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| FleX Competition |
| Flexibility Exchange Demonstration Competition  Competition Application Form |
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| January 2019 |

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| FleX Competition |
| Flexibility Exchange Demonstration Competition  Flexibility Exchange Demonstration Competition |
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## **Gui dance**

Further information and guidance about the FleX Competition can be found in the Competition Guidance Notes (available at <https://www.gov.uk/guidance/funding-for-innovative-smart-energy-systems> or by emailing [smart.innovation@beis.gov.uk](mailto:smart.innovation@beis.gov.uk)). Information is provided below on the application process for the Competition.

* **Overview:** The total budget available from the Department for Business, Energy and Industrial Strategy (BEIS) for the FleX Competition is up to £4 million which is expected to fund up to 3 demonstration projects. Project teams can apply for up to £2.5 million grant funding for each flexibility exchange demonstration project. The Competition is subject to EU State Aid rules, specifically Article 25 of the General Block Exemption Regulation (GBER)[[1]](#footnote-2) and any project selected for funding in this Competition will be required to provide significant private sector funding alongside the grant funding provided by BEIS (see section 5 of the Competition Guidance Notes for details).
* **Registration Email:** Applicants are asked to submit a registration email to [smart.innovation@beis.gov.uk](mailto:smart.innovation@beis.gov.uk) using the title ‘FleX Competition’ in the email subject and containing the following information: the name of the lead project organisation (project co-ordinator); the project title; and confirmation of intention to submit an application. The deadline for submitting registration email is **5pm, 11 April 2019.**
* **BEIS confirmation:** Within a week of receipt of the Registration Email, BEIS will issue a confirmation email to the applicant with an individual reference number. Please use this reference number to submit any subsequent application or when submitting any questions about the Competition.
* **Questions about the Competition:** If you have read the guidance notes and any online FAQs and still have questions, you may address any queries regarding the competition process to the following email address: [smart.innovation@beis.gov.uk](mailto:smart.innovation@beis.gov.uk). All questions should be submitted by the clarification deadline of **28 March 2019**. Questions submitted after this date may not be answered. We will provide online replies to all those who have registered an interest (https://www.gov.uk/guidance/funding-for-innovative-smart-energy-systems) to any questions which arise before 28 March and which, in our judgement, are of material significance. All bidders should take these replies into consideration when preparing their own bids and we will evaluate bids on the assumption that they have done so.
* **Submission process and deadline:** The full proposal for the Competition must be emailed to [smart.innovation@beis.gov.uk](mailto:smart.innovation@beis.gov.uk) using the title ‘FleX Competition - (name of lead applicant)’ in the email subject by **5pm, 18 April 2019.**
* **File format and size:** Completed application forms and the completed finance templates and any supporting information should be submitted electronically. The completed finance form should be submitted as a spreadsheet (.xls) file; the completed application form should be submitted in pdf format.

The maximum size email you can send is 10 MB. If your application is larger than 10MB, please break the submission down into smaller sizes and ensure the subject line of each additional email takes the following format ‘FleX Competition - (name of lead applicant) – email x of y’.

* **Submission content:** The proposal must include the following documents:
* Completed application form (this word document can be downloaded from https://www.gov.uk/guidance/funding-for-innovative-smart-energy-systems or requested from [smart.innovation@beis.gov.uk](mailto:smart.innovation@beis.gov.uk)), including signed declaration
* Completed pricing schedule/finance form (separate spreadsheet - this can be downloaded from https://www.gov.uk/guidance/funding-for-innovative-smart-energy-systems or requested from [smart.innovation@beis.gov.uk](mailto:smart.innovation@beis.gov.uk) );
* Completed high level project Gantt chart or project plan;
* Copy of most recent annual company accounts or equivalent.
* **Optional**: supporting information can also be submitted **where it adds substantive information** to the proposal; however, you should not assume that any additional information will be cross-referenced or reviewed as part of the selection process – for example, it may only be used to help finalise the assessment of projects which receive very similar assessment scores. The application form should include a list of any supporting documents.

You should endeavour to answer all of the questions on the application in full. Incomplete applications and any containing incorrect information will very likely be rejected although BEIS may, at its discretion, request clarification or additional data before making a final decision.

Any applications or supporting documentation received after the application deadline will not be considered.

* **Submission Costs:** You will not be entitled to claim from the Department any costs or expenses that you may incur in preparing your bid, whether or not your proposal is successful.
* **Consortium Bids:** Bids from consortia are welcome. **Only one submission should be submitted for each separate project bid** but all consortium partners are required to sign the completed application form for their project(s) (see Application Approval).

If a consortium is not proposing to form a separate corporate entity, the project partners will need to complete a Consortium Agreement and funding will not be provided by BEIS until a signed consortium agreement has been finalised between all the members of the project consortium.

* BEIS recognises that arrangements in relation to consortia and sub-contractors may (within limits) be subject to future change. Bidders should therefore respond in the light of the arrangements as currently envisaged and are reminded that any future proposed changes in relation to consortia and sub-contractors must be submitted in writing to BEIS for approval.
* **Multiple Bids:** Applicants may put in multiple bids or be part of multiple consortia, for unique projects delivering different energy storage technologies. BEIS reserves the right to assess the capability of the team to deliver multiple projects and whether the different projects are unique at the eligibility stage.
* **Proposal Validity**: Proposals shall be valid for a minimum of 60 calendar days from the submission deadline (18 April 2019).
* **Information Sharing:** BEIS may share information from applications with other UK Government departments or with Ofgem.

## **Contact and Company Details and Proposal Summary**

|  |  |  |
| --- | --- | --- |
| Summary Information | | |
| Name of Bidder  (This should be the lead organisation/co-ordinator for the proposed project. |  | |
| Project Title |  | |
| Estimated Start Date |  | |
| FleX Competition Project Duration | 0 mths | |
| Total Eligible Project Costs[[2]](#footnote-3) | £ 0.00 | |
| Total Project Costs (if different to total eligible project costs) | £ 0.00 | |
| Total match funding contribution to eligible project costs | £ 0.00 | |
| Total BEIS Grant applied for | £ 0.00 | |
| Is this a collaborative application? | Click to enter | If Yes please provide contact and business details for all partners in Annex 1. |

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Bidder Contact Details | | | | | | | | | | | | | | | | | | |
| Title | | Choose title | | | | | | Name |  | | | | | | | | | |
| Position | | |  | | | | | | | | | | | | | | | |
| Email | | |  | | | | | | | | | | | | | | | |
| Telephone | | |  | | | | | | | | Mobile | | |  | | | | |
| Organisation name | | | | |  | | | | | | | | | | | | | |
| Address | | | | |  | | | | | | | | | | | | | |
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| Town/City | | | | |  | | | | | | | | | | | | | |
| Postcode | | | | |  | | | | | | | | | | | | | |
| Organisation Type | | | | | Choose type | | | | | | | | | | | | | |
| If type of organisation is ‘other’, please describe here: | | | | |  | | | | | | | | | | | | | |
| Lead Organisation Details | | | | | | | | | | | | | | | | | | |
| Number of employees (including directors) | | | | | | | | | | | | | 0 | | | | | |
| Business Registration Number | | | | | | | | | | | | |  | | | | | |
| Turnover (in most recent annual accounts) | | | | | | | | | | | | | £ 0.00 | | | | year end |  |
| Balance Sheet Total, in stated Turnover year (total assets net of depreciation) | | | | | | | | | | | | | £ 0.00 | | | | as at | enter date |
| Business maturity | | | | | | | | | | | | | Choose maturity | | | | | |
| Does the business have a parent company? | | | | | | | | | | | | | Choose an item | | | | | |
| How is the business currently funded? (Choose all that apply) | | | | | | | | | | | | | | | | | | |
|  | No Funding | | |  | | Founders (including bank loans) | | | |  | | Friends and Family | | |  | Public Sector Grants | | |
|  | Angel Investment | | |  | | Venture Capital | | | |  | | Private Equity | | |  | Stock Market Floatation | | | |
| **Other UK or EU public sector funding:** With respect to this project or the technology it is based on, please list briefly the source and amount of any public-sector support you are receiving or have received in the past 10 years, or which is currently being sought (please add further details in a separate annex if necessary). | | | | | | |  | | | | | | | | | | | | |
| **Undertakings in difficulty:** Does your company or any other company in your consortium meet the ‘undertaking in difficulty’ definition set out in the General Block Exemption Regulation 2014 (GBER). Please see Annex 4 for the undertaking in difficulty definition. | | | | | | |  | | | | | | | | | | | | |
| **Mandatory Exclusion Grounds:** Does your company or any other company in your consortium meet any of the ‘mandatory exclusion grounds’ set out in Annex 3?  If yes, please provide details. | | | | | | |  | | | | | | | | | | | | |
| **Discretionary Exclusion Grounds:** Does your company or any other company in your consortium meet any of the ‘discretionary exclusion grounds’ set out in Annex 3?  If yes, please provide details. | | | | | | |  | | | | | | | | | | | | |
| **Additional Exclusion Grounds:** Does your company or any other company in your consortium meet any of the ‘additional exclusion grounds’ set out in Annex 3?  If yes, please provide details. | | | | | | |  | | | | | | | | | | | | |

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| Parent Company Details (if applicable) | | | |
| Organisation name |  | | |
| Address |  | | |
|  |  | | |
|  |  | | |
|  |  | | |
| County |  | | |
| Postcode |  | | |
| Turnover (in most recent annual accounts) | £ 0.00 | year end: |  |
| Balance Sheet Total, in stated Turnover year (total assets net of depreciation) | £ 0.00 | as at: | enter date |
| Company maturity | Choose an item. | | |

## **Public Description of the Project**

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| The public description of the project should be a brief non-confidential description of the project that BEIS may use in online or printed publications; please describe the project objectives and key deliverables and the expected project benefits)  (maximum 500 words) |
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## **Eligibility Criteria**

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| This section seeks information to address the Competition Eligibility Criteria: all projects will be assessed against these eligibility criteria before progressing to evaluation against the Assessment Criteria. To be eligible for funding, proposed projects must meet all of the eligibility criteria. Please see section 4 of the Competition Guidance Notes for further information. |

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| 1. Innovation and technology readiness | |
| 1. Please describe the current technology readiness level (TRL) and provide the current numerical TRL grading for your flexibility exchange approach.   (See Annex 1 in the Guidance Notes for further information on technology readiness levels). |  |
| 1. Please describe the expected technology readiness level (TRL) as well as providing the expected numerical TRL grading for your flexibility exchange approach upon completion of your proposed FleX Competition project.   (See Annex 1 in the Guidance Notes for further information on technology readiness levels). |  |
| 1. Please describe the current technology readiness level of key components or sub-systems to be developed during the proposed FleX project. |  |
| 1. Please describe the progress in technology readiness expected to be secured for any key components or sub-systems during the proposed FleX project. |  |
| 1. To the best of your knowledge:   i) is the proposed Flexibility Exchange approach already commercially deployed in the UK or elsewhere?  ii) have you secured contracts for future commercial deployment of this Flexibility Exchange technology?  If the answer is yes to either of these options, please set out why you think you are still eligible for this competition. |  |

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| 2. Technology scope and trial requirements | |
| 1. Please outline the proposed flexibility exchange approach, including details of:   i) the types/sources of flexibility which will be able to access flexibility markets through the proposed flexibility exchange;  ii) the products or services which will be accessible to flexibility asset owners through the proposed flexibility exchange.  (See section 4.1, ‘Technology scope’ of the Competition Guidance document for further details of what is expected from the proposed flexibility exchange.) |  |
| 1. Please outline the scale and scope of the trial to be delivered in the proposed FleX Competition project, including details of: 2. i) the number of individual, real flexibility assets to be connected to the flexibility exchange during the trial; 3. ii) the type of flexibility assets to be connected to the flexibility exchange during the trial; 4. iii) the range of asset owners to be involved in the trial; 5. iv) any simulated assets to be used as part of the trial; |  |

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| 3. Project activity | |
| 1. Experimental Development: 2. Please provide an estimate of the proportion of the total eligible project costs to be incurred in Experimental Development activities. 3. Please outline the activities expected to be completed for the proposed FleX Competition project in the Experimental Development innovation category.   (See definitions of experimental development and industrial research in section 4.1, ‘Project activity’ of the Competition Guidance document) |  |
| 1. Industrial Research: 2. Please provide an estimate of the proportion of the total eligible project costs to be incurred in Industrial Research activities. (Less than 25% of the total eligible project costs must be incurred by industrial research activities in this Competition.) 3. Please outline the activities expected to be completed for the proposed FleX Competition project in the Industrial Research innovation category.   (See definitions of experimental development and industrial research in section 4.1, ‘Project activity’ of the Competition Guidance document) |  |

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| **4. Project status and timescale** | |
| 1. Please provide details of any work which has been carried out on the proposed project to date (this is not eligible for FleX Competition funding). |  |
| 1. Please state the proposed FleX Competition project start and completion date of all BEIS-funded activities – including the completion of all reporting requirements.  (All activity funded by BEIS under the FleX Competition must be completed by 31 March 2021.) |  |
| 1. Please state the proposed completion date of the final operational piloting, testing and validating, including associated data gathering and project reporting.  (This activity cannot be funded using BEIS FleX Competition grant funding but it can be funded using the outstanding private sector match funding agreed for a project funded to end March 2021 by BEIS in the FleX Competition. All FleX Competition project activity must be completed by 31 December 2021). |  |

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| **5. Additionality** | |
| 1. What is the added value of public funding for this project? |  |
| 1. What would be the outcome if no public funding was provided (for example, in terms of the extent or speed of innovation activity). Why can’t you fund this innovation activity yourself? |  |
| 1. What additionality is offered by the proposed FleX Competition trial specifically compared to the existing UK trials described in the Competition Guidance (section 4.1 of the Competition Guidance, under the ‘Additionality’ eligibility criterion). |  |

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| **6. Grant size** | |
| 1. Estimated total project costs for the proposed FleX Competition project (in £) |  |
| 1. Total eligible project costs (in £) – if different to the total project costs |  |
| 1. Total private sector (match) funding (in £) |  |
| 1. Maximum total grant funding requested from BEIS (in £) |  |
| 1. Any other proposed project funding (in £) – not already included in c) or d) above (please describe also) |  |

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| **7. Grant intensity (match funding)** |
| Please complete Table E7 below to confirm the proposed grant intensity, for all project partners. |
| **Table E7 – Grant intensity** |
| | **Name of partner organisation** | **Size and type of partner[[3]](#footnote-4)** | **Partner’s eligible project costs (in £)** | **Partner’s eligible project costs as a proportion of the total eligible project costs (%)** | **Partner’s grant funding request from BEIS (in £)** | **Partner’s grant funding request as a proportion of their own eligible project costs (%)** | | --- | --- | --- | --- | --- | --- | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  | | *Please add extra rows for additional partners, if required* | | | | | | | **Total:** |  |  |  |  |  | |

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| **8. Eligible project costs** | | |
| Please confirm that the proposed costs are eligible – as defined in Annex 2 of the Competition Guidance Notes (Yes/No). | |  | |
|  | | |
|  | | |
| 9. Project location | | |
| 1. Please describe the location or locations where the proposed FleX Competition trial will be carried out (the trial must be located in Great Britain). |  | |
| 1. Please describe the location or locations where the proposed FleX Competition project activity will be carried out.   If more than one location, please provide an estimate of the total project costs to be delivered at each location. |  | |

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| **10. Project team** |
| Please ensure correct details of the details of the project partner(s)’ organisation type[[4]](#footnote-5), are provided in Table E7. |

## **Assessment Criteria**

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| This section seeks information to address the Competition Assessment Criteria: these criteria will be used to rank projects. Please see section 7 of the Competition Guidance Notes for further information about the assessment criteria and process. To be eligible for funding, proposed projects must also meet all of the Competition eligibility criteria. |

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| **1. Energy system benefits (40% weighting)** |
| **Criterion Guidance:** This criterion will look at the benefits for the energy system in Great Britain of implementing the proposed flexibility exchange approach, including the potential electricity system cost savings, potential impact on emissions reduction and potential impact on energy system security and resilience.  The main mechanisms by which a flexibility exchange is likely to deliver these benefits are by:   * Broadening access to flexibility markets, thereby improving competition. * Facilitating price-driven co-ordination between the ESO, DNOs and other market actors.   *Broadening access to flexibility markets*  Applicants should explain how their approach will facilitate technology-neutral participation in flexibility markets. In particular we will be looking for proposals which allow distribution-connected assets to compete on a level playing field with transmission-connected assets. Proposals should also set out how they will accommodate participation by a range of different technologies for flexibility provision including energy storage, demand-side response and renewable generation.  An effective marketplace would also minimise the administrative and technical burdens of participation in these markets as far as practicable. Applicants should set out how their proposals will facilitate engagement by smaller flexibility providers such as domestic prosumers, community groups and smaller commercial entities.  *Facilitating price-driven co-ordination*  Applicants should explain how their approach will facilitate price-driven co-ordination between the ESO, participating DNO(s) and other market actors such as suppliers and aggregators. Effective marketplaces will allow price signals to establish the most cost-effective whole system actions where the needs of different flexibility buyers are not aligned, whilst ensuring that system security is maintained. Applicants should also set out how they intend to mitigate any risks their proposal could present to the energy system. These risks could be associated with market failure, or with security (e.g. cyber security.)  *Energy system benefits*  Proposals which successfully widen access to flexibility markets and facilitate price-driven co-ordination are expected to deliver the following benefits for the GB energy system:   * Electricity system cost savings - for example, from: deferred or avoided need for investment in network and generation capacity; improved allocative efficiency (including securing cost-effective efficiency improvements in generation technologies - both renewable or non-renewable); or reduced transaction costs. * enabling increased deployment of intermittent or inflexible low carbon generation technologies. * enabling increased security/resilience in the system, for example through encouraging new participants or increased participation in the GB energy market.   Applicants will be asked to explain – with supporting evidence about the proposed performance of their flexibility exchange approach – how and when their approach will deliver these benefits.  *Highest marks will be awarded to the technologies and approaches expected to lead to the greatest overall benefits to the energy system in Great Britain.* |
| 1a. Please explain how your proposed flexibility exchange approach will broaden access to flexibility markets.  Your explanation should include details of how the proposed exchange will:   * allow distribution-connected assets to compete on a level playing field with transmission-connected assets; * accommodate participation by a range of different technologies for flexibility provision; * minimise the administrative and technical burdens of participation in flexibility markets; * facilitate engagement by smaller flexibility providers such as domestic prosumers, community groups and smaller commercial entities.   ***Please limit your response to 3 pages*** |
|  |
| 1b. Please explain how your proposed flexibility exchange approach will facilitate price-driven co-ordination between the ESO, participating DNO(s) and other market actors such as suppliers and aggregators.  Your explanation should include details of how the proposed exchange will:   * allow price signals to establish the most cost-effective whole system actions where the needs of different flexibility buyers are not aligned, whilst ensuring that system security is maintained; * mitigate any potential risks to the energy system, for example, risks associated with market failure, or with security (including cyber security).   ***Please limit your response to 3 pages*** |
|  |
| 1c. Please explain the expected impact of the proposed flexibility exchange approach on electricity system costs in Great Britain and indicate when any cost benefits could be realised.  ***Please limit your response to 2 pages*** |
|  |
| 1d. Please explain the expected impact of the proposed flexibility exchange approach on deployment of intermittent or inflexible low carbon generation technologies in Great Britain and indicate when these impacts could be realised.  ***Please limit your response to 2 pages*** |
|  |
| 1e. Please explain the expected impact of the proposed flexibility exchange approach on security/resilience in the electricity system in Great Britain and indicate when any security/resilience benefits could be realised.  ***Please limit your response to 2 pages*** |
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1f. Please complete Table 1 below to provide details of the proposed flexibility exchange technology and the total costs associated with deploying the technology.

**Table 1 – System costs**

|  |  |  |
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| **Cost element**  *(Please complete for all the performance parameters which are relevant for your proposed flexibility approach.)* | **Expected cost in £ of the proposed flexibility approach – assuming the proposed system is successfully developed & deployed** | **Notes - please provide a brief explanation of the status of this cost data, e.g. known price for off-the-shelf equipment; initial estimate based on estimates of man-days (more detailed evidence can be provided in an Annex or in supporting documents if necessary).** |
| **Size of costed system** | | |
| **Describe the size or ‘unit size’ of the proposed flexibility approach which has been costed below** |  | |
| **Capex**  (including all major components, balance of plant, associated structures/enclosures, IT / software) | | |
| **Capital costs (central system)** |  |  |
| **Capital costs (per site controlled)** |  |  |
| **Capital costs (other)** |  |  |
| **Opex & Maintenance Costs** | | |
| **Annual operating costs (central system)** |  |  |
| **Annual operating costs (per site controlled)** |  |  |
| **Other annual operating costs (other)** |  |  |

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| **2. Innovation and dissemination (15% weighting)** |
| **Criterion Guidance:** This criterion will assess the innovation of the proposed approach and the extent to which learning from the project and about the proposed flexibility exchange approach more broadly will be disseminated to key energy industry stakeholders in the UK. To assess this criterion, we will consider a number of factors, including, but not limited to:   * the level of innovation in the proposed flexibility exchange approach – applicants will be asked to compare their solution with other marketplace approaches and to explain the benefits of their approach, with respect to the expected aims, objectives and outputs for this Competition (outlined in Section 2 of the Competition Guidance Notes); * the extent to which learning from the project will be shared; * the scale and scope of proposed dissemination and knowledge transfer activities.   *Highest marks will be awarded to innovative flexibility exchange approaches which offer benefits over other existing or planned approaches and to those projects which have clear dissemination and knowledge-transfer plans and suitable resources to deliver them.* |
| 2a. Please explain similarities and difference between your proposed flexibility exchange approach and other existing or planned flexibility exchange or marketplace approaches in the UK – or internationally, if relevant.  Explain the benefits of your proposed approach compared to other solutions, particularly with respect to the aims, objectives and outputs for the FleX Competition (outlined in Section 2 of the Competition Guidance Notes).  ***Please limit your response to 4 pages*** |
|  |
| 2b. Describe the project team’s proposed dissemination and knowledge transfer activities for the project.  ***Please limit your response to 2 pages*** |
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| 3. **Project delivery (30%** weighting**)** | |
| **Criterion Guidance:** This criterion will assess the project team’s potential capacity and capability to develop, build and trial a successful flexibility exchange prototype. This will be assessed by looking at a range of factors, including:   * the capacity, experience and capability of the project team; * the scale and diversity of the proposed flexibility exchange trial, including the number and type of assets to be trialled and the level of diversity across the asset owners (e.g. proportion of small commercial or domestic consumers involved in the trial); * the completeness and quality of the proposed project delivery plans, including plans for the proposed flexibility exchange trial; * the appropriateness and realism of the project milestones and deliverables; * the project’s access to the necessary skills and facilities; * the quality of risk assessment and contingency planning, including consideration of health and safety and other regulatory requirements.   *Highest marks will be awarded to applicants that have taken all reasonable steps to maximise the likelihood of successfully delivering the projects aims (whilst recognising the innate technical risk in any demonstration project). High scoring applications will, for example:*   * *present well thought-out, robust, credible, project plans;* * *show a realistic and robust approach to risk management;* * *have a strong delivery team with proven experience of successfully delivering comparable projects;* * *guarantee access to any necessary specialist facilities, operational knowledge and skills, or other resources required to execute the project;* * *provide evidence of robust plans to deliver a substantive and diverse trial, including a significant number and wide range of flexibility assets and asset owners;* * *show the strong commitment of all participating organisations;* * *not be heavily dependent for success on external factors beyond the project’s direct control*. | |
| 3a. Please provide separate **high-level Gantt charts** or outline project plans listing the key tasks and timescales for the proposed FleX Competition project, including detailed plans for the proposed trial of the flexibility exchange. | |
| 3b. Please complete Table 3b to outline the **key work packages** for the proposed FleX Competition project. Please ensure your work packages cover all the activity to be delivered in the project. | |
| 3c. Please complete Table 3c to list the **key project milestones** for the proposed FleX Competition project. | |
| 3d. Please complete Table 3d to outline the **key project issues, risks and risk mitigation** techniques for the proposed FleX Competition project.  Please include any health and safety issues/risks and any issues/risks relating to securing consents or derogations for the proposed trial. | |
| 3e. For consortium projects: please outline below the **key roles for each project partner** and the proposed **governance arrangements** between the partners to ensure effective project delivery.  ***Please limit your response to 2 pages*** | |
|  | |
| 3f. Please provide details below of the **relevant skills, qualifications and experience** of the project team, including descriptions and evidence of previous relevant work carried out, please include brief details of relevant previous projects, including the date, location, client and project size.  Sole applicants and project co-ordinators should provide evidence of relevant work in leading demonstration projects, including trial activity.  ***Please limit your response to 6 pages***  Brief CVs of lead project team members should be provided in an Annex to this Application (CVs should be no longer than 2 pages each). | |
|  | |
| 3g. **Flexibility exchange design:** Please outline below the key elements of the proposed flexibility exchange, including details of the physical hardware and software assets to be developed or procured in the project for the exchange (e.g. new website, blockchain, server/hosting infrastructure, software, APIs, communications, monitoring equipment, etc).  ***Please limit your response to 3 pages*** | |
|  | |
| 3h. **Trial design and delivery:** Please provide a detailed description of the proposed trial of the flexibility exchange, including quantitative and qualitative information. Your response should include details of:   * number and type of flexibility assets to be trialled; * details of the asset owners, including the proportion of domestic, community or small commercial consumers involved in the trial;   ***Please limit your response to 3 pages*** | |
|  | |
| 3i. **Trial metrics and data collection:** Please identify proposed metrics to be used to monitor and evaluate the effectiveness and outcomes of the flexibility exchange trial. Set out the proposed ways in which trial data will be collected and how the project will embed data collection requirements, along with details of data to be collected.  ***Please limit your response to 3 pages*** | |
|  | |
| 3j. Please list any **external party** responsible for delivering goods or services worth more than 10% of the total project value and explain how you will ensure that these parts of the project do not give rise to delays in the delivery of the project.  ***Please limit your response to 2 pages*** | |
|  | |

**Table 3b – Project Work Packages**

|  |  |  |  |
| --- | --- | --- | --- |
| **Work package number** | **Work package name** | **Project partner lead for work package** | **Brief description of work package, including key tasks** |
| **WP1** |  |  |  |
| **WP2** |  |  |  |
| **WP3** |  |  |  |
| *Please add further rows as necessary for each work package* | | | |

**Table 3c – Project Milestones**

|  |  |  |  |
| --- | --- | --- | --- |
| **Milestone number** | **Milestone name** | **Project partner lead for milestone delivery** | **Brief description of milestone, including deliverables** |
| **M1** |  |  |  |
| **M2** |  |  |  |
| **M3** |  |  |  |
| *Please add further rows as necessary for each milestone* | | | |

**Table 3d – Risks and Risk Management**

*(Applicants can provide their own Risk Table as a separate Annex if preferred)*

|  |  |  |
| --- | --- | --- |
| **Risk**  (Identify and describe all key project risks, including: financial, technology, supply chain, regulatory, etc) | **Overall risk rating:** (Probability x Impact)  High, Medium or Low | **Mitigation actions**  (Describe the actions taken or planned responses to reduce the impact and/or probability of the risk) |
|  |  |  |
|  |  |  |
| *Please add further rows as necessary* | | |

|  |  |  |
| --- | --- | --- |
| 4. Project financing (15% weighting)  You must also complete a separate Finance Form (spreadsheet) and submit it with your completed Application Form. | | |
| **Criterion Guidance:** This criterion will assess the:   * robustness of the proposed project costs – i.e. whether the proposed eligible project costs are realistic and justified in terms of the proposed project plans and sufficient to deliver the deliverables sought; * level of match funding which will be leveraged by the FleX Competition grant - i.e. the overall proportion of project costs to be funded by private sector match funding.   *Highest marks will be awarded to projects that can demonstrate that the proposed FleX Competition contribution to the eligible project costs:*   * *will leverage more than the legal minimum level of match funding (as determined by the State Aid funding intensity limits);* * *will represent good use of the BEIS innovation funding by supporting projects whose costs are realistic and justified and are likely to secure the expected project aims and deliverables;* * *will represent good use of the BEIS innovation funding by supporting the development of innovative technologies and processes which would not otherwise be funded.* | | |
| 4a. Please complete the project finance summary below: | | |
| Total private sector contribution | | £ 0.00 |
| Total BEIS grant applied for | | £ 0.00 |
| Other public-sector funding applied for | | £ 0.00 |
| Total eligible project costs | | £ 0.00 |
| FleX Competition Project Start Date | | Click here to enter a date |
| FleX Competition Project End Date | | Click here to enter a date |

|  |
| --- |
| 4b. Please complete Table 4b to explain all the funding sources for the project. |

**Table 4b – Funding Sources**

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of partner organisation** | **Funding contribution (in £)** | **Type of funding (public or private sector)** | **Brief description of source of funding (e.g. company’s own funds; proposed BEIS grant)** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| *Please add further rows as necessary to provide details for all of the consortium partners and for all separate funding sources for each partner.* | | | |
| **Total:** |  |  |  |

|  |
| --- |
| 4c. Please provide a copy of the most recent annual company accounts for all the project partners (or equivalent financial statement). |
|  |

|  |
| --- |
| Further Information:  Please insert any further information in the annexes immediately following this page or alternatively provide as attachments to the email submission. All additional information should be appropriately referenced within the application form text so that assessors can readily refer to it. If information is not appropriately referenced it will not be considered during the assessment process.  Please provide brief details here of any additional information submitted with your application. |
|  |

## **Application Approval**

|  |
| --- |
| Please ensure a suitable representative from the lead applicant business and for a formal collaboration project, a representative from each of the project partners who are seeking BEIS funding, checks and signs this application before returning it to BEIS to indicate their knowledge and approval of the application. |
| |  |  |  |  | | --- | --- | --- | --- | | **Name of organisation** | **Name of signatory & position in organisation** | **Signature** | **Date** | |  |  |  |  | |  |  |  |  | |  |  |  |  | |  |  |  |  | | **Please add rows for additional project partners, if needed.** | | | | |

## **Annex 1 - Partner Information (for Collaboration Projects only)**

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Contact Details – Partner 1 | | | | | | | | | | | | | | | | | | | | | | | | |
| Title | | | Choose title | | | | | | | | | | | Name | | | |  | | | | | | |
| Position | | |  | | | | | | | | | | | | | | | | | | | | | |
| Email | | |  | | | | | | | | | | | | | | | | | | | | | |
| Telephone | | |  | | | | Mobile | | | | | |  | | | | | | | | | | | |
| Organisation name | | |  | | | | | | | | | | | | | | | | | | | | | |
| Address | | |  | | | | | | | | | | | | | | | | | | | | | |
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| Town/City | | |  | | | | | | | | | | | | | | | | | | | | | |
| Postcode | | |  | | | | | | | | | | | | | | | | | | | | | |
| Organisation Type | | | | | | | | | | | | | | | Choose type | | | | | | | | | |
| If type of business is ‘other’, please describe here: | | |  | | | | | | | | | | | | | | | | | | | | | |
| **Organisation Details – Partner 1** | | | | | | | | | | | | | | | | | | | | | | | | |
| Number of employees (including directors) | | | | | | | | | | 0 | | | | | | | | | | | | | | |
| Business Registration Number | | | | | | | | | |  | | | | | | | | | | | | | | |
| Turnover (in most recent annual accounts) | | | | | | | | | | £ 0.00 | | | | | | | | | year end | | |  | | |
| Balance Sheet Total,in stated Turnover year (total assets net of depreciation) | | | | | | | | | | £ 0.00 | | | | | | | | | as at | | | enter date | | |
| Business maturity | | | | | | | | | | Choose maturity | | | | | | | | | | | | | | |
| Does the business have a parent company? | | | | | | | | | | Choose an item | | | | | | | | | | | | | | |
| How is the business currently funded? (Choose all that apply) | | | | | | | | | | | | | | | | | | | | | | | | |
|  | No Funding | | | |  | | | Founders (including bank loans) | | |  | | | | | Friends and Family | | | |  | | | Public Sector Grants\* | |
|  | | Angel Investment | | | |  | | | Venture Capital | | |  | | | | | Private Equity | | | |  | | | Stock Market Floatation | |
| \*With respect to this project or the technology it is based on, please list any public-sector support received in past 10 years, or currently being sought (please add further details in a separate annex if necessary) | | | |  | | | | | | | | | | | | | | | | | | | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| Parent Company Details (if applicable) | | | |
| Organisation name |  | | |
| Address |  | | |
|  |  | | |
|  |  | | |
|  |  | | |
| County |  | | |
| Postcode |  | | |
| Turnover (in most recent annual accounts) | £ 0.00 | year end |  |
| Balance Sheet Total**,** in stated Turnover year (total assets net of depreciation) | £ 0.00 | as at | enter date |
| Company maturity | Choose an item. | | |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Contact Details – Partner 2 | | | | | | | | | | | | | | | | | | | | | | | | |
| Title | | | Choose title | | | | | | | | | | | Name | | | | |  | | | | | |
| Position | | |  | | | | | | | | | | | | | | | | | | | | | |
| Email | | |  | | | | | | | | | | | | | | | | | | | | | |
| Telephone | | |  | | | | Mobile | | | | | |  | | | | | | | | | | | |
| Organisation name | | |  | | | | | | | | | | | | | | | | | | | | | |
| Address | | |  | | | | | | | | | | | | | | | | | | | | | |
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| Town/City | | |  | | | | | | | | | | | | | | | | | | | | | |
| Postcode | | |  | | | | | | | | | | | | | | | | | | | | | |
| Organisation Type | | | | | | | | | | | | | | | Choose type | | | | | | | | | |
| If type of business is ‘other’, please describe here: | | |  | | | | | | | | | | | | | | | | | | | | | |
| **Organisation Details – Partner 2** | | | | | | | | | | | | | | | | | | | | | | | | |
| Number of employees (including directors) | | | | | | | | | | 0 | | | | | | | | | | | | | | |
| Business Registration Number | | | | | | | | | |  | | | | | | | | | | | | | | |
| Turnover (in most recent annual accounts) | | | | | | | | | | £ 0.00 | | | | | | year end | | | |  | | | | |
| Balance Sheet Total, in stated Turnover year (total assets net of depreciation) | | | | | | | | | | £ 0.00 | | | | | | as at | | | | enter date | | | | |
| Business maturity | | | | | | | | | | Choose maturity | | | | | | | | | | | | | | |
| Does the business have a parent company? | | | | | | | | | | Choose an item | | | | | | | | | | | | | | |
| How is the business currently funded? (Choose all that apply) | | | | | | | | | | | | | | | | | | | | | | | | |
|  | No Funding | | | |  | | | Founders (including bank loans) | | |  | | | | | | Friends and Family | | | |  | | Public Sector Grants\* | |
|  | | Angel Investment | | | |  | | | Venture Capital | | |  | | | | | | Private Equity | | | |  | | Stock Market Floatation | |
| \*With respect to this project or the technology it is based on, please list any public-sector support received in past 10 years, or currently being sought (please add further details in a separate annex if necessary) | | | |  | | | | | | | | | | | | | | | | | | | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| Parent Company Details (if applicable) | | | |
| Organisation name |  | | |
| Address |  | | |
|  |  | | |
|  |  | | |
|  |  | | |
| County |  | | |
| Postcode |  | | |
| Turnover (in most recent annual accounts) | £ 0.00 | year end |  |
| Balance Sheet Total, in stated Turnover year (total assets net of depreciation) | £ 0.00 | as at | enter date |
| Company maturity | Choose an item. | | |

|  |
| --- |
| Additional Partners:  *If required, please add further tables for Contact, Business Details and (if relevant) Parent Company Details for any additional partners.* |
|  |

## Annex 2 – Declarations

### Declaration 1: Statement of non-collusion

To: The Department for Business, Energy and Industrial Strategy

1. We recognise that the essence of competition is that the Department will receive a bona fide competitive proposal from all persons bidding. We therefore certify that this is a bona fide proposal and that we have not fixed or adjusted the amount of the proposal or our rates and prices included therein by or in accordance with any agreement or arrangement with any other person.

2. We also certify that we have not done and undertake not to do at any time before the hour and date specified for the return of this proposal any of the following acts:

1. communicate to any person other than the Department the amount or approximate amount of our proposed bid, except where the disclosure, in confidence, of the approximate amount is necessary to obtain any insurance premium quotation required for the preparation of the bid;
2. enter into any agreement or arrangement with any other person that he shall refrain for submitting a bid or as to the amount included in the bid;
3. offer or pay or give or agree to pay or give any sum of money, inducement or valuable consideration directly or indirectly to any person doing or having done or causing or having caused to be done, in relation to any other actual or proposed bid for the competition, any act, omission or thing of the kind described above.

3. In this certificate, the word “person” shall include any person, body or association, corporate or unincorporated; and “any agreement or arrangement” includes any such information, formal or informal, whether legally binding or not.

……………………………………………………………………………….….

Signature (duly authorised on behalf of the bidder)

……….………………………………………………………………………….

Print name

…………………………………………………………….…………………….

On behalf of (organisation name)

…………………………………………………………………….…………….

Date

### Declaration 2: Form of Bid

To: The Department for Business, Energy and Industrial Strategy

1. Having considered the grant funding opportunity and all accompanying documents

(including without limitation, the terms and conditions of the grant opportunity and the Specification) we confirm that we are fully satisfied as to our experience and ability to deliver the goods/services in all respects in accordance with the requirements of this competition.

2. We hereby bid and undertake to provide and complete all the services required to be performed in accordance with the terms and conditions of the agreement and the Specification for the amount set out in the Pricing Schedule.

3. We agree that any insertion by us of any conditions qualifying this grant proposal or any unauthorised alteration to any of the terms and conditions of grant agreement made by us may result in the rejection of this bid.

4. We agree that this proposal shall remain open to be accepted by the Department for 8 weeks from the date below.

5. We understand that if we are a subsidiary (within the meaning of section 1159 of (and schedule 6 to) the Companies Act 2006) if requested by the Department we may be required to secure a Deed of Guarantee in favour of the Department from our holding company or ultimate holding company, as determined by the Department in their discretion.

6. We understand that the Department is not bound to accept the lowest or any proposal it may receive.

7. We certify that this is a bona fide proposal.

…………………………………………………………………………........

Signature (duly authorised on behalf of the bidder)

…………………………………………………………………………………

Print name

………………………………………………………………………….

On behalf of (organisation name)

………………………………………………………………………….

Date

### Declaration 3: Conflict of Interest

I have nothing to declare with respect to any current or potential interest or conflict in relation to this project (or any potential providers who may be subcontracted to deliver this work, their advisers or other related parties). By conflict of interest, I mean, anything which could be reasonably perceived to affect the impartiality of this project, or to indicate a professional or personal interest in the outcomes from this project.

Signed …………………………………….

Name …………………………………….

Position …………………………………….

***OR***

I wish to declare the following with respect to personal or professional interests related to relevant organisations\*;

* X
* X

*Where a potential conflict of interest has been declared for an individual or organisation within a consortium, please clearly outline the role which this individual or organisation will play in the proposed project and how any conflict of interest has or will be mitigated.*

* X
* X

Signed …………………………………….

Name …………………………………….

Position …………………………………….

Please complete this form and return this with your proposal documentation - Nil returns **are** required.

**\*** These may include (but are not restricted to);

* A professional or personal interest in the outcome of this project
* For evaluation projects, a close working, governance, or commercial involvement in the project under evaluation
* Current or past employment with relevant organisations
* Payment (cash or other) received or likely to be received from relevant organisations for goods or services provided (Including consulting or advisory fees)
* Gifts or entertainment received from relevant organisations
* Shareholdings (excluding those within unit trusts, pension funds etc.) in relevant organisations
* Close personal relationship or friendships with individuals employed by or otherwise closely associated with relevant organisations

***All of the above apply both to the individual signing this form and their close family / friends / partners etc.***

If your situation changes during the project in terms of interests or conflicts, you must notify BEIS straight away.

A DECLARATION OF INTEREST WILL NOT NECESSARILY MEAN THE INDIVIDUAL OR ORGANISATION CANNOT WORK ON THE PROJECT; BUT IT IS VITAL THAT ANY INTEREST OR CONFLICT IS DECLARED SO IT CAN BE CONSIDERED OPENLY.

### Declaration 4: The General Data Protection Regulation Assurance Questionnaire for Bidders



|  |  |  |
| --- | --- | --- |
| **Documentation: Information you hold** | **Select** | **Status** |
| Your business has conducted an information audit to map data flows. |  | Not yet implemented or planned to be implemented |
|  | Partially implemented |
|  | Successfully implemented |
|  | Not applicable |
| Your business has documented what personal data you hold, where it came from, who you share it with, and what you do with it. |  | Not yet implemented or planned to be implemented |
|  | Partially implemented |
|  | Successfully implemented |
|  | Not applicable |
| NOTE: You may be required to make these records available to the Information Commissioner's Office (ICO) on request. | | |

|  |  |  |
| --- | --- | --- |
| **Accountability & Governance** | **Select** | **Status** |
| Your business has an appropriate data protection policy |  | Not yet implemented or planned to be implemented |
|  | Partially implemented |
|  | Successfully implemented |
|  | Not applicable |

|  |  |  |
| --- | --- | --- |
| **Data Protection Officer (DPO)** | **Select** | **Status** |
| Your business has nominated a data protection lead or Data Protection Officer (DPO). |  | Not yet implemented or planned to be implemented |
|  | Partially implemented |
|  | Successfully implemented |
|  | Not applicable |

|  |  |  |
| --- | --- | --- |
| **Management Responsibility** | **Select** | **Status** |
| Decision makers and key people in your business demonstrate support for data protection legislation and promote a positive culture of data protection compliance across the business. |  | Not yet implemented or planned to be implemented |
|  | Partially implemented |
|  | Successfully implemented |
|  | Not applicable |

|  |  |  |
| --- | --- | --- |
| **Information Risks & Data Protection Impact Assessments** | **Select** | **Status** |
| Your business manages information risks in a structured way so that management understands the business impact of personal data related risks and manages them effectively. |  | Not yet implemented or planned to be implemented |
|  | Partially implemented |
|  | Successfully implemented |
|  | Not applicable |

|  |  |  |
| --- | --- | --- |
| **Data Protection by Design** | **Select** | **Status** |
| Your business has implemented appropriate technical and organisational measures to show you have considered and integrated data protection into your processing activities. |  | Not yet implemented or planned to be implemented |
|  | Partially implemented |
|  | Successfully implemented |
|  | Not applicable |

|  |  |  |
| --- | --- | --- |
| **Training & Awareness** | **Select** | **Status** |
| Your business provides data protection awareness training for all staff. |  | Not yet implemented or planned to be implemented |
|  | Partially implemented |
|  | Successfully implemented |
|  | Not applicable |

|  |  |  |
| --- | --- | --- |
| **The use of Sub-Processors** | **Select** | **Status** |
| Your business has sought prior written authorisation from BEIS before engaging the services of a sub-processor. |  | Not yet implemented or planned to be implemented |
|  | Partially implemented |
|  | Successfully implemented |
|  | Not applicable |

|  |  |  |
| --- | --- | --- |
| **Operational Base** | **Select** | **Status** |
| If your business operates outside the EU, you have appointed a representative within the EU in writing. |  | Not yet implemented or planned to be implemented |
|  | Partially implemented |
|  | Successfully implemented |
|  | Not applicable |

|  |  |  |
| --- | --- | --- |
| **Breach Notification** | **Select** | **Status** |
| Your business has effective processes to identify, report, manage and resolve any personal data breaches. BEIS must be notified within 48 hours about any breaches involving personal data being processed on our behalf. |  | Not yet implemented or planned to be implemented |
|  | Partially implemented |
|  | Successfully implemented |
|  | Not applicable |

|  |  |  |
| --- | --- | --- |
| **Individual Rights: Right of Access** | **Select** | **Status** |
| Your business has a process to respond to a data controllers request for information (following an individuals' request to access their personal data). |  | Not yet implemented or planned to be implemented |
|  | Partially implemented |
|  | Successfully implemented |
|  | Not applicable |

|  |  |  |
| --- | --- | --- |
| **Right to Rectification & Data Quality** | **Select** | **Status** |
| Your business has processes to ensure that the personal data you hold remains accurate and up to date |  | Not yet implemented or planned to be implemented |
|  | Partially implemented |
|  | Successfully implemented |
|  | Not applicable |

|  |  |  |
| --- | --- | --- |
| **Right to Erasure including Retention & Disposal** | **Select** | **Status** |
| Your business has a process to routinely and securely dispose of personal data that is no longer required in line with agreed timescales as stated within your contract with BEIS. |  | Not yet implemented or planned to be implemented |
|  | Partially implemented |
|  | Successfully implemented |
|  | Not applicable |

|  |  |  |
| --- | --- | --- |
| **Right to Restrict Processing** | **Select** | **Status** |
| Your business has procedures to respond to a data controllers’ request to supress the processing of specific personal data. |  | Not yet implemented or planned to be implemented |
|  | Partially implemented |
|  | Successfully implemented |
|  | Not applicable |

|  |  |  |
| --- | --- | --- |
| **Right of Data Portability** | **Select** | **Status** |
| Your business can respond to a request from the data controller for the supply of the personal data you process in an electronic format. |  | Not yet implemented or planned to be implemented |
|  | Partially implemented |
|  | Successfully implemented |
|  | Not applicable |

|  |  |  |
| --- | --- | --- |
| **Data Security: Security Policy** | **Select** | **Status** |
| Your business has an information security policy supported by appropriate security measures. |  | Not yet implemented or planned to be implemented |
|  | Partially implemented |
|  | Successfully implemented |
|  | Not applicable |

### Declaration 5: Consent for Information Sharing

By submitting a proposal, you agree to the information provided in your application, including personal data, being used as described in the Privacy Section of the Storage at Scale Competition Guidance, and as indicated in this form.

Do you agree that the UK Department for Business, Energy & Industrial Strategy (BEIS) may access the information included in this document [required for consideration in the Competition]:

YES \_\_\_

Do you agree that the UK Department for Business, Energy & Industrial Strategy (BEIS) may share any information provided for the purposes of the Storage at Scale Competition with other funding entities of the:

* Government of the United Kingdom
* Provincial, territorial, or municipal governments

YES \_\_\_

Full Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Please complete and attach this form to your submission in order for information to be shared.*

## Annex 3 - Exclusion Grounds

### Mandatory Exclusion Grounds

**Public Contract Regulations 2015 R57(1), (2) and (3)**

**Public Contract Directives 2014/24/EU Article 57(1)**

**Participation in a criminal organisation**

Participation offence as defined by section 45 of the Serious Crime Act 2015

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;

**Corruption**

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;

The common law offence of bribery;

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;

**Fraud**

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:

* the common law offence of cheating the Revenue;
* the common law offence of conspiracy to defraud;
* 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;
* 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;
* 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;
* an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
* 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;
* fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006;
* 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;

**Terrorist offences or offences linked to terrorist activities**

Any offence:

* listed in section 41 of the Counter Terrorism Act 2008;
* listed in schedule 2 to that Act where the court has determined that there is a terrorist connection;
* under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by the previous two points;

**Money laundering or terrorist financing**

Money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 2002

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

**Child labour and other forms of trafficking human beings**

An offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004;

An offence under section 59A of the Sexual Offences Act 2003

An offence under section 71 of the Coroners and Justice Act 2009;

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

An offence under section 2 or section 4 of the Modern Slavery Act 2015

**Non-payment of tax and social security contributions**

Breach of obligations relating to the payment of taxes or social security contributions that has been established by a judicial or administrative decision.

Where any tax returns submitted on or after 1 October 2012 have been found to be incorrect as a result of:

* HMRC successfully challenging the potential supplier under the General Anti – Abuse Rule (GAAR) or the “Halifax” abuse principle; or
* a tax authority in a jurisdiction in which the potential supplier is established successfully challenging it under any tax rules or legislation that have an effect equivalent or similar to the GAAR or “Halifax” abuse principle;
* a failure to notify, or failure of an avoidance scheme which the supplier is or was involved in, under the Disclosure of Tax Avoidance Scheme rules (DOTAS) or any equivalent or similar regime in a jurisdiction in which the supplier is established

**Other offences**

Any other offence within the meaning of Article 57(1) of the Directive as defined by the law of any jurisdiction outside England, Wales and Northern Ireland

Any other offence within the meaning of Article 57(1) of the Directive created after 26th February 2015 in England, Wales or Northern Ireland

### Discretionary exclusion grounds

**Obligations in the field of environment, social and labour law.**

Where an organisation has violated applicable obligations 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 Directive (see copy below) as amended from time to time; including the following:-

* Where the organisation or any of its Directors or Executive Officers has been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years.
* In the last three years, where the organisation has had a complaint upheld following an investigation by the 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.
* In the last three years, where any finding of unlawful discrimination has been made against the organisation by an Employment Tribunal, an Employment Appeal Tribunal or any other court (or incomparable proceedings in any jurisdiction other than the UK).
* Where the organisation has been in breach of section 15 of the Immigration, Asylum, and Nationality Act 2006;
* Where the organisation has a conviction under section 21 of the Immigration, Asylum, and Nationality Act 2006;
* Where the organisation has been in breach of the National Minimum Wage Act 1998.

**Bankruptcy, insolvency**

Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation’s 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;

**Grave professional misconduct**

Guilty of grave professional misconduct

**Distortion of competition**

Entered into agreements with other economic operators aimed at distorting competition

**Conflict of interest**

Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure

**Been involved in the preparation of the procurement procedure.**

**Prior performance issues**

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.

**Misrepresentation and undue influence**

The organisation has influenced the decision-making process of the grant funding authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.

### Additional exclusion grounds

**Breach of obligations relating to the payment of taxes or social security contributions.**

**ANNEX X Extract from Public Procurement Directive 2014/24/EU**

**LIST OF INTERNATIONAL SOCIAL AND ENVIRONMENTAL CONVENTIONS REFERRED TO IN ARTICLE 18(2) —**

* ILO Convention 87 on Freedom of Association and the Protection of the Right to Organise;
* ILO Convention 98 on the Right to Organise and Collective Bargaining;
* ILO Convention 29 on Forced Labour;
* ILO Convention 105 on the Abolition of Forced Labour;
* ILO Convention 138 on Minimum Age;
* ILO Convention 111 on Discrimination (Employment and Occupation);
* ILO Convention 100 on Equal Remuneration;
* ILO Convention 182 on Worst Forms of Child Labour;
* Vienna Convention for the protection of the Ozone Layer and its Montreal Protocol on substances that deplete the Ozone Layer;
* Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention);
* Stockholm Convention on Persistent Organic Pollutants (Stockholm POPs Convention)
* Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (UNEP/FAO) (The PIC Convention) Rotterdam, 10 September 1998, and its 3 regional Protocols.

**Consequences of misrepresentation**

A serious misrepresentation which induces a grant funding authority to enter into an agreement may have the following consequences for the signatory that made the misrepresentation:-

* The potential supplier may be excluded from bidding for grants for three years, under regulation 57(8)(h)(i) of the PCR 2015;
* The grant funding authority may sue the supplier for damages and may rescind the contract under the Misrepresentation Act 1967.
* If fraud, or fraudulent intent, can be proved, the potential supplier or the responsible officers of the potential supplier may be prosecuted and convicted of the offence of fraud by false representation under s.2 of the Fraud Act 2006, which can carry a sentence of up to 10 years or a fine (or both).
* If there is a conviction, then the company must be excluded from procurement for five years under reg. 57(1) of the PCR (subject to self-cleaning).

## **Annex 4 – Undertaking in Difficulty Definition**

The definition of an ’undertaking in difficulty’ set out below is taken from the General Block Exemption Regulation 2014[[5]](#footnote-6):

(18) ‘undertaking in difficulty’ means an undertaking in respect of which at least one of the following circumstances occurs:

(a) In the case of a limited liability company (other than an SME that has been in existence for less than three years or, for the purposes of eligibility for risk finance aid, an SME within 7 years from its first commercial sale that qualifies for risk finance investments following due diligence by the selected financial intermediary), where more than half of its subscribed share capital has disappeared as a result of accumulated losses. This is the case when deduction of accumulated losses from reserves (and all other elements generally considered as part of the own funds of the company) leads to a negative cumulative amount that exceeds half of the subscribed share capital. For the purposes of this provision, ‘limited liability company’ refers in particular to the types of company mentioned in Annex I of Directive 2013/34/EU (1) and ‘share capital’ includes, where relevant, any share premium.

(b) In the case of a company where at least some members have unlimited liability for the debt of the company (other than an SME that has been in existence for less than three years or, for the purposes of eligibility for risk finance aid, an SME within 7 years from its first commercial sale that qualifies for risk finance investments following due diligence by the selected financial intermediary), where more than half of its capital as shown in the company accounts has disappeared as a result of accumulated losses. For the purposes of this provision, ‘a company where at least some members have unlimited liability for the debt of the company’ refers in particular to the types of company mentioned in Annex II of Directive 2013/34/EU.

(c) Where the undertaking is subject to collective insolvency proceedings or fulfils the criteria under its domestic law for being placed in collective insolvency proceedings at the request of its creditors.

(d) Where the undertaking has received rescue aid and has not yet reimbursed the loan or terminated the guarantee, or has received restructuring aid and is still subject to a restructuring plan.

(e) In the case of an undertaking that is not an SME, where, for the past two years:

(1) the undertaking's book debt to equity ratio has been greater than 7,5 and

(2) the undertaking's EBITDA interest coverage ratio has been below 1,0.

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1. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02014R0651-20170710&from=EN> ; see section 5 of the Competition Guidance Notes for further details of the relevant State Aid limits and requirements. [↑](#footnote-ref-2)
2. See Annex 2 of the Competition Guidance [↑](#footnote-ref-3)
3. SMA-Small enterprise, MED-Medium enterprise, IND-large enterprise, HE-University, RES-Research organisation, OTH-Other – please describe. [↑](#footnote-ref-4)
4. SMA-Small enterprise, MED-Medium enterprise, IND-large enterprise, HE-University, RES-Research organisation, OTH-Other – please describe. [↑](#footnote-ref-5)
5. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02014R0651-20170710&from=EN [↑](#footnote-ref-6)