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COMPETITION FOR THE CONTRACT

FOR

THE A83 STRONE POINT IMPROVEMENT SCHEME

TS/TRBO/WKS/2015/04

Prequalification Document Containing Prequalification Prospectus and
Economic Operator's Prequalification Questionnaire

December 2015

DOCUMENT DEVELOPMENT RECORD
Contents Amendment Record

This document has been amended as follows:

Version	Description	Date	Full Name
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PREQUALIFICATION DOCUMENT

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GLOSSARY

CEEQUAL means The Civil Engineering Environmental Quality Assessment and Award Scheme.

Consortium means two or more persons, at least one of whom is an Economic Operator, acting jointly for the purpose of being awarded a public contract.

Contract means the contract entered into by the Scottish Ministers and the Successful Tenderer for the construction and completion of the Works.

Contractor means the Successful Tenderer who has entered into the Contract with the Scottish Ministers.

Economic Operator means a contractor, a supplier or a services provider.

Environmental Statement means a report outlining the potential impacts on the surrounding environment caused by the development of the Works and the mitigation measures that shall require to be affected to mitigate the effect of these potential impacts.

BST means British Summer Time.

Group of Economic Operators means an unincorporated Consortium (which could include an unincorporated joint venture).

Group Member means a member of a Group of Economic Operators.

ITT means the invitation to submit a tender.

PQQ means the Economic Operator's Prequalification Questionnaire for the procurement of the Contract.

PQQ Submission means a PQQ which has been completed and submitted by an Economic Operator to the Scottish Ministers, and shall include any resubmission of a PQQ pursuant to Section 6.10 of the Prequalification Prospectus.

Prequalification Document means the Prequalification Prospectus and the PQQ.

Prequalification Prospectus means the prequalification prospectus (including appendices) for the procurement of the Contract.

Scottish Trunk Road means, for the purposes of this Contract, a road as defined in the Roads (Scotland) Act 1984 for which the Scottish Ministers are the roads authority.

Single Economic Operator means a single entity which is submitting a PQQ Submission on its own. This could include a special purpose company which has been set up for the procurement competition for the Contract.

Statutory Undertakers means those persons, statutory bodies, undertakers and other companies falling within the definitions set out in section 107(4) in the New Roads and Street Works Act 1991 and sections 214, 224 and 225 of the Town and Country Planning (Scotland) Act 1997.

Successful Tenderer means the Tenderer that has achieved the highest ranking in the evaluation of the Tender submissions to establish the most economically advantageous tenders.

Tender means an offer by an Economic Operator to be a party to the Contract.

Tender Period means the period from the invitation to submit a Tender until the due date for submission of Tenders.

Tenderer means an Economic Operator that has been invited to submit a Tender.

Works means the permanent works and temporary works which will include the construction and completion (including the remedying of any defects) of the A83 Strone Point Improvement Scheme.

Interpretation

The Prequalification Document shall be interpreted using the interpretation provisions set out below.

References in the Prequalification Prospectus or the PQQ to "paragraph(s)", "Sections(s)", "Table(s)" and "Appendix/Appendices" shall refer to such "paragraph(s)", "Section(s)", "Table(s)" and "Appendix/Appendices" of the document in which that reference is made.

Where used in the Prequalification Document, the words "include", "including", "such as", "for example" and "and the like", are to be construed without limitation.

In the Prequalification Document, any reference to any Act of Parliament shall be construed as a reference to that Act of Parliament as from time to time amended, extended or re-enacted and is to include any bye-laws, statutory instruments, rules, regulations, orders, notices, directions, consents or permissions made or given under that Act of Parliament. Any reference to any statutory instrument, regulation or order shall be construed as a reference to that statutory instrument, regulation or order as from time to time amended, extended or re-enacted.

COMPETITION FOR THE CONTRACT

FOR

A83 STRONE POINT IMPROVEMENT SCHEME

TS/TRBO/WKS/2015/04

PREQUALIFICATION PROSPECTUS

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PREQUALIFICATION PROSPECTUS

1. INTRODUCTION

1.1. Purpose of the Prequalification Document

- 1.1.1. Scottish Ministers' objectives for transport are to promote sustainable economic growth through a safe, integrated and efficient transport network.
- 1.1.2. The competition for the procurement of the Contract has been advertised by the Scottish Ministers through the Public Contracts Scotland advertising portal, www.publiccontractsscotland.gov.uk.
- 1.1.3. The Prequalification Document can be downloaded by or dispatched to all organisations that request a copy in accordance with the contract notice published in the Public Contracts Scotland Advertising portal. Interested parties' receipt of these materials and participation in the prequalification process will be subject to the confidentiality requirements as identified in Section 6.13 of this Prequalification Prospectus.
- 1.1.4. The intent of the competition for the procurement of the Contract is to permit the Scottish Ministers to appoint a Contractor with the relevant civil engineering construction experience necessary to carry out its obligations under the Contract.
- 1.1.5. This Prequalification Prospectus provides interested parties with:
- (a) brief information in respect of the duties and responsibilities of the Scottish Ministers and Transport Scotland;
 - (b) further details about the Contract including information about the scope and location of the Works, Statutory Undertakers, third parties and other stakeholders and health and safety, quality and environmental management systems;
 - (c) an overview of the proposed procurement process for the Contract; and
 - (d) the selection criteria and evaluation procedure which will be undertaken to prequalify Economic Operators who may be invited to submit a Tender for the Contract.

1.1.6. The PQQ Submission:

- (a) provides each Economic Operator with the opportunity to demonstrate to the Scottish Ministers that it satisfies the required levels of economic and financial standing and technical or professional ability in respect of the Contract;
- (b) allows each Economic Operator to describe its relevant experience on previous contracts; and
- (c) provides the Scottish Ministers with comparable information about each Economic Operator in a consistent and structured manner.

1.1.7. Information that each Economic Operator shall be required to provide is set out in the Economic Operator's Prequalification Questionnaire.

1.1.8. The information contained in the Prequalification Document is given in good faith for the guidance of each Economic Operator in completing its PQQ Submission. It is preliminary information only and will be superseded (in due course) by the ITT documents. No warranty or representation of any kind is given as to the accuracy or completeness of such information. Neither the Scottish Ministers nor Transport Scotland nor their advisers shall be liable for any errors, omissions or lack of specificity in such information. Any reliance on or use of any information contained within the Prequalification Document is entirely at the risk of each Economic Operator.

1.1.9. Each Economic Operator shall be responsible for carrying out its own review and checks to satisfy itself as to the adequacy and correctness of the information provided in or referred to in the Prequalification Document, before relying on and using such information as part of any PQQ Submission.

1.1.10. No information provided in the Prequalification Document shall be construed as forming part of any Contract.

1.2. Key Dates

- 1.2.1. Each Economic Operator shall note the following key dates and times in respect of the prequalification procedure:

Final date and time for submitting a query in respect of any aspect of the Prequalification Document	12 noon BST, Wednesday 13th January 2016
Final date and time for delivery of PQQ Submissions	12 noon BST, Wednesday 20th January 2016

2. BACKGROUND AND CONTRACT DETAILS

2.1. Duties and Responsibilities of the Scottish Ministers and Transport Scotland

- 2.1.1. Transport Scotland is an agency of the Scottish Government and contracts in the name of and on behalf of the Scottish Ministers.
- 2.1.2. Transport Scotland is responsible for helping to deliver the Government's capital transport investment programme, overseeing the safe and efficient running of Scotland's trunk roads and rail networks, and establishing and running a national scheme for concessionary travel in Scotland.
- 2.1.3. Further information on Transport Scotland can be accessed through the Transport Scotland website at www.transportscotland.gov.uk

2.2. Background

- 2.2.1. In the last ten years on the A83 at Strone Point there have been five slight, two serious and three fatal accidents. The accidents occurred in the vicinity of a bend in the road with below minimum forward visibility, sub-standard horizontal radii and vertical radii. Mitigation measures have been introduced at this location. Advanced warning signs with reflective yellow backing are provided on the approach to the bend along with high friction surfacing, chevron markings with yellow reflective backing and safety barriers with BikeGuard to offer motorcyclists further protection on the bend given that all four accidents that have occurred at this location have involved a motorcyclist. The chevrons and high friction surfacing were introduced in 2004 and the bike guard at the start of 2013. The mitigation measures have not provided significant accident reductions.
- 2.2.2. This project includes the improvement of 300 metres of the A83 single carriageway at Strone Point. This will include improvements in carriageway cross-section, road geometry and visibility. Extensive ground investigation has been completed. Utility diversion works will be completed prior to commencement on site. In addition adjacent land to allow the realignment to proceed has been purchased.
- 2.2.3. Transport Scotland on behalf of the Scottish Ministers, wishes to progress with a procurement competition for the construction and completion of the A83 Strone Point improvement scheme. The intention of this procurement competition is to award the Contract in June 2016 in compliance with relevant legislation, standards

and other requirements (including technical and environmental) of the Scottish Ministers and the key stakeholders.

2.3. Preliminary Scope of the Contract

2.3.1. The scope of the Contract will include the construction and completion of a road improvement scheme including excavation, Pre-Split blasting, netting, full carriageway construction, tie in between the proposed section and the existing carriageway and other associated works.

2.3.2. The scope of the construction and completion of the Works for the Contract may include the following provisional scope (the final scope will be included in the tender documents):

- (a) Site Clearance;
- (b) Excavation of steep slope
- (c) Installation of approximately 2500m² of Soil Netting;
- (d) excavation of approximately 2000m³ of a rock by means of Pre-Split Blasting;
- (e) installation of drainage;
- (f) construction of a new section of carriageway (online and offline);
- (g) tie in of new section to existing carriageway;
- (h) safety fencing;
- (i) traffic signs;
- (j) road markings;
- (k) traffic management; and,
- (l) all other works generally associated with a trunk road scheme.

2.3.3. The Contractor shall not be required to carry out any on-going cyclic maintenance and the like in respect of the Works (other than landscape maintenance, replacement of road markings and defects rectification). Such on-going maintenance shall be carried out by a third party to be appointed by the Scottish Ministers under a separate contractual arrangement. Under the provisions of the Contract, the Contractor will be required to provide operation and maintenance manuals. The contractor shall be required to allow access for on-going maintenance during the works.

2.4. Location of the Project

- 2.4.1. Strone Point is located on the A83 approximately 4km to the north east of Inveraray, between Dunderave Castle and Shira Bridge.
- 2.4.2. The surrounding area is within the local authority area of Argyll and Bute Council.

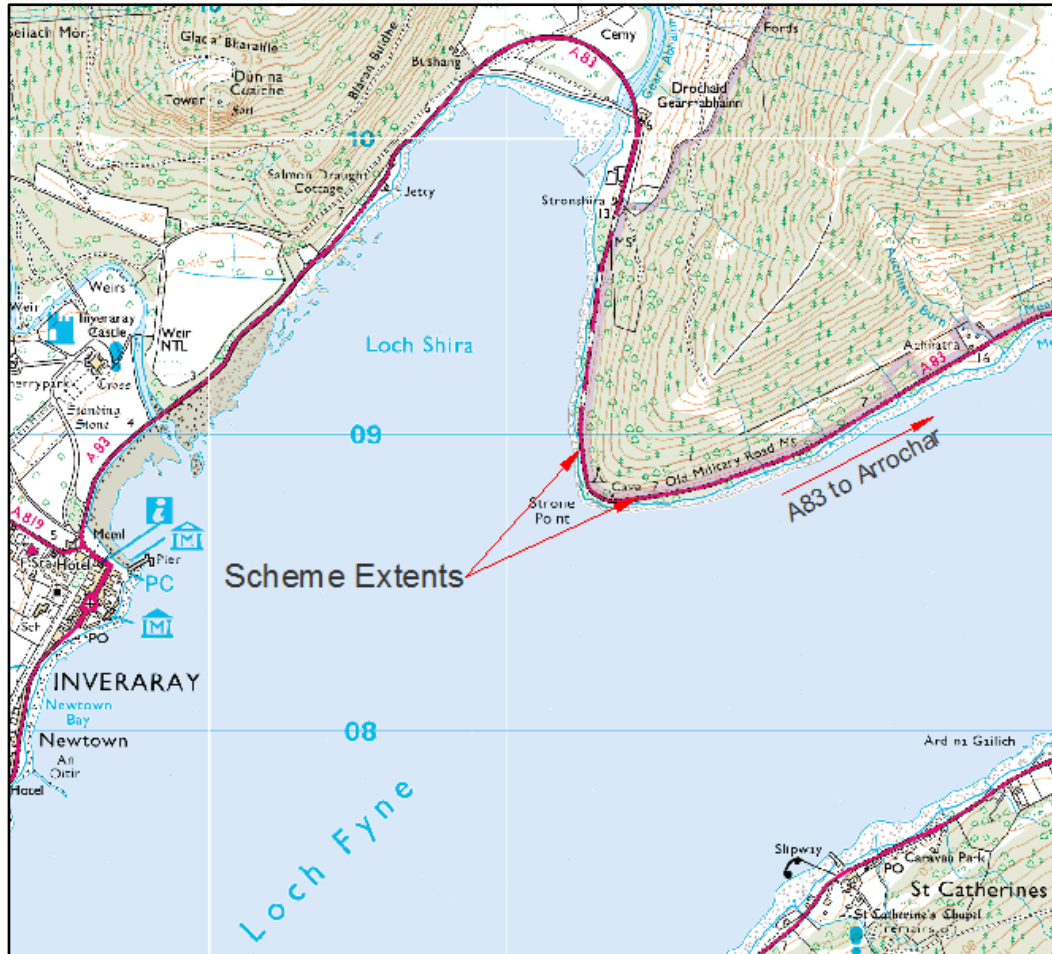


Figure 1- Location of Strone Point Improvement Scheme

2.5. Traffic Management

- 2.5.1. The Contractor will be required to minimise any delays to traffic during construction of the Works (including the remedying of any defects). This will require the design and management of temporary traffic management arrangements during construction of the Works and during the rectification of any defects in the Works. It is not permitted to close the A83.

2.6. Third Parties

2.6.1. Commitments and undertakings agreed by the Scottish Ministers with third parties will be identified in the ITT documents.

2.6.2. The Contractor shall also be required to consult and comply with the requirements of the third parties in respect of the construction and completion of the Works (including the remedying of any defects).

2.7. Insurance

2.7.1. Economic Operators will be required to provide the levels of insurance up to the maximum values stated in the Contract in respect of:

- (a) Contractor's all risk;
- (b) Public liability;
- (c) Professional indemnity;
- (d) Employer's liability;
- (e) Contractor's pollution legal liability; and
- (f) Comprehensive motor.

2.7.2. In the event that an Economic Operator's tender is successful, the Economic Operator shall be expected to provide to the Scottish Ministers all insurance policies, endorsements, attachments, brokers' placing slips, market reform contracts, market reform contract endorsements stamped and signed by all involved insurers and any other documents requested by the Scottish Ministers to demonstrate that the required insurances are in place. Evidence in respect of professional indemnity insurance may be provided in the form of a cover note issued by the insurance broker detailing the period of insurance, limit of indemnity, insurers and their participations and confirm that the insurance is subject to Scots law and the jurisdiction of the Scottish courts and stating that the insurers will provide the required 30 days' notice.

3. HEALTH, SAFETY, QUALITY AND ENVIRONMENTAL MANAGEMENT SYSTEMS

3.1. Health and Safety

3.1.1. In respect of health and safety, the Contractor shall be required in the Contract to comply with all relevant legislation and industry best practice standards.

3.1.2. The Contractor shall be required under the Contract to institute and maintain for the term of the Contract a health and safety management system complying with the requirements of OHSAS 18001: 2007 (Occupational Health and Safety Management Systems) (or equivalent), and associated standards for the purpose of ensuring and demonstrating that the Works conform in all respects with the Contract.

3.2. Construction (Design and Management) Regulations 2015 (CDM Regulations)

3.2.1. The Contractor shall undertake the role of **Principal Contractor** and shall fulfil all required responsibilities in accordance with the CDM Regulations.

3.2.2. The role of the **Principal Designer** under the CDM Regulations for the Contract will be undertaken by a suitably qualified person acting on behalf of BEAR Scotland Ltd.

3.2.3. The role of **Designer** under the CDM Regulations for the Contract will generally be undertaken by Jacobs Engineering UK Ltd. acting on behalf of BEAR Scotland Ltd.

3.2.4. The Scottish Ministers will fulfil the duties and responsibilities of **Client** under the CDM Regulations for the Contract.

3.3. Quality and Environmental Management Systems

3.3.1. The Contractor shall be required under the Contract to institute and maintain for the term of the Contract a quality and environmental management system complying with the requirements of:

(a) BS EN ISO 9001: 2008; (Quality Management Systems); and

(b) BS EN ISO 14001: 2004; (Environmental Management Systems)

for the purpose of ensuring and demonstrating that the Works conform in all respects with the Contract.

- 3.3.2. The quality and environmental management requirements will be identified in the ITT documents and the Contract.
- 3.3.3. The Contractor will be required to provide Carbon Capture an Environmental Management Systems throughout contract.

4. THE CONTRACT AND PARENT COMPANY GUARANTEE

4.1. The Contract

- 4.1.1. The **Contract** shall be entered into between the Successful Tenderer and the Scottish Ministers.
- 4.1.2. The Contract will be based on the Institution of Civil Engineers Conditions of Contract, Measurement Version (5th Edition) with bespoke amendments.
- 4.1.3. These amendments may arise from two basic considerations:
- (a) amendments to reflect the Scottish Ministers' particular requirements and risk allocation for this agreement; and,
 - (b) amendments to reflect Scots law.
- 4.1.4. Each Tenderer shall be invited to submit a Tender on the same Contract terms.

Parent Company Guarantee

A parent company guarantee will be required from the parent company (or companies) of Single Economic Operators, or from the parent company of each member of a Group of Economic Operators and this requirement will be identified in the ITT documents.

5. THE PROCUREMENT PROCESS

5.1. Procedure

5.1.1. The Public Contracts (Scotland) Regulations 2012, as amended (the Regulations) do not apply to this procurement competition and shall not be deemed as such. However the procurement process shall be generally aligned with the principles of the 'Restricted Procedure' as defined by the Regulations.

5.2. Prequalification and Selection to Submit a Tender

5.2.1. Each Economic Operator is required to complete the PQQ and provide all information required by the PQQ. PQQ Submissions shall be provided by Economic Operator to Transport Scotland in accordance with the instructions provided in this Prequalification Document.

5.2.2. Where the number of Economic Operators satisfying the minimum levels of economic and financial standing and/or technical or professional ability identified in Section 6 of this Prequalification Prospectus exceeds 6, the Scottish Ministers shall limit the number of Economic Operators to be invited to submit a Tender to **6**.

5.2.3. Each of the **6** Tenderers will be selected in accordance with the selection procedure identified in Sections 6.3 to 6.9 of this Prequalification Prospectus.

5.2.4. Following the issue of any ITT to the Tenderers as identified above, all other Economic Operators who expressed an interest in the Contract will be informed in writing of the result of the Contract prequalification process. Unsuccessful Economic Operators may request a debriefing from Transport Scotland on behalf of the Scottish Ministers. The Scottish Ministers reserve discretion in respect of determining the form and content of any debriefing.

5.3. Evaluation of Tenders

5.3.1. Each Tender will be evaluated against pre-determined evaluation criteria in order to determine which is the most economically advantageous tender to the Scottish Ministers. Further information shall be included in the ITT documents.

5.4. Notification to Unsuccessful Participants

- 5.4.1. Following evaluation of Tenders, Tenderers who have not been successful will be informed in writing by Transport Scotland on behalf of the Scottish Ministers.
- 5.4.2. Unsuccessful Tenderers may request, in accordance with regulation 32(6) of the Regulations, the reasons why they have been unsuccessful from Transport Scotland on behalf of the Scottish Ministers.
- 5.4.3. Unsuccessful Participants may also request a debriefing meeting from Transport Scotland on behalf of the Scottish Ministers.
- 5.4.4. The Scottish Ministers reserve discretion in respect of determining the form and content of any debriefing meeting.

5.5. Award of Contract

- 5.5.1. The Successful Tenderer will be required to execute the Contract.

5.6. Relevant Standstill Period

- 5.6.1. Prior to the award of any Contract, the Scottish Ministers will implement the relevant standstill period in accordance with the Regulations.

5.7. Indicative Procurement Timetable

- 5.7.1. Key anticipated milestones for the procurement process are identified below.

These dates are illustrative at this stage.

Selection of Tenderers	February 2016
Issue of the ITT documents	March 2016
Submission of Tenders	May 2016
Anticipated award of the Contract	June 2016
Completion of the Works	December 2016

6. PRE-QUALIFICATION PROCEDURE**6.1. PQQ Clarifications**

6.1.1. Any request by any Economic Operator for clarification of any part of the Prequalification Document shall be made by e-mail to Transport Scotland at the following e-mail address:

Keith.Murray@transportscotland.gsi.gov.uk

6.1.2. The Scottish Ministers shall not provide clarifications to any request for clarification from Economic Operators received **after 12 noon GMT on Wednesday 27th January 2016**.

6.1.3. Each Economic Operator shall submit requests for clarification by submitting a query form, in the format identified in **Appendix A of this Prequalification Prospectus**.

6.1.4. The Scottish Ministers reserve the right to transmit any request for clarification and subsequent response by the Scottish Ministers to that request for clarification to all Economic Operators who have expressed an interest to receive the Prequalification Document. Notwithstanding such, there may be occasions when the Scottish Ministers consider the response to any such request for clarification to be commercially sensitive and, as such, the response may only be transmitted to the Economic Operator who has requested the clarification.

6.1.5. Where the requesting Economic Operator considers a request for clarification to be one which should be treated as commercially sensitive, then the Economic Operator should indicate this on the query form and explain why it considers that the request for clarification should be treated as commercially sensitive.

6.1.6.

- (a) The decision whether a request for clarification shall be considered commercially sensitive or not, rests solely at the absolute discretion of the Scottish Ministers.

- (b) If the Scottish Ministers consider, in their absolute discretion, that they are able to answer the request for clarification on a commercially sensitive basis, then they will do so.
- (c) If the Scottish Ministers consider, in their absolute discretion, that they cannot provide an answer on a commercially sensitive basis, the Scottish Ministers shall notify the Economic Operator and that Economic Operator will have the opportunity to withdraw the request for clarification.
- (d) However, if that Economic Operator does not withdraw the request for clarification from a commercially sensitive basis, or the Scottish Ministers consider in their absolute discretion that the response to such request for clarification should be released to all Economic Operators to comply with the Scottish Ministers' obligations and this document, then the request for clarification and the associated response may be released to all Economic Operators which have expressed an interest to receive the Prequalification Document.

6.1.7.

- (a) The Scottish Ministers shall not be responsible in any way to any Economic Operator as a result of any delay or failure in answering any request for clarification or any decision not to answer a request for clarification (either in full or in part) or to treat any request for clarification as commercially sensitive or not commercially sensitive.
- (b) Absence of a response from the Scottish Ministers or Transport Scotland shall not entitle any Economic Operator to qualify its PQQ Submission.

6.2. PQQ Submission Requirements

6.2.1. The PQQ Submission shall be in English. Any material which has been translated into English shall require to be certified by the translator as a true and fair translation and each such certification provided with the PQQ Submission.

6.2.2.

- (a) Each Economic Operator shall in its PQQ Submission provide the information required in the PQQ in a clear and concise manner and only material specifically required by the PQQ shall be included.
 - (b) However, any Economic Operator established outside of the United Kingdom may, as appropriate, provide equivalent information to that which is required in the PQQ.
 - (c) General promotional or publicity material shall not be submitted as part of the PQQ Submission.
- 6.2.3. All financial information or data forming part of the PQQ Submission shall be submitted in, or converted to, pounds sterling. Where official documents include financial data in a foreign currency, a sterling equivalent shall be provided by the Economic Operator. Any such sterling equivalent shall be certified as a **true and fair** equivalent by the Economic Operator.
- 6.2.4.
- (a) The PQQ shall be completed by each Economic Operator under the headings given, using the tables and schedules provided by the Scottish Ministers, and shall follow the order and numbering contained in the PQQ.
 - (b) Each Economic Operator shall comply with the requirements identified in the PQQ in respect of the permitted number of words.
 - (c) The font of the text to be used by Economic Operators in the PQQ Submission shall be Arial 11 point with not less than single line spacing.
- 6.2.5. **Any Economic Operator whose PQQ Submission is not in accordance with the prescribed format may be rejected by the Scottish Ministers.**

- 6.2.6. Each Single Economic Operator and each Group of Economic Operators shall submit one data CD/DVD of the PQQ Submission along with four paper copies (one marked ORIGINAL and three marked COPY) of the PQQ Submission in a sealed package addressed to:**

**Procurement Support Manager
Transport Scotland
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF
United Kingdom**

to arrive by no later than 12 noon GMT on Wednesday 27th January 2016.

- 6.2.7. The paper copies of the PQQ Submission together with the data CD/DVDs shall be submitted in a plain paper package marked:

**Prequalification Submission for the Contract for the
A83 Strone Point Improvement Scheme**

The PQQ Submission shall be saved on the data CD/DVDs in pdf format (Adobe Version 7.0 or compatible alternative).

- 6.2.8.

- (a) Each Economic Operator shall ensure that it receives a written receipt for its PQQ Submission from the Procurement Support Manager or their representative at Transport Scotland.
- (b) Such written receipt shall acknowledge the date and time of receipt of the PQQ Submission and shall be signed by the Procurement Support Manager or their representative. Transport Scotland's own record of time and date of receipt shall be conclusive and it shall be the Economic Operator's responsibility to obtain valid confirmation of safe receipt by Transport Scotland on behalf of the Scottish Ministers.

6.2.9. PQQ's received after the identified latest date and time for such identified in Section 6.2.6 shall not (other than in exceptional circumstances and at the absolute discretion of the Scottish Ministers) be accepted for consideration and as relevant shall be returned unopened to the sender.

6.3. Prequalification Evaluation Process

6.3.1.

- (a) Each PQQ Submission will be evaluated by Transport Scotland staff on the basis of each Economic Operator's economic and financial standing and technical or professional ability to deliver the Works.
- (b) The selection will be carried out in accordance with Scottish Ministers' prequalification evaluation process identified in this Prequalification Prospectus.

6.3.2. Each PQQ Submission will be checked for completeness and compliance and evaluated (as appropriate) by four panels as follows:

- (i) Panel A: Compliance and Completeness Check;
- (ii) Panel B: Eligibility and Minimum Standards of Technical or Professional Ability Evaluation;
- (iii) Panel C: Financial Evaluation; and
- (iv) Panel D: Relevant Experience Evaluation.

6.3.3.

- (a) Each panel will be responsible for checking and evaluating (as appropriate) the specific sections of the PQQ Submissions as identified in the following table.
- (b) In addition, the following table identifies whether a section of the PQQ Submission is: (a) not scored, (b) scored with a minimum threshold; or (c) a pass/fail section.

Section of the PQQ		Panel	Scoring
Section 2	Section 2.1 Main Contact Details	A	Not scored
	Section 2.2 Single Economic Operator	A	Not scored
	Section 2.3 Group of Economic Operators	A	Not scored
	Section 2.4 Group Members	A	Not scored
	Section 2.5 Reliance on the Capacity of Other Entities	A	Not scored
Section 3	Eligibility of Single Economic Operator or Group of Economic Operators	A and B	Pass/Fail
Section 4	Economic and Financial Standing	A and C	Pass/Fail
Section 5	Technical or Professional Ability		
	Section 5.1 Minimum standards of technical or professional ability	A and B	Pass/Fail
	Section 5.2 Quality, Environmental, and Health and Safety Management Systems	A and B	Pass/Fail
	Section 5.3 Construction (Design and Management) Regulations 2015	A and B	Pass/Fail
Section 5.4	Relevant Experience	A and D	Scored with minimum

Section of the PQQ		Panel	Scoring
			threshold
Section 6	Reference Projects	A	Not scored but is required to be completed in order to answer Section 5 of the PQQ
Section 7	Freedom of Information (Scotland) Act 2002 and Environmental Information Regulations Declaration	A	Not scored but is required to be signed otherwise PQQ Submission shall be declared non-compliant

Section of the PQQ		Panel	Scoring
Section 8	Declaration	A	Not scored but is required to be signed otherwise PQQ Submission shall be declared non-compliant

6.4. Compliance and Completeness Check

- 6.4.1. **Panel A** will check each PQQ Submission for compliance and completeness.
- 6.4.2. The Scottish Ministers reserve the right to seek clarification from any Economic Operator at any time in respect of any missing, incomplete or ambiguous information in its PQQ Submission.
- 6.4.3. The Scottish Ministers will treat any incomplete or ambiguous PQQ Submission (or errors in a PQQ Submission) in such manner as the Scottish Ministers shall determine in their absolute discretion.
- 6.4.4.
 - (a) Each Economic Operator shall note that the submission of an incomplete or non-compliant PQQ Submission may result in rejection of that PQQ Submission at the absolute discretion of the Scottish Ministers.
 - (b) For example, although certain information is not scored, if such information is not provided in the PQQ Submission, the PQQ Submission may be rejected by the Scottish Ministers and not given any further consideration.

6.5. Eligibility and Minimum Standards of Technical or Professional Ability Evaluation

6.5.1.

- (a) **Panel B** will review the sections of each PQQ Submission identified in the table in **paragraph 6.3.3** of this Prequalification Prospectus for eligibility and compliance with the requirements identified in the PQQ and the Prequalification Document.
- (b) **Panel B** will evaluate such sections of each PQQ Submission on the basis of **PASS** or **FAIL**.

6.5.2. A PQQ Submission will be marked as a **FAIL** and not considered further if:

- (a) the response to any part of question 3.1.1 (b) of Section 3 of the PQQ is **Yes** (subject to the Scottish Ministers' exercising their absolute discretion); and/or
- (b) the response to any part of question 3.2.1 of Section 3 of the PQQ is **Yes** (subject to the Scottish Ministers' exercising their absolute discretion); and/or
- (c) the response to question 3.3.2 (i) of Section 3 of the PQQ is **No** (subject to the Scottish Ministers' exercising their absolute discretion); and/or
- (d) the response to either question 3.3.2 (ii) or 3.3.2 (iii) of Section 3 of the PQQ is **Yes** (subject to the Scottish Ministers' exercising their absolute discretion); and/or
- (e) the response to either question 3.4.2 (i) or 3.4.2 (ii) of Section 3 of the PQQ is **Yes**, (subject to the Scottish Ministers' exercising their absolute discretion); and/or
- (f) the response to question 3.5.2 of Section 3 of the PQQ is **Yes**, (subject to the Scottish Ministers' exercising their absolute discretion), **and the response to 3.5.3 fails to provide an acceptable level of assurance**; and/or
- (g) the response to the question in Section 5.1 of the PQQ is **No** or the response fails to provide an acceptable example; and/or

- (h) the response to any question in Section 5.2 of the PQQ is **No system in use**; and/or
- (i) the response to any question in Section 5.3 of the PQQ fails to demonstrate the Single Economic Operator's or Group of Economic Operators' competence and/or the written undertakings required pursuant to Section 5.3 of the PQQ are not received by the Scottish Ministers.

6.6. Financial Evaluation

6.6.1.

- (a) Panel C will evaluate the information received in response to Section 4 of the PQQ by allocating a score against each of the 4 economic and financial standing evaluation criteria categories and each of the 4 indicators for each of these evaluation criteria categories (identified in the table contained within paragraph 6.6.1(e) of this Prequalification Prospectus), all in accordance with the scoring system identified in this Section 6.6.
- (b) The following table identifies the scoring system that will apply to each of the indicators for each of the 4 economic and financial standing evaluation criteria categories:

Strength of Response for each indicator for each Evaluation Criteria Categories	How well does the response from the Economic Operator demonstrate adequate economic and financial standing?	Score
Unacceptable	The response does not demonstrate an acceptable level of economic and financial standing.	1 or 3
Acceptable	The response demonstrates an acceptable level of economic and financial standing.	5
Good	The response demonstrates a good level of economic and financial standing.	7
Excellent	The response demonstrates an excellent level of economic and financial standing.	10

- (c) The total marks available to each Economic Operator for each of the 4 indicators for each of the 4 economic and financial standing evaluation criteria categories will be 10.
- (d) The total marks available to each Economic Operator for each of the economic and financial standing evaluation criteria categories will be 40.
- (e) The scoring system that will be applied to each indicator for each of the 4 economic and financial standing evaluation criteria categories is identified in the following table:

FINANCIAL STRUCTURE					
INDICATOR / SCORE	1	3	5	7	10
ACID TEST RATIO	Less than 0.5	Between 0.5 and 1.0 and Decrease from Prior Year	Between 0.5 and 1.0 and Increase from Prior Year	Greater than 1.0 and Decrease from Prior Year	Greater than 1.0 and Increase from Prior Year
GEARING RATIO/INTEREST COVER	Gearing Ratio greater than 100% and Interest Cover less than 1	Gearing Ratio less than 100% and Interest Cover less than 1	1. Gearing Ratio greater than 100% and Interest Cover greater than 5	1. Gearing Ratio less than 100% and Interest Cover between 1 and 5	Gearing Ratio less than 100% and Interest Cover greater than 5
GEARING RATIO/INTEREST COVER PRIOR YEAR COMPARISON	Gearing Ratio increase and Interest Cover decrease	N/A	Gearing Ratio increase and Interest Cover increase	Gearing Ratio decrease and Interest Cover decrease	Gearing Ratio decrease and Interest Cover increase
ASSET TURNOVER RATIO	Less than 0.5	Between 0.5 and 2.0 and Decrease from Prior Year	Between 0.5 and 2.0 and Increase/Static from Prior Year	Greater than 2.0 and Decrease from Prior Year	Greater than 2.0 and Increase from Prior Year
OPERATING PERFORMANCE					
INDICATOR / SCORE	1	3	5	7	10
RETURN ON CAPITAL EMPLOYED	Less than 0%	Between 0% and 10% and Decrease from Prior Year (Score 0.75)	Between 0% and 10% and Increase from Prior Year	Greater than 10% and Decrease from Prior Year	Greater than 10% and Increase from Prior Year
OPERATING PROFIT RATIO	Less than 0%	N/A	Between 0% and 5% and Increase from Prior Year	Greater than 5% and Decrease from Prior Year	Greater than 5% and Increase from Prior Year
CREDITORS DAYS RATIO	Increase from Prior Year by more than 15%	N/A	Increase from Prior Year by 10 - 15%	Increase from Prior Year by 0 - 10%	Decrease from Prior Year
DEBTORS DAYS RATIO	Increase from Prior Year by more than 15%	N/A	Increase from Prior Year by 10 - 15%	Increase from Prior Year by 0 - 10%	Decrease from Prior Year
INVESTMENT					
INDICATOR / SCORE	1	3	5	7	10
PRICE EARNINGS RATIO (PARENT)	Less than 5 and Decrease from Prior Year	N/A	Less than 5 and Increase from Prior Year	Greater than 5 and Decrease from Prior Year	Greater than 5 and Increase from Prior Year
CASH FLOW	Decrease in Cash and Cash Equivalents by more than 10%	N/A	Decrease in Cash and Cash Equivalents between 0 - 10%	Increase in Cash and Cash Equivalents between 0 - 5%	Increase in Cash and Cash Equivalents by more than 5%
BASIC CHECK - COMPANIES HOUSE	Company is reported as no longer trading	Companies accounts have been filed late with no valid reason	Companies accounts have been filed late with valid reason	N/A	Company is trading and accounts have been filed on time
STATUS OF LATEST PUBLISHED ACCOUNTS	Accounts are Qualified	Accounts are Unaudited with no valid reason	Accounts are Unaudited with valid reason	N/A	Accounts are Audited and Unqualified
FINANCIAL POSITION					
INDICATOR / SCORE	1	3	5	7	10
ANNUAL CONTRACT VALUE TO ANNUAL TURNOVER PERCENTAGE	Annual Contract value is more than 75% of annual turnover	N/A	Annual Contract Value is between 50 - 75% of annual turnover	Annual Contract Value is between 25% and 50% of annual turnover	Annual Contract value is less than 25% of annual turnover
TURNOVER - RELIANCE ON CUSTOMER/DECLINING BUSINESS SECTOR	Economic Operator relies solely on declining Business Sector/Small Customer Base	N/A	Economic Operator has average reliance on declining Business Sector/Small Customer Base	Economic Operator has minimal reliance of declining Business Sector/Small Customer Base	Economic Operator has a wide and varied portfolio of Sectors
TURNOVER COMPARISON (PREVIOUS 2 YEARS)	Turnover has decreased by more than 10%	Turnover has decreased by between 5 - 10%	Turnover has decreased by between 0 - 5%	Turnover has increased by 0 - 2%	Turnover has increased by more than 2%
NET WORTH	Negative Net Worth	Positive Net Worth with Large Contingent Liabilities	Positive Net Worth with no Large Contingent Liabilities but has decreased by more than 10% from Prior Year	Positive Net Worth with no Large Contingent Liabilities but has decreased by between 0 - 10% from Prior Year	Positive Net Worth with no Large Contingent Liabilities that has increased from Prior Year

6.6.2. Where the PQQ Submission has been submitted by a Group of Economic Operators, the information submitted by each Group Member will be evaluated in the proportion of the percentage shareholdings or percentage equity/interest of each Group Member and a weighted score determined for such Group of Economic Operators on that basis.

6.6.3. A PQQ Submission in response to **Section 4** of the PQQ will be marked as a **FAIL** and will not be considered further if the score achieved by a Single Economic Operator or a Group of Economic Operators is less than **50** percent of the available marks in respect of any of the **4** economic and financial criteria evaluation categories.

6.7. Relevant Experience Evaluation

6.7.1. **Panel D** will evaluate the response to each question in **Section 5.4** of the PQQ by allocating a score in accordance with the scoring system identified in the following table:

Strength of Response	How well does the response from the Single Economic Operator or Group of Economic Operators demonstrate technical or professional ability?	Score
Weak	The response does not demonstrate an acceptable level of technical or professional ability.	1-4
Acceptable	The response demonstrates an acceptable level of technical or professional ability.	5-6
Good	The response demonstrates a good level of technical or professional ability.	7-8
Excellent	The response demonstrates an excellent level of technical or professional ability.	9-10

6.7.2. The score for each question in Section 5.4 of the PQQ shall be weighted in accordance with the weighting identified in the following table, and the weighted scores shall be combined into an overall quantitative evaluation of technical or professional ability.

5.4		Relevant Experience	Weighting
	5.4.1	Management and supervision	20%
	5.4.2	Traffic Management Systems	10%
	5.4.3	Consultation / Community Engagement	10%
	5.4.4	Health and Safety	15%
	5.4.5	Sustainability / Carbon Management	10%
	5.4.6	Control of Sub-contractors	10%
	5.4.7	Quality Management Systems	10%
	5.4.8	Environment and Ecology	15%

6.8. Selection of Tenderers

6.8.1. The **6** Economic Operators who have

- (i) submitted a compliant PQQ Submission; and
- (ii) gained a **PASS** in respect of the eligibility and minimum standards of technical or professional ability evaluation conducted pursuant to Section 6.5 of this Prequalification Prospectus; and
- (iii) gained a **PASS** in respect of the financial evaluation conducted pursuant to Section 6.6 of this Prequalification Prospectus; and
- (iv) scored **50 per cent or more** of the available maximum weighted evaluation score for each question in Section 5.4 of the PQQ; and,
- (v) achieved the **first, second, third, fourth, fifth or sixth** highest combined weighted scores in respect of technical or professional ability calculated in accordance with Section 6.7 this Prequalification Prospectus

may be selected as the Tenderers, and be invited to submit a Tender for the Contract.

6.9. Clarifications

6.9.1. The Scottish Ministers via any or all of the panels identified in **Section 6.3.2** of this Prequalification Prospectus shall be entitled at any time to seek clarifications from any Economic Operator in relation to its PQQ Submission.

6.9.2.

- (a) The Scottish Ministers via Panel D (or their authorised delegates) shall be entitled at any time to seek clarifications and verifications from any of the clients and contacts that have been named in respect of the reference projects.
- (b) In order to ensure that any such clarifications and verifications can be made, each Economic Operator shall ensure that all such clients and contacts have been notified in writing by the Economic Operator (prior to delivering the PQQ Submission to the Scottish Ministers) that they may be contacted by the Scottish Ministers for verification of information contained in the PQQ Submission.
- (c) In addition, each Economic Operator shall ensure that such clients and contacts have consented in writing to any such approach by or on behalf of the Scottish Ministers.

6.9.3.

- (a) The Scottish Ministers via Panel C (or their authorised delegates) shall be entitled to seek clarification and verification from any of the named referees (from banks and other financial institutions) arising from the economic and financial standing evaluation.
- (b) In order to ensure that any such clarifications and verifications can be made, each Economic Operator shall ensure that all such referees have been notified in writing by the Economic Operator (prior to delivering the PQQ Submission to the Scottish Ministers) that they may be contacted by the Scottish Ministers for verification of information contained in the PQQ Submission.

- (c) In addition each Economic Operator shall ensure that such referees have consented in writing to any such approach by or on behalf of the Scottish Ministers.
- 6.9.4. The Scottish Ministers via the panels shall be entitled at any time to invite any Economic Operator to clarification meeting(s) with the relevant panels and their advisers, to clarify any aspect of its PQQ Submission.
- 6.9.5.
- (a) The relevant panels may carry out meetings in Glasgow, at the offices of Transport Scotland, Buchanan House, 58 Port Dundas Road, G4 0HF
- (b) Each Economic Operator will be given a minimum of **seven** calendar days notice to attend any such meeting.
- 6.9.6. The relevant panels shall be entitled to take account of any subsequent information provided as clarification in any Economic Operator's responses to:
- (i) written queries from the Scottish Ministers via the panels;
- (ii) queries from the Scottish Ministers via the panels to the clients or contacts provided in respect of the reference projects;
- (iii) queries from the Scottish Ministers via the panels to referees in respect of the financial submission; and/or
- (iv) queries from the Scottish Ministers via the panels at any clarification meeting.
- 6.10. Changes in the Composition of Single Economic Operators, Groups of Economic Operators, Tenderers, or the Successful Tenderer**
- 6.10.1. Each Single Economic Operator, Group of Economic Operators, including any Participant, Tenderer or the Successful Tenderer is required to inform the Scottish Ministers immediately of any changes to the information provided in its PQQ Submission.

6.10.2.

- (a) In the event that a Single Economic Operator, a Group of Economic Operators, including any Participant, Tenderer or any Successful Tenderer alters its composition (which shall include, but not be limited to, a change in the identity of any entity named in any PQQ Submission whose capacity has been relied upon in making the PQQ Submission) or legal character after prequalifying, the Scottish Ministers reserve the right to require the relevant Single Economic Operator, Group of Economic Operators, Participant, Tenderer or any Successful Tenderer to complete another copy of the PQQ for re-evaluation in accordance with the criteria used in relation to the evaluation of the original PQQ Submission.
- (b) The Scottish Ministers reserve the right to withdraw the prequalification of any Single Economic Operator or Group of Economic Operators (including any Tenderer or Successful Tenderer) at any time, if the Scottish Ministers believe that any such Single Economic Operator or Group of Economic Operators (including any Tenderer or Successful Tenderer) no longer has the required economic and financial standing and/or technical or professional ability; or the Single Economic Operator or Group of Economic Operators (including any Tenderer or Successful Tenderer) is otherwise ineligible.

6.11. Freedom of Information

6.11.1.

- (a) All information submitted to Transport Scotland may need to be disclosed and published by the Scottish Ministers.
- (b) Without prejudice to the foregoing generality, the Scottish Ministers and Transport Scotland are subject to the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004.
- (c) This means that any person who makes a valid request for information held by the Scottish Ministers or Transport Scotland will be entitled to receive it, unless all or part of that information can be withheld as a result of one or more of the exemptions in the relevant legislation.

- (d) The decisions of the Scottish Ministers in the interpretation of the relevant legislation shall be final and conclusive in any dispute, difference or question arising in respect of disclosure under its terms, subject to determination of an appeal against any agreement or refusal to release any information by the Scottish Information Commissioner.
- 6.11.2. In addition, the Scottish Ministers may require the disclosure of information in compliance with any other law, or, as a consequence of judicial order, or order by any court or tribunal with the authority to order disclosure.
- 6.11.3.
- (a) The Scottish Ministers may also disclose all information submitted to them to the Scottish or United Kingdom Parliament or any other department, office or agency of Her Majesty's Government in Scotland or the United Kingdom, and their servants or agents.
- (b) Each Economic Operator should be aware that, when disclosing such information to either the Scottish or United Kingdom Parliament, the Scottish Ministers shall, if they see fit, disclose such information but are unable to impose any restriction upon the information they provide to Members of the Scottish Parliament, or Members of the United Kingdom Parliament.
- 6.11.4.
- (a) Accordingly, if any Economic Operator considers that any of the information included in the PQQ Submission is commercially sensitive this shall be identified with an expectation (in broad terms) of what prejudice might result from disclosure and/or publication.
- (b) It should be remembered, though, that even where an Economic Operator has indicated that information is commercially sensitive, the Scottish Ministers may disclose this information where they see fit.
- 6.11.5. Receipt by the Scottish Ministers of any material marked "**Commercially Sensitive**" or equivalent should not be taken to mean that the Scottish Ministers accept any duty of confidence by virtue of that marking.

6.11.6. The Scottish Ministers may publish, on the Scottish Government and/or Transport Scotland websites, the names and contact details of companies who have been issued with a Prequalification Document.

6.12. Crown Copyright

6.12.1. The copyright in this Prequalification Prospectus and the PQQ and its related materials belong to the Crown.

6.12.2. Except for the purposes of making a PQQ Submission, no Economic Operator shall reproduce the Prequalification Document in any form (including photocopying or storing by electronic means) without the specific written permission of the Crown.

6.12.3. The Prequalification Document (and any copies thereof and/or any supplemental documents issued at any time) are and shall remain the property of the Crown which is entitled to demand their return and/or destruction at any time.

6.13. Confidentiality

6.13.1.

(a) The Prequalification Document and all other information supplied by the Scottish Ministers should be kept confidential and shall not be copied, reproduced, disclosed or distributed to others at any time by any Economic Operator without the prior written consent of the Scottish Ministers (other than to directors, officers, employees and professional advisers of the Economic Operator who need to know the confidential information contained therein, and only to the extent necessary for the purpose of evaluating whether or not and on what terms the Economic Operator might proceed with a more detailed review of the matters discussed in the Prequalification Document and provided that such persons undertake the same responsibilities as set out herein).

(b) Any party who the Scottish Ministers consider is in breach of this requirement may be excluded from the procurement process, without prejudice to any other rights which the Scottish Ministers may have.

6.14. Publicity and Media Statements

6.14.1.

- (a) Each Economic Operator shall obtain the Scottish Ministers' prior written consent (on form, content and purpose) before any statements or other disclosures regarding the Prequalification Document, the PQQ Submission and the Economic Operator's participation in the procurement competition generally are made available to the press, media, industry journals or into any other public domain (including seminars, conferences and parties' own promotional or technical literature and internal and external intranet or website).
- (b) Any such request for consent shall be required to use the convention "commercially sensitive" and the process for provision of any response to any such request will be similar to the requirements and process identified in Section 6.1.
- (c) Failure to obtain the Scottish Ministers' prior written consent (at the Scottish Ministers' absolute discretion) may result in curtailment of further participation in this procurement process or such other sanctions as the Scottish Ministers consider appropriate.
- (d) It shall be each Economic Operator's responsibility to ensure that any statement or disclosure, if consented to by the Scottish Ministers, is used in a manner which does not depart materially from the form and content so consented.

6.15. Conflict of interest

6.15.1.

- (a) Each Economic Operator is instructed to ensure that its participation in this procurement competition and its appointment, if successful, as the Contractor (and its use of any advisers, consultants or sub-contractors) has not and will not create any conflict of interest or any situation which might compromise the Scottish Ministers' and Transport Scotland's duty to manage an open, fair,

non-discriminatory and competitive procurement process and the Scottish Ministers' and Transport Scotland's interests generally.

- (b) Details of any conflict or potential conflict shall be included in the information provided in response to the requirements of 3.5.3 in Section 3.5 of the PQQ.
 - (c) Any conflict or potential conflict which arises or becomes known following the PQQ submission shall be reported in writing to Transport Scotland immediately.
- 6.15.2. The declaration of a potential conflict of interest shall not result in automatic disqualification of an Economic Operator.
- 6.15.3. The Scottish Ministers will assess the likelihood of any conflict affecting the procurement process, taking into account the Economic Operator's proposal for dealing with the conflict, in deciding whether or not to consider the Economic Operator ineligible to participate in this procurement competition.
- 6.15.4. If it appears that the conflict will have such an effect, the Scottish Ministers will discuss the matter with the Economic Operator and seek to agree a method for dealing with the conflict satisfactorily.
- 6.15.5. In the event that agreement is not reached on terms acceptable to the Scottish Ministers, the Economic Operator will be excluded from further consideration.
- 6.15.6. The Scottish Ministers' decision on the matter shall be final.

6.16. Disqualification

- 6.16.1. Any breach of the requirements of this Section 6, or the commission or any attempted commission of any offence of:
- (a) corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906 where the offence relates to active corruption as defined in Article 3 of the Council Act of 26th May 1997 and Article 3(1) of the council Joint Action 98/742/JHA; or
 - (b) bribery or corruption within the meaning of sections 68 and 69 of the Criminal Justice (Scotland) Act 2003 where the offence relates to active corruption; or

- (c) bribery within the meaning of sections 1 or 6 of the Bribery Act 2010 by an Economic Operator or anyone employed by it or acting on its behalf (whether such breach or offence is with or without the knowledge of the Economic Operator); or
- (d) the offering or giving of any fee or reward the receipt of which is an offence under sub-section (2) of Section 68 of the Local Government (Scotland) Act 1973 in respect of the procurement process in relation to, or the award of, the Contract;

shall entitle the Scottish Ministers to disqualify the Economic Operator.

6.17. Revisions by the Scottish Ministers to the Prequalification Document and Procedures

- 6.17.1. The Scottish Ministers reserve the right to make revisions to the Prequalification Document (together with any associated documents) and/or the context, process, timing and structure of the procurement process at any time.
- 6.17.2. No additional time in relation to submission deadlines for the PQQ Submissions will be granted, following notification of any such revision, unless the Economic Operators are expressly notified of any extension by the Scottish Ministers.

6.18. No Liability for Costs

- 6.18.1. Each Economic Operator shall be solely responsible for all costs, expenses and liabilities incurred in connection with its participation in the procurement competition for the Contract including preparation and submission of any indication of interest and PQQ Submission, participation in preparation and submission of a tender or other related activity and are irrecoverable from the Scottish Ministers, Transport Scotland or any of their advisors, and each and every Scottish Ministers instruction given to any Economic Operator during the procurement process are to be carried out at the Economic Operator's cost and risk.

6.19. Discontinuance or Suspension of the Competition for the Contract

- 6.19.1.

- (a) The Scottish Ministers may elect to discontinue or suspend the procurement competition for the Contract at any time without selecting any Economic Operator, or any Tenderers.
- (b) The Scottish Ministers may do so without responsibility or liability to any Economic Operator resulting from such discontinuation or suspension, including any liability for any costs or expenditure incurred, or inconvenience caused.

6.19.2. In the event that at any stage:

- (i) an Economic Operator decides not to pursue its interest;
- (ii) the Scottish Ministers notify an Economic Operator that it will not be invited to submit a tender; or
- (iii) the Scottish Ministers discontinue the procurement process

the Economic Operator should return the Prequalification Document and all related materials to the Scottish Ministers or confirm to the Scottish Ministers in writing that they have been destroyed and that all copies have also been returned to the Scottish Ministers or destroyed.

6.19.3. Should the Scottish Ministers need to suspend the procurement competition, the Scottish Ministers will issue instructions to each Economic Operator regarding the expected duration of the suspension and other related matters.

6.19.4. The Scottish Ministers reserve the right not to award the Contract as a result of the procurement competition identified in the Prequalification Document.

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APPENDICES

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APPENDIX A**QUERY FORM**

Name of Economic Operator:		Query No:	
Confidential Query	Yes/No		
If Yes, provide reasons			
Query:			
Contact Name:			
Position:			
Date:			
Clarification Reference No:			
Response			
Contact Name:			
Position:			
Date:			

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**COMPETITION FOR THE CONTRACT
FOR
A83 STRONE POINT IMPROVEMENT SCHEME
TS/TRBO/WKS/2015/04**

ECONOMIC OPERATOR'S PREQUALIFICATION QUESTIONNAIRE

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PREQUALIFICATION QUESTIONNAIRE**1. Instructions to Economic Operators**

1.1. Each **Economic Operator** shall complete this PQQ in accordance with the instructions identified in **Section 6** of the Prequalification Prospectus and in this PQQ.

1.2. This PQQ may be completed by a Single Economic Operator or a Group of Economic Operators. For the purposes of this PQQ:

Single Economic Operator means a single entity which is submitting a PQQ Submission on its own. This could include a special purpose company which has been set up for the procurement competition for the Contract;

Group of Economic Operators means an unincorporated consortium (which could include an unincorporated joint venture);

Group Member means a member of a Group of Economic Operators; and

Consortium means two or more persons, at least one of whom is an Economic Operator, acting jointly for the purpose of being awarded a public contract.

1.3. Single Economic Operators and Groups of Economic Operators shall complete the PQQ as identified in the following table.

Section of the PQQ		Single Economic Operator	Group of Economic Operators	Parent company	Scoring
Section 2	Section 2.1 - Main Contact Details	✓	✓	-	Not scored
	Section 2.2 - Single Economic Operator	✓	-	✓	Not scored
	Section 2.3 - Group of Economic Operators	-	✓	-	Not scored
	Section 2.4 - Group Members	-	✓	✓	Not scored

Section of the PQQ		Single Economic Operator	Group of Economic Operators	Parent company	Scoring
	Section 2.5 - Reliance on the Capacity of Other Entities	✓	✓	-	Not scored
Section 3	Eligibility of Single Economic Operator or Group of Economic Operators	✓	✓	-	Pass/Fail
Section 4	Economic and Financial Standing	✓	✓	✓	Pass/Fail
Section 5	Section 5.1 - Minimum standards of Technical or Professional Ability	✓	✓	-	Pass/Fail
	Section 5.2 - Quality, Environmental, and Health and Safety Management Systems	✓	✓	-	Pass/Fail
	Section 5.3 - Construction (Design and Management) Regulations 2015	✓	✓	-	Pass/Fail
	Section 5.4 - Relevant Experience	✓	✓	-	Scored with minimum threshold

Section of the PQQ		Single Economic Operator	Group of Economic Operators	Parent company	Scoring
Section 6	Reference Projects	✓	✓	-	Not scored but is required to be completed by the Economic Operator in order to answer Questions 5.4.1 to 5.4.8
Section 7	Freedom of Information (Scotland) Act 2002 and Environmental Information Regulations Declaration	✓	✓	-	Not scored but is required to be signed by the Economic Operator otherwise PQQ Submission shall be declared non-compliant

Section of the PQQ		Single Economic Operator	Group of Economic Operators	Parent company	Scoring
Section 8	Declaration	✓	✓	-	Not scored but is required to be signed by the Economic Operator otherwise PQQ Submission shall be declared non-compliant

- 1.4. Further guidance is provided at the start of each Section of the PQQ regarding completion of the questions in that Section.
- 1.5. Although certain information is not scored, if such information is not provided in the PQQ Submission, the PQQ Submission may be rejected by the Scottish Ministers.
- 1.6. The PQQ Submission shall be in English. Any material which has been translated into English should be certified by the translator as a **true and fair** translation.
- 1.7.
- (a) Single Economic Operators and Groups of Economic Operators shall in their PQQ Submissions provide the information required in the PQQ in a clear and concise manner and only material specifically required by the PQQ shall be included.
 - (b) However, Single Economic Operators and Groups of Economic Operators established outside of the United Kingdom may, as appropriate, provide equivalent information to that which is required in the PQQ.

- (c) General promotional or publicity material shall **not** be submitted as part of the PQQ Submission.

1.8.

- (a) All financial information or data forming part of the PQQ Submission shall be submitted in or converted to pounds sterling.
- (b) Where official documents include financial data in a foreign currency, a sterling equivalent shall be provided by the Single Economic Operator or the Group of Economic Operators.
- (c) Any such sterling equivalent shall be certified as a **true and fair** equivalent by the Single Economic Operator or the Group of Economic Operators.

1.9.

- (a) The PQQ shall be completed under the headings given, using the tables and schedules provided by the Scottish Ministers, and shall follow the order and numbering contained in the PQQ.
- (b) Single Economic Operators and Groups of Economic Operators shall comply with the requirements identified in the PQQ in respect of permitted number of words.
- (c) The font of the text to be used by Single Economic Operators and Groups of Economic Operators in this PQQ Submission shall be Arial 11 point with not less than single line spacing.

- 1.10. Where any text in the PQQ is marked with an “*”, the requirement on Single Economic Operators and Groups of Economic Operators shall be to **delete as appropriate**.

1.11. **Any Economic Operator whose PQQ Submission is not in accordance with the prescribed format may be rejected by the Scottish Ministers.**

1.12.

(a) **Each Single Economic Operator and each Group of Economic Operators shall submit one data CD/DVD of the PQQ Submission along with four paper copies (one marked ORIGINAL and three marked COPY) of the PQQ Submission in a sealed package addressed to:**

**Procurement Support Manager
Transport Scotland
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF
United Kingdom**

to arrive by no later than 12 noon GMT on Wednesday 27th January 2016.

(b) **The paper copies of the PQQ Submission, together with the data CD/DVDs shall be submitted in a plain package marked:**

**Prequalification Submission for the Contract for the
A83 Strone Point Improvement Scheme**

(c) **The PQQ Submission shall be saved on the data CD/DVDs in pdf format (Adobe Version 7.0 or compatible alternative).**

2. ECONOMIC OPERATORS**2.1. Main Contact Details**

Questions 2.1.1 and 2.1.2 shall be answered by the main contact for a Single Economic Operator or a Group of Economic Operators

2.1.1. Provide the name, position and contact details of the Economic Operator's main contact for the procurement process.

Name	
Position	
Organisation	
Telephone number	
Email	

2.1.2. Is this PQQ completed by a Single Economic Operator or a Group of Economic Operators?

	Tick one box only
Single Economic Operator	
Group of Economic Operators	

2.2. Single Economic Operator

Questions 2.2.1 to 2.2.6 shall be answered by Single Economic Operators only

- 2.2.1. Provide the full legal name and address of the Single Economic Operator in whose name the Tender will be submitted.

Name of Single Economic Operator	
Address	
Postcode	
Country	
Telephone number	

- 2.2.2. Provide the current legal status of the Single Economic Operator.

	Tick one box only
Public limited company	
Private limited company	
Partnership/limited liability partnership/limited partnership	
Other (state)	

- 2.2.3.

- (a) Provide the date and place of formation of the Single Economic Operator and, if applicable, registration under the Companies Acts 1985 to 2006 or equivalent.

- (b) Provide copies of Certificates of Incorporation (where appropriate) and any changes of name, registered office and principal place of business of the Single Economic Operator.

Date of formation	
Place of formation	
Date of registration	
Company registration number	
Certificates enclosed in Schedule One to this PQQ	Yes/No*
Registered office	
Principal place of business	

2.2.4. Ownership structure

- (a) Provide the full name and address of parent company or companies of the Single Economic Operator (if applicable).

Company name	
Address	
Postcode	
Country	
Telephone number	
Company registration number (or equivalent)	

- (b) Provide the full legal name and address of ultimate parent company or companies, or group holding company or companies of the Single Economic Operator (if applicable).

Company name	
Address	
Postcode	
Telephone number	
Country	
Company registration number (or equivalent)	

- (c) If the Single Economic Operator is a division or subsidiary of a larger organisation, provide its legal and corporate relationship with the parent company (ownership, directorship and the like).

Relationship	
---------------------	--

- (d) Provide a one-page chart illustrating the ownership structure of the Single Economic Operator including the ownership and control relationships with any parent company or other group or holding companies (if applicable).

Ownership structure enclosed in Schedule Two to this PQQ	Yes/No*
If No, provide an explanation	

2.2.5 Provide a brief description of the Single Economic Operator's organisation (if applicable).

Brief description of the Single Economic Operator's organisation (no more than 400 words), including details of any parent and associated companies and any changes of ownership over the last 5 years including details of significant pending developments, changes in financial structure or ownership, prospective take-over bids, buy-outs and closures, and the like which are currently in the public domain.	
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2.2.5. Provide the VAT registration number (if applicable) of the Single Economic Operator.

VAT registration number	
--------------------------------	--

2.3. Group of Economic Operators

Questions 2.3.1 to 2.3.4 shall be answered by Groups of Economic Operators only

2.3.1. Does the Group of Economic Operators intend to form a single legal entity?

	Tick one box only
Yes	
No	

2.3.2. If 'Yes' is answered to question 2.3.1, provide details of the proposed percentage shareholdings (in voting/economic terms) of each Group Member in the proposed single legal entity.

Name of Group Member	Percentage shareholding

2.3.3. If No is answered to question 2.3.1, provide details of the proposed percentage equity/interest (in voting/economic terms) of each Group Member in the Consortium.

Name of Group Member	Percentage equity/interest

- 2.3.4. If the Group of Economic Operators does not currently intend to form a single legal entity, would the Group of Economic Operators form a single legal entity if required by the Scottish Ministers to ensure satisfactory performance of the Contract?

		Tick one box only
Yes		
No		
If No, provide an explanation		

2.4. Group Members

Questions 2.4.1 to 2.4.6 shall be answered by each Group Member

2.4.1. Provide the full legal name and address of the Group Member.

Name of Group Member	
Address	
Postcode	
Country	
Telephone number	

2.4.2. Provide the current legal status of the Group Member.

	Tick one box only
Public limited company	
Private limited company	
Partnership/limited liability partnership/limited partnership	
Other (state)	

2.4.3.

- (a) Provide the date and place of formation of the Group Member and, if applicable, registration under the Companies Acts 1985 to 2006 or equivalent.
- (b) Provide copies of Certificates of Incorporation (where appropriate) of the Group Member and any changes of name, registered office and principal place of business.

Date of formation	
Place of formation	
Date of registration	
Company registration number	
Certificates enclosed in Schedule One to this PQQ	Yes/No*
Registered office	
Principal place of business	

2.4.4. Ownership structure

- (a) Provide the full name and address of parent company or companies of the Group Member (if applicable).

Company name	
Address	
Postcode	
Country	
Telephone number	
Company registration number (or equivalent)	

- (b) Provide the full legal name and address of ultimate parent company or companies, or group holding company or companies of the Group Member (if applicable).

Company name	
Address	
Postcode	
Telephone number	
Country	
Company registration number (or equivalent)	

- (c) If the Group Member is a division or subsidiary, provide what is its legal and corporate relationship with the parent company (ownership, directorship and the like)?

Relationship	
---------------------	--

- (d) Provide a one-page chart illustrating the ownership structure of the Group Member including the ownership and control relationships with any parent company or other group or holding companies (if applicable).

Ownership structure enclosed in Schedule Two to this PQQ	Yes/No*
If No answered, provide an explanation	

- 2.4.5. Provide a brief history of the Group Member's organisation (if applicable).

Brief description of the Group Member's organisation (no more than 400 words), including details of any parent and associated companies and any changes of ownership over the last 5 years including details of significant pending developments, changes in financial structure or ownership, prospective take-over bids, buy-outs and closures and the like which are currently in the public domain.	
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- 2.4.6. Provide the VAT registration number (if applicable) of the Group Member.

VAT registration number	
--------------------------------	--

2.5. Reliance on the capacity of other entities

Section 2.5 shall be answered by Single Economic Operators and Groups of Economic Operators.

Where a Single Economic Operator or Group of Economic Operators is relying on the capacities of other entities to demonstrate economic or financial standing and/or technical or professional ability in answer to the questions in Sections 4 and 5 of this PQQ, Single Economic Operators and Groups of Economic Operators are required to identify those entities in this Section 2.5.

Note that any entities named in response to this Section 2.5 shall be recorded in the declaration in Section 8 of this PQQ.

Economic and Financial Standing

2.5.1. Tick only the box below which applies.

<p>(a) You are a Single Economic Operator and you are <u>not</u> relying on the economic and financial capacities of other entities (for example, a parent company) to answer Section 4 of this PQQ</p>	
<p>(b) You are a Single Economic Operator and you are relying on the economic and financial capacities of other entities (for example, a parent company) to answer Section 4 of this PQQ</p>	
<p>(c) You are a Group of Economic Operators and none of you are relying on the economic and financial capacities of other entities (other than the Group Members) (for example, a parent company) to answer Section 4 of this PQQ</p>	
<p>(d) You are a Group of Economic Operators and one or all of you are relying on the economic and financial capacities of other entities (in addition to the Group Members) (for example, a parent company) to answer Section 4 of this PQQ</p>	

- 2.5.2. If you answered Yes to question 2.5.1(b) or (d), identify in the following table the name of any entity whose economic and financial capacity you are relying on and the level and nature of the financial support which this entity will provide.

Name of Entity	Financial support to be relied on and provided

Technical or Professional Ability

- 2.5.3. Tick only the box below which applies.

(a) You are a Single Economic Operator and you are <u>not</u> relying on the technical or professional capacities of other entities to answer Section 5 of this PQQ	
(b) You are a Single Economic Operator and you are relying on the technical or professional capacities of other entities to answer Section 5 of this PQQ	
(c) You are a Group of Economic Operators and none of you are relying on the technical or professional capacities of other entities (other than the Group Members) to answer Section 5 of this PQQ	
(d) You are a Group of Economic Operators and one or all of you are relying on the technical or professional capacities of other entities (in addition to the Group Members) to answer Section 5 of this PQQ	

- 2.5.4. If you have ticked the box in relation to Question 2.5.3(b) or (d), identify in the following table, the name of any entity whose capacity you are relying on and the works/services for which this entity will be responsible. For example, a key sub-contractor

Name of entity	Works/services to be delivered and the approximate percentage of what this represents of the total Services

3. ELIGIBILITY OF SINGLE ECONOMIC OPERATOR OR GROUP OF ECONOMIC OPERATORS

Questions 3.1.1 (a) and (b) and 3.2.1 shall be answered by Single Economic Operators and, in respect of a Group of Economic Operators, by each Group Member

3.1. Statement relating to Professional or Personal Misconduct (I)

3.1.1.

- (a) The Scottish Ministers (at their absolute discretion) shall treat as ineligible and shall not select an Economic Operator, if the Economic Operator answers yes to any of the questions identified in the following table.
- (b) Have you, or your directors or any other person who has powers of representation, decision or control of the Single Economic Operator or Group Member (as appropriate), been convicted of any of the following offences contained in the following table?

	Delete as appropriate
(a) the common law offence of conspiracy where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA) or an offence under sections 28 or 30 of the Criminal Justice and Licensing (Scotland) Act 2010	Yes/No*
(b) corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906 where the offence relates to active corruption as defined in Article 3 of the Council Act of 26th May 1997 and Article 3(1) of the council Joint Action 98/742/JHA	Yes/No*

Table to be copied, re-used and completed by each Group Member, as appropriate. Identify to which Group Member the information relates.

	Delete as appropriate
(c) bribery or corruption within the meaning of sections 68 and 69 of the Criminal Justice (Scotland) Act 2003 where the offence relates to active corruption, or bribery within the meaning of sections 1 or 6 of the Bribery Act 2010	Yes/No*
(d) the common law offence of incitement to commit a crime	Yes/No*
(e) fraud, where the offence relates to fraud affecting the financial interest of the European Communities as defined by Article 1 of the Convention relating to the protection of the financial interests of the European Union, within the meaning of: <ul style="list-style-type: none"> (i) the offence of cheating the Revenue; (ii) the common law offence of fraud; (iii) the common law offence of theft or fraud; (iv) fraudulent trading within the meaning of section 458 of the Companies Act 1985; (v) defrauding the Customs within the meaning of the Customs and Excise Management Act 1979 and the Value Added Tax Act 1994; (vi) an offence in connection with taxation in the European Community within the meaning of section 71 of the Criminal Justice Act 1993; (vii) the common law offence of uttering; or (viii) the criminal offence at common law of attempting to pervert the course of justice 	Yes/No*

	Delete as appropriate
(f) money laundering within the meaning of section 340(11) of the Proceeds of Crime Act 2002 or the Money Laundering Regulations 2007, or an offence in connection with proceeds of drug trafficking within the meaning of sections 49, 50 or 51 of the Drug Trafficking Act 1994	Yes/No*
(g) any other offence within the meaning of Article 45(1) of the Public Sector Directive as defined by the national law of any relevant state	Yes/No*

If you have answered Yes to any of the above questions, provide details of the incident and outline corrective and preventative actions subsequently taken.

3.2. Statement relating to Professional or Personal Misconduct (II)

3.2.1. The Scottish Ministers (at their absolute discretion) may treat an Economic Operator as ineligible or decide not to select an Economic Operator if the Economic Operator answers Yes to one or more of the following questions.

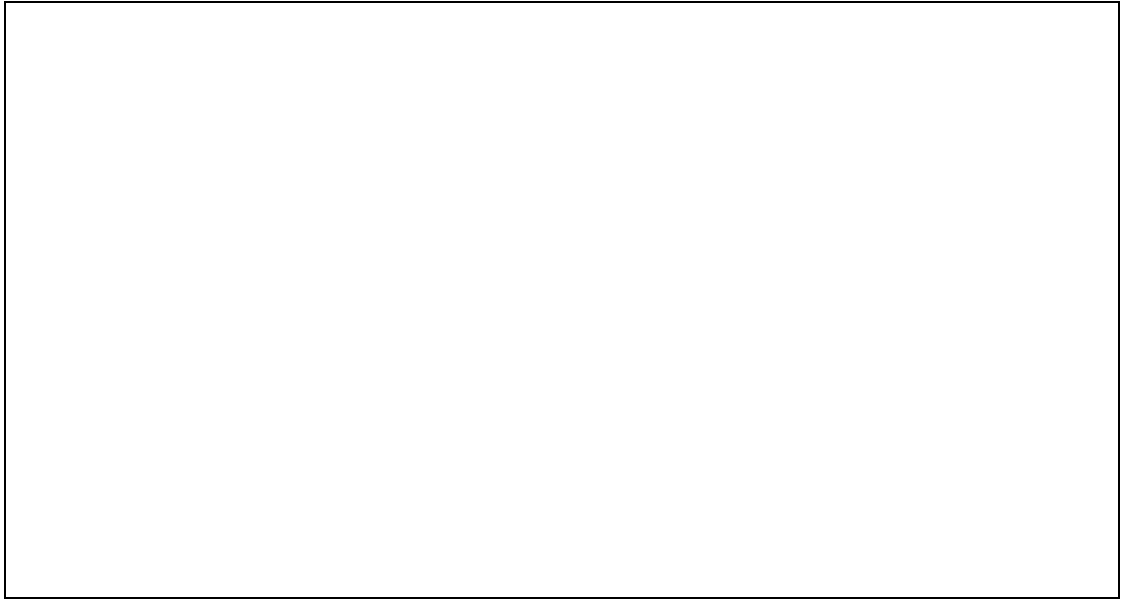
	Delete as appropriate
(a) if you are an individual, are you bankrupt or have you had a receiving order or administration order or bankruptcy restrictions made against you or have you made any composition or arrangement with or for the benefit of creditors or have you made any conveyance or assignation for the benefit of creditors or you appear unable to pay, or to have no reasonable prospect of being able to pay, a debt within the meaning of section 268 of the Insolvency Act 1986 or article 242 of the Insolvency (Northern Ireland) Order 1989, or on Scotland have you granted a trust deed for creditors or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of that individual's estate, or is the subject of any similar procedure under the law of any other state.	Yes/No/Not applicable*
(b) if you are a partnership constituted under Scots law, have you granted a trust deed or become otherwise apparently insolvent, or are you the subject of a petition presented for sequestration of your estate?	Yes/No/Not applicable*

Table to be copied, re-used and completed by each Group Member as appropriate. Identify to which Group Member the information relates.

	Delete as appropriate
(c) if you are a company or any other entity within the meaning of section 255 of the Enterprise Act 2002, have you passed a resolution or are you the subject of an order by the court for the company's winding up otherwise than for the purpose of bona fide reconstruction or amalgamation, or have you had a receiver, manager or administrator on behalf of a creditor appointed in respect of the company's business or any part thereof or are you the subject of similar procedures under the law of any other state?	Yes/No/Not applicable*
(d) have you been convicted of a criminal offence relating to the conduct of your business or profession? (For example, any health and safety prosecution.)	Yes/No*
(e) have you committed an act of grave misconduct in the course of your business or profession?	Yes/No*
(f) have you not fulfilled obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which your organisation is established?	Yes/No*
(g) have you not fulfilled obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which you are established?	Yes/No*
(h) are you guilty of serious misrepresentation in providing any information referred to in this PQQ or have you failed to provide any information in response to a request from the Scottish Ministers?	Yes/No*

	Delete as appropriate
<p>(i) Has your organisation ever compiled, used, sold or supplied a prohibited list which:</p> <p>(a) contains details of persons who are or have been members of trade unions or persons who are taking part or have taken part in the activities of trade unions, and</p> <p>(b) is compiled with a view to being used by employers or employment agencies for the purposes of discrimination in relation to recruitment or in relation to the treatment of workers within the meaning of The Employment Relations Act of 1999 (Blacklists) Regulations 2010?</p>	Yes/No*
<p>(j) Has your organisation ever refused a person employment</p> <p>a) because he is, or is not a member of a trade union, or</p> <p>b) because he is unwilling to accept a requirement</p> <p>(i) to take steps to become or cease to be, or to remain or not to become, a member of a trade union, or</p> <p>(ii) to make payments or suffer deductions in the event of his not being a member of a trade union</p> <p>SPPN 4/2013 Page 8 of 9</p> <p>within the meaning of Section 137 of the Trade Union and Labour Relations (Consolidation) Act 1992?</p>	Yes/No*
<p>(k) Has your organisation breached The Data Protection Act 1998 or been served with an enforcement notice in relation to unlawfully processing personal data in connection with any blacklisting activities?</p>	Yes/No*

If you have answered Yes to any of the above questions, provide details of the incident and outline corrective and preventative actions subsequently taken.



3.3. Equal Opportunities

3.3.1. The Scottish Ministers (at their absolute discretion) may treat an Economic Operator as ineligible or decide not to select an Economic Operator if the Economic Operator answers No to question 3.3.2(i), and/or Yes to question 3.3.2(ii) and/or Yes to question 3.3.2(iii).

3.3.2. Have you, or your directors or any other person who has powers of representation, decision or control of the Single Economic Operator or Group Member (as appropriate):

	Delete as appropriate*
(i) Complied with the statutory obligations under the Equality Act 1970 (for organisations working outside the United Kingdom, these questions relate to equivalent legislation in the country in which that organisation is located)?	Yes/No/not applicable*
(ii) had any finding of unlawful discrimination made against it by an Employment Tribunal, and Employment Appeal Tribunal or any other court (or in comparable proceedings in jurisdiction other than in the United Kingdom)?	Yes/No/not applicable*
(iii) had a complaint upheld following a formal investigation by the Equality and Human rights commission or its predecessors (or a comparable body in a jurisdiction other than the United Kingdom) on grounds of alleged unlawful discrimination?	Yes/No/not applicable*

3.3.3.

(a) If you have answered No to question 3.3.2(i) and/or Yes to questions 3.3.2(ii) or 3.3.2(iii) above, provide summary details in the space provided below as follows:

(b) In relation to 3.3.2(ii), a summary of the finding or judgement and what preventative actions have been taken to prevent reoccurrence.

(c) In relation to 3.3.2(iii) summary of the nature of the investigation, the outcome so far and if the investigation upheld the complaint, provide an explanation of what preventative action (if any) you have taken to prevent reoccurrence.

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3.4. Environmental Management

- 3.4.1. The Scottish Ministers (at their absolute discretion) may treat an Economic Operator as ineligible or decide not to select an Economic Operator if the Economic Operator answers Yes to either of the questions in the table below.
- 3.4.2. Have you, or your directors or any other person who has powers of representation, decision or control of the Single Economic Operator or Group Member (as appropriate):

	Delete as appropriate*
(i) Been convicted of a breach of environmental legislation?	Yes/No/Not applicable*
(ii) Had notice served in the last three years by any environmental regulator or authority (including local authority)?	Yes/No/Not applicable*

- 3.4.3. If you have answered Yes to either question 3.4.2(i) or 3.4.2(ii), provide details in the space provided below of the incident and outline corrective and preventative actions subsequently taken.

3.5. Conflict of Interest

- 3.5.1. The Scottish Ministers (at their absolute discretion) may treat an Economic Operator as ineligible or decide not to select an Economic Operator if the Economic Operator answers Yes to question 3.5.2.
- 3.5.2. Do you, or your directors or any other person who has powers of representation, decision or control of the Single Economic Operator or Group Member (as appropriate):

	Delete as appropriate*
Have knowledge of any actual or potential conflict(s) of interest between the Scottish Ministers and/or Transport Scotland and the Single Economic Operator or each Group Member?	Yes/No*

3.5.3. If you have answered Yes to the question 3.5.2, provide details in the space provided below and explain how any such conflict shall be mitigated or avoided.

4. ECONOMIC AND FINANCIAL STANDING

All information required in response to this Section 4 shall be provided in Schedule 3 to this PQQ. Question 4.1.1 shall be answered by Single Economic Operators and, in respect of a Group of Economic Operators, by each Group Member. Where Economic Operators are relying on the capacity of others identified in Section 2.5 of this PQQ, Question 4.1.1 shall also be answered by these other entities. Any organisation which is providing a parent company guarantee as required by 4.1.2 shall answer Question 4.1.1.

Question 4.2.1 and Questions 4.3.1 to 4.3.2 shall be answered by Single Economic Operators and, in respect of a Group of Economic Operators, by each Group Member.

Where necessary, all tables, tick boxes and information boxes within this Section 4 shall be copied and completed by Group Members as appropriate with each copy clearly indicating to which Group Member the information applies.

4.1. Financial Information

4.1.1. Provide the following financial information, or an explanation as to why this information cannot be provided.

4.1.2.

- (a) A copy of the most recent full audited accounts for your organisation that cover the last two years of trading, or for the period which is available if trading for less than two years.
- (b) **Where the information at (a) is not available.** Provide a statement of your organisation's turnover, profit and loss and cash flow position for the most recent full year of trading (or part year, if full year is not applicable) and an end period balance sheet.

- (c) **Where the information at (a) or (b) is not available.** Provide a statement of your organisation's cash flow forecast for the current year and a bank letter outlining the current cash and credit facility position.

Financial information enclosed in Schedule Three to this PQQ	Yes/No*
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- 4.1.3. Economic Operators shall note that it shall be a requirement in the Competition Documentation that the Operating Company shall provide the Scottish Ministers with a parent company guarantee from the parent company (or companies) of Single Economic Operators, or from the parent company of each member of a Group of Economic Operators.

4.2. Name and address of principal bank (or other financial institution)

- 4.2.1. Each Single Economic Operator or Group Member shall provide the information identified in the following table.

Bank Name	
Address	
Postcode	
Country	
Length of time relationship has existed	
Name of contact at the Bank	
Email address	
Telephone number	
Confirm that the nominated contact has been notified that he may be contacted by or on behalf of the Scottish Ministers, and that he has been authorised to provide information on the Single Economic Operator's/Group Member's economic and financial standing	

Table to be copied, re-used and completed by each Group Member, as appropriate. Identify to which Group Member the information relates

4.3. Financial update

- 4.3.1. Provide details of any announcements that the Single Economic Operator or any Group Member has made to the authorities of the relevant stock exchange, market or bourse on which their stocks or shares are traded during the period between the last audited accounts and 12th November 2015.

Table to be copied, re-used and completed by each Group Member, as appropriate. Identify to which Group Member the information relates

Details of any announcements	
-------------------------------------	--

- 4.3.2. Provide details of any events, which could be favourable or unfavourable, that have occurred after the latest reporting period that would need to be adjusted for or disclosed in accordance with International Accounting Standard (IAS) 10 (Events after the Balance Sheet Date).

Table to be copied, re-used and completed by each Group Member, as appropriate. Identify to which Group Member the information relates

Details of adjusting events under IAS 10	
What is the adjustment to accounts? Include events that indicate that the going concern assumption is not appropriate.	
Details of non-adjusting events under IAS 10	
What is the disclosure? Provide details of the nature of the event and an estimate of its financial effect.	

5. TECHNICAL OR PROFESSIONAL ABILITY

Answers to this Section 5, will be used to evaluate the technical or professional ability of Single Economic Operators and Groups of Economic Operators in accordance with the table on page PQQ3. Questions 5.1 to 5.2.3 (b) and 5.3.2 (a) shall be answered by Single Economic Operators and by Groups of Economic Operators (Group Members must not respond individually). Group Members shall respond individually to questions 5.2.3(c) and 5.3.2(b) and provide evidence accordingly, clearly indicating to which Group Member the information applies.

5.1. Minimum Standards of Technical or Professional Ability

5.1.1 Within the last 5 years, have you been involved as the Contractor for at least one road infrastructure project with a construction cost of at least £1 million sterling in 2015 prices exclusive of VAT?	Yes/No*
Name one project	
Project description	
Name, address and contact details of client and client project director responsible	
Identify your exact role as the Contractor (including the scope of any design services carried out)	
Dates (actual completion)	From:
	To:
Value of contract (including both tendered and outturn price where relevant)	Tendered price:
	Outturn price:

5.2. Quality, Environmental and Health and Safety Management Systems

5.2.1.

- (a) Identify the quality management system in use by the Single Economic Operator or Group of Economic Operators by ticking one of the boxes in the following table and also provide supporting details including any certification for any such system in Schedule Four to this PQQ.
- (b) If the Single Economic Operator is a recently incorporated special purpose company, identify the system which is in use by a member of the special purpose company and which will be used by the Single Economic Operator. Groups of Economic Operators should respond by identifying the system which is in use by one Group Member and which will be used by the Group of Economic Operators.

	Tick one box only
European Foundation Quality Model (EFQM) or equivalent	
BS EN ISO 9001:2008 (Quality Management Systems)	
Other accredited quality management system	
Own non-accredited quality management system	
No quality management system in use	

5.2.2.

- (a) Identify the environmental management system in use by the Single Economic Operator or Group of Economic Operators by ticking one of the boxes in the following table.
- (b) The Single Economic Operator and each Group Member shall also provide supporting details including any certification for any such system in Schedule Four to this PQQ.

- (c) If the Single Economic Operator is a recently incorporated special purpose company, identify the system which is in use by a member of the special purpose company and which will be used by the Single Economic Operator. Groups of Economic Operators should respond by identifying the system which is in use by one Group Member and which will be used by the Group of Economic Operators.

	Tick one box only
BS EN ISO 14001:2004 (Environmental Management Systems)	
Other accredited environmental management system	
Own non-accredited environmental management system	
No environmental management system in use	

5.2.3.

- (a) Provide identification of the health and safety management system in use by the Single Economic Operator or Group of Economic Operators by ticking one of boxes in the following table and also provide supporting details including any certification for any such system in Schedule Four to this PQQ.
- (b) If the Single Economic Operator is a recently incorporated special purpose company, identify the system which is in use by a member of the special purpose company and which will be used by the Single Economic Operator. Groups of Economic Operators should respond by identifying the system which is in use by one Group Member and which will be used by the Group of Economic Operators.

	Tick one box only
OHSAS 18001:2007 (Occupational Health and Safety Management Systems) and associated standards	
Other accredited health and safety management system	
Own non-accredited health and safety management system	
No health and safety management system in use	

(c)

	Delete as appropriate*
In the last five years, has the Single Economic Operator or any Group Member of a Group of Economic Operators been found guilty of breaching Health and Safety legislation or had any notice(s) served upon it by the Health and Safety Executive?	Yes/No/Not applicable*

(d) If a Yes has been indicated in the table above, provide details of the prosecutions or notice(s) in Schedule Four to this PQQ and give details of any remedial action or changes to procedures made as a result of any breach or notice(s) served.

5.3. Construction (Design and Management) Regulations 2015

- 5.3.1.** It is the intention of the Scottish Ministers that, if awarded the Contract, the Contractor will be appointed by the Scottish Ministers in the role of Principal Contractor under the Construction (Design and Management) Regulations 2015.

5.3.2	<p>Construction (Design and Management) Regulations</p> <p>(a) The Single Economic Operator or Group of Economic Operators shall provide a written undertaking in Schedule Five to this PQQ that it is willing to accept the appointment indicated in 5.3.1.</p> <p>(b) The Single Operator or Group of Economic Operators shall provide evidence as part of their PQQ submission (by completing the boxes below), from each organisation forming part of the Single Operator or Group of Economic Operators who may perform the role of Principal Contractor under the Construction (Design and Management) Regulations 2015 for each of the stage 1 and stage 2 assessment criteria detailed in Appendix 4 of the Approved Code of Practice - Managing Health and Safety in Construction, Construction (Design and Management) Regulations 2015 to demonstrate its competence in this Principal Contractor role.</p>																													
	<table border="1"> <thead> <tr> <th style="text-align: left;">Criteria</th> <th style="text-align: left;">Answer [All boxes to be expanded as required]</th> <th style="text-align: left;">Location of supporting documentation within Schedule Five</th> </tr> </thead> <tbody> <tr> <td>Stage 1 Assessment</td> <td></td> <td></td> </tr> <tr> <td>Health & safety policy and organisation for health and safety</td> <td></td> <td></td> </tr> <tr> <td>Arrangements</td> <td></td> <td></td> </tr> <tr> <td>Competent advice – corporate and construction-related</td> <td></td> <td></td> </tr> <tr> <td>Training and information</td> <td></td> <td></td> </tr> <tr> <td>Individual qualifications and experience</td> <td></td> <td></td> </tr> <tr> <td>Monitoring, audit and review</td> <td></td> <td></td> </tr> <tr> <td>Workforce involvement</td> <td></td> <td></td> </tr> </tbody> </table>	Criteria	Answer [All boxes to be expanded as required]	Location of supporting documentation within Schedule Five	Stage 1 Assessment			Health & safety policy and organisation for health and safety			Arrangements			Competent advice – corporate and construction-related			Training and information			Individual qualifications and experience			Monitoring, audit and review			Workforce involvement				
Criteria	Answer [All boxes to be expanded as required]	Location of supporting documentation within Schedule Five																												
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Competent advice – corporate and construction-related																														
Training and information																														
Individual qualifications and experience																														
Monitoring, audit and review																														
Workforce involvement																														

	Accident reporting and enforcement action: follow-up investigation		
	Sub contracting/ consulting procedures (if applicable)		
	Hazard elimination and risk control (designers only)		
	Risk assessment leading to a safe system of work (contractors only)		
	Co-operating with others and co-ordinating your work with that of other contractors (contractors)		
	Welfare Provision (contractors)		
	Stage 2 Assessment		
	Work experience		

5.4. RELEVANT EXPERIENCE

Questions 5.4.1 to 5.4.8 shall be answered by Single Economic Operators, and Groups of Economic Operators (Group Members do not need to respond individually).

The maximum number of words to be provided in the statement is stipulated for each question. Economic Operators are required to state the number of words used in response to each question 5.4.1 to 5.4.8 of the PQQ. Any words that are beyond the limit stated for each question will be disregarded and not form part of this assessment. Each statement shall state why the Single Economic Operator or Group of Economic Operators considers itself to be particularly suited to undertake the Contract by reference to one or more of the 10 reference projects which have been identified in response to Section 6 of this PQQ.

5.4.1 Management and supervision of improvement and / or maintenance activities for road infrastructure

- (a) Provide details from the reference projects of experience of trunk road improvement and / or maintenance on a rural, single carriageway.

Statement (maximum 500 words)

The statement shall include but not be limited to:

- details of the management and control of on site activities used to address the specific challenges of safely carrying out road improvement and / or maintenance in a rural, single carriageway environment;
evidence of innovation proposed to improve the efficiency of the construction of road improvement and / or maintenance contracts in a rural, single carriageway environment;
- evidence of undertaking significant earthworks including rock blasting within a constrained site

Expand this box as necessary. State word count.

5.4.2 Traffic Management Systems

Demonstrate experience of the development, installation, commissioning and operation of traffic management solutions on a single carriageway rural trunk road

Statement (maximum 500 words)

The statement shall provide:

- details of the analysis and design methods used to arrive at the optimum traffic management solution;
- evidence of the successful planning and utilisation of different traffic management set-ups within the same project to minimise delays and disruption to the travelling public;
- details of how the traffic management was optimised and adapted for each stage of the construction process to maximise efficiency;
- managing ***frequent*** interaction between site and public traffic within a constrained sites without road closures
- methodology to ensure safe and efficient passage for emergency service vehicles through the works

Expand this box as necessary. State word count.

5.4.3 Consultation / Community Engagement

Provide details of work carried out on the reference projects to ensure that the local community were kept up to date with the progress made on the project and any major stages in the project that would affect the local area.

Statement (maximum 500 words)

The statement shall provide:

- details of the strategy and consultation techniques used to keep the local community informed during the reference projects;
- a description of any issues that were encountered during the reference projects affecting the local community, how this was communicated and the steps that were taken to improve the situation during construction of the scheme;
- lessons that have been learned in community engagement from carrying out road improvement and / or maintenance in a rural, single carriageway environment.
- working with key stakeholders

Expand this box as necessary. State word count.

5.4.4 Health and Safety

Provide details of the approach to health and safety on the reference projects with specific regard to issues presented by carrying out road improvement and / or maintenance in a rural, single carriageway environment.

Statement (maximum 500 words)

The statement shall provide:

- details of the health and safety policy of the economic operator utilised for all projects carried out;
- evidence of how the site rules for health and safety on the reference projects have been adapted to suit road improvement and / or maintenance in a rural, single carriageway environment;
- evidence of the promotion of "behavioural safety" within the working culture on-site during construction of the reference projects.

Expand this box as necessary. State word count.

5.4.5 Sustainability / Carbon Management

Provide details of the approach taken to sustainable construction on the reference projects and how the success of this approach was measured.

Statement (maximum 500 words)

The statement shall provide:

- evidence of innovation used to minimise the use of non-renewable materials and the production of CO₂ during the reference projects;
- details of the methods used to measure and evaluate the effectiveness of these innovative approaches;

Expand this box as necessary. State word count.

5.4.6 Control of Sub-contractors

Provide details from the reference projects of methods used to ensure that sub-contractors carrying out construction works were managed to ensure that construction programmes were adhered to without compromising the health and safety of the workforce or the public.

Statement (maximum 500 words)

The statement shall provide:

- details of procedures for managing and supervising sub-contractors;
- details of procedures for selecting sub-contractors and ensuring that they are capable of delivering the work required within the given timescale and to the standards required;
- evidence from reference projects of how a sub-contractor has been managed when not carrying out their work to required level of quality and / or not adhering to site health and safety rules.

Expand this box as necessary. State word count.

5.4.7 Quality Systems

Provide details of the quality systems used to ensure that all aspects of the reference projects were carried out to the highest standard possible.

Statement (maximum 500 words)

The statement shall provide:

- details of the quality management system that was in place during the construction phase of the reference projects;
- evidence of improvements that were identified as required, and made to the quality systems during construction of the reference projects;
- An organogram of the project team showing their experience and relevant qualifications.

Expand this box as necessary. State word count.

5.4.8 Environment / Ecology

Provide details of good environmental management from the reference projects detailing how the risk to the local environment was minimised during construction.

Statement (maximum 500 words)

The statement shall provide:

- Examples of mitigation measures that have been put in place during the reference projects to protect the local environment;
- Specific examples of carrying out road construction adjacent to a sensitive tidal water body with details of the mitigation measures used to prevent pollution;

Expand this box as necessary. State word count.

6. REFERENCE PROJECTS

Single Economic Operators and Groups of Economic Operators are required to provide information in respect of no more than a total of 10 reference projects (see comment box below).

These reference projects shall reflect similar works and services in terms of scope, size and/or complexity of the scope identified in the preliminary scope of services and shall have been substantially carried out in the last 5 years.

These reference projects shall be used by Single Economic Operators and Groups of Economic Operators to substantiate the answer Questions 5.4.1 to 5.4.8 inclusive.

The following table shall be completed with the required information and an answer of no more than 500 words is permitted per reference project.

Table shall be copied, reused and completed in respect of no more than 10 reference

Reference Project (1)	
Name of project	
Project description	
Name, address and contact details of client	
Identify the contractor parties involved and the exact role of the Single Economic Operator/Group Member/other entity (including the scope of the works carried out)	
Dates (original contract programme)	From:
	To:
Dates (actual completion)	From:
	To:
Value of contract (including both tendered and outturn price where relevant)	Tendered price:
	Outturn price:

7. FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 AND ENVIRONMENTAL INFORMATION REGULATIONS DECLARATION

This Statement shall be completed by Single Economic Operators and, in respect of a Group of Economic Operators, by one signatory on behalf of all Group Members

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**ENVIRONMENTAL INFORMATION (SCOTLAND) REGULATIONS 2004**

[INSERT NAME OF SINGLE ECONOMIC OPERATOR/GROUP OF ECONOMIC OPERATORS]

- (a) All information submitted to the Scottish Ministers may need to be disclosed and/or published by the Scottish Ministers.
- (b) Without prejudice to the foregoing generality, the Scottish Ministers may disclose information in compliance with the Freedom of Information (Scotland) Act 2002, and Environmental Information (Scotland) Regulations 2004 (the decisions of the Scottish Ministers in the interpretation thereof shall be final and conclusive in any dispute, difference or question arising in respect of disclosure) subject to determination of an appeal against any agreement or refusal to release any information by the Scottish Information Commissioner, any other law, or, as a consequence of judicial order, or order by any court or tribunal with the authority to order disclosure.
- (c) Further, the Scottish Ministers may also disclose all information submitted to them to the Scottish or United Kingdom Parliament or any other department, office or agency of Her Majesty's Government in Scotland or the United Kingdom, and their servants or agents. When disclosing such information to either the Scottish Parliament or the United Kingdom Parliament it is recognised and agreed by both parties that the Scottish Ministers shall if they see fit disclose such information but are unable to impose any restriction upon the information that they provide to Members of the Scottish Parliament, or Members of the United Kingdom Parliament, such disclosure shall not entail any liability for Scottish Ministers.
- (d) Accordingly, if you consider that any of the information included in your PQQ Submission is commercially confidential, please identify it clearly and explain (in broad terms) what prejudice or loss might result from disclosure and/or publication.

- (e) It should be remembered though, that even where you have indicated that information is commercially confidential, Scottish Ministers may disclose this information where they see fit.
- (f) Receipt by the Scottish Ministers of any material marked "confidential" or equivalent cannot be taken to mean that the Scottish Ministers accept any duty of confidence by virtue of that marking.
- (g) Scottish Ministers may publish on the Scottish Government website or Transport Scotland website, the names and contact details of companies or organisations who have been issued with a PQQ.

The signatory to this declaration has full corporate and legal authority to sign on behalf of the Single Economic Operator/Group of Economic Operators (**delete as appropriate*).

Signed:

Name in block
capitals

Capacity:

On behalf of:

Date:

8. DECLARATION

This Declaration shall be completed by Single Economic Operators and, in respect of a Group of Economic Operators, by one signatory on behalf of all Group Members. The Single Economic Operator or Group of Economic Operators shall also sign on behalf of each entity named in Section 2.5 of this PQQ.

DECLARATION

We hereby certify that the information provided in our PQQ Submission is accurate to the best of our knowledge and that we accept without reservation the conditions and undertakings requested in the Prequalification Document.

We understand that the provision by us of false and/or misleading information could result in our exclusion/removal from the procurement competition and could invalidate any Tender which we submit or result in additional conditions being imposed upon our further participation in the procurement competition.

We hereby undertake to notify the Scottish Ministers immediately of any changes in the information or circumstances referred to in our PQQ Submission which occur at any time after the date of this PQQ Submission.

Any such notification identified in paragraph (c) shall include (but not be restricted to) any announcement made to the authorities of the relevant stock exchange, market or bourse on which our stocks or shares are traded and any events (favourable or unfavourable) which need to be disclosed in accordance with International Accounting Standard (IAS) 10.

The signatory to this declaration has full corporate and legal authority to sign on behalf of the Single Economic Operator/Group Members/entity(s)* (**delete as appropriate*).

Signed:

Name:

Capacity:

On behalf of:

Date:

SCHEDULE ONE

CERTIFICATES OF INCORPORATION (OR EQUIVALENT)

LIST OF CERTIFICATES PROVIDED

[INSERT CERTIFICATES HERE]

SCHEDULE TWO

OWNERSHIP STRUCTURE(S)

[INSERT OWNERSHIP STRUCTURE(S) HERE]

SCHEDULE THREE

FINANCIAL INFORMATION

LIST OF FINANCIAL INFORMATION PROVIDED

[INSERT FINANCIAL INFORMATION HERE]

SCHEDULE FOUR

**QUALITY, ENVIRONMENTAL AND HEALTH AND SAFETY MANAGEMENT SYSTEMS -
SUPPORTING DETAILS AND CERTIFICATES**

LIST OF SUPPORTING DETAILS AND CERTIFICATES PROVIDED

[INSERT CERTIFICATES HERE]

SCHEDULE FIVE

CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015

**[INSERT UNDERTAKINGS AND EVIDENCE IN SUPPORT OF QUESTIONS IN SECTION
5.4.]**