requirements in relation to this criterion.*

### 3.3e PROFESSIONAL INDEMNITY INSURANCE

*CA Note: You may change the requirement for the response to this criterion (in text fields below) and create an equivalent requirement in its place as long as it is appropriate and relevant to the criterion. You may not change the objective or title.*

|  |  |  |  |
| --- | --- | --- | --- |
|

|  |  |  |
| --- | --- | --- |
| Qualification Criterion: | Response Type: | Type of Evaluation: |

 |

*CA Note: Initially the Response Type should be “Declaration Required” and the evidence sought at short-listing stage.*

Prior to appointment (where there is a requirement to provide professional indemnity insurance “PII”), the successful Tenderer will be required to produce evidence in the form set out at (i) or (ii) below and that it will be maintained for years after completion of the Works. (If for any valid reason this evidence cannot be provided then alternative evidence that is considered appropriate by the Contracting Authority may be provided).

*CA Note: where the contract is to be executed under hand then a period of 6 years should be sought for the Professional Indemnity Insurance; where the contract is to be executed as a deed then a period of 12 years should be sought.*

The professional insurance indemnity requirements are as follows:

The level of cover as stated here:

|  |  |
| --- | --- |
| Minimum level of Professional Indemnity Insurance required for  | € CA Entry[[18]](#footnote-19) |

*CA Note: state the minimum cover proportionate to the size of the project (default level is €1.5m).*

The excess as stated here:

|  |
| --- |
| Maximum permissible excess on Professional Indemnity Insurance in any one claim below which the will bear the cost is the greater amount of 2% of the Tenderer’s annual turnover, or €5,000. |

Cover provided on an annual aggregate claim basis[[19]](#footnote-20);

The jurisdiction in which claims can be lodged and settled includes IRELAND.

**CA SUPPLEMENTARY REQUIREMENTS** *CA Entry: list here supplementary requirements (if any) in relation to this criterion.*

Entitles issuing PII insurance cover must have been granted an authorisation as an insurance undertaking by the Central Bank of Ireland to provide Non-Life Insurance Class 13 General Liability cover. Entities providing insurance intermediary services must be either authorised by the Central Bank of Ireland, or registered in a Member State other than Ireland for the purposes of Directive 2009/138/EC.

The evidence required to pass this criterion may be either:

1. evidence that professional indemnity insurance meeting the requirements set out above is in place. Such evidence may be provided by the relevant insurance undertaking itself or by an insurance intermediary; or,
2. a signed letter in the form of Letter of Undertaking re Insurance provided in Appendix 1 to this Part 1, which may be provided where the Tenderer does not have professional indemnity insurance or does not have professional indemnity insurance meeting the professional indemnity insurance requirements set out above.

### 3.3f PUBLIC LIABILITY INSURANCE

|  |  |  |  |
| --- | --- | --- | --- |
|

|  |  |  |
| --- | --- | --- |
| Requirement:YES | Response Type: | Type of Evaluation:PASS/FAIL  |

 |

*CA Note: Initially the Response Type should be “Declaration Required” and the evidence sought at short-listing stage.*

Before appointment, the successful Tenderer will be required to produce evidence in the form of (i) below confirming that the successful Tenderer has current Public Liability insurance cover complying with the requirement(s) set out below.

### Public Liability Insurance Requirements

|  |  |
| --- | --- |
| Minimum level of Public Liability Insurance required in respect of any one accident: | € CA Entry[[20]](#footnote-21) |
| Maximum level of excess for property only\* for any one incident below which the will bear the cost: | € 10,000 |

**\*No excess is permitted in respect of death, injury or illness.**

Entitles issuing public liability insurance cover must have been granted an authorisation as an insurance undertaking by the Central Bank of Ireland to provide Non-Life Insurance Class 13 General Liability cover. Entities providing insurance intermediary services must be either authorised by the Central Bank of Ireland; or registered in a Member State other than Ireland for the purposes of Directive 2009/138/EC.

**CA SUPPLEMENTARY REQUIREMENTS** *CA Entry: List here supplementary requirements (if any) in relation to this criterion or "N/A".*

The evidence required to pass this criterion may be either:

1. evidence that public liability insurance cover meeting the requirements above is in place. Such evidence may be provided by the relevant insurance undertaking itself of by an insurance intermediary; or
2. a signed letter in the form of the Letter of Undertaking re Insurances provided in Appendix 1 to this Part 1, which may be provided where the Tenderer does not have public liability insurance or does not have public liability insurance meeting the requirements set out above.

### 3.3g EMPLOYER’S LIABILITY INSURANCE

|  |  |  |  |
| --- | --- | --- | --- |
|

|  |  |  |
| --- | --- | --- |
| Requirement: YES | Response Type: | Type of Evaluation:PASS/FAIL  |

 |

*CA Note: Initially the Response Type should be “Declaration Required” and the evidence sought at short-listing stage.*

Before appointment, the successful Tenderer will be required to produce evidence in the form of (i) below confirming that the successful Tenderer has current Employer’s Liability insurance cover complying with the requirement(s) set out below.

### Employer’s Liability Insurance Requirements

|  |  |
| --- | --- |
| Minimum level of Employer’s Liability Insurance required in respect of any one accident:  | € CA Entry[[21]](#footnote-22) |

Entitles issuing employer’s liability insurance cover must have been granted an authorisation as an insurance undertaking by the Central Bank of Ireland to provide Non-Life Insurance Class 13 General Liability cover. Entities providing insurance intermediary services must be either authorised by the Central Bank of Ireland; or registered in a Member State other than Ireland for the purposes of Directive 2009/138/EC.

**CA SUPPLEMENTARY REQUIREMENTS** *CA Entry: list here supplementary requirements (if any) in relation to this criterion or "N/A".*

The evidence required to pass this criterion may be either:

1. evidence that employer’s liability insurance cover meeting the requirements above is in place. Such evidence may be provided by the relevant insurance undertaking itself or by an insurance intermediary; or
2. a signed letter in the form of Letter of Undertaking re Insurance provided in Appendix 1 to this Part 1, which may be provided where the Tenderer does not have employer’s liability insurance or does not have employer’s liability insurance meeting the requirements set out above.

### 3.3h PERFORMANCE BOND

|  |  |  |  |
| --- | --- | --- | --- |
|

|  |  |  |
| --- | --- | --- |
| Requirement: | Response Type: | Type of Evaluation: |

 |

*CA Note: Initially the Response Type should be “Declaration Required” and the evidence sought at short-listing stage.*

Before the Starting Date of the Contract (where there is a requirement for a Performance Bond), the Works Contractor is required to give the Contracting Authority a Performance Bond provided by a Surety in accordance with the Works Requirements and the particular requirements set out below.

### Performance Bond Requirements

In order to provide a performance bond a Surety must either:

* have been granted an authorisation as an insurance undertaking by the Central Bank of Ireland; or
* have been granted an authorisation as a credit institution by the Central Bank of Ireland; or
* have been granted an authorisation as an insurance undertaking or credit institution by a recognized competent EU/EEA financial regulatory authority and be listed on the relevant registers maintained by the Central Bank of Ireland.

|  |  |
| --- | --- |
| The amount of the Performance Bond required (expressed as a percentage of the eventual Contract Sum ): | CA Entry %[[22]](#footnote-23) |
| Period after Substantial Completion of the Works Contract at which the Surety is released of their total liability: | CA Entry Months[[23]](#footnote-24) |

*CA Note: Specify the Performance Bond requirements in the box above followed by supplementary requirements below (if any).*

**CA SUPPLEMENTARY REQUIREMENTS**: *CA Entry: list here supplementary requirements (if any) in relation to this criterion or "N/A".*

The evidence required to pass this criterion is the completed Letter of Undertaking re Bond in Appendix D2 provided by a Surety stating that they are in a position to provide a performance bond to meet the particular requirements set out above.

* 1. TECHNICAL CAPABILITY CRITERIA[[24]](#footnote-25)

In the context of technical capability, the Tenderer should carefully consider the responses in this subsection in relation to the role of Works Contractor that is required for the project as outlined in Section 1.

* Where the role of PSCS is required under section 2.3 of the Project Particulars, Health and Safety Supplement 3.4.2 (HS) must be completed by entity who is proposed to fulfil the role of PSCS (whether that be the the Tenderer, any member of the Tenderer, or an entity being relied upon).
* Where the roles required under Section 2.3 of the Project Particulars include Designer and/or PSDP, separate Specialist Questionnaires must be completed by the entity who is proposed to fulfil the role of Designer and/or PSDP (whether that be the Tenderer, any member of the Tenderer, or an entity being relied upon).

If the Tenderer (or any member of the Tenderer) is relying on a separate entity (including but not limited to a parent company) for the purposes of meeting the requirements of this criterion 3.4 (and the sub-criteria therein), information in this Section 3.4 must be provided by the entity being relied upon in respect of the sub-criterion for which reliance is required.

### 3.4a EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Management)

*CA Note: where educational and professional qualifications of managerial staff are assessed as an Qualification Criterion, it CANNOT be re-assessed at tender stage.*

|  |  |  |  |
| --- | --- | --- | --- |
|

|  |  |  |
| --- | --- | --- |
| Qualification Criterion: | Response Type: | Type of Evaluation: |

 |

The evidence required for assessment purposes under this criterion is the educational and professional qualifications (with dates obtained) and experience (on similar projects) of managerial staff, and must include the curricula vitae of the managerial staff and the organisational structure in accordance with the requirements (if any) identified below. Where an Tenderer is a Consortium, or where entities are being relied upon for the purposes of meeting this criterion, the organisational structure must clearly demonstrate the principal roles and responsibilities for each member of the Tenderer/entity relied upon (as may be applicable).

**CA SUPPLEMENTARY REQUIREMENTS**: *CA Entry: list here supplementary requirements (if any) in relation to this criterion or "N/A".*

### TENDERER NOTE:

Where the response type above is “Evidence Required” and, where applicable;

* the response type to sub-criteria 3.4.1a(HS) is ”Evidence Required”, and/or
* the response type to sub-criteria 3.4.2a(HS) is “Evidence Required”, and/or
* the response type to sub-criteria 3.4.3a(HS) is “Evidence Required”;

the Tenderer **may** include the evidence required for the (HS) sub-criteria stated above, with the evidence required above. Where the Tenderer includes evidence in relation to sub-criteria 3.4.1a(HS) and/or 3.4.2a(HS) and/or 3.4.3a(HS) with the evidence required above, the Tenderer must clearly identify the relevant sub-criterion to which the evidence relates.

### 3.4b EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Personnel)

*CA Note: where educational and professional qualifications of the proposed project team personnel are assessed as an Qualification Criterion, it CANNOT be re-assessed at tender stage.*

|  |  |  |  |
| --- | --- | --- | --- |
|

|  |  |  |
| --- | --- | --- |
| Qualification Criterion: | Response Type: | Type of Evaluation: |

 |

The evidence required for assessment purposes under this criterion is the educational and professional qualifications (with the dates obtained) of the Tenderer’s personnel proposed for the project team, including the curricula vitae of the personnel meeting the specific requirements (if any) identified below.

**CA SUPPLEMENTARY REQUIREMENTS** *CA Entry: list here supplementary requirements (if any) in relation to this criterion or "N/A".*

### TENDERER NOTE:

Where response type above is “Evidence Required” and, where applicable;

* the response type to sub-criteria 3.4.1b (HS) is “Evidence Required”, and/or
* the response type to sub-criteria 3.4.2b (HS) is “Evidence Required”, and/or
* the response type to sub-criteria 3.4.3c (HS) is “Evidence Required”,

the Tenderer may include the evidence required for the (HS) sub-criteria stated above, with the evidence required above. Where the Tenderer includes evidence in relation to 3.4.1b (HS) and/or 3.4.2b (HS) and/or 3.4.3c (HS) with the evidence required above, Tenderers must clearly identify the relevant sub-criterion to which the evidence relates.

### 3.4c LIST OF WORKS CARRIED OUT OVER THE PAST YEARS

|  |  |  |  |
| --- | --- | --- | --- |
|

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| Qualification Criterion: | Response Type: | Type of Evaluation: |

 |

*CA Note: A Contracting Authority may only require Tenderers to submit a list of works projects provided over a maximum period of the past 5 years. However, where necessary in order to ensure an adequate level of competition, the Contracting Authority may take into account works delivered over the previous 7 year period.*

The period specified in the sub-criterion title above is the period within which the Tenderer may submit evidence of the works contracts it has delivered; it is not mandatory that projects be evidenced for the whole period. If an Tenderer cannot provide evidence for the entire period (e.g. an Tenderer has not been trading for the whole period) this will not be used as a reason to reject its application.

The evidence required for assessment purposes is details of works projects that the Tenderer (or an a member of the Tenderer or the entity being relied upon who is proposed in respect of the carrying out of the relevant works if the Tenderer is successful) has completed over the period stated above that are similar in nature and complexity to the Works required for this project. The evidence must be provided in the format specified below. (Note that the evidence requested is not necessarily for projects that are identical to the project that is the subject of this Questionnaire). Supplementary requirements (if any) will be stated by the Contracting Authority below.

A list of work projects must be provided by completing Appendix B1 (List of Previous Projects) meeting the requirements above and any supplemental requirements set out below (if any). The references required in relation to these projects must be provided by completing Appendix B2 Certificate of Satisfactory Execution (Works).

**CA SUPPLEMENTARY REQUIREMENTS** *CA Entry: list here supplementary requirements (if any) in relation to this criterion or "N/A".*

### TENDERER NOTE:

Where the response type above is “Evidence Required” and, where applicable;

* the response type to sub-criteria 3.4.1c (HS) is “Evidence Required”; and/or
* the response type to sub-criteria 3.4.3c (HS) is “Evidence Required”;

the Tenderer **may** include evidence for those HS sub-criteria stated above with the evidence required above.

Where the Tenderer includes evidence in relation to 3.4.1c (HS) and/or 3.4.3c (HS) with the evidence required above, Tenderers must clearly identify the relevant sub-criterion to which the evidence relates. Note that it is NOT PERMITTED to include evidence required for sub-criterion 3.4.2 c(HS) with the evidence required above.

### 3.4d LIST OF TECHNICIANS OR TECHNICAL BODIES INVOLVED ESPECIALLY THOSE RESPONSIBLE FOR QUALITY CONTROL AND THOSE WHOM THE CONTRACTOR CAN CALL ON IN ORDER TO CARRY OUT WORK

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| --- | --- | --- |
| Qualification Criterion: | Response Type: | Type of Evaluation: |

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The evidence required to pass this criterion is a list of the relevant technicians or technical bodies (other than in-house specialists, or Specialists proposed for those specialist areas listed at subsection 2.6 (if any)) upon whom the Tenderer can call in order to carry out the work, or whom the Tenderer can use in regard to quality control[[25]](#footnote-26), particularly in the context of ensuring quality both in the administration of a project and the delivery of a high quality end product.

**CA SUPPLEMENTARY REQUIREMENTS** *CA Entry: List here supplementary requirements (if any) in relation to this criterion or N/A.*

### TENDERER NOTE:

It is NOT PERMITTED to include evidence required for 3.4.1d (HS), 3.4.2d (HS) or 3.4.3d (HS) with the evidence required above.

### 3.4e A STATEMENT OF THE AVERAGE ANNUAL NUMBERS OF PERSONS EMPLOYED BY THE CONTRACTOR AND THOSE IN A MANAGERIAL POSITION OVER THE PAST 3 YEARS

|  |  |  |  |
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| --- | --- | --- |
| Qualification Criterion: | Response Type: | Type of Evaluation: |

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The evidence required to pass this criterion is details of the average annual manpower and number of managerial staff over the past three years meeting with the requirements (if any) identified below.

**CA SUPPLEMENTARY REQUIREMENTS**: *CA Entry: list here supplementary requirements (if any) in relation to this criterion or "N/A".*

### TENDERER NOTE:

Where the response type above is “Evidence Required” and, where applicable:

* the response type to sub-criterion 3.4.1e (HS) is “Evidence Required”; and/or
* the response type to sub-criterion 3.4.2e (HS) is “Evidence Required”; and/or
* the response type to sub-criterion 3.4.3e (HS) is “Evidence Required”;

the Tenderer **may** include evidence required for those HS sub-criteria stated above with the evidence required above. Where Tenderers include evidence in relation to 3.4.1e (HS) and/or 3.4.2e (HS) and/or 3.4.3e (HS) with the evidence required above, Tenderers must clearly identify the relevant sub-criterion to which the evidence relates.

### 3.4f A STATEMENT OF THE TECHNICAL EQUIPMENT AVAILABLE

|  |  |  |  |
| --- | --- | --- | --- |
|

|  |  |  |
| --- | --- | --- |
| Qualification Criterion: | Response Type: | Type of Evaluation: |

 |

The evidence required to pass this criterion is details of the tool, plant or technical equipment available to the Tenderer to carry out the project, including evidence of technical equipment available to the Tenderer Specialists and the requirements (if any) listed below.

**CA SUPPLEMENTARY REQUIREMENTS**: *CA Entry: list here supplementary requirements (if any) in relation to this criterion or N/A.*

### TENDERER NOTE:

Where the response type above is “Evidence Required” and, where applicable:

* the response type to sub-criterion 3.4.1f (HS) is “Evidence Required”; and/or
* the response type to sub-criterion 3.4.2f (HS) is “Evidence Required”; and/or
* the response type to sub-criterion 3.4.3f (HS) is “Evidence Required”;

the Tenderer may include evidence required for those HS sub-criteria stated above with the evidence required above. Where Tenderers include evidence in relation to 3.4.1f (HS) and/or 3.4.2f (HS) and/or 3.4.3f (HS) with the evidence required above, Tenderers must clearly identify the relevant sub-criterion to which the evidence relates.

### 3.4g ENVIRONMENTAL MANAGEMENT MEASURES

|  |  |  |
| --- | --- | --- |
| Qualification Criterion: | Response Type: | Type of Evaluation: |

*CA Note: you may include a criterion requiring that the Tenderer demonstrates capability to apply environmental management measures, standards or systems, provided it is proportionate and relevant to the contract.*

The evidence required to pass this criterion should be in accordance with the requirements identified below (or, if for any valid reason this evidence cannot be provided then alternative evidence which is considered appropriate by the Contracting Authority may be provided).

**CA REQUIREMENT**: CA Entry

### 3.4h SUPPLY CHAIN MANAGEMENT AND TRACKING SYSTEMS

|  |  |  |
| --- | --- | --- |
| Qualification Criterion: | Response Type: | Type of Evaluation: |

*CA Note: you may include a criterion requiring that the Tenderer demonstrates it's capability in managing its supply chain, provided it is relevant and proportionate to the contract.*

The evidence required to pass this criterion should be in accordance with the requirements identified below (or, if for any valid reason this evidence cannot be provided then alternative evidence which is considered appropriate by the Contracting Authority may be provided).

**CA REQUIREMENT**: CA Entry

# APPENDIX 1

#  FORMS OF LETTERS OF UNDERTAKING/DECLARATIONS

# (A): Letter of Undertaking from an entity being relied upon – Refer to Section 1.4

[On letterhead of entity being relied upon]

|  |  |
| --- | --- |
| To: | [Name and address of Contracting Authority] |
| Regarding: | [Title of contract] |
| Date: | [Date] |  |

A Dhaoine Uaisle,

We refer to the tender for the above contract submitted by

|  |  |
| --- | --- |
|  | [Insert name of Tenderer] |

We confirm that, if the above contract is awarded to the above-named Tenderer, we will make the capacities relied upon available to the Tenderer. We also confirm that, if the Tenderer is awarded the contract, we will execute a contractual commitment to that effect in the form described in the relevant warranty/guarantee. In particular we confirm that:

1. where we have been relied upon for financial or economic standing criteria, we confirm we will execute and deliver to you a guarantee in the form of a Reliance Guarantee[[26]](#footnote-27); or
2. where we are we have been relied upon for technical competency criteria we confirm that we will execute and deliver to you a warranty in the form of a Reliance Warranty[[27]](#footnote-28) or Collateral Warranty[[28]](#footnote-29) (as required by the Contracting Authority). Where we have been relied upon for educational or professional qualifications, or with regard to relevant professional experience, we confirm that we will perform the works or services to which those qualifications or experiences relate.

Is sinne, le meas

|  |  |
| --- | --- |
| Signed by |  |
| Authorised signature of entity being relied upon  |  |

# (B) Letter from Insurance Undertaking/Insurance Intermediary where evidence Is required for sub-criteria 3.3e, 3.3f or 3.3g

|  |  |
| --- | --- |
| To: | [Name and address of Tenderer] |
| Regarding: | [Insert contract title] |
| Date: | [Date] |  |

A Dhaoine Uaisle,

We confirm that we are

1. an insurance undertaking authorised by the Central Bank of Ireland; or
2. an insurance intermediary authorised by the Central Bank of Ireland; or
3. an insurance intermediary registered in the EU/EEA for the purposes of Directive 2009/138/EC; and
4. we meet any other requirements for an insurance undertaking or insurance intermediary set out in the relevant Qualification Criterion relating to the provision of the insurance type stated below.

We confirm we have insurance facilities in place, which would enable us to provide to the above named entity with (*insert insurance tye and limit amout as appropriate)*

* Professional indemnity Insurance in the required amount of [●] euros on [annual aggreaget/each and every claim basis]
* Public Liability Insurance in the required amount of [●] euros
* Employers Liability Insurance in the required amount of [●] euros

and meeting any other requirements in the relevant Qualification Criteria for insurances[[29]](#footnote-30).

Therefore, subject to a satisfactory application, we expect that insurance cover can be issued within 4 weeks of the receipt by us of the relevant application, subject to our normal terms and conditions.

We understand you will be giving a copy of this letter to

|  |  |
| --- | --- |
|  | [Name of Contracting Authority] |

We look forward to receiving an application from you if your tender is successful.

is sinne, le meas

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Director

Name of Insurance Undertaking/Insurance Intermediary

# Appendix 2

# IPI MEASURES

Pursuant to EU Regulation 2022/1031 on the International Procurement Instrument (‘IPI’), the European Commission may adopt measures known as “IPI measures” which affect tenderers from third countries[[30]](#footnote-31). Contracting Authorities are obliged to follow any IPI measure that has been put in place by the European Commission.

Where an IPI measure applies to this Competition (having regard to the estimated value of the contract[[31]](#footnote-32), the scope of application of the IPI measure, or the date on which the IPI measure was made[[32]](#footnote-33)), the Contracting Authority may be obliged to give effect to that IPI measure by way of:

1. Imposing a score adjustment on a Tenderer which originates in a country which is subject to an IPI measure;
2. Excluding a Tenderer which originates in a country which is subject to an IPI measure; and/or
3. Such other steps as may be determined by the European Commission and set out in the relevant IPI measure.

Where the Project Particulars state that this Appendix 2 applies to the Competition, Tenderers are obliged to declare in their SAQ Response whether they originate in a country which is subject to an IPI measure. The Contracting Authority may also seek information from Tenderers, should it deem appropriate to do so, to ascertain the country of origin of any Tenderer (pursuant to the rules on determining origin set out in Regulation 2022/1031) for the purposes of verifying whether it is subject to an IPI measure.

Where the contract is awarded to a Tenderer originating in a country which is subject to an IPI measure, the following provisions shall apply:

1. the successful Tenderer may not subcontract more than 50% of the total value of the contract to economic operators originating in a country which is subject to an IPI measure;
2. for contracts whose subject matter covers the supply of goods, the successful Tenderer shall ensure for the duration of the contract that goods or services supplied or provided in the execution of the contract and originating in the third country which is subject to the IPI measure represent no more than 50 % of the total value of the contract, irrespective of whether such goods or services are supplied or provided directly by the successful tenderer or by a subcontractor;
3. the successful Tenderer shall provide to the Contracting Authority upon request adequate evidence corresponding to point (i) or (ii), at the latest upon completion of the execution of the contract;
4. the successful Tenderer will be obliged to pay a proportionate charge, in the event of non-observance of the obligations referred in point (i) or (ii), of between 10 % and 30 % of the total value of the contract.
5. The Contracting Authority may, on an exceptional basis, decide not to apply an IPI measure where:
	1. Only Tenderers originating in countries subject to an IPI measure meet the tender requirements; or
	2. Justified for overriding reasons relating to the public interest.
1. Alternate evidence may be acceptable to the Contracting Authority [↑](#footnote-ref-2)
2. Applies only where the form of public works contract to be used is PW-CF2 or PW-CF4 and Tenderers are required to propose Specialists to be named in the Contract. [↑](#footnote-ref-3)
3. The Contracting Authority may accept alternate arrangements, in place of a guarantee, at its discretion. [↑](#footnote-ref-4)
4. The Contracting Authority may accept alternate arrangements at its discretion. [↑](#footnote-ref-5)
5. CA Note: Where the Competition is subject to the European procurement regulations, an eESPD must always be selected in the Particulars. Where the Competition is not subject to the European procuement regulations, either an eESPD or Appendix A – Self Declatation re Article 57 may be selected in the Particulars. [↑](#footnote-ref-6)
6. Where the estimated value of the contract is above €5m (Services) and €15m (Works) [↑](#footnote-ref-7)
7. Relevant IPI measures are those which were in force at the time the competition was launched [↑](#footnote-ref-8)
8. CA note: where the Competition is subject to the European Procurement Regulations, then the exclusion grounds in Article 57 automatically apply and the CA must select “an eESPD”. Where the Competition is not subject to the European Procurement Regulations, the CA may select an eESPD or Appendix A, where the CA applies the grounds for exclusion in the Competition. [↑](#footnote-ref-9)
9. CA note: where the Competition is subject to the European Procurement Regulations, then the Regulations automatically apply and the CA must select “YES” (i.e. a declaration is required). [↑](#footnote-ref-10)
10. CA Note: Where an IPI Measure is in place and works are greater than €15m in value, the CA must select “Yes”. [↑](#footnote-ref-11)
11. The Contracting Authority must select the category of project, in general:

• Type 1 project has a value < €500,000;

• Type 2 project has a value €500,000 to €5,000,000; or

• Type 3 project has a value > €5,000,000.

Notwithstanding the above, considerations in relation to the H&S risk must also be taken into account in deciding on the project type. If there is a high H&S risk the category may need to be higher than that indicated by the project value. The category of project chosen then governs decisions to be made about selection criteria and requirements in section 3 of this Questionnaire. [↑](#footnote-ref-12)
12. Where Tendererss are required to propose Specialists, Qualification Criteria are also contained in the Specialist Questionnaires. [↑](#footnote-ref-13)
13. The numbers in this column reference the subsection numbers of the criteria in this Questionnaire. [↑](#footnote-ref-14)
14. For the requirements in relation to Regulation 57 of SI 284/2016 (Exclusion Grounds) in relation to the competition, refer to the Particulars Part 2.2. [↑](#footnote-ref-15)
15. For the requirements in relation to Regulation 57 of SI 284/2016 (Exclusion Grounds) , refer to Section 2.2 of the Particulars and Section 1.4. [↑](#footnote-ref-16)
16. Delete as appropriate. [↑](#footnote-ref-17)
17. E.g. any member(s) of the Consortium or Joint Venture or Partnership or any entity (or entities) being relied upon for the relevant skills, resources and experience. [↑](#footnote-ref-18)
18. Refer to GN 1.1.2 - If no minimum is specified, €1.5m (one million and five hundred thousand Euros) applies. [↑](#footnote-ref-19)
19. Where a Tenderer can obtain cover on an ‘any one claim’ basis this should be considered as equivalent providing it meets the other listed requirements. [↑](#footnote-ref-20)
20. If no value entered it shall read as €6,500,000 (six million five hundred thousand euro). [↑](#footnote-ref-21)
21. If no value entered it shall read €13,000,000 (thirteen million Euro) – no excess is permitted on Employer’s Liability Insurance. [↑](#footnote-ref-22)
22. If no value entered it shall read 10% of the eventual Contract Sum. [↑](#footnote-ref-23)
23. If no value entered it shall read 15 months/450 days. [↑](#footnote-ref-24)
24. Article 80 of Directive 2014/25/EU (and Regulation 85 of The European Union (Award of Contracts By Utility Undertakings) Regulations 2016) or Article 58 Of Directive 2014/24/EU (and Regulation 58 Of European Union (Award of Public Authority Contracts) Regulations 2016). [↑](#footnote-ref-25)
25. (Part 2(b) of Annex XII to Directive 2014/24/EU and Schedule 8 Part II (b) of the European Union (Award of Public Authority Contracts) Regulations 2016) [↑](#footnote-ref-26)
26. Model Form 1.7 Reliance Guarantee [↑](#footnote-ref-27)
27. Model Form 1.30 Reliance Warranty [↑](#footnote-ref-28)
28. Model Form 2.3 Collateral Warranty for Specialists or MF 1.12 Collateral Warranty (Specialists) [↑](#footnote-ref-29)
29. i.e. criterion 3.3e (Professional Indemnity Insurance), 3.3f (Public Liability Insurance), or 3.3g (Employer’s Liability Insurance). [↑](#footnote-ref-30)
30. Third country means countries that are not in either the EU, the World Trade Organisation GPA, or that do not have a bilateral or multilateral treaty with the EU with regard to procurement. A Tenderer’s origins are determined as follows:

For natural persons, the country of which they are a national, or where they have a right of permanent residence.

For legal persons, the country under the laws of which the legal entity is constituted or otherwise organised and in the territory of which the legal person is engaged in substantive business operations.

For legal persons who are not engaged in substantive business operations in the country in which they are constituted or organised, the country of origin is that of the person/persons who directly or indirectly have a dominant influence over the economic operator by virtue of ownership, financial participation or the governing rules of the economic operator. A dominant influence is presumed where a person or persons holds the majority of the economic operator’s subscribed capital, controls the majority of the votes attaching to issued shares, or can appoint more than half of the administrative, supervisory or management body.

Where a tenderer is a group or consortium and at least one of the members of the group or consortium originates from a country which is subject to an IPI measure, the IPI measure shall apply to the whole group or consortium. This will not be the case where the participation of the entity subject to the IPI amounts to less than 15% of the value of the tender submitted by the group or consortium, save where the entity subject to the IPI measure is necessary to fulfil the majority of at least one selection criterion. [↑](#footnote-ref-31)
31. Where the estimated value of the contract is above €5m (Services) and €15m (Works). [↑](#footnote-ref-32)
32. Relevant IPI measures are those which were in force at the time the competition was launched. [↑](#footnote-ref-33)