# Selection Questionnaire: Frequently Asked Questions

## What is the European Single Procurement Document (ESPD)?

The ESPD is a list of questions that potential suppliers have to answer to provide a self-declaration that none of the exclusion grounds has been breached, and that they meet the required selection criteria.

It is a standard form and should make the process of bidding for a public contract easier.

The exclusion grounds are those listed in the EU Directive. As the same exclusion grounds will be used in ESPDs across the EU a potential supplier will be able to re-use a form that it has previously submitted for another competition as long as the information is still correct.

You can evaluate ESPDs submitted by potential suppliers from other countries alongside the SQs submitted by UK suppliers because they have a common reference to the EU Directive exclusion grounds

Only the winner will normally have to submit evidence. If available, evidence can be retrieved by the buyer directly from the respective registers.

## What is the difference between the standard Selection Questionnaire and the European Single Procurement Document?

The first two sections of the standard Selection Questionnaire align with the questions asked in the European Single Procurement Document. We have simply made them easier to understand and listed the relevant national laws that fit into the exclusion categories.

In the UK we already operate a system of self-declaration. The main change to the process is that verification of the declarations, of both the exclusion grounds and the selection information, should normally only take place with the winning suppliers. However if the proper conduct of the procurement requires evidence to be checked earlier it can be.

The European Single Procurement Document developed by the Commission includes supplier selection questions. These questions are not mandatory and we have made the policy decision to substitute these optional selection questions with those in the standard Selection Questionnaire.

## Do I have to use the standard Selection Questionnaire?

Yes. Part 1 and Part 2 list the exclusion grounds that apply to public procurements above EU thresholds, and the statutory guidance states that the selection questions in Part 3 should be adopted across all procurement procedures and embedded as needed into your procurement processes.

You must not use a two-stage process for below threshold procurements. But you can use the questions in the standard Selection Questionnaire as a starting point to develop questions in the tender documents for lower value procurements.

## Can I add my own questions?

You cannot add your own questions to Part 1 or Part 2 of the standard Selection Questionnaire. These sections gather information about the supplier and include the exclusion questions. This is because the questions in those parts are aligned with the Public Contract Regulations 2015. You cannot delete any of these questions either.

However Part 3, the supplier selection questions, has a section where you can add project specific questions. Additionally, there is a process for reporting deviations to the other questions in this section, and that is explained in the guidance (see PPN 08/16 Annex A para 31ff).

## Can I reword the questions so they fit with the house-style of my e-procurement system?

Yes you can reword/rephrase the questions as long as they are still asking for the same information/declaration and align fully with the questions in the Selection Questionnaire.

## How do I shortlist in a restricted procedure?

The standard Selection Questionnaire is very similar to the previous standard Pre-Qualification Questionnaire so previous practice should be followed.

Potential suppliers’ responses should be assessed against the pre-determined criteria that has been published in the procurement documentation.

You can add weightings to the Part 3 selection questions.

## When can I request proof of self-declarations?

You must verify that the winning supplier does actually have all the required evidence, or meets the relevant criteria, before you award the contract.

You can ask potential suppliers to submit their evidence at any point in the procurement process if it is necessary to ensure the proper conduct of the procurement.

For multi-stage procurements, we recommend that you verify the evidence before taking potential suppliers on to the next stage.

You cannot require a potential supplier to provide you with evidence when you can obtain it directly and free of charge from a national database.

## Can I use the previous standard PQQ from PPN 3/15 ?

No. The standard Selection Questionnaire replaces the standard PQQ.

## The standard PQQ was popular with suppliers because buyers asked for the same type of information. Will that consistency be lost now?

No. The standard Selection Questionnaire has been drafted so that it incorporates the questions from the European Single Procurement Document and the supplier selection questions from the standard PQQ.

## Do sub-contractors have to complete the SQ?

There are different requirements for subcontractors depending on what their involvement in the bid is.

If the sub-contractor’s capacity, professional credentials etc are required for the bid to pass the selection criteria then they are being relied on and as such have to provide a self-declaration (Part 1 and Part 2 of the SQ). Regulation 63 of the Public Contracts Regulations 2015 provides further detail on what constitutes reliance on the capacities of others.

If the sub-contractor is simply providing additional capacity or skills to the main contractor, and that resource is not relied on by the main contractor to pass the selection criteria, then Part 1 and Part 2 are only required **if** the contracting authority decides to take that option up (r71 (8)). If the buyer chooses to ask for a separate completed standard Selection Questionnaire Part 1 and Part 2 from all sub-contractors to verify if there are grounds for excluding it or not, and there are grounds for mandatory exclusion then the sub-contractor must be replaced. However if the grounds fall into the discretionary list the buyer may, at their discretion, require the potential supplier to replace the sub-contractor.

## What is Self-Cleaning?

A potential supplier who has been excluded from public procurement can have certain exclusions ended if they effectively “self-clean”.

Potential suppliers are required to demonstrate that they have taken remedial action, to the satisfaction of the contracting authority in each case. In order for the evidence provided to be sufficient it must, as a minimum, prove the supplier has “self-cleaned” as follows:

● 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 actions agreed on deferred prosecution agreements (DPAs) may be submitted as evidence of self-cleaning and evaluated by the contracting authority as described below.

The measures taken shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct. If such evidence is considered by the contracting authority (whose decision will be final) as sufficient, the potential supplier shall be allowed to continue in the procurement process.

If the potential supplier cannot provide evidence of ‘self-cleaning’ that is acceptable to you, they are to be excluded from further participation in the procurement and provided with a statement of the reasons for that decision.

## What does a ‘group of economic operators’ mean at Q 1.2(a)-(1)?

A ‘group of economic operators’ refers to a consortium type group, including joint ventures and partnerships.

It does not refer, for example, to a main contractor who intends to subcontracts all the work. If this is the situation then the main contractor would answer YES at question 1.2(b)-(i) ‘Are you or, if applicable, the group of economic operators proposing to use sub-contractors?’. Further details would then be provided at 1.2(b)-(ii) .

## Would each member of a consortium need to fill in a separate SQ or can the lead consortium member do one on behalf of all?

Each member of the consortium would complete their own Part 1 and Part 2 because only they can declare whether they have breached the exclusion grounds or not. See PPN 08/16 Annex A para 22 of the guidance.

Part 3 (selection criteria) however is completed by the lead supplier for the consortium as a group. It is the combined capacity and capability of the group that is required to meet the selection questions. See PPN 08/16 Annex A para 43 of the guidance.

## When should I use PAS91?

PAS91 PQQs should be used in works contracts above the relevant goods and services threshold. The 2013 version of PAS91 still refers to the 2006 Public Contracts Regulations. The BSI are updating PAS91 to reflect the 2015 Regulations so until the new version is published contracting authorities should use Parts 1 and 2 of the Selection Questionnaire and supplier selection questions from PAS91.

## Why aren’t there questions on equality, health and safety and the environment in the SQ?

Part 2 of the SQ does ask questions about breaches of equality, health and safety and environmental legislation in the grounds for discretionary exclusion (see SQ 3.1(a) to (c)). Consequently the questions that appeared in our standard PQQ have not been carried forward into the SQ.

You may ask relevant project specific questions on these topics where relevant to the contract.

Note that the PAS91 has modules on these topics for use in works contracts. If you wish to include additional questions on these topics in all your procurements you will need to register a deviation.

## Para 54 of the Guidance refers to a ‘list of possible topics covering technical and professional ability’, where can I find that list ?

The list referred to in PPN 08/16 Annex A para 54 of the guidance is the list in the Public Contracts Regulations 2015 r60 (9). The regulation is provided below.

**Proving technical and professional ability**

(9) Proof of the economic operator’s technical and professional ability may, subject to regulation 58(16), be provided by one or more of the following means, in accordance with the nature, quantity or importance, and the use, of the works, supplies or services:—

(a) the following lists:—

 (i) a list of the works carried out over at the most the past 5 years, accompanied by certificates of satisfactory execution and outcome for the most important works; but, where necessary in order to ensure an adequate level of competition, contracting authorities may indicate that evidence of relevant works carried out more than 5 years before will be taken into account;

 (ii) a list of the principal deliveries effected or the main services provided over at the most the past 3 years, with the sums, dates and recipients, whether public or private, involved; but, where necessary in order to ensure an adequate level of competition, contracting authorities may indicate that evidence of relevant supplies or services delivered or performed more than 3 years before will be taken into account;

(b) an indication of the technicians or technical bodies involved, whether or not belonging directly to the economic operator’s undertaking, especially those responsible for quality control and, in the case of public works contracts, those upon whom the contractor can call in order to carry out the work;

(c) a description of the technical facilities and measures used by the economic operator for ensuring quality and the undertaking’s study and research facilities;

(d) an indication of the supply chain management and tracking systems that the economic operator will be able to apply when performing the contract;

(e) where the products or services to be supplied are complex or, exceptionally, are required for a special purpose, a check carried out by the contracting authority, or on its behalf, by a competent official body of the country in which the supplier or service provider is established, subject to that body’s agreement, on the production capacities of the supplier or the technical capacity of the service provider and, where necessary, on the means of study and research which are available to it and the quality control measures it will operate;

(f) the educational and professional qualifications of the service provider or contractor or those of the undertaking’s managerial staff, provided that they are not to be evaluated as an award criterion;

(g) an indication of the environmental management measures that the economic operator will be able to apply when performing the contract;

(h) a statement of the average annual manpower of the service provider or contractor and the number of managerial staff for the last 3 years;

(i) a statement of the tools, plant or technical equipment available to the service provider or contractor for carrying out the contract;

(j) an indication of the proportion of the contract which the economic operator intends possibly to subcontract;

(k) with regard to the products to be supplied:—

 (i) samples, descriptions or photographs, the authenticity of which must be certified where the contracting authority so requests;

 (ii) certificates drawn up by official quality control institutes or agencies of recognised competence attesting the conformity of products clearly identified by references to technical specifications or standards.

## What do you mean by a sole trader in question 8.1?

A sole trader is an individual who provides goods, works or services but who does not directly employ other people. As they are not an employer they do not need Employers (Compulsory) Liability Insurance.

## Can I include other types of insurance in question 8.1?

You may do so on a project specific basis where relevant to the contract. Be careful to ensure amounts asked for are proportionate.

## What do I ask the suppliers for in a Light Touch Regime (LTR) procurement?

Use a selection of questions from Part 3 of standard Selection Questionnaire for above-threshold LTR contracts.

While the grounds for mandatory and discretionary exclusion do not apply to procurements under the LTR as a matter of law, you would still normally exclude suppliers that had been found guilty of the mandatory exclusion offences as a matter of routine and sensible business practice. You should also consider the circumstances surrounding breach of the discretionary grounds for exclusion. CCS recommends that you use the standard Selection Questionnaire Part 1 and Part 2 in LTR procurements.

## Where can I find a Word version of the Selection questionnaire?

A word version can be found on the PPN 08/16 web page or on the EU procurement directives and the UK regulations here <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/564780/Standard_Selection_Questionnaire_v3_Nov_16.docx>