

TENDER	Lincoln College Group Lighting Upgrade
My Tenders Reference	175351
Anticipated Contract Start Date	12 th September 2016
Closing Time and Date for PQQ Submissions	30 th August 2016 at 12:00 (midday)

<u>Contact Details for this Market Brief and PQQ</u>	
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Section 1 – Introduction

- 1.1 This Pre-Qualification Questionnaire (“**PQQ**”) relates to the procurement project advertised by **Lincoln College Group** (the “**Customer Organisation**”) in the OJEU dated **26th March 2016** with reference **MyTenders 175351**(the “**Requirement**”) and has been issued to all suppliers that have responded.
- 1.2 The deadline for submission of completed PQQ documents is 30th August 2016 at midday, 12:00.
- 1.3 The Market Brief (Section 3) provides a brief high level outline of our requirements, and it should help you to decide if you have the capability and capacity to meet those requirements and therefore want to be considered as a Potential Provider of the services. **You should read the Market Brief document first.** If you think you have the capability and capacity to deliver the requirement described in the Market Brief and want to be considered as a Potential Provider then you will need to read the Evaluation (Section 4) and Instructions (section 5) sections. You will then need to complete the Pre-Qualification Questionnaire at Section 6. All PQQ responses must be returned no later than the deadline for receipt of PQQs specified on the front cover of this PQQ.
- 1.4 The purpose of using a PQQ (Section 6) is to enable the College to shortlist potential providers by obtaining sufficient information to evaluate the suitability of potential suppliers in terms of:
 - Economic and Financial Standing
 - Technical/Professional Ability and capacity
 - Legal status
- 1.5 Using this stage enables the College to assess Potential Providers’ responses to the PQQ and select Potential Providers – from those who meet the minimum requirements. If you wish to be considered for this opportunity, you must complete and return Section 6 by the specified deadline. This submission will then be reviewed and, if successful, your ITT document (submitted at the same time as the PQQ) will then be scored against the criterion described in the ITT.
- 1.6 The information and instructions provided in this document are designed to ensure that all bidders are given equal and fair consideration. If you have any doubts as to what is required, or you have difficulty in providing the information, please contact the person named on the front page of this document.

- 1.7 Please check that you have received all of the information and documents listed in the 'Table of Contents'. If any of the information is missing, please contact the person named on the front page.
- 1.8 Section 7 (Appendices) includes the Glossary of Terms that define the terms within these documents, and important legal information.
- 1.9 Please raise any clarification questions before the deadline for submission of PQQs. Please contact the person named on the front page. Answers to the questions received will be circulated to all Bidders via email. Answers will not reveal the identity of the individual Bidder that asked a particular question. We may decide not to disclose answers, or parts of answers, which would reveal confidential or commercially sensitive information in relation to a particular Bidder. Any specific queries should clearly reference the appropriate paragraph in the PQQ documentation and, to the extent possible, should be aggregated rather than sent individually. We may decline to answer queries received after the above deadline.
- 1.10 The Market Brief and Pre-Qualification Questionnaire are being provided on the same basis to all prospective bidders expressing an interest in Tendering for the contract opportunity.

Section 2 – Procurement Timetable

Set out below is the proposed procurement timetable. This is intended as an indicative guide and, whilst the College does not intend to depart from the timetable, it reserves the right to do so at any stage.

<u>Event</u>	<u>Date</u>
Contract Notice /Pre-Qualification Questionnaire and ITT available and advert placed on: OJEU through Contracts Finder as per Regulation 106 of The Public Contracts Regulations 2015; College website through www.lincolncollege.ac.uk	15/8/16
Deadline for submission of Pre-Qualification	30/8/16

Questionnaire and Invitation to Tender (ITT)	
Evaluation of Pre-Qualification Questionnaire	30/8/16
Evaluation of ITT	30/8/16 – 2/9/16
Tenderer interviews (if required)	31/8/16 – 1/9/16
Notification of result of evaluation	2/9/16
Standstill Period	2/9/16 – 12/9/16
Expected date of award of Contract	13/9/16
Contract commencement	13/9/16

Whilst the College does not intend to depart from the timetable, it reserves the right to do so at any stage. The College reserves the right to cancel the Tender process at any point. The College is not liable for any costs resulting from any cancellation of this Tender process nor for any other costs incurred by those Tendering for this Contract.

Deadline for receipt of PQQ responses

Your completed PQQ response should be submitted no later than 30th August 2016 at midday. The College reserves the right to reject any PQQ response which is received after this deadline.

On receipt of the PQQ responses, the College will perform an evaluation of these in accordance with the Public Contracts Regulations, with a view to selecting a shortlist of Tendering Organisations to be invited to submit a tender for the Requirement.

Section 3 – Market Brief

Lincoln College Group's UK based estate existing lighting is a mixture of older inefficient switch start T12 and T8 lighting. There are over 5000 light bulbs and fittings to be replaced. The colleges, through this project, intend to replace all the lighting with new LED lighting including the units.

The benefits of this project are expected to be:

- A significant value of annual savings
- A significant reduction in annual tonnes of CO₂
- Better lighting environment for teaching & studying

- Maintenance savings through less bulb changes

All of Lincoln College, Newark College and Gainsborough College's estate lighting will be replaced with LED including the units and all works will be carried out in compliance to BS7671 17th Edition Wiring Regulations 2008 as Amended.

The Invitation to Tender, details a survey of the current lighting that has already been conducted at the colleges. This will form the basis for the tender proposal to be submitted. The cost and return of investment must be Salix Finance compliant under the following conditions:

- Maximum 5 year payback period on energy savings alone.
- £100/tCO₂ lifetime basis.

The winning Tenderer will be required, at their own cost, to conduct their own full comprehensive lighting survey of all the estates.

The Group Head of Infrastructure, Facilities and Estates will liaise with the winning Tenderer and the college electrician to ensure that the installation takes place with the least impact on the college students. Installation for most classroom locations will take place during the holidays; if there is a delay for any reason then the fitting will have to take place on weekends, evenings and at other holiday periods.

It is intended to phase installation, once the funds have been secured through Salix Finance Limited, as follows:

1. Gainsborough College has 2 buildings: it is intended to complete the work within a 3-month period – starting in the Main Block and then moving across to the Vocational Training Centre. The onsite site supervisor for facilities will deal with the day-to-day arrangements of the contract with support from the Group Head of Infrastructure, Facilities and Estates.
2. Newark College has 8 buildings and each building will have LED Lighting installed before moving onto the next: it is anticipated that most of the work for classroom areas will be completed during the summer, autumn and winter holidays. However, the option to work evenings and weekends will also be considered should the project appear to be behind schedule. It is anticipated that the project will be completed in 6 months. The onsite site supervisor for facilities will deal with the day-to-day arrangements of the contract with support from the Group Head of Infrastructure, Facilities and Estates.

3. Lincoln College has 13 buildings, of which 12 will fall under this project. The remaining one building is undergoing major refurbishment and LED lighting will need to be installed as part of the separate refurbishment programme (using the same style of lights and fittings as in this project). The remaining 12 buildings have been grouped together to provide zones – the project will complete one zone before moving to the next. It is anticipated that this project will take 9 months to complete and, as for Newark College, installation in classroom areas will be completed when students are not in the classrooms. The onsite site supervisor for facilities will deal with the day-to-day arrangements of the contract with support from the Group Head of Infrastructure, Facilities and Estates.

Weekly meetings will be held between the Group Head of Infrastructure, Facilities and Estates (or nominated deputy) and the contractor to ensure progress is maintained according to the required schedule/plan. Where slippage in the project occurs then consideration to work in the evenings and at weekends will be considered (also highlighted in the tender bid paperwork). All installers working on the College estates, are required to be enhanced DBS checked.

As well as the installation of LED lighting, the college requires an energy efficiency stakeholder event to be delivered by the Tenderer. The winning Tenderer must organise and hold this event in collaboration with the college.

Section 4 – PQQ Selection Criteria and Weighting

Overview

4.1 This section of the PQQ sets out the criteria that the College will use to evaluate PQQ responses.

4.2 Bidders are required to submit a PQQ response strictly in accordance with the requirements set out in this document, to ensure the College has the correct information to make the evaluation. If a PQQ response is ambiguous or unclear, the College may deduct marks when scoring it or it may treat the PQQ response as non-compliant and reject it.

Selection criteria and weightings

4.3 The selection criteria at the PQQ stage are:

<u>Evaluation Criteria</u>	<u>Weighting</u>
A - Supplier Information	Not scored – for information only.

	Bidders however may be excluded on grounds of providing insufficient or false information.
B - Grounds for Mandatory Exclusion	Pass/Fail
C - Grounds for Discretionary Exclusion Part 1	Pass/ Fail
D - Grounds for Discretionary Exclusion Part 2	Pass/ Fail
E - Economic and Financial Standing	Pass/ Fail
F - Technical and Professional Ability	
Question F.1	15
Question F.2	5
Question F.3	10
Question F.4	Not scored – for information only. Bidders however may be excluded on grounds of providing insufficient or false information.
Question F.5	20
Question F.6	50
Question F.7	Not scored – for information only. Bidders however may be excluded on grounds of providing insufficient or false information.
G - Additional PQQ modules: 1 – Insurance	Pass/ Fail
G - Additional PQQ modules: 2 – Compliance with equality legislation	Pass/ Fail
G - Additional PQQ modules: 3 – Environmental Management	Pass/ Fail
G - Additional PQQ modules: 4 – Health and Safety	Pass/ Fail
H – Declaration	Pass/ Fail

4.4 Where a Bidder scores a "fail" for any question, it will not be issued with an invitation to tender.

Scoring System

4.5 Scored questions will be allocated a score out of 4 using the following marking scheme

SCORE	PERFORMANCE	JUDGEMENT
0	Unsatisfactory	No or inadequate response that contains material omissions or provides no (or inadequate) supporting evidence / examples / information. The response gives no confidence that the Bidder has the capability, resource and experience to properly perform the contract.
1	Weak	Response inadequately addresses one or more key points and / or includes inadequate supporting evidence / examples / information. The response gives little confidence that the Bidder has the capability, resource and experience to properly perform the contract.
2	Adequate	Response adequately addresses all key points and includes adequate supporting evidence / examples / information. The response gives a reasonable degree of confidence that the Bidder has the capability, resource and experience to properly perform the contract.
3	Good	Response addresses all key points well and includes good supporting evidence / examples / information. No significant weaknesses. The response gives confidence that the Bidder has the capability, resource and experience to properly perform the contract.
4	Excellent	Response addresses all points well and provides excellent supporting evidence / examples / information. The response gives a high degree of confidence that the Bidder has the capability, resource and experience to properly perform the contract.

Section 5 – Instructions for Submission of PQQ

Formalities for submission of PQQ responses

3.1 Bidders must make their PQQ responses by completing Section 6 of this document. Responses must be submitted electronically to the email address on the front page of this document.

3.2 Bidders should ensure that they allow plenty of time to send their PQQ response, particularly where there are large supporting documents. Any supporting document sent via

email should be in PDF format. If Bidders have any problems with the electronic submission, please refer to contact details on the front page of this document. As noted previously, any PQQ responses received after the deadline may not be considered.

3.3 Bidders must adhere to the following standard requirements when submitting their PQQ response:

- Do not embed documents within other documents. Instead provide separate electronic copies of the documents, clearly labelled and referenced if necessary.
- The PQQ response must be in English.
- Electronic copies of the PQQ response must be in Word (with supporting documentation in PDF format).
- Where a word count limit is specified, Bidders should state how many words their response contains. The College reserves the right not to consider any part of a response exceeding the word limit. Words included within diagrams or other graphic representations will count towards the word limit.

3.4 The PQQ response must be clear, concise and complete. The College reserves the right to mark Bidders down or exclude them from the procurement if their PQQ responses are ambiguous or lack clarity. Bidders should submit only such information as is necessary to respond effectively to this PQQ. Unless specifically requested, do not include extraneous presentation materials.

3.5 PQQ responses will be evaluated on the basis of information submitted by the deadline.

3.6 The PQQ responses must be signed by a duly authorised representative of the Bidder.

Warnings and disclaimers

3.7 Neither the issue of this PQQ, nor any of the information presented in it, should be regarded as a commitment or representation on the part of the College (or any other person) to enter into a contractual arrangement.

Freedom of Information Act 2000 and Environmental Information Regulations 2004

3.8 As a public body, the College is subject to, and must comply with, the Freedom of Information Act 2000 ("FOIA") and the Environmental Information Regulations 2004 ("EIR"). The College may therefore be required to disclose information submitted by the Bidder.

3.9 If a request is made under FOIA or the EIR, the College will ask Bidders to make submissions if they consider that any information they have provided at the PQQ stage is confidential or commercially sensitive.

3.10 Where a Bidder identifies information as commercially sensitive, the College will take those views into account. Bidders should note, however, that, even where information is identified as commercially sensitive, the College may be required to disclose such information in accordance with the FOIA or the EIR. Accordingly, the College cannot guarantee that it will withhold information marked 'confidential', 'commercially sensitive' or otherwise exempt.

Publicity

3.11 No publicity regarding the services or the award of any contract will be permitted unless and until the College has given express written consent to the relevant communication. For example, no statements may be made to the media regarding the nature of any tender, its contents or any proposals relating to it without the prior written consent of the College.

Bidder conduct and conflicts of interest

3.12 Any attempt by Bidders or their advisors to influence the contract award process in any way may result in the Bidder being disqualified. Specifically, Bidders shall not directly or indirectly at any time:

- devise or amend the content of their PQQ in accordance with any agreement or arrangement with any other person, other than in good faith with a person who is a proposed partner, supplier, consortium member or provider of finance;
- enter into any agreement or arrangement with any other person as to the form or content of any other tender, or offer to pay any sum of money or valuable consideration to any person to effect changes to the form or content of any other tender;
- enter into any agreement or arrangement with any other person that has the effect of prohibiting or excluding that person from submitting a tender;
- canvass the College or any employees or agents of the College in relation to this procurement; and/or;
- attempt to obtain information from any of the employees or agents of the College or their advisors concerning another bidder or tender (except for debrief information requests made through the portal).

Bidders are responsible for ensuring that no conflicts of interest exist between the Bidder and its advisors, and the College and its advisors. Bidders should notify the College promptly of any possible conflict and the proposed steps that the Bidder believes can be taken to avoid the conflict. Any Bidder who fails to comply with these requirements may be excluded from the procurement at the discretion of the College.

College's rights

3.13 Subject to its obligations to act in a transparent, proportionate and non-discriminatory manner, the College reserves the right to:

- waive or change the requirements of this PQQ from time to time;
- seek clarification or documents in respect of a Bidder's submission;
- disqualify any Bidder that does not submit a compliant PQQ in accordance with the instructions in this PQQ;
- disqualify any Bidder that is guilty of serious misrepresentation in relation to its expression of interest, the PQQ or the tender process;
- choose not to award any contract as a result of the current procurement process; and
- make whatever changes it sees fit to the timetable, structure or content of the procurement process.

Bid costs

3.17 The College will not be liable for any bid costs, expenditure, work or effort incurred by a Bidder in proceeding with or participating in this procurement, including if the procurement process is terminated or amended by the College.

Language

3.18 PQQ responses, all documents and all correspondence relating to the PQQ must be written in English.

Governing Law and Jurisdiction

3.19 This PQQ and any disputes concerning to it (including non-contractual disputes or claims) shall be governed by English law and subject to the jurisdiction of the English courts.

Section 6 – Pre-Qualification Questionnaire and Declaration

Notes for completion

1. The “authority” means the public sector contracting authority, or anyone acting on behalf of the contracting authority, that is seeking to invite suitable Suppliers to participate in this procurement process.
2. “You”/ “Your” or “Supplier” means the body completing these questions i.e. the legal entity seeking to be invited to the next stage of the procurement process and responsible for the information provided. The ‘Supplier’ is intended to cover any economic operator as defined by the Public Contracts Regulations 2015 and could be a registered company; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle; or other form of entity.
3. This Pre-Qualification Questionnaire (PQQ) has been designed to assess the suitability of a Supplier to deliver the authority’s contract requirement(s). If you are successful at this stage of the procurement process, you will be selected for the subsequent award stage of the process.
4. Please ensure that all questions are completed in full, and in the format requested. Failure to do so may result in your submission being disqualified. If the question does not apply to you, please state clearly ‘N/A’.
5. Should you need to provide additional Appendices in response to the questions, these should be numbered clearly and listed as part of your declaration. A template for providing additional information is provided at the end of this document.
6. Please return a completed version of this document to:

Named procurement officer	Roger Hutchinson
Name of contracting authority	Lincoln College
Contact e-mail address	rhutchinson@lincolncollege.ac.uk
Deadline for receipt of PQQ (UK date and time)	30 th August 2016 at 12:00

Verification of Information Provided

7. Whilst reserving the right to request information at any time throughout the procurement process, the authority may enable the Supplier to self-certify that there are no mandatory/ discretionary grounds for excluding their organisation. When requesting evidence that the Supplier can meet the specified requirements (such as the questions in section 7 of this PQQ relating to Technical and Professional Ability) the authority may only obtain such evidence after the final tender evaluation decision i.e. from the winning Supplier only.

Sub-contracting arrangements

8. Where the Supplier proposes to use one or more sub-contractors to deliver some or all of the contract requirements, a separate Appendix should be used to provide details of the proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for.

9. The authority recognises that arrangements in relation to sub-contracting may be subject to future change, and may not be finalised until a later date. However, Suppliers should be aware that where information provided to the authority indicates that sub-contractors are to play a significant role in delivering key contract requirements, any changes to those sub-contracting arrangements may affect the ability of the Supplier to proceed with the procurement process or to provide the supplies and/or services required. Suppliers should therefore notify the authority immediately of any change in the proposed sub-contractor arrangements. The authority reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

Consortia arrangements

10. If the Supplier completing this PQQ is doing so as part of a proposed consortium, the following information must be provided;

- names of all consortium members;
- the lead member of the consortium who will be contractually responsible for delivery of the contract (if a separate legal entity is not being created); and
- if the consortium is not proposing to form a legal entity, full details of proposed arrangements within a separate Appendix.

11. Please note that the authority may require the consortium to assume a specific legal form if awarded the contract, to the extent that a specific legal form is deemed by the authority as being necessary for the satisfactory performance of the contract.

12. All members of the consortium will be required to provide the information required in all sections of the PQQ as part of a single composite response to the authority i.e. each member of the consortium is required to complete the form.

13. Where you are proposing to create a separate legal entity, such as a Special Purpose Vehicle (SPV), you should provide details of the actual or proposed percentage shareholding of the constituent members within the new legal entity in a separate Appendix.

14. The authority recognises that arrangements in relation to a consortium bid may be subject to future change. Suppliers should therefore respond on the basis of the arrangements as currently envisaged. Suppliers are reminded that the authority must be immediately notified of any changes, or proposed changes, in relation to the bidding model so that a further assessment can be carried out by applying the selection criteria to the new information provided. The authority reserves the right to deselect the Supplier prior to any award of contract, based on an assessment of the updated information.

Confidentiality

15. When providing details of contracts in answering section 6 of this PQQ (Technical and Professional Ability), the Supplier agrees to waive any contractual or other confidentiality rights and obligations associated with these contracts.

16. The authority reserves the right to contact the named customer contact in section 6 regarding the contracts included in section 6. The named customer contact does not owe the authority any duty of care or have any legal liability, except for any deceitful or maliciously false statements of fact.

17. The authority confirms that it will keep confidential and will not disclose to any third parties any information obtained from a named customer contact, other than to the Cabinet Office and/or contracting authorities defined by the Public Contracts Regulations.

A – Supplier Information

1.1 Supplier details	Answer	
Full name of the Supplier completing the PQQ		
Registered company address		
Registered company number		
Registered charity number		
Registered VAT number		
Name of immediate parent company		
Name of ultimate parent company		
	i) a public limited	<input type="checkbox"/> Yes

Please mark 'X' in the relevant box to indicate your trading status	company	
	ii) a limited company	<input type="checkbox"/> Yes
	iii) a limited liability partnership	<input type="checkbox"/> Yes
	iv) other partnership	<input type="checkbox"/> Yes
	v) sole trader	<input type="checkbox"/> Yes
	vi) other (please specify)	<input type="checkbox"/> Yes
Please mark 'X' in the relevant boxes to indicate whether any of the following classifications apply to you	i) Voluntary, Community and Social Enterprise (VCSE)	<input type="checkbox"/> Yes
	ii) Small or Medium Enterprise (SME) ¹	<input type="checkbox"/> Yes
	iii) Sheltered workshop	<input type="checkbox"/> Yes
	iv) Public service mutual	<input type="checkbox"/> Yes
1.2 Bidding model		
Please mark 'X' in the relevant box to indicate whether you are;		
a) Bidding as a Prime Contractor and will deliver 100% of the key contract deliverables yourself		<input type="checkbox"/> Yes
b) Bidding as a Prime Contractor and will use third parties to deliver <u>some</u> of the services If yes, please provide details of your proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for.		<input type="checkbox"/> Yes
c) Bidding as Prime Contractor but will operate as a Managing Agent and will use third parties to deliver <u>all</u> of the services If yes, please provide details of your proposed bidding model that includes members of the supply chain, the percentage of work being delivered by each sub-contractor and the key contract deliverables each sub-contractor will be responsible for.		<input type="checkbox"/> Yes

¹ See EU definition of SME: <http://ec.europa.eu/enterprise/policies/sme/facts-figures-analysis/sme-definition/>

<p>d) Bidding as a consortium but not proposing to create a new legal entity.</p> <p>If yes, please include details of your consortium in the next column and use a separate Appendix to explain the alternative arrangements i.e. why a new legal entity is not being created.</p> <p>Please note that the authority may require the consortium to assume a specific legal form if awarded the contract, to the extent that it is necessary for the satisfactory performance of the contract.</p>	<p><input type="checkbox"/> Yes</p> <p><u>Consortium members</u></p> <p><u>Lead member</u></p>
<p>e) Bidding as a consortium and intend to create a Special Purpose Vehicle (SPV).</p> <p>If yes, please include details of your consortium, current lead member and intended SPV in the next column and provide full details of the bidding model using a separate Appendix.</p>	<p><input type="checkbox"/> Yes</p> <p><u>Consortium members</u></p> <p><u>Current lead member</u></p> <p><u>Name of Special Purpose Vehicle</u></p>

1.3 Contact details	
Supplier contact details for enquiries about this PQQ	
Name	
Postal address	
Country	
Phone	
Mobile	
E-mail	

1.4 Licensing and registration (please mark 'X' in the relevant box)		
1.4.1	<p>Registration with a professional body</p> <p>If applicable, is your business registered with the appropriate trade or professional register(s) in the EU member state where it is established (as set out in Annex XI of directive 2014/24/EU) under the conditions laid down by</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p>If Yes, please provide the registration number in this box.</p>

	that member state).	
1.4.2	Is it a legal requirement in the state where you are established for you to be licensed or a member of a relevant organisation in order to provide the requirement in this procurement?	<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please provide additional details within this box of what is required and confirmation that you have complied with this.

B – Grounds for mandatory exclusion

You will be excluded from the procurement process if there is evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if you have been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations (except where this is disproportionate e.g. only minor amounts involved).

If you have answered “yes” to question 2.2 on the non-payment of taxes or social security contributions, and have not paid or entered into a binding arrangement to pay the full amount, you may still avoid exclusion if only minor tax or social security contributions are unpaid or if you have not yet had time to fulfil your obligations since learning of the exact amount due. If your organisation is in that position please provide details using a separate Appendix. You may contact the authority for advice before completing this form.

2.1 Within the past five years, has your organisation (or any member of your proposed consortium, if applicable), Directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?	Please indicate your answer by marking ‘X’ in the relevant box.	
	Yes	No
(a) conspiracy within the meaning of section 1 or 1A of the Criminal Law Act 1977 or article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime;		
(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;		
(c) the common law offence of bribery;		
(d) bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010; or section 113 of the		

Representation of the People Act 1983;		
(e) any of the following offences, where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities:		
(i) the offence of cheating the Revenue;		
(ii) the offence of conspiracy to defraud;		
(iii) fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978;		
(iv) fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006;		
(v) fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;		
(vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;		
(vii) destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969;		
(viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or		
(ix) the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act;		
(f) any offence listed—		
(i) in section 41 of the Counter Terrorism Act 2008; or		
(ii) in Schedule 2 to that Act where the court has determined that there is a terrorist connection;		
(g) any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subparagraph (f);		

(h) money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002;		
(i) an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996;		
(j) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004;		
(k) an offence under section 59A of the Sexual Offences Act 2003;		
(l) an offence under section 71 of the Coroners and Justice Act 2009		
(m) an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994; or		
(n) any other offence within the meaning of Article 57(1) of the Public Contracts Directive—		
(i) as defined by the law of any jurisdiction outside England and Wales and Northern Ireland; or		
(ii) created, after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland.		
<p><u>Non-payment of taxes</u></p> <p>2.2 Has it been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which your organisation is established (if outside the UK), that your organisation is in breach of obligations related to the payment of tax or social security contributions?</p> <p>If you have answered Yes to this question, please use a separate Appendix to provide further details. Please also use this Appendix to confirm whether you have paid, or have entered into a binding arrangement with a view to paying, including, where applicable, any accrued interest and/or fines?</p>		

C – Grounds for discretionary exclusion – Part 1

The authority may exclude any Supplier who answers 'Yes' in any of the following situations set out in paragraphs (a) to (i);

3.1 Within the past three years, please indicate if any of the following situations have applied, or currently apply, to your organisation.	Please indicate your answer by marking 'X' in the relevant box.	
	Yes	No
(a) your organisation has violated applicable obligations referred to in regulation 56 (2) of the Public Contracts Regulations 2015 in the fields of environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X to the Public Contracts Directive as amended from time to time;		
(b) your organisation is bankrupt or is the subject of insolvency or winding-up proceedings, where your assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State;		
(c) your organisation is guilty of grave professional misconduct, which renders its integrity questionable;		
(d) your organisation has entered into agreements with other economic operators aimed at distorting competition;		
(e) your organisation has a conflict of interest within the meaning of regulation 24 of the Public Contracts Regulations 2015 that cannot be effectively remedied by other, less intrusive, measures;		
(f) the prior involvement of your organisation in the preparation of the procurement procedure has resulted in a distortion of competition, as referred to in regulation 41, that cannot be remedied by other, less intrusive, measures;		
(g) your organisation has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions;		
(h) your organisation— (i) has been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria; or		

(ii) has withheld such information or is not able to submit supporting documents required under regulation 59 of the Public Contracts Regulations 2015; or		
(i) your organisation has undertaken to		
(aa) unduly influence the decision-making process of the contracting authority, or		
(bb) obtain confidential information that may confer upon your organisation undue advantages in the procurement procedure; or		
(j) your organisation has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.		

Conflicts of interest

In accordance with question 3.1 (e), the authority may exclude the Supplier if there is a conflict of interest which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.

Where there is any indication that a conflict of interest exists or may arise then it is the responsibility of the Supplier to inform the authority, detailing the conflict in a separate Appendix. Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by the authority should not represent a conflict of interest for the Supplier.

Taking Account of Bidders' Past Performance

In accordance with question (g), the authority may assess the past performance of a Supplier (through a Certificate of Performance provided by a Customer or other means of evidence). The authority may take into account any failure to discharge obligations under the previous principal relevant contracts of the Supplier completing this PQQ. The authority may also assess whether specified minimum standards for reliability for such contracts are met.

In addition, the authority may re-assess reliability based on past performance at key stages in the procurement process (i.e. Supplier selection, tender evaluation, contract award stage etc.). Suppliers may also be asked to update the evidence they provide in this section to reflect more recent performance on new or existing contracts (or to confirm that nothing has changed).

'Self-cleaning'

Any Supplier that answers 'Yes' to questions 2.1, 2.2 and 3.1 should provide sufficient evidence, in a separate Appendix, that provides a summary of the circumstances and any remedial action that has taken place subsequently and effectively "self-cleans" the situation referred to in that question. The Supplier has to demonstrate it has taken such remedial action, to the satisfaction of the authority in each case.

If such evidence is considered by the authority (whose decision will be final) as sufficient, the economic operator concerned shall be allowed to continue in the procurement process.

In order for the evidence referred to above to be sufficient, the Supplier shall, as a minimum, prove that it has;

- paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
- clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and
- taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

The measures taken by the Supplier shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. Where the measures are considered by the authority to be insufficient, the Supplier shall be given a statement of the reasons for that decision.

D – Grounds for discretionary exclusion – Part 2

The authority reserves the right to use its discretion to exclude a Supplier where it can demonstrate the Supplier's non-payment of taxes/social security contributions where no binding legal decision has been taken.

Please note that Section 4 relating to tax compliance only applies where the authority has indicated that the contract is over £5million in value, and the authority is a Central Government Department (including their Executive Agencies and Non-Departmental Public Bodies).

"Occasion of Tax Non-Compliance" means:

- (a) any tax return of the Supplier submitted to a Relevant Tax Authority on or after 1 October 2012 is found to be incorrect as a result of:
 - a. a Relevant Tax Authority successfully challenging the Supplier under the General Anti-Abuse Rule or the Halifax Abuse Principle or under any tax rules or legislation that have an effect equivalent or similar to the General Anti-Abuse Rule or the Halifax Abuse Principle;
 - b. the failure of an avoidance scheme which the Supplier was involved in, and which was, or should have been, notified to a Relevant Tax Authority under the DOTAS or any equivalent or similar regime; and/or
- (b) the Supplier’s tax affairs give rise on or after 1 April 2013 to a criminal conviction in any jurisdiction for tax related offences which is not spent at the Effective Date or to a penalty for civil fraud or evasion

From 1 April 2013 onwards, have any of your company’s tax returns submitted on or after 1 October 2012; (Please indicate your answer by marking ‘X’ in the relevant box).		
4.1	Given rise to a criminal conviction for tax related offences which is unspent, or to a civil penalty for fraud or evasion;	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.2	Been found to be incorrect as a result of: <ul style="list-style-type: none"> ▪ HMRC successfully challenging it under the General Anti-Abuse Rule (GAAR) or the “Halifax” abuse principle; or ▪ A Tax Authority in a jurisdiction in which the legal entity is established successfully challenging it under any tax rules or legislation that have an effect equivalent or similar to the GAAR or the “Halifax” abuse principle; or ▪ the failure of an avoidance scheme which the Supplier was involved in and which was, or should have been, notified under the Disclosure of Tax Avoidance Scheme (DOTAS) or any equivalent or similar regime in a jurisdiction in which the Supplier is established. 	<input type="checkbox"/> Yes <input type="checkbox"/> No
If answering “Yes” to either 4.1 or 4.2 above, the Supplier may provide details of any mitigating factors that it considers relevant and that it wishes the authority to take into consideration. This could include, for example: <ul style="list-style-type: none"> ● Corrective action undertaken by the Supplier to date; ● Planned corrective action to be taken; ● Changes in personnel or ownership since the Occasion of Non-Compliance (OONC); or ● Changes in financial, accounting, audit or management procedures since the 		

OONC.

In order that the authority can consider any factors raised by the Supplier, the following information should be provided:

- A brief description of the occasion, the tax to which it applied, and the type of “non-compliance” e.g. whether HMRC or the foreign Tax Authority has challenged pursuant to the GAAR, the “Halifax” abuse principle etc.
- Where the OONC relates to a DOTAS, the number of the relevant scheme.
- The date of the original “non-compliance” and the date of any judgement against the Supplier, or date when the return was amended.
- The level of any penalty or criminal conviction applied.

E – Economic and Financial Standing

	FINANCIAL INFORMATION	
E.1	Please provide one of the following to demonstrate your economic/financial standing; (Please indicate your answer with an ‘X’ in the relevant box.)	
	(a) A copy of the audited accounts for the most recent two years	
	(b) A statement of the turnover, profit and loss account, current liabilities and assets, and cash flow for the most recent year of trading for this organisation	
	(c) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position	
	(d) Alternative means of demonstrating financial status if any of the above are not available (e.g. Forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).	
E.2	Where the authority has specified a minimum level of economic and financial standing and/or a minimum financial threshold within the evaluation criteria for this PQQ, please self-certify by answering ‘Yes’ or ‘No’ that you meet the requirements set out here.	<input type="checkbox"/> Yes <input type="checkbox"/> No
E.3	Are you are part of a wider group (e.g. a subsidiary of a holding/parent company)?	<input type="checkbox"/> Yes

Name of customer organisation			
Point of contact in customer organisation – Email address			
Contract start date Contract completion date Estimated contract value			
<p>In no more than 500 words, please provide a brief description of the contract delivered including evidence as to your technical capability in this market.</p> <p><i>(please quote your word count in brackets at the end of your answer)</i></p>			
<p>If you cannot provide at least one example for question F1, in no more than 500 words please provide an explanation for this e.g. your organisation is a new start-up.</p>			
F.2	<p>Please give information about the products that you are proposing to supply under this procurement. Please provide details of specific brands, lead time from point of order, Warranty duration and assurance that all specified products meet BS and EU compliance standards and CIBSE lighting regulations. Please note that all products must also be approved by Salix</p>		

	<p>Finance Ltd or equivalent.</p> <p>Please clarify why you have selected the products and define your relationship with the respective manufacturers.</p> <p>Maximum Word Count 1000 (please quote your word count in brackets at the end of your answer)</p>
F.3	<p>Please give information about your ability to install the products specified above, including relevant information about the installers you propose to use. Please provide evidence of similar installations that you have undertaken, how you have demonstrated flexibility and indicating how you have met the customer's needs.</p> <p>Maximum Word Count 1000 (please quote your word count in brackets at the end of your answer)</p>
F.4	<p>Please confirm whether all proposed installers to be used on the project have been/or would be enhanced DBS checked. This is a necessity for any installer working on site at the College. Please note that the College will not contribute towards any cost incurred in order to ensure the above requirement is met.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
F.5	<p>Please give more information about your organisation or proposed multi-disciplinary partnership/consortium</p> <p>Your response should include reference, as a minimum, to the following:</p> <p>a) How your organisation or proposed multi-disciplinary partnership/consortium is organised regarding:</p> <ul style="list-style-type: none"> • decision making • progress checking • quality checking • dispute resolution • financial accountability • contract management <p>b) The resources and skills of the staff/partners involved, including reflection of the communities they represent</p> <p>Maximum Word Count 1500 (please quote your word count in brackets at the end of your answer)</p>
F.6	<p>The College has obtained a Salix Finance energy efficiency interest-free loan for this project. This project must deliver in terms of both CO₂ reduction and revenue benefits within the following Salix Finance criteria:</p> <ul style="list-style-type: none"> • maximum 5 year payback period and £100/tCO₂ lifetime basis; <p>The lifetime cost of CO₂ for this project should be calculated as follows:</p> $\text{£/tCO}_2 \text{ LT} = \frac{\text{Project total capital cost}}{\text{Annual CO}_2 \text{ savings} \times 20}$

	<p>Please describe how your organisation or proposed multi-disciplinary partnership/consortium has previously worked with Salix Financed projects on an end-to end basis.</p> <p>Your response should include reference to how you have identified, supported and made best use of Salix funding for other organisations.</p> <p>Maximum Word Count 1500 (please quote your word count in brackets at the end of your answer)</p>
F.7	<p>Have you previously delivered any energy efficiency stakeholder engagements events?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

G – Additional PQQ modules

Suppliers who self-certify that they meet the requirements for these additional modules will be required to provide evidence of this if they are successful at Contract Award stage. Please indicate your answer by marking 'X' in the relevant boxes.

1 – Insurance

1.	<p>Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:</p> <p>Employer's (Compulsory) Liability Insurance = £10M</p> <p>Public Liability Insurance = £2M</p> <p>Professional Indemnity Insurance = £2M</p> <p>Product Liability Insurance = £1M</p> <p>* It is a legal requirement that all companies hold Employer's (Compulsory) Liability Insurance of £10 million as a minimum. Please note this requirement is not applicable to Sole Traders.</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
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2 – Compliance with equality legislation

<p>For organisations working outside of the UK please refer to equivalent legislation in the country that you are located.</p>		
1.	<p>In the last three years, has any finding of unlawful discrimination been made against your organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or in comparable proceedings in any jurisdiction other than the UK)?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
2.	<p>In the last three years, has your organisation had a complaint upheld following an investigation by the</p>	<p><input type="checkbox"/> Yes</p>

	<p>Equality and Human Rights Commission or its predecessors (or a comparable body in any jurisdiction other than the UK), on grounds of alleged unlawful discrimination?</p> <p><i>If you have answered “yes” to one or both of the questions in this module, please provide, as a separate Appendix, a summary of the nature of the investigation and an explanation of the outcome of the investigation to date.</i></p> <p><i>If the investigation upheld the complaint against your organisation, please use the Appendix to explain what action (if any) you have taken to prevent unlawful discrimination from reoccurring.</i></p> <p><i>You may be excluded if you are unable to demonstrate to the authority’s satisfaction that appropriate remedial action has been taken to prevent similar unlawful discrimination reoccurring.</i></p>	<input type="radio"/> No
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3 – Environmental Management

1.	<p>Has your organisation been convicted of breaching environmental legislation, or had any notice served upon it, in the last three years by any environmental regulator or authority (including local authority)?</p> <p><i>If your answer to this question is “Yes”, please provide details in a separate Appendix of the conviction or notice and details of any remedial action or changes you have made as a result of conviction or notices served.</i></p> <p><i>The authority will not select bidder(s) that have been prosecuted or served notice under environmental legislation in the last 3 years, unless the authority is satisfied that appropriate remedial action has been taken to prevent future occurrences/breaches.</i></p>	<input type="radio"/> Yes <input type="radio"/> No
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4 – Health and Safety

1.	<p>Please self-certify that your organisation has a Health and Safety Policy that complies with current legislative requirements.</p>	<input type="radio"/> Yes <input type="radio"/> No
2.	<p>Has your organisation or any of its Directors or Executive Officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years?</p> <p><i>If your answer to this question was “Yes”, please provide details in a separate Appendix of any enforcement/remedial orders served and give details of any remedial action or changes to procedures you have</i></p>	<input type="radio"/> Yes <input type="radio"/> No

	made as a result. The authority will exclude bidder(s) that have been in receipt of enforcement/remedial action orders unless the bidder(s) can demonstrate to the authority's satisfaction that appropriate remedial action has been taken to prevent future occurrences or breaches.	
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H – Declaration

I declare that to the best of my knowledge the answers submitted to these questions are correct. I understand that the information will be used in the selection process to assess my organisation's suitability to be invited to participate further in this procurement, and I am signing on behalf of..... **(Insert name of Supplier)**.

I understand that the authority may reject my submission if there is a failure to answer all relevant questions fully or if I provide false/misleading information. I have provided a full list of any Appendices used to provide additional information in response to questions.

I also declare that there is no conflict of interest in relation to the authority's requirement.

The following appendices form part of our submission;

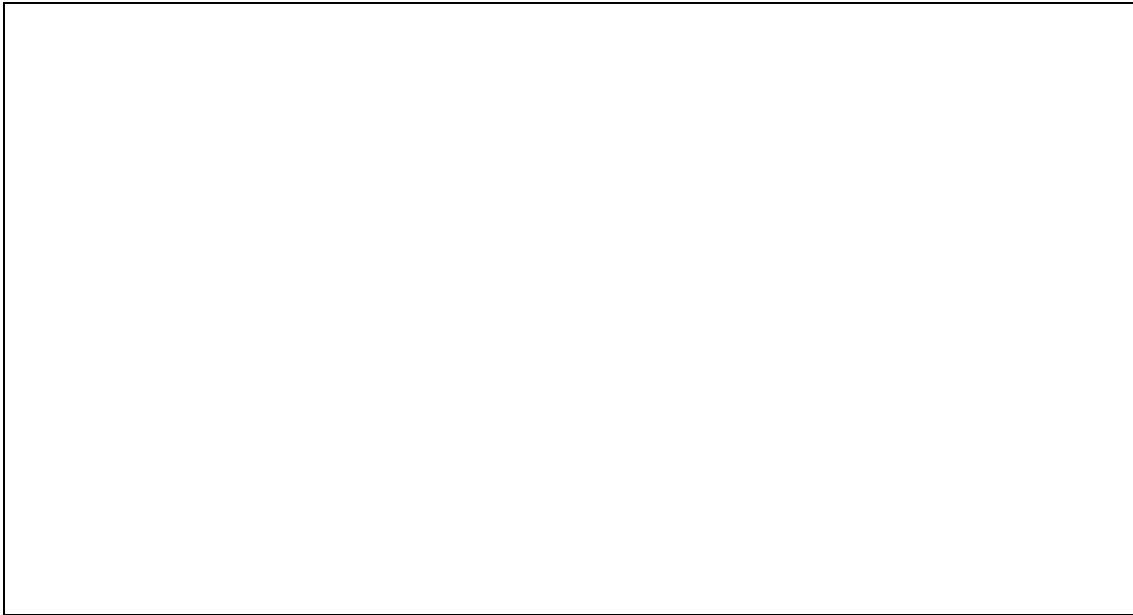
Section of PQQ	Appendix number

PQQ COMPLETED BY:

H.1	Name	
H.2	Role in organisation	
H3	Date	
H.4	Signature	

PQQ – Template for Appendices

Appendix Number -
PQQ section -
Question number -



Section 7 – Appendices

Appendix 1: Glossary (definitions of frequently used terms)

The Authority – see ‘Contracting Authority’.

Abnormally Low Bid – a bid that raises suspicion with the Contracting Authority that the Tenderer will not be able to perform the contract as proposed, due to the price or terms offered. Regulation 69 allows a Contracting Authority to reject abnormally low bids.

College – Lincoln College Group; we; us

Collusion – A fraudulent arrangement between two or more parties whereby prices or service requirements are manipulated to get round competitive tendering.

Competitive Dialogue – One of the four key procurement processes allowed under the EU Procurement Directive. It can only be used in defined circumstances – broadly for complex contracts where the final specification is yet to be decided.

Consortium – Two or more persons, at least one of whom is an economic operator, acting jointly for the purposes of being awarded a public contract. The consortium may or may not have formed a legal entity for the purposes of Tendering; however, where the Council awards a contract to a consortium it may require the consortium to form a legal entity before entering into, or as a term of, the contract.

Contract – A binding agreement made between two or more parties, which is intended to be enforceable by law.

Contract Award Notice – Notice of an award of a contract published in the Official Journal of the European Union (OJEU), in fulfilment of the requirements of EU public procurement directives.

Contracting Authority – Means the College and any other contracting authorities – as defined under Regulation 3 of The Public Contracts Regulations 2006 - described in the OJEU Contract Notice.

Contract Notice – Notice published in the Official Journal of the European Union (OJEU) by contracting authorities, seeking expressions of interest or inviting companies to tender.

Contractor – An organisation or individual who has made a contract to undertake works, supply goods or provide services.

Contract Value – The estimated total aggregated monetary value of a contract over its full duration (not annual).

Invitation to Tender – An invitation to contractors, suppliers or service providers to bid for the provision of works, goods or services; also known as an 'ITT'.

Market Brief – The Market Brief is for information only, and provides an outline of the requirements for this contract.

Method Statement – Tenderers' proposals for dealing with aspects of the work which are outlined in the specification, and where detailed operational information about the delivery of the contract is required.

Negotiated Procedure – One of the four key procurement processes allowed under the EU Directives. It can only be used in very limited circumstances defined by the EU Procurement Directives.

OJEU Contract Notice - means the advertisement issued in the Official Journal of the European Union.

Open Procedure – One of the four key Tendering processes allowed under the EU Procurement Directives. All potential providers who express an interest in an advertisement in the OJEU are sent an invitation to Tender.

Post-Tender Negotiation – Discussions with a supplier or suppliers after their offers have been received, with the aim of achieving clarifications and/or improvements. (Strict guidelines apply to conduct during this process).

Potential Provider – The person or organisation bidding, or intending to bid, as the sole or lead provider for the contract.

Pre-Qualification Questionnaire – A questionnaire completed by organisations that wish to be considered for a procurement activity or placed on an approved list. The purpose is to assess the organisation's general suitability in terms of financial and economic standing, technical capability and experience, quality assurance, health and safety procedures, environmental issues and equalities considerations.

Restricted Procedure – One of the five main Tendering processes allowed under EU Procurement Directives. This requires a short-listing stage 'selection stage' (often done by way of PQQ) to identify which potential providers to invite to Tender.

Special Purpose Vehicle - A Special Purpose Vehicle usually being; a subsidiary company with an asset/liability structure and legal status that makes its obligations secure even if the parent company goes bankrupt i.e. a legal entity as per the information regarding consortium above.

Specification – The specification details the College's requirements and standards for this contract, including the scope and specific details of the activities we require. It should present you with a clear, accurate and full description of our needs, so that you can propose a solution to meet them. You must read the specification carefully; if you are not sure about what is being asked for, contact the named contact for this Tender for clarification.

Tender – An official written offer, in response to an invitation, that contains a costed proposal to perform the works, services or supplies required, and is provided in response to a Tendering exercise.

Tenderer – Any Potential Provider that submits a Tender, as a response to an Invitation to Tender.

Appendix 2: Statutory Information

2.1 Information Law

2.1.1 In accordance with the obligations and duties placed upon public authorities by the Freedom of Information Act 2000 (the 'FoIA') and other information access law (such as the Environmental Information Regulations 2004), all information submitted to the College may be disclosed in response to a request made pursuant to the FoIA and other legislation.

2.1.2 The Potential Provider may consider that some information submitted constitutes a trade secret and is therefore confidential or, for example, that another exemption from disclosure applies. In this case the Potential Provider must clearly identify any information considered to be a trade secret, or subject to an exemption for disclosure specified by the Potential Provider. The Potential Provider must also explain the potential implications of disclosure of such information, and providing an estimate of the period of time during which the Potential Provider believes that such information will remain commercially sensitive.

Where a Potential Provider identifies information as a trade secret or as being subject to another lawful exemption from disclosure, the Authority will consult the Potential Provider if a request to disclose the information is received and take into account any representations made by it. The Authority may be obliged by law to disclose information.

2.1.3 If you wish to find out more information then the following government websites are a useful source of information:

- Freedom of Information Act:

<http://www.legislation.gov.uk/ukpga/2000/36/contents>

- Information Commissioner's Office website: www.ico.org.uk
- For further information on Environmental Information Regulations visit: <http://www.legislation.hmso.gov.uk/si/si2004/draft/20040331.htm>

2.2 Confidentiality

2.2.1 Potential Providers shall at all times treat the contents of the Market Brief, PQQ and any related documents as confidential, save in so far as they are already in the public domain; however, relevant parts may be disclosed for the purpose of obtaining quotations required for the preparation of the PQQ submission and for insurance purposes.

2.2.2 The College will treat the information provided by Potential Providers confidentially, subject to Section 2.1 above.

2.3 Disclaimer

The College has prepared the Market Brief. The information in this Market Brief is provisional and will be superseded by the Tender documents. Although every care has been taken in preparing the Market Brief, no representation, warranty or undertaking, expressed or implied is, or will be made, and no responsibility or liability will be accepted by the College or by any of its officers, employees, servants, agents or advisers ("Connected Persons") as to the accuracy or completeness of the Market Brief or any other written or verbal information made available to any interested party or its advisers. Any liability, however arising, is expressly disclaimed.

Further, the College will not accept any responsibility or liability for advising any recipient of any changes or additions to the information contained in this brief, or any other information relating to the project which comes to their attention.

Data provided by the College to interested parties will be given in good faith but interested parties will have to make their own investigations and interpretation.

Neither the receipt of this Market Brief by any person, nor any information contained in it or distributed with it, or subsequently communicated to any interested party or its advisers is, or is to be taken as, constituting the giving of investment advice by the College.

Nothing in this document is, or should be, relied on as a promise or representation as to the future. The College reserves the right, without principle, to change the procedure for the project competition or any of the proposals or information in relation to the project.

The College reserves the right not to follow up an invitation in any way and/or withdraw from the Tender process, and no expense incurred by any person in responding to the invitation and preparing an expression of interest will be reimbursed by the College or connected persons will be so liable to the Tenderer or Potential Provider. The College reserves the right not to award a contract.