



**YORK AND NORTH YORKSHIRE WASTE PARTNERSHIP
WASTE TREATMENT CONTRACT [OJEU Notice Ref 208874-2007]**

PRE-QUALIFICATION QUESTIONNAIRE (PQQ)

**Waste Management
North Yorkshire County Council
County Hall
Racecourse Lane
Northallerton
DL7 8AH**

SEPTEMBER 2007

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ABBREVIATIONS

CYC	City of York Council
the Contract	Waste Treatment Contract
ISOS	Invitation to Submit Outline Solutions
NYCC	North Yorkshire County Council
OJEU	Official Journal of the European Union
PPC	Pollution, Prevention and Control
PQQ	Pre-Qualification Questionnaire
PBIT	Profit Before Interest and Tax
SPV	Special Purpose Vehicle
Waste Procurement Pack	4ps Waste Management Procurement Pack

1 INTRODUCTION AND INSTRUCTIONS TO APPLICANTS

1.1 Introduction

- 1.1.1 The procurement is a joint procurement for North Yorkshire County Council (NYCC) and City of York Council (CYC) [together York and North Yorkshire Waste Partnership] although technically, the contract will be a single contract with NYCC. CYC will, however, be an integral part of the procurement team and will play a full role in the evaluation process etc. Bidders will engage fully with both Councils as part of the procurement process and further references to NYCC as the contracting authority need to be understood in that context. It should also be noted that NYCC and CYC will enter into an inter-authority agreement and a sub-contract to underpin the procurement in line with this approach.
- 1.1.2 In the event that CYC withdraws from the procurement process all reference to CYC will be deleted from this and further documents.
- 1.1.3 This document needs to be read in conjunction with the Descriptive Document.
- 1.1.4 This document sets out the instructions for the qualification process and the qualification assessment procedure for the first stage of the procurement process.
- 1.1.5 This document contains four (4) sections as follows:
- Instructions to Applicants in Part 1;
 - The assessment procedure for the PQQ in Part 2;
 - The PQQ in Part 3; and
 - Appendices in Part 4.
- 1.1.6 The PQQ response must be submitted by the closing date in section 1.3.6. Further details on the correct procedure for submitting the response are given in section 1.3.
- 1.1.7 The PQQ has been produced to enable the Assessment Team (currently comprising of representatives from NYCC, CYC and advisors) to assess the legal eligibility, economic and financial standing and technical and professional ability of organisations that have responded to the OJEU Notice.
- 1.1.8 Please note that the make up of this Assessment Team may be subject to change under the direction of the Strategic Steering Board.
- 1.1.9 The Assessment Team will score each Applicant's response against the pre-determined criteria that have been produced for the PQQ. Information on the assessment and responsibilities is given in the table below:

Table 1.1: Assessment Team and Responsibilities

Assessment Criteria	Section Reference	Lead Responsibility
Compliance	Acceptance of Conditions of Undertaking	Legal Consultants
Eligibility	Statutory Declaration	Assessment Team
General Organisation Information	Section A	Assessment Team
Economic & Financial Standing	Section B	Financial Consultants
Technical Resources & Experience	Section C	Technical Consultants
Policies & Professional Capability	Section D	Technical Consultants
Ability to Raise Funding for the Contract	Section E	Financial Consultants
Quality Assurance of Overall Assessment	N/A	Assessment Team

1.1.10 The assessment process will be reported to the Strategic Steering Group with recommendations for the final short-list of Applicants to be selected.

1.1.11 The short-listed Applicants will then be issued with an Invitation to Submit Outline Solutions (ISOS).

1.1.12 The resources, range and depth of skills needed to provide the services under this Contract are such that NYCC and CYC understand that applications may be received from organisations that may wish to collaborate to form a consortium contracting with NYCC, or from a single organisation offering all the services. For the purposes of the assessment, the Assessment Team require information about each of the members of any proposed consortium, and each member is required to complete the relevant questions in this PQQ.

1.1.13 The term “Relevant Organisation” refers to each member organisation, whether as a member of any consortium or as a sole Applicant and includes the “lead” organisation of a consortium and key sub-contractors as relevant. Responses must enable the Assessment Team to assess the overall service proposed.

1.1.14 It is recognised that in consortium applications, each Relevant Organisation may not be able to give all of the information requested because it does not have the relevant experience. In this case, please specify in the reply which of the Relevant Organisations is providing the requested information.

1.1.15 Each Relevant Organisation must complete the questions relating to the economic and financial standing of the organisation and prior experience

of fund raising as set out in Sections B (Economic and Financial Standing) and E (Ability to Raise Funding for the Contract) of this PQQ. Key sub-contractors not in a proposed consortium are not required to complete Sections B and E.

- 1.1.16 Please note that if any of the information supplied in the PQQ changes at any subsequent stage of the procurement process, the Relevant Organisation is required to notify NYCC accordingly.
- 1.1.17 Where the proposed prime contractor is a Special Purpose Vehicle (SPV) or holding company, information should be provided of the extent to which it will call upon the resources and expertise of its members. Depending on the Assessment Team's assessment of the Applicant's economic and financial standing and legal status, NYCC may require a consortium to form a single legal entity and/or consortium members to assume joint and several liability under any ensuing contract.
- 1.1.18 It is recognised that arrangements in relation to consortia and sub-contracting may be subject to future change. Applicants should therefore respond in the light of such arrangements as are currently envisaged. In the event that an Applicant proposes a change in the membership of its consortium following the submission of this questionnaire, it should communicate this and the reasons for the substitution in writing, enclosing a revised version of this questionnaire to allow the Assessment Team to undertake an assessment of the new consortium member's eligibility, economic and financial standing and technical and professional ability. All other Applicants shall be deemed to have consented to changes in other Applicants' consortia. NYCC reserves the right to refuse to consider or consent to changes in consortia.

1.2 General Requirements

- 1.2.1 Applicants should ensure that all pages of their responses are clearly identified, including the name of the Applicant, the Contract, the stage of the procurement process (PQQ) and the section / question to which the response refers.
- 1.2.2 Applicants should answer all legal, financial and technical questions contained in the PQQ and provide all supporting information in the format requested and on the forms provided. Additional pages may be used where necessary provided each page is correctly referenced. The same applies to all other documents included in the submission.
- 1.2.3 Applicants should not provide any information other than that requested since the Assessment Team will not consider it as part of the assessment process. Applicants should not make any alterations to the form of the questions asked.
- 1.2.4 It shall be the Applicant's responsibility to ensure that all the necessary information supplied is complete and accurate.
- 1.2.5 All questionnaires must be completed in English.

1.2.6 Boxes are provided on the form in which to type a response. The box is formatted for single spacing and 12pt. If you wish to alter the font size please do not use below 10pt. Additional rows may be added to any tables if required.

1.3 Instructions for submission of completed Questionnaires

1.3.1 Five (5) paper submissions of the PQQ are required together with five (5) copies of the full submission on CD-Rom.

1.3.2 Applicants are advised that the Statement Relating to Good Standing (Appendix 3) should be sworn and returned with the submission.

1.3.3 It is a requirement of the selection process that the PQQ submission is returned to North Yorkshire County Council, as the lead Authority for the York and North Yorkshire Waste Partnership, at the address given below in Section 1.3.4. The submission must be returned by the submission deadline. Envelopes and packaging containing completed PQQ submissions sent to NYCC should be sealed and clearly marked as "PPQ - Waste". If Applicants intend to use a courier to deliver the submission to NYCC they should make the courier aware of the conditions of submission to ensure compliance.

1.3.4 All submissions must be addressed to:

Legal Services
North Yorkshire County Council
Room 18
County Hall
Racecourse Lane
Northallerton, DL7 8AH

1.3.5 Any PQQ submission submitted by hand must be clearly marked as detailed in Section 1.3.3 and handed in at Reception area of County Hall by the deadline specified in Section 1.3.6. The Reception Area is open from 0830 – 1700, Monday to Friday, except for Bank Holidays.

1.3.6 The PQQ submission must be returned either by post or by hand on 1st October 2007 by 1200hrs British Summer Time.

1.3.7 Submissions received later than the dates and times specified in Section 1.3.6 will not be considered.

1.4 Conditions of submission of the PQQ

1.4.1 This PQQ sets out the rules for and conditions of preparing submissions in order to ensure Bids are both compliant and comprehensive. Applicants who breach any of these conditions may be rejected. Applicants are strongly advised to make sure that all those involved in the preparation of their submission have a copy of these instructions as well as the Appendices and other volumes relevant to them.

1.5 Canvassing

1.5.1 Any Applicant or any person employed by the Applicant, whether or not to the Applicant's knowledge, who, in connection with this Contract:

- offers any inducement, fee or reward to any member or officer of NYCC or CYC or any person acting as an advisor for NYCC and CYC in connection with the Contract; or
- does anything which would constitute a breach of the Prevention of Corruption Acts 1889 to 1916 or under Section 117 of the Local Government Act 1972 (as amended); or
- canvasses any of the persons referred to in Paragraph 1.6.3 in connection with the Contract; or
- contacts any officer of NYCC or CYC prior to the Contract being awarded about any aspect of the Contract in a manner not permitted by this PQQ (including without limitation a contact for the purposes of discussing the possible transfer to the employment of the Applicant of such officer for the purpose of the Contract),

will be disqualified (without prejudice to any other civil remedies available to NYCC and without prejudice to any criminal liability which such conduct by an Applicant may attract).

1.6 Non-Collusion

1.6.1 Any Applicant who, in connection with this Contract colludes with another Applicant with a view to disrupting the fairness and competitiveness of the procurement process will be disqualified (without prejudice to any other civil remedies available to NYCC and without prejudice to any criminal liability that such conduct by an Applicant may attract). Applicants must complete the Certificate as to Collusion and Canvassing as set out in Appendix 4.

1.7 Copyright

1.7.1 The copyright in this PQQ is vested in NYCC. This PQQ shall not, either in whole or part, be reproduced, copied, distributed, stored in any medium or otherwise made available to any other party in any circumstances, for any other purpose than that for which it is intended, without the prior written consent of NYCC. This PQQ, and any document issued as supplemental to it, is and shall remain the property of NYCC and must be returned upon demand.

1.8 Publicity

1.8.1 Applicants shall not undertake (or permit to be undertaken) at any time, whether at this stage or after any Contract award, any publicity activity with any section of the media in relation to this Contract other than with the prior written agreement of NYCC. Such agreement shall extend to the content of any publicity. In this paragraph the word 'media' includes

(but without limitation) radio, television, newspapers, trade and specialist press, the Internet and e-mail accessible by the public at large and the representatives of such media.

1.9 Award Commitment

1.9.1 The issue of this PQQ in no way commits NYCC to award any Contract pursuant to the bidding process. NYCC is not bound to accept the lowest or any Bid and reserves the right to negotiate in respect of any Bid in accordance with the applicable UK and EU procurement rules. Nothing in this PQQ shall oblige NYCC to award a Contract and NYCC shall be able at its sole discretion to withdraw from negotiations at any stage.

1.9.2 NYCC reserves the right, subject to relevant legislation, at any time to reject any Bid and/or to terminate discussions and negotiations with any one or more Applicants.

1.10 Provision of further information by Applicants prior to making a Bid

1.10.1 The Assessment Team is relying on the information provided by Applicants during pre-qualification stage. If, at any time prior to the submission of the Bid or during the Bid Period to award of Contract, there are any material changes to the same, the Applicant must advise NYCC as soon as practicable.

1.10.2 NYCC reserves the right to disqualify any Applicant which makes material changes to any aspect of its pre-qualification submission, unless substantial justification can be provided to the satisfaction of NYCC.

2. ASSESSMENT PROCEDURE FOR THE PQQ

2.1 Introduction

2.1.1 Applications will be assessed in accordance with the criteria as set out in Regulations 23 to 26 of the Public Contracts Regulations 2006 No.5.

2.1.2 As part of the process, Applicants will be assessed on their ability to deliver the Contract.

2.1.3 The short listing of Applicants for the Invitation to Submit Outline Solution (ISOS) stage will follow the Route 2 two-stage approach exemplified by paragraph 331 of the Waste Procurement Pack, with each Applicant being required to pass the PQQ requirements before being invited to submit an ISOS.

2.1.4 In order to qualify for the ISOS stage, Applicants must have passed the minimum standards for economic and financial standing (financial capabilities) and technical and professional ability and must comply with the legal eligibility criteria (see section 2.2.1 for details) of this PQQ assessment.

2.1.5 Applicants from outside England and Wales are advised that a number of the questions refer to awards, standards and legislation relevant to England and Wales. In each of these cases, the Applicant is invited to submit its home country's equivalent award, standard or legislation as necessary, and provide a commentary on the comparability with that requested.

2.1.6 The questions in the PQQ have been split into 5 sections (A to E):

- Section A of the PQQ requests details of the Applicant, how it is organised and, where appropriate, what the relationship is between the Relevant Organisations. Information is sought regarding court actions and/or industrial tribunals, and confirmation regarding eligibility to tender under relevant Procurement Regulations;
- Section B asks for economic and financial information for each Relevant Organisation;
- Section C asks for general and specific information that will be used in determining whether the Applicant meets the minimum standards of technical ability. The Relevant Organisation must detail its experience in providing waste treatment facilities and operating waste management contracts.
- Section D requests details of the Applicant's policies and how the Applicant manages Corporate Responsibility obligations and will be used to determine whether the Applicant meets the minimum standards of professional ability. Information is sought regarding race relations and equality, health and safety, quality and environmental management and information security.

- Section E is included to inform the Assessment Team of the experience of the Applicant in financing significant long-term service contracts, including major infrastructure investment, whether on balance sheet, by means of project finance or otherwise.

2.1.7 The assessment of the PQQ submission provides minimum pass criteria for all Applicants prior to the consideration of the ISOS submission.

2.1.8 At the PQQ stage, the assessment comprises a three part assessment process of the submission:

- Preliminary Assessment and Compliance;
- Technical and Professional Ability; and
- Economic and Financial Standing.

The Applicant will be required to meet the key criteria of each part given in table 2.1 to “pass” the overall PQQ stage. The key criteria for each part are explained in further detail in section 2.2 below.

2.2 Preliminary Assessment and Compliance

2.2.1 **Disqualification** – a preliminary assessment will be carried out to de-select any Applicants that shall be disqualified in accordance with Article 45 of Directive 04/18 EC/Regulation or Regulation 23 of the Public Contracts Regulations 2006 No.5. The criteria for disqualification / rejection of Applicants are set out in the Statement Relating to Good Standing in Appendix 3 which must be completed by all Applicants.

2.2.2 **Completeness** – following confirmation that the Applicant is eligible to participate in the procurement process, NYCC will then confirm that the Applicant has complied with the information requirements set out in the PQQ, especially with regard to the provision of adequate information to satisfy the Assessment Team that it has the financial strength, experience, and technical ability to perform the contract. If necessary, the Assessment Team will seek clarification where it is deemed that incomplete information has been provided.

2.2.3 **Preliminary Financial Assessment** – is to assess whether the Applicant (as a single organisation or bidding consortium) meets the minimum financial threshold for the Contract as set out below. The minimum financial threshold has been set by reference to the estimated annual contract value for the new waste treatment facility(ies), and the requirement to ensure that the value of the contract is not overly significant to the Applicant’s turnover:

- **Lead Organisation Turnover or Combined Weighted Consortium Turnover of not less than £40 million** – the information relating to turnover is required so that the Assessment Team may ensure that the Contract will not excessively dominate the existing business of any Applicant. For a consortium bid, the turnover of members of the consortium will be weighted depending

upon their relative importance¹ to the Contract.

2.2.4 In cases where the submission is unclear, the Assessment Team may ask for more information for clarification purposes only. Such requests will be specific and will be kept to a minimum. Information on the process to be adopted by the Assessment Team in seeking clarification is given in Section 2.7.

2.3 Assessment of Technical and Professional Ability

2.3.1 PQQ submissions that have met the pass criteria of Section 2.2 will be assessed by the Assessment Team to determine technical and professional ability using a pre-determined scoring system.

2.3.2 The Assessment Team is seeking evidence that the Applicant has the technical and professional ability, and the necessary skills and experience to undertake a Contract of this magnitude. The technical assessment will specifically test the following:

- experience of providing similar contract services;
- staff experience;
- technical ability and capacity to provide all key contracting roles;
- details of sites and experience of gaining statutory consents; and
- compatibility of the Applicant's corporate management responsibilities with the requirements.

2.3.3 Points will be assigned to each of the questions, which are then scored in order to determine whether the applicants pass or fail this part of the assessment. For each of the PQQ Assessment Criteria listed in Table 2.1, the points will be totalled and used to assess whether the applicant has attained the required overall standard.

2.4 Assessment of Economic and Financial Standing

2.4.1 This part of the assessment process has two sections, an assessment of the financial strength and an assessment of the fund-raising capability of the Applicant. This is a more detailed assessment than the preliminary financial assessment.

2.4.2 **Financial strength** – in assessing each Applicant, its response to the PQQ will be reviewed, along with analysis of the Applicant's submitted annual reports and accounts for the three most recent years, and any interim accounts and press releases submitted. Searches of news information sources and credit ratings will also be undertaken to highlight any issues that are not brought to the attention of the Assessment Team by the Applicant's responses to the PQQ and the documents submitted

¹ For example the equity contribution being made by each member of the consortium (as set out in Section A, question A6).

with the PQQ. Further assessment of financial standing prior to contract award will also be undertaken.

2.4.3 It should be noted that an annual turnover threshold exists for the lead Applicant, or for the consortium as explained in clause 2.2.3 and any less than this amount would be deemed to be of insufficient financial and economic standing to deliver the Contract and will provide the Assessment Team with grounds for exclusion.

2.4.4 **Fund-raising capability** – will be assessed by analysing the fund-raising capability of the members of the bidding consortium, including the lead Applicant. Fund-raising experience and ability will be assessed by reference to the number of times the members of the consortium have raised finance for similar projects, considering equity, debt capital and corporate funding and the amounts raised for previous projects. Evidence of the ability of the Applicant or consortium to raise in the region of £40 million - £200 million to finance the capital costs of the Contract and the financing structure will be required.

2.5 Overall Scoring and Assessment Criteria for the PQQ

2.5.1 The complete analysis will result in each Applicant being assessed as follows:

- The pass / fail result of the assessment of the disqualification criteria of the Preliminary Assessment and Compliance;
- The pass / fail result of the preliminary financial assessment of the Preliminary Assessment and Compliance;
- The pass / fail result (where a 50% pass threshold will be used) of the Technical and Professional Ability assessment points score; and
- The pass / fail result (where a 50% pass threshold will be used) of the Economic and Financial Standing assessment points score.
- Table 2.1 details the pass/fail thresholds

2.5.2 The results of this assessment will determine whether each Applicant meets the minimum criteria for the ISOS stage. Table 2.1 below summarises the thresholds that must be met as a minimum.

Table 2.1: PQQ Assessment Criteria

Criteria	Maximum Available Points	Minimum Pass Threshold
Preliminary Compliance		Pass/Fail
Technical and Professional Ability:		
Technical Resources and Experience <ul style="list-style-type: none"> • <i>Contract experience and management</i> • <i>Project management and Value for Money</i> • <i>Contract interface experience</i> • <i>Sites and statutory consents</i> • <i>Staff resources and experience</i> 	60	50%
Policies and Professional Capability <ul style="list-style-type: none"> • <i>Equal opportunities</i> • <i>Health and safety policy and performance</i> • <i>Quality management</i> • <i>Environmental management</i> • <i>Customer care</i> • <i>Information security</i> 	40	50%
Economic and Financial Standing	100	50%

This process will produce a list of “pre-qualified” Applicants on the basis of their eligibility, technical and professional ability and requisite economic and financial standing to complete the Contract.

2.6 Disclaimers

2.6.1 The information in this PQQ is provisional and will be superseded by the ISOS documents. Although every care has been taken in preparing this document, no representation, warranty or undertaking, express or implied is or will be made and no responsibility or liability will be accepted. Any liability however arising is expressly disclaimed.

2.6.2 Data provided by NYCC or its advisors to Applicants is provided in good faith but Applicants will have to make their own investigations and

interpretations and no liability is accepted by NYCC, CYC or any of their advisors for the accuracy or completeness of that data.

- 2.6.3 Neither the receipt of this PQQ by any person nor any information contained in it or distributed with it or subsequently communicated to any Applicant or its advisors is or is to be taken as constituting the giving of investment advice by NYCC, CYC or their advisors.
- 2.6.4 No information contained in this document or any other written or oral information made available to any Applicant or its advisors shall form the basis for any warranty, representation or term of any contract by NYCC with any third party.
- 2.6.5 Nothing in this document is, or should be relied on, as a promise or representation as to the future. NYCC reserves the right to change the procedure for the procurement process of any of the proposed solutions or information in relation to this Contract.
- 2.6.6 NYCC reserves the right not to follow up this PQQ in any way and/or to cancel the procurement process and no expense incurred by any person in responding to the PQQ will be reimbursed and neither NYCC, CYC or their advisors nor any third party will be so liable to the Applicant. NYCC reserves the right not to award a contract.

2.7 Notes On Clarification Of Applicants' Responses

- 2.7.1 NYCC will give due consideration to its overriding duty of non-discrimination and equal treatment of all Applicant parties (enshrined in the EC Treaty and case law) when determining whether to request clarification. NYCC's approach to clarification will be consistent to ensure that one Applicant does not receive an unfair advantage over the rest. In addition, there will be a clear audit trail documenting the reasoning behind any attempt to seek clarification in writing (via e-mail) from an Applicant.
- 2.7.2 Clarification will only be used to remove unintentional ambiguity and to rectify unintentional errors. However, if the questionnaire asks a clear question and the Applicant has made a genuine, albeit poor, attempt to answer it, then to request an expanded answer would be viewed as giving that Applicant a chance to improve its PQQ assessment (and therefore an unfair advantage over the other Applicants). NYCC will not seek clarification under these circumstances.

3. PRE-QUALIFICATION QUESTIONNAIRE

3.1 Overview

3.1.1 The purpose of the PQQ is to allow Applicants to provide sufficient information about their organisation, including general company information, economic and financial standing, and technical ability to enable the Assessment Team to draw up a short-list of Applicants to be issued with the ISOS.

3.1.2 Information about the proposed Contract and appropriate background information detailing existing operations is contained in the Descriptive Document. The criteria that will be used to assess the responses to the PQQ are set out in Part 2 – Assessment Procedure for the PQQ.

3.1.3 The PQQ contains the following sections:

Section A General Organisation Information

Section B Economic and Financial Standing

Section C Technical Resources and Experience

Section D Policies and Professional Capability

Section E Ability to Raise Funding for the Contract

Appendix 1 Consortium Acknowledgement

Appendix 2 Acceptance of Conditions Undertaking

Appendix 3 Statement Relating to Good Standing

Appendix 4 Certificate as to Collusion and Canvassing

Appendix 5 Financial Reference Authorisation

Appendix 6 Checklist of Enclosures

3.1.4 Applicants should answer questions in as much detail as required and ensure that they submit copies of the necessary supporting documentation clearly marking each with the name of the Relevant Organisation.

3.1.5 Applicants should note that:

- expressions defined or explained in the accompanying Descriptive Document have the same meaning as those in the PQQ;
- subject to the provisions of paragraph 2.7.2 NYCC reserves the right to clarify any issues arising from the responses to the PQQ with Applicants during the assessment process;

- where the PQQ is being completed by one organisation on behalf of an existing or proposed consortium, details regarding the economic and financial standing, technical and professional ability, and organisational arrangements of all actual or proposed consortium members should be provided as appropriate;
- separate sheets of paper may be used as necessary but must be clearly identified with the organisation's name and the PQQ section number to which they relate; and
- NYCC and / or CYC will not reimburse any expense incurred by the Applicants in preparing their responses to the PQQ.

SECTION A: General Organisation Information

If further space is needed to answer any question please complete on a separate sheet clearly marking upon it the question to which it relates.

Questions A1 to A6, to the extent applicable, are to be completed by the lead Applicant, or if the Applicant is a sole organisation, that organisation.

A1. Full name of the organisation that will act as lead Applicant for this Contract and each of the other Relevant Organisations (for clarity, the Relevant Organisations includes the lead Applicant, consortium members, significant sub-contractors and funder if relevant).

Lead Organisation –
Other Relevant Organisations
1.
2.
3.
4.

A2. Name and contact details for principal contact:

Name –
Address –
E-mail –
Telephone –
Fax –

A3. Specify the services that each Relevant Organisation will deliver.

Relevant Organisation	Services to be delivered

A4. Please provide details of each Relevant Organisation's main areas of business.

A5. Provide an organisational chart and details of the relationship between the Relevant Organisations and whether this may change during the design, installation and operational phases of the Contract(s).

A6. Provide details of the likely shareholding of each Relevant Organisation in the service delivery vehicle for this Contract(s).

Questions A7 to A19 are to be completed by the Lead Applicant and each Relevant Organisation on separate sheets clearly marked with details of the Relevant Organisation and the Question Number, if applicable.

A7. Name and address of the Relevant Organisation

A8. Registered Office, registered number, date of registration if a company or LLP (public / private limited company, limited liability partnership, or their equivalent, or other organisation – please specify) and VAT registration number:

Registered Office –
Registered Number –
Date of registration –
VAT registration number –

Please enclose a copy of the Company Certificate of Incorporation (if applicable) or other evidence of being registered on the professional or trade register of the relevant Member State and any applicable certificate of incorporation on change of name or equivalent documentation.

A9. Names and addresses of Directors and Company Secretary (if a company); or

Names and addresses of Partners (if a partnership):

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A10. If the Relevant Organisation is a limited liability company, or its equivalent, please provide details of whether it is a subsidiary of another company. If so, provide details of the name of the holding or parent company.

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A11. Provide details of any court actions and/or industrial tribunal hearings related to general business practices in which the Relevant Organisation has been involved over the last three years.

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A12. Provide details of any such court actions and/or industrial tribunal hearings related to general business practices that are currently outstanding against the Relevant Organisation.

A13. Please provide details of any successful prosecutions, pending prosecutions or improvement notices against the Relevant Organisation in relation to breaches of environmental permits, Health & Safety legislation or other operational requirements during the last 5 years. Please detail remedial action taken, the magnitude of any fine, the duration of any prison sentence and the nature of the offence.

A14. Provide evidence of the public, employers and professional liability or indemnity insurance for the Relevant Organisation. The evidence should include the name of the insurers, policy numbers, expiry date, and limits for any one incident and the excesses under the policy together with copies of the insurance policies.

Name of Insurers –

Policy Numbers –

Expiry Date –

Limits for any one incident –

Excess Limit –

A15. Please identify any potential conflicts of interest that may arise if the Applicant were selected (taking into account all Relevant Organisations).

A16. Please confirm whether any Director, Partner, Associate or Company Secretary of the Relevant Organisation is a member or has been an employee of either NYCC or CYC. Please provide details where applicable.

A17. Please confirm whether any Director, Partner, Associate or Company Secretary of the Relevant Organisation has a relative connected with either NYCC or CYC (ie a relative who is a member or employee). Please provide details where applicable.

A18. Please confirm the names of any Director, Partner, Associate or Company Secretary of the Relevant Organisation that is involved in other organisations that provide services to either NYCC or CYC. Please also provide details of the organisation and nature of service provided.

A19. Please confirm whether any Director/Partner of the Relevant Organisation has been involved in any organisation which has been liquidated or gone into receivership. Please provide details where applicable.

SECTION B: Economic and Financial Standing

Questions B1 to B11 are to be completed by each Relevant Organisation (with the exception of key sub-contractors not in a proposed consortium) on separate sheets, if applicable.

B1. Name of the Relevant Organisation

B2. Name and Address of Auditors and Principal Bankers. Applicants must also complete the financial reference authorisation form set out in Appendix 5.

<p>Bankers</p> <p>Company Name - Address -</p> <p>Tel No. / Fax No. - Contact Name -</p>	<p>Auditors</p> <p>Company Name - Address -</p> <p>Tel No. / Fax No. - Contact Name -</p>
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B3. Please supply one hard copy and one electronic copy of the full annual report and audited accounts of the organisation and any intermediate and ultimate parent company undertakings for the most recent three financial years for which they are available.

If the most recent balance sheet is more than ten months out of date, please include a copy of the Chairman’s half-yearly statement (if available) and a statement signed by the Director responsible for financial matters setting out any known significant changes in the current financial position from the last available balance sheet.

Please list the documents that you have included for consideration.

B4. Provide details of the Relevant Organisation's overall turnover and the turnover and Profit before Interest and Tax (PBIT) and the turnover relating to waste treatment for the previous three financial years (for which audited accounts exist).

	Year –	Year –	Year –
Overall turnover			
PBIT			
Turnover relating to waste treatment			

B5. Provide a statement, as at the last reporting date, of any contingent liability or loss (where not otherwise reported) that would require disclosure in accordance with International Accounting Standard 10.

B6. Please state if you wish your financial assessment to be based on your parent company/group. If this is the case please provide appropriate confirmation that a parent company/group guarantee will be available (e.g. Letter of Support). Please provide any further information you consider necessary for a fair appreciation of the financial condition and prospects for the organisation.

B7. Provide a statement indicating whether or not the ownership of the organisation has changed significantly over the past 12 months. Where applicable, please provide details.

B8. Provide a statement indicating whether or not the Relevant Organisation has been subject to a financial investigation by an accredited UK or EC regulator or other comparable regulator. Please provide details where applicable.

B9. Provide details of any outstanding legal or financial claims the Relevant Organisation is subject to.

B10. Where applicable provide similar financial information (i.e. in accordance with questions B1 to B9 above) in relation to the guarantor of the Relevant Organisation:

- (a) Name
- (b) Name and address of Bankers
- (c) Name and address of Auditors
- (d) Statement of Accounts
- (e) Turnover information

	Year –	Year –	Year –
Overall turnover			
PBIT			
Turnover relating to waste treatment			

(f) Please indicate the amount of both nominal and paid up share capital

- (g) Provide a statement indicating the willingness to guarantee the Relevant Organisation's performance.

- (h) Provide a statement indicating whether or not the ownership of the organisation has changed significantly over the past 12 months. Where applicable, please provide details.

- B11.** Where a corporate funding solution is proposed, please confirm and provide evidence (e.g. Letter of Support) that a Parent Company Guarantee is available in relation to funding, stating the source and value of the guarantee.

SECTION C: Technical Resources and Experience

Questions C1 to C9 are to be completed by each Relevant Organisation, on separate sheets, if applicable. Please note that details provided for questions C3 to C7 inclusive should be no longer than 1,000 words and should include contact details from whom we may request further information. Additional pages included as part of the submission should be clearly marked with details of the Relevant Organisation and the Question Number, if applicable.

C1. In terms of any contracts performed in the last 5 years, please provide details of the following:

(a) ongoing disputes (ie not just formal legal proceedings but where the client has refused to pay a material invoice or has deducted or threatened to deduct money for poor performance)

(b) any liquidated damages applied to contracts

(c) any terminations

(d) non-renewal for failure to perform the terms of the contract

C2 Please list below details of up to five contracts which demonstrate your capability and track record in undertaking contracts for facility delivery and operation in the last 3 years. Please list these in order of similarity to this contract. The details of the Contract Manager or Supervising Officer will be used to obtain references.

Name and address of client organisation responsible for the contract	Name of contract	Description of contract	Annual value of the contract (£)	Contract start date and duration of the contract in years	Name, telephone number and email address of Contract Manager or Supervising Officer

C3 In respect of one of the contracts described in C2 above, please provide details showing how you assured that the key contract objectives were delivered and the quality assurance measures put in place to ensure successful delivery of these objectives.

C4 In respect of one of the contracts described in C2 above, please provide details showing how you demonstrated value for money (for example, by open book accounting, benchmarking, market testing and certification).

C5 Please provide details of any reference sites you would put forward as part of any potential bid for this contract.

C6 Please provide details of your experience in gaining planning permission(s) and operating permits for the type(s) of facility you would propose in any potential bid for this contract.

C7 Please provide details of your experience in contract interfacing with other contractors and/or waste collection authorities.

C8 In respect of your contract which is most similar to the requirements of this contract, please provide the following:

(a) A management chart showing: the approximate number of employees in your organisation who worked on the contract; the titles and job descriptions of key personnel and the reporting mechanisms. If any employees did not work full time on the contract, please give details of the percentage of their working time spent on the contract during the first and second years of the contract

(b) Details of any differences you would envisage in the employees and management arrangements which would be available for this contract.

C9 Please provide CV's for the proposed Bid Manager, Contracts Manager, Construction Manager and other key people in the bid and contract delivery teams together with a statement that these key personnel could devote sufficient time to a bid such as this, up to financial close and through to contract commencement.

SECTION D: Policies and Professional Capability

Questions D1 to D36 are to be completed by each Relevant Organisation, on separate sheets, if applicable. Additional pages included as part of the submission should be clearly marked with details of the Relevant Organisation and the Question Number, if applicable.

D1 Is it your policy as an employer to comply with your statutory obligations under the Race Relations Act 1976 (or as amended), the Sexual Discrimination Act 1975, the Equal Pay Act 1975 and the Sex Discrimination (Gender Reassignment) Regulations 1999 and the Disability Discrimination Act 1995 (or as amended)?

Please tick as appropriate: **YES:** **NO:**

D2 In the last three years, has any court or employment tribunal made a finding against your organisation of discrimination against someone because of their race, sex, sexuality or disability?

Please tick as appropriate: **YES:** **NO:**

D3 In the last three years, has your organisation been the subject of formal investigation by the Commission for Racial Equality on grounds of alleged unlawful discrimination?

Please tick as appropriate: **YES:** **NO:**

D4 If the answer to D2 or D3 is yes, or, in relation to question D3, the Commission made a finding against your organisation, what steps did you take as a result? (Continue on a separate sheet and/or enclose relevant documents if appropriate).

D5 Is your policy on race relations set out:

(a) In instructions to those concerned with recruitment, training and promotion

Please tick as appropriate: **YES:** **NO:**

(b) in documents available to employees, recognised trade unions or other representative groups of employees

Please tick as appropriate: **YES:** **NO:**

(c) in recruitment advertisements or other literature?

Please tick as appropriate: **YES:** **NO:**

D6 If the answer to any part of D5 is 'yes', please enclose examples of the instructions, documents, recruitment advertisements or other literature, marked D5a, D5b or D5c.

Please tick if enclosed:

D5a	D5b	D5c
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D7 Do you observe as far as possible the Statutory Code of Practice on Racial Equality in Employment 2005?

Please tick as appropriate: **YES:** **NO:**

D8 Please give the name and title of the person in your organisation who has responsibility for health and safety policy.

D9 Do you employ an Occupational Safety Adviser or the services of a professional Health and Safety adviser or consultant? If yes, please provide details of their qualifications, and the name and address and details of the occasions and reasons you employed an advisor or consultant. If no, please provide details of who in your company is responsible for Health and Safety advice.

D10 How are your health and safety policies and procedures conveyed to the workforce?

D11 What induction and/or safety training have your employees received before they commenced their duties and in the last three years?

D12 Please enclose a copy of your Health and Safety Policy and any codes of safe work practices issued to employees.

Tick to confirm enclosure:

Safety Policy:	Safe Systems:
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D13 Have any improvement notices, prohibition notices or prosecutions been served on your organisation by the Health and Safety Executive or any other Enforcement Authority.

Please tick as appropriate: **YES:** **NO:**

If the answer to D13 is YES, please provide details below:

D14 Please provide the accident statistics for your organisation for the past 3 years. Please also provide statistics for any sub-contractors you would propose for any potential bid for this contract.

	2004/05		2005/06		2006/07	
	Employees	Sub-contractors	Employees	Sub-contractors	Employees	Sub-contractors
Number of fatal accidents (a)						
Number of reportable injuries (RIDDOR 1995) (b)						
Number of employees (c) (FTE)						
Incident rate = [(a+b) x 100,000]/c						
Number of RIDDOR injuries to the public						
Number of RIDDOR dangerous occurrences						
Number of RIDDOR ill-health reports						

D15 Who undertakes your risk assessments?

If risk assessments are undertaken internally, who in your company undertakes them. Please give name and title:

If risk assessments are undertaken externally, please give the name, address and qualifications of the person undertaking them.

Please provide an example of an actual Risk Assessment for a typical activity for this type of contract.

Please tick as appropriate: **ENCLOSED**

D16 Please describe your organisation's procedures to ensure your sub-contractors and any other contractor with whom you are working comply with safety arrangements, risk/COSHH assessments and safe systems of work.

D17 Please describe your procedures for reviewing and monitoring the organisation's performance on health and safety matters.

D18 Does your organisation offer a quality management system or a guarantee of performance?

Please tick as appropriate: **YES:** **NO:**

If your answer to D18 is YES, please enclose relevant extracts from your Quality Manual or Quality Assurance documentation to demonstrate its suitability. Include accreditation/certification details if applicable.

Please tick as appropriate: **ENCLOSED**

D19 Please provide relevant abstracts or details describing your organisation's systems for auditing and monitoring quality measures.

Please tick as appropriate: **ENCLOSED**

D20 Is your organisation or any part of it quality assured or is currently pursuing certification under BS EN ISO 9001, and/or 18001 or equivalent quality standards?

Please tick as appropriate: **YES:** **NO:**

If your answer to D20 is YES, please enclose details of the certification achieved or state what certification you expect to achieve and when.

D21 Please describe any relevant industry certifications held by your company.

D22 Please list any industry or customer awards received in the last 24 months and briefly describe the background to the award.

D23 Does your organisation have an environmental policy or environmental management system such as BS EN ISO 14001 or equivalent? If YES please enclose details.

Please tick as appropriate: **YES:** **NO** **ENCLOSED**

If NO, what environmental management measures does your organisation take?

D24 Please describe your organisation's procedures for reviewing and monitoring its environmental performance and that of its sub-contractors and suppliers.

D25 Does your organisation have sustainability policies relevant to a contract of this nature? If so please provide a copy.

Please tick as appropriate: **YES:** **NO** **ENCLOSED**

D26 Does your organisation have a Corporate Social Responsibility Policy? If YES please provide a copy.

Please tick as appropriate: **YES:** **NO** **ENCLOSED**

D27 Please enclose a copy of your organisation's customer care policy.

D28 How does your organisation deal with complaints?

D29 Does your organisation possess or is it working towards Investors in People (IIP) or equivalent?

Please tick as appropriate: **YES:** **NO**

If YES, please provide details:

D30 Is your company BS7799 certified (British Standard for Information Security Management) or equivalent? If not do you have an information security policy and has this been benchmarked against BS7799 or equivalent?

Please tick as appropriate: **YES:** **NO**

D31 Have your information security activities been externally audited?

Please tick as appropriate: **YES:** **NO**

If so, please confirm when and by whom and that all issues highlighted by the audit have been addressed to the satisfaction of the external auditor.

D32 Is there a dedicated Information Security/Operational risk function within your company?

Please tick as appropriate: **YES:** **NO**

If yes please provide brief details.

D33 Are key processes risk assessed and documented?

Please tick as appropriate: **YES:** **NO**

If yes please provide brief details.

D34 What arrangements are in place to secure the continuation of your business in the event of a disaster? Please provide brief details of your disaster recovery policy, including contingencies such as insurance cover and use of alternative facilities if appropriate.

D35 What arrangements are in place to ensure that you and your employees comply with the Data Protection Act 1998. Please provide details of training, policies, security measures (physical and technical) and auditing implemented by you to ensure that you and your employees comply with the Act.

D36 Is your organisation registered under the Data Protection Act 1998? If yes, please provide your registration number.

SECTION E: Ability to Raise Funding for the Contract

ALL APPLICANTS SHOULD COMPLETE THIS SECTION

Question E1 is to be completed by each Relevant Organisation (with the exception of key sub-contractors not in a proposed consortium)

- E1.** Provide details of prior experience in raising the finance required for a Contract of this size and scope. Information as to the form of that finance and, where the information is being provided by a Relevant Organisation, the role played by that Relevant Organisation in that project (i.e. Applicant, consortium member etc.).

YORK AND NORTH YORKSHIRE WASTE PARTNERSHIP WASTE TREATMENT CONTRACT

CONSORTIUM ACKNOWLEDGEMENT

To: York and North Yorkshire Waste Partnership

We the undersigned confirm that we are actual/proposed members of the consortium referred to in this expression of interest in the proposed contract.

We further confirm that we agree that is to be the lead organisation of the consortium and will attend, if invited to do so, the interview on our behalf.

We are aware that in the event that NYCC awards the contract to this consortium we or any special purpose vehicle that we form will be required to become liable for the full and proper provision of the complete service as will be detailed in the contract documentation.

Lead Organisation

Signed Date

Signed Date

For and on behalf of

.....

Proposed/Actual Consortium Member

Signed Date

Signed Date

For and on behalf of

.....

Signed Date

Signed Date

For and on behalf of

.....

Signed Date

Signed Date

For and on behalf of

.....
This acknowledgement should be signed:

- (a) where the applicant is an individual, by that individual;
- (b) where the applicant is a partnership, by two duly authorised partners;
and
- (c) in the case of a company, by two directors or a director and the secretary of the company.

Please use additional sheets as required.

**YORK AND NORTH YORKSHIRE WASTE PARTNERSHIP WASTE
TREATMENT CONTRACT**

ACCEPTANCE OF CONDITIONS UNDERTAKING

Please complete – to be signed and completed by each applicant

NAME OF APPLICANT

ADDRESS

TELEPHONE NUMBER

When you have completed the questionnaire, please read and sign the section below.

I/We certify that the information supplied is accurate to the best of my/our knowledge and that I/we accept the conditions and undertakings requested in the questionnaire. I/we understand that false information could result in my/our exclusion from tendering for the contract.

I/We also understand that it is a criminal offence, punishable by imprisonment, to give or offer any gift or consideration whatsoever as an inducement or reward to any servant of a public body.

I/We also understand that in the event of NYCC entering into a contract with me/us the answers to the questions set out in this questionnaire will be binding upon me/us and any misrepresentation may lead to termination of the contract.

I/We understand that NYCC is not obliged to accept any proposal submitted, or to enter into a contract with any contractor and that I/we have no claim on NYCC or CYC for any costs or expenses incurred in applying for inclusion in the list of Applicants.

I/We confirm that I/we have read thoroughly all documentation issued by or on behalf of NYCC and CYC in respect of the application for inclusion in the list of Applicants, and acknowledge that no representation or warranty, express or implied, is or will be made or given in relation to the accuracy or the completeness of any of the information contained in such documentation or otherwise provided by or on behalf of NYCC and CYC (in writing or otherwise) to me/us or my/our advisors and no responsibility or liability is or will be accepted by NYCC or CYC or by any members, officers, employees, agents or professional advisors in relation to such information. I/We confirm that I/we

have not relied upon any information provided by or on behalf of NYCC or CYC (in writing or otherwise).

I/We confirm that I am/we are acting as principal and not as nominee, trustee, agent or broker for any other person and that, if invited to bid, I/we will do so only as a body corporate, or as a partnership, or as a single individual, or as a group of connected individuals (within the meaning of paragraph 70 (3) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001).

Signed Date

Signed Date

For and on behalf of

.....

The undertaking should be signed:

- (a) where the Applicant is an individual, by that individual;
- (b) where the Applicant is a partnership, by two duly authorised partners; and
- (c) in the case of a company (or consortium), by two directors or a director and the secretary of the company (or in the case of a consortium, of each company in the consortium).

YORK AND NORTH YORKSHIRE WASTE PARTNERSHIP WASTE TREATMENT CONTRACT

STATEMENT RELATING TO GOOD STANDING

Please complete – to be signed and completed by the Applicant

CRITERIA FOR REJECTION OF SERVICE PROVIDERS - IN ACCORDANCE WITH ARTICLE 45(1) OF DIRECTIVE 2004/18 EC OR REGULATION 23 OF THE PUBLIC CONTRACTS REGULATIONS 2006 NO. 5

YORK AND NORTH YORKSHIRE WASTE PARTNERSHIP WASTE TREATMENT CONTRACT

We confirm that, to the best of our knowledge:

The Applicant and any Relevant Organisation named below (and its directors and partners where relevant) has not (or has not been)

- in a state of bankruptcy, insolvency, compulsory winding up, administration, receivership, composition with creditors or any analogous state, or subject to relevant proceedings;
- convicted of a criminal offence relating to business or professional conduct;
- committed an act of grave misconduct in the course of its business or profession;
- failed to fulfil its obligations relating to the payment of social security contributions;
- failed to fulfil obligations relating to the payment of taxes;
- been guilty of serious misrepresentation in providing information required as set out in the preceding requirements and/or information required to be provided in response to the prequalification questionnaire.

or is in breach of other provisions of Article 45(1) of EU Directive 2004/18/EC/ or Regulation 23 of The Public Contracts Regulations 2006 No. 5.

And further confirms that, where applicable:

- where licensing and/or membership of a specified organisation is required in order to provide the Services then it holds the relevant licence and/or membership;
- it is registered with the appropriate trade or professional register ².

Signed:.....

Name:.....

Position:.....

Name of Applicant / Relevant Organisation:.....

² There are detailed rules on what constitutes sufficient registration: a certificate of incorporation at Companies House is sufficient for UK established companies

YORK AND NORTH YORKSHIRE WASTE PARTNERSHIP WASTE TREATMENT CONTRACT

CERTIFICATE AS TO COLLUSION AND CANVASSING

Please complete – to be signed and completed by the Applicant

TO: YORK AND NORTH YORKSHIRE WASTE PARTNERSHIP (hereinafter called the “**Partnership**”)

I/We certify that this is a bona fide bid, and that I/we have not fixed or adjusted the amount of the bid or the rates and prices quoted by or under or in accordance with any agreement or arrangement with any other person.

I/we also certify that I/we have not done and undertake that I/we will not do at any time of the following acts:

- (a) communicate to a person other than NYCC the amount or approximate amount of my/our proposed bid (other than in confidence to professional advisors in order to obtain advice in relation to the bid or quotations necessary for the preparation of the bid for insurance or a contract guarantee bond); or
- (b) enter into any agreement or arrangement with any other person that he shall refrain from bidding or as to the amount of any bid to be submitted; or
- (c) offer or agree to pay or give or pay or give any sum of money, inducement or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other bid or proposed bid for the service any act or omission
- (d) not canvas or solicit any Member/Officer or employee of NYCC or CYC in connection with the award of this bid or any other bid or proposed bid for services and that no person employed by me/us or acting on my/our behalf will do any such act.

Signed Date.....

Signatory Name.....

Position.....

**YORK AND NORTH YORKSHIRE WASTE PARTNERSHIP WASTE
TREATMENT CONTRACT**

FINANCIAL REFERENCE AUTHORISATION

**TO BE COMPLETED ON HEADED NOTEPAPER AND ADDRESSED TO
YOUR PRINCIPAL BANKERS**

Dear Sirs

You are hereby authorised to provide to York and North Yorkshire Waste Partnership upon request a financial reference in respect of our financial position and confirm that any costs associated with the provision of such a financial reference will be met by us.

Yours faithfully

**YORK AND NORTH YORKSHIRE WASTE PARTNERSHIP WASTE
TREATMENT CONTRACT**

CHECKLIST OF ENCLOSURES

NAME OF ORGANISATION:

Enclosed (please tick)

- | | |
|---|--------------------------|
| Response to Pre-Qualification Questionnaire (PQQ) | <input type="checkbox"/> |
| Copy of Certificate of Incorporation | <input type="checkbox"/> |
| Copy of insurance policy certificates | <input type="checkbox"/> |
| Two copies of the last 3 years Audited Accounts: | <input type="checkbox"/> |
| Management Chart | <input type="checkbox"/> |
| CVs for key people | <input type="checkbox"/> |
| Equal Opportunities/Race Relations policy | <input type="checkbox"/> |
| Health & Safety policy(s) | <input type="checkbox"/> |
| Risk Assessment example | <input type="checkbox"/> |
| Quality Manual/Assurance documentation extract | <input type="checkbox"/> |
| Sustainability policy | <input type="checkbox"/> |
| Environmental policy/Management system details | <input type="checkbox"/> |
| Consortium Acknowledgement – Appendix 1 | <input type="checkbox"/> |
| Acceptance of Conditions Undertaking – Appendix 2 | <input type="checkbox"/> |
| Statement Relating to Good Standing - Appendix 3 | <input type="checkbox"/> |
| Certificate as to Collusion and Canvassing - Appendix 4 | <input type="checkbox"/> |
| Financial Reference Authorisation – Appendix 5 | <input type="checkbox"/> |
| Other (please specify) | <input type="checkbox"/> |