



## **Invitation to Tender (ITT)**

**For**

**‘Mind Your Step’**

**A Physical Activity Falls Prevention Project**

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## Glossary

<b>Contract</b>	The contract which the successful Tendering Organisation intends to enter into with the Organisation for the performance of the Services.
<b>Organisation</b>	<b>Active Norfolk</b>
<b>ITT</b>	Invitation to Tender
<b>Project</b>	<b>‘Mind Your Step’ – Activity and Falls Prevention.</b>
<b>Regulations</b>	The Public Contracts Regulations 2006 as amended
<b>Response</b>	The response to this ITT prepared by the Tendering Organisation which complies with the provisions set out in this ITT.
<b>Services</b>	<ul style="list-style-type: none"> <li>• <b>Instructing of 3 community activity classes / week for up to 16months.</b></li> <li>• <b>Coordination of instructors.</b></li> <li>• <b>Referral process and forms.</b></li> <li>• <b>Motivational Interviewing and collection of data from participants.</b></li> </ul>
<b>Tendering Organisation</b>	Any party invited to take part in the procurement process with the view that they will submit a Response and tender for the performance of the Services.

## **1 Introduction and background**

1.1 This ITT relates to the procurement project advertised by the Customer Organisation it has been issued to all suppliers that are known to Active Norfolk.

1.2 Active Norfolk, launched on 1st November 2006, is one of 49 County Sports Partnerships created by Sport England and tasked with increasing the levels of participation in sport and physical activity across the county.

Our role is to provide a coherent and structured approach to the development of sport and physical activity in Norfolk through a strong and integrated partnership. The partnership involves, and is funded by, all those involved in sport and physical activity but, principally, Sport England, the Local Authorities, NHS and the National Governing Bodies of Sport.

1.4 'Mind your Step' will provide evidence based weekly, community activity groups. They will be set up in South Norfolk to mirror the Health commissioned falls service and provide a platform for integrated working. The programme will support and encourage all participants with a personalised home based exercise programme, loan of home equipment (ankle weights) and support phone calls to monitor progress and offer support. More detail can be found in Appendix 7.1.

1.3 The issue of this ITT and Statement of Requirements, along with supporting documentation, marks the commencement of the ITT stage of the procurement process.

## **2 Purpose and scope of this ITT document**

2.1 The purpose and scope of this ITT and supporting documents is to:

- 2.1.1 explain to Tendering Organisations the timetable and process for the remaining stages of the procurement;
- 2.1.2 set out the requirements and provide detail of the commercial, technical and legal provisions required by the Customer Organisation and to elicit a Response outlining Tendering Organisations' proposals to meet those provisions;
- 2.1.3 provide Tendering Organisations with sufficient information to enable them to respond fully to this ITT with an offer capable of acceptance;
- 2.1.4 explain the information required in Responses to this ITT and, through the detail included with the supporting documents, provide guidance for Tendering Organisations' Responses;
- 2.1.5 explain the administrative arrangements for the receipt of Responses; and
- 2.1.6 set out the evaluation criteria that will be used to evaluate the Responses, and to identify Tendering Organisation(s) to perform the Services in the next stage of the procurement process.

### **3 The procurement process**

- 3.1 This procurement is being conducted under the Regulations. Active Norfolk is following the restricted procedure that is provided for under that legislation. This procurement process is also subject to the conditions of tender set out at section 6 of this ITT.
- 3.2 The key dates for the remainder of the procurement procedure are set out in the table below (although the Customer Organisation reserves the right to vary key dates on notice to all Tendering Organisations).

<b>Event</b>	<b>Date</b>
Invitation to Tender sent out	9 <sup>th</sup> November 2012
Tendering organisations submit 'offer' and detailed delivery plan.	7 <sup>th</sup> December 2012
Selected organisation invited to meeting / sign contracts.	Before or on 17 <sup>th</sup> December 2012
Contract Commences	7 <sup>th</sup> January 2013
Community Classes start	February 2013
Project ends / evaluation submitted	July 2014

- 3.3 You must submit your Response to this ITT by **7<sup>th</sup> December 2012** (the “**Deadline**”) in accordance with the provisions of this ITT. Active Norfolk reserves the right to extend the Deadline. Any extension granted will apply to all Tendering Organisations. The Customer Organisation reserves the right to reject any Responses received after the Deadline.
- 3.4 On receipt of the Responses, the Customer Organisation will perform an evaluation of Responses, with a view to selecting a Tendering Organisation to perform the Services.
- 3.5 Active Norfolk may, in its absolute discretion, require that you attend a meeting to discuss any aspect of your Response, or any other matter related to this ITT or the Statement of Requirements.

- 3.6 Active Norfolk will exercise a standstill period in accordance with Regulation 32A of the Regulations.
- 3.7 The engagement of the successful Tendering Organisation is subject to the formal approval process of Active Norfolk. Until all necessary approvals are obtained and the standstill period is completed, no contract will be entered into. Please also refer to paragraph 6.5.

#### **4 Instructions to Tenderers**

- 4.1 You may submit, by no later than **1700 on the 3<sup>rd</sup> December 2012** any queries that you have relating to this ITT. Please submit such queries by email to **Nick.Clarke@norfolk.gov.uk**. Any queries should clearly reference any appropriate paragraph in the documentation and, to the extent possible, should be aggregated rather than sent individually. As far as is reasonably possible, the Customer Organisation will respond to all reasonable requests for clarification of any aspect of this ITT and supporting documents, if made before the above deadline. Active Norfolk will aim to provide responses by **1700 on 5<sup>th</sup> December 2012** after which time no further queries will be answered.
- 4.2 You must inform Active Norfolk in writing if there is any change in control, composition or membership of your organisation or your consortium members subsequent to your expression of interest in this procurement process. The Customer Organisation reserves the right to disqualify you from the procurement process as a result of any such change.
- 4.3 You are reminded of the eligibility requirements that apply to this procurement process at all times. In particular, these include the provisions set out in Regulation 23 of the Public Contracts Regulations 2006 (***a copy of which is attached at Appendix 7.5***). Any change in your eligibility must be notified immediately to the Customer Organisation in writing and may result in your disqualification from the procurement process.
- 4.4 You must state if you will be using any third party contractors to deliver the Services and ensure that all relevant terms and conditions are applied within any relevant sub-contract. You will be fully responsible as the prime contractor for all third party sub-contractors.



## **5 Preparation and format of Responses**

- 5.1 Responses, all documents and all correspondence relating to the tender must be written in English.
- 5.2 You should consider only the information contained within this ITT and supporting documents, or otherwise formally communicated to you in writing when making your offer.
- 5.3 In submitting your offer you should refer to the Statement of Requirements (the service specification) in appendix 7.1, for all information and detail as to the service specification.
- 5.4 Please refer to appendix 7.2 for a template form that should be used to submit your offer, along with appendix 7.4 the pricing template that should be used to detail breakdown of cost.

## **6 Conditions of Tender**

- 6.1 In submitting a Response to this ITT it will be implied that you accept all the provisions of this ITT including these conditions.
- 6.2 Capitalised terms used in this ITT are defined terms and are defined either in the glossary at the front of this document or within the text of this ITT.
- 6.3 Active Norfolk reserves the right to issue the response to any clarification request made by you to all Tendering Organisations unless you expressly require it to be kept confidential at the time the request is made. If the Customer Organisation considers the contents of the request not to be confidential, it will inform you and you will have the opportunity to withdraw the request.
- 6.4 The information contained in this ITT and the supporting documents and in any related written or oral communication is believed to be correct at the time of issue but the Customer Organisation will not accept any liability for its accuracy, adequacy or completeness and no warranty is given as such. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of the Active Norfolk.
- 6.5 By issuing this ITT, the Active Norfolk is not bound in any way to enter into any contractual or other arrangement with you or any other party.
- 6.6 It is intended that the remainder of this procurement will take place in accordance with the provisions of this ITT but Active Norfolk reserves the right to terminate, amend or vary the procurement process by notice to all tendering organisations in writing. Active Norfolk will accept no liability for any losses caused to you as a result of this.
- 6.7 You will not be entitled to claim from Active Norfolk any cost or expenses that you may incur in preparing your Response irrespective of whether or not your tender is successful.
- 6.8 All information supplied to you by Active Norfolk, either in writing or orally, must be treated in confidence and not disclosed to any third party (save to your professional advisers) unless the information is already in the public domain.

- 6.9 There must be no publicity by you regarding the Project or the future award of any Contract unless the Customer Organisation has given express written consent to the relevant communication.
- 6.10 The Freedom of Information Act (“**FOIA**”) applies to the Customer Organisation. You should be aware of the Customer Organisation’s obligations and responsibilities under the FOIA to disclose, on written request, recorded information held by the Customer Organisation. Information provided by you in connection with this procurement exercise, or with any Contract that may be awarded as a result of this exercise, may therefore have to be disclosed by the Customer Organisation in response to such a request, unless the Customer Organisation decides that one of the statutory exemptions under the FOIA applies. If you wish to designate information supplied as part of a Response as confidential, you must provide clear and specific detail as to the precise elements which are confidential.
- 6.11 Any attempt by you or your appointed advisers to inappropriately influence the Contract award process in any way will result in your Response being disqualified. Any direct or indirect canvassing by you or your appointed advisers in relation to this procurement or any attempt to obtain information from any of the employees or agents of the Customer Organisation concerning another tendering organisation may result in disqualification at the discretion of the Customer Organisation.
- 6.12 The Customer Organisation reserves the right to disqualify you if you do not submit your Response in a manner consistent with the provisions set out in Instructions to Tenderers and Statement of Requirements.
- 6.13 It is your responsibility to ensure that any consortium member, sub-contractor and adviser abides by these Conditions of Tender.
- 6.14 Your Response should remain valid for acceptance for a minimum of 90 days from the date it is submitted.
- 6.15 The successful tendering organisation will be set targets and in doing so will be subject to ‘payment by results’ – setting of targets will be discussed with the organisation selected but be based around the evaluation criteria in appendix 7.3.

## **Appendices**

### **Appendix 7.1**

#### **Statement of Requirements (Service Specification).**

##### **1. Service Background and rationale:**

- 1.1.** Falls represent the most frequent and serious type of accident in people aged 65 years and over. 1/3 of people aged 65 years and over will fall each year. This increases to 1/2 of all those aged 85 years and over.

Norfolk's population in 2010 was estimated to be 867,400 and it has a larger proportion of older people (21.42% over 65+) within its population relative to the rest of the UK (16.5% over 65) (Norfolk Insight, Census Data, 2010).

By applying national figures for Norfolk this suggests by 2015, 57,358 would be expected to fall each year and this figure is expected to increase by nearly 36% by 2030.

For South Norfolk in particular the trend is reflected in that 14'675 people over the age of 65 will be expected to fall every year, with the cost of treatment for these being £4,766,252 (Norfolk Insight, 2010).

As demonstrated there is a large population at risk of falls, a number of these can be avoided with increased Physical Activity. Decreased muscle strength, power and balance are one of the highest causes of falls and are associated with a sedentary lifestyle.

- 1.2** 'Mind your Step' will provide evidence based, weekly community activity groups. They will be set up in South Norfolk to mirror the Health commissioned falls service and provide a platform for integrated working. The programme will support and encourage all participants with a personalised home based exercise programme, loan of home equipment (ankle weights) and support phone calls to monitor progress and offer support.

The community groups and home exercises will be based around the 'Otago' exercise programme designed specifically for those at risk of falls. The 'Otago' exercise programme has been specifically designed to target these issues and has been proven to be effective in several randomised controlled trials by reducing falls by an average of 35%.

Active Norfolk in partnership with Norfolk Community Health Care has received funding from the Norfolk County Council Living Well in the Community fund to manage this service in the locality of South Norfolk (N.B we are using health boundaries). A reliable, effective and highly skilled provider is needed to help coordinate and instruct on the programme from January 2013 – April 2014 (16months).

**An indicative budget for this exercise is estimated at a maximum of £16'000 running from January 2013 – June 2014 (18months).**

## **2. Requirements of the provider:**

### **2.1. Beneficiaries of the project:**

Key target groups that the 'provider' will be working with and where it shows most cost savings and cost effectiveness are:

1. Physically Dependant – can not pass some or all activities of daily living (ADL) for example walking, bathing, dressing, eating, and transferring. Needs home or supportive care (may require support from a carer).
2. Physically Frail – light house keeping, food preparation, grocery shopping, can pass some ADL's. May be housebound.
3. Physically Independent – very light physical work, hobbies e.g. walking/gardening and low physical demand activities.

*Source: 'The 'How to Lead' the Otago Exercise Programme Handbook' by Susie Dinan and Sheena Gawler Later Life Training publication 2012.*

## **2.2. Referrals into the project:**

The project participants will be identified through the NCH&C Falls Service and wider health professionals e.g. General Practitioners. NCH&C Community Integrated teams would complete a Falls Multi-Disciplinary Team assessment (MDT) with each referral made to the service.

This assessment would be used to establish medical status and physical ability to participate in the community groups. The only time the referrals would be excluded from the Community classes would be:

- Anyone with an unstable medical condition
- In-ability to follow instructions (i.e. severe cognitive impairment)
- Unable to leave their home to attend classes.

As a note, those excluded will be offered a personalised programme within their own home by members of the NCH&C Community Integrated team.

The provider will be responsible for creating effective relationships with the referrers as mentioned above. You will be required to promote and meet with the referrers to the service as and when deemed necessary.

It will be a requirement of the provider to also feedback evaluation of the participant to the referrer on completion of the project.

## **2.3. Training, insurance and continuing professional development:**

**2.3.1.** The provider or any instructors should have experience in working with older people in a physical activity setting (preferably in seated chair activity), Active Norfolk reserve the right to request references to evidence this.

**2.3.2.** Provider and all associated staff to be CRB checked and willing to undertake a new CRB check for work on this project.

**2.3.3.** For the instructors to be 'Otago' qualified or willing to undertake it by February 2013. For this to be evidenced by certification.

**2.3.4.** To continue professional development by working closely with the falls prevention service in order to remain up skilled and up to date with the latest relevant news and skills.

**2.3.5.** To hold and evidence a certificate of public liability insurance.

**2.3.6.** To hold and evidence membership of a professional membership such as the Register of Exercise Professionals.

**2.3.7.** For the tendering organisation to abide by the Data protection Act (1998), and any transfer of data is dealt within Norfolk County Council and Norfolk Community Health and Care Trust procedures. Any personal data will be stored and transferred safely within the guideline and procedures set out to the tendering organisation.

**2.3.8.** For the tendering organisation to complete a 'risk assessment' for all sections of the project.

## **2.4 Instructing the community classes**

**2.4.1** To manage, coordinate and book 3 community classes a week from February 2012 – July 2014 (170 exercise classes delivered and with additional home exercise activity end of July 2014). Setting up of 3 Otago classes. Classes consist of:

- Warm up
- Mobilisation of joints
- Lower limb Strengthening
- Balance
- Cool Down

Measured by Otago class record of attendance and participants activity diary.

**2.4.2** The classes should take place in suitable community venues in Wymondham, Thetford and Dereham. Please note the venue hire will not be paid through this tender but through Active Norfolk.

**2.4.3** A minimum of 250 project participants engaged in the project by July 2014. Completing 8 weeks of community classes and home based activity sessions. We foresee there being a number of cohorts per community class (this can be discussed with tendering organisation).

**2.4.2.** To have an appropriately qualified and experienced professional to instruct those 3 community 'Otago' classes per week.

**2.4.3.** To register the participants and collect baseline data as appropriate and required in the evaluation criteria (appendix 3.1)

**2.4.4.** To manage the supplied class equipment as supplied by the contracting organisation this includes its upkeep and servicing.

**2.4.5.** To manage the administration of the loan equipment (ankle weights) to the project participants.

## **2.5 Coordinating 'Mind Your Step'**

**2.5.1.** To administrate the project including, but not exhaustive to the requirements below:

**2.5.1.1.** Referral forms received and processed from health professionals as set out above in 2.2.

**2.5.1.2.** Inviting of those referred to the community classes, matching participants to appropriate venues (telephone).

**2.5.1.3.** Coordinating information of the scheme to those participants.

**2.5.1.4.** Taking and recording of baseline data to include confidence scores, current activity levels and mental health scores. The risk of falls will be recorded by the referrer.

**2.5.1.5.** Distributing and collection of 'Mind Your Step' support literature, workbooks and log books.

**2.5.1.6.** To support participants over the telephone with any questions regarding the at home part of the activity. The provider is required to return calls to participants within 24hours of contact being made.

**2.5.1.7.** To conduct a telephone questionnaire (to be written with Active Norfolk), record all answers, with all participants at 3 months, 6 months, 9 months and (where possible) at 12 months from starting the project.



## **2.6 Monitoring and Feedback**

**2.6.1.** The tendering organisation will monitor the classes in accordance to the 'Otago' programmes and processes.

**2.6.2.** Baseline balance will be assessed using the Four-Test Balance Scale and strength and power will be measured using the Chair Stand Test as recommended by the 'Otago' research project. This will be reassessed at timely intervals.

**2.6.3.** Baseline Falls data will be gathered from a retrospective falls diary. This will be continually monitored through regular completion of the falls diary, and collected at exit of project.

**2.6.4.** Confidence will be measured using a visual analogue scale style questionnaire and will be reassessed at timely intervals. Answers to these questions may also help tailor treatment plans to best address reduced confidence.

**2.6.5.** It is the tendering organisations responsibility to collect this data and report it back either quarterly or on request from Active Norfolk or Norfolk Community Health Care Trust. The process for this may be discussed with Active Norfolk on winning the contract.

**2.6.2.** Support Active Norfolk and their chosen evaluation provider to provide information in preparation for an evaluation document to demonstrate the preventative effects of this intervention and its cost effectiveness towards savings made.

## **Appendix 7.2**

### **Format of tender**

- Please supply all details of your organisation.
- Please, where appropriate, supply record of experience / referees.
- Submit a document detailing your proposed coordination of 'Mind Your Step' including:
  - Capacity to manage the tender;
  - Resources available;
  - Methods of administration and data collection;
  - Proposed referral pathways and suggested method of monitoring.
  - Your own evaluation criteria
  - Detailed key dates, headlines and milestones.
- Submit detailed pricing template using Appendix 7.4.
- Submit signed certificate of tender, with your proposal (found in Appendix 7.5.)

### Appendix 7.3

#### Evaluation Criteria (measuring performance)

<b>Evaluation of Criteria</b>	<b>Measure</b>	<b>Date to be completed.</b>	<b>Funding amount released</b>
Winning tender	Tendering process	7 <sup>th</sup> January 2012	50% of total contract.
Set up 2 community classes	Classes running, promoted and referrals in.	February 2012	
Set up of 3 <sup>rd</sup> class	Class operational, promoted and referrals in.	April 2013	
Participants referred in and taking part in classes and home based activity.	Minimum of 100 people participating in the project.	July 2013	
Number of classes delivered across 3 sites.	80 'Otago' exercise classes delivered across 3 areas by end of July 2013	July 2013	
Receipt of quarterly monitoring, feedback and completion of participant and retention targets.		August 2013	50% of total contract.
Participants engaged, retained and attending.	A minimum of 250 project participants engaged in the project with 170 exercise classes delivered.	June 2014	
Evaluation, final monitoring and feedback.		June 2014	

**Appendix 7.4**

**Pricing Template.**

This template is for use of guidance and is an example of services offered, it is not exhaustive and may be adapted for your tender.

<b>Cost Name</b>	<b>Description</b>	<b>Cost (£ / contract)</b>
<b>Staff</b>		
<b>Instructor</b>		
<b>Coordination</b>		
<b>Administration</b>		
<b>Other</b>		
<b>Other</b>		
<b>Travel</b>		
<b>Mileage</b>		
<b>Public Transport</b>		
<b>Overheads</b>		
<b>Telephone Costs</b>		
<b>Referral Forms</b>		
<b>Postage</b>		
<b>Other</b>		
<b>Other</b>		
<b>Other etc.</b>		
	<b>Total Cost</b>	

**Appendix 7.5.**

**Certificate of Tender for 'Mind Your Step'.**

We certify that this is a bona fide Tender, intended to be competitive, and that we have not fixed or adjusted the amount of the Tender in accordance with any other person, body or association.

**Authorisation**

Signed:

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Name (Print):

-----

Title:

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For and on behalf of:

-----

Date:

-----

Full address, including postal code, to which all communications relating to this Tender should be despatched:

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-----  
-----  
-----  
-----  
-----  
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Telephone Number: -----

Email: -----

Tender Submitted to (handed to / posted to): -----

Tender amount (total cost): -----

## **Appendix 7.6**

### **Regulation 23 of the Public Contracts Regulations 2006**

#### **Criteria for the rejection of economic operators**

**23.**—(1) Subject to paragraph (2), a contracting authority shall treat as ineligible and shall not select an economic operator in accordance with these Regulations if the contracting authority has actual knowledge that the economic operator or its directors or any other person who has powers of representation, decision or control of the economic operator has been convicted of any of the following offences—

(a) conspiracy within the meaning of section 1 of the Criminal Law Act 1977, where that conspiracy relates to participation in a criminal organisation as defined in Article 2(1) of Council Joint Action 98/733/JHA(2);

(b) corruption within the meaning of section 1 of the Public Bodies Corrupt Practices Act 1889(3) or section 1 of the Prevention of Corruption Act 1906(4);

(c) the offence of bribery;

(d) fraud, where the offence relates to fraud affecting the financial interests of the European Communities as defined by Article 1 of the Convention relating to the protection of the financial interests of the European Union, within the meaning of—

(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(5) and the Theft Act 1978(6);

(iv) fraudulent trading within the meaning of section 458 of the Companies Act 1985(7);

(v) defrauding the Customs within the meaning of the Customs and Excise Management Act 1979(8) and the Value Added Tax Act 1994(9);

(vi) an offence in connection with taxation in the European Community within the meaning of section 71 of the Criminal Justice Act 1993(10); or

(vii) destroying, defacing or concealing of documents or procuring the extension of a valuable security within the meaning of section 20 of the Theft Act 1968;

(e) money laundering within the meaning of the Money Laundering Regulations 2003(11); or

(f) any other offence within the meaning of Article 45(1) of the Public Sector Directive as defined by the national law of any relevant State.

(2) In any case where an economic operator or its directors or any other person who has powers of representation, decision or control has been convicted of an offence described in paragraph (1), a contracting authority may disregard the prohibition described there if it is satisfied that there are overriding requirements in the general interest which justify doing so in relation to that economic operator.

(3) A contracting authority may apply to the relevant competent authority to obtain further information regarding the economic operator and in particular details of convictions of the offences listed in paragraph (1) if it considers it needs such information to decide on any exclusion referred to in that paragraph.

(4) A contracting authority may treat an economic operator as ineligible or decide not to select an economic operator in accordance with these Regulations on one or more of the following grounds, namely that the economic operator—

(a) being an individual is bankrupt or has had a receiving order or administration order or bankruptcy restrictions order made against him or has made any composition or arrangement with or for the benefit of his creditors or has made any conveyance or assignment for the benefit of his creditors or appears unable to pay, or to have no reasonable prospect of being able to pay, a debt within the meaning of section 268 of the Insolvency Act 1986(12), or article 242 of the Insolvency (Northern Ireland) Order 1989(13), or in Scotland has granted a trust deed for creditors or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of his estate, or is the subject of any similar procedure under the law of any other state;

(b) being a partnership constituted under Scots law has granted a trust deed or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of its estate;

(c) being a company or any other entity within the meaning of section 255 of the Enterprise Act 2002(14) has passed a resolution or is the subject of an order by the court for the company's winding up otherwise than for the purpose of bona fide reconstruction or amalgamation, or has had a receiver, manager or administrator on behalf of a creditor appointed in respect of the company's business or any part thereof or is the subject of the above procedures or is the subject of similar procedures under the law of any other state;

(d) has been convicted of a criminal offence relating to the conduct of his business or profession;

(e) has committed an act of grave misconduct in the course of his business or profession;

(f) has not fulfilled obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which the economic operator is established;

(g) has not fulfilled obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which the economic operator is established;

(h) is guilty of serious misrepresentation in providing any information required of him under this regulation;

(i) in relation to procedures for the award of a public services contract, is not licensed in the relevant State in which he is established or is not a member of an organisation in that relevant State when the law of that relevant State prohibits the provision of the services to be provided under the contract by a person who is not so licensed or who is not such a member; or

(j) subject to paragraphs (7), (8) and (9), is not registered on the professional or trade register of the relevant State specified in Schedule 6 in which he is established under conditions laid down by that State.

(5) The contracting authority may require an economic operator to provide such information as it considers it needs to make the evaluation in accordance with paragraphs (1) and (4) except that it shall accept as conclusive evidence that an economic operator does not fall within the grounds specified in paragraphs (1) and (4)(a), (b), (c), (d), (f) or (g) if that economic operator provides to the contracting authority—

(a) in relation to the grounds specified in paragraphs (1) and (4)(a), (b), (c) or (d)—

(i) an extract from the judicial record; or

(ii) in a relevant State which does not maintain such a judicial record, a document issued by the relevant judicial or administrative authority;

(b) in relation to the grounds specified in paragraphs (4)(f) or (g), a certificate issued by the relevant competent authority; and

(c) in a relevant State where the documentary evidence specified in paragraphs (5)(a) and (b) is not issued in relation to one of the grounds specified in paragraphs (1), (4)(a), (b), (c), (d), (f) or (g), a declaration on oath made by the economic operator before the relevant judicial, administrative or competent authority or a relevant notary public or Commissioner for oaths.

(6) In this regulation, “relevant” in relation to a judicial, administrative or competent authority, notary public or Commissioner for oaths means an authority designated by, or a notary public or Commissioner for oaths in the relevant State in which the economic operator is established.



(7) An economic operator established in the United Kingdom or Ireland shall be treated as registered on the professional or trade register for the purposes of paragraph (4)(j) if the economic operator —

(a) is established in Ireland and is certified as registered with the Registrar of Friendly Societies; or

(b) is established in either State and is either —

(i) certified as incorporated by their respective Registrar of Companies; or

(ii) is certified as having declared on oath that it is carrying on business in the trade in question in the State in which it is established at a specific place of business and under a specific trading name.

(8) In relation to procedures for the award of a public services contract, an economic operator established in Greece shall be treated as registered on the professional or trade register for the purposes of paragraph (4)(j)—

(a) when the services to be provided under the contract are specified in category 8 of Schedule 3 and when Greek legislation requires persons who provide those services to be registered on the professional register (Μητρώο Μελετητών and Μητρώο Γραφείων Μελετών), if it is registered on that register; and

(b) in any other case, in accordance with paragraph (9).

(9) An economic operator established in a relevant State, other than the United Kingdom or Ireland, which either has an equivalent professional or trade register which is not listed in Schedule 6 or which does not have an equivalent professional or trade register shall be treated as registered on a professional or trade register for the purposes of paragraph (4)(j) on production of either a certificate that he is registered on the equivalent professional or trade register or where no such register exists, a declaration on oath, or in a relevant State which does not provide for a declaration on oath a solemn declaration, made by the economic operator before the relevant judicial, administrative or competent authority or a relevant notary public or Commissioner for oaths, that he exercises the particular profession or trade.

(1) 1977 c. 45. Section 1 was amended by section 5(1) of the Criminal Attempts Act 1981 (c. 47), section 9(1) and (2) and paragraph 4 of Part II of Schedule 2 to the Criminal Justice (Terrorism and Conspiracy) Act 1998 (c. 40) and section 300(1) of and Schedule 1 to, the Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52).

(2) OJ L 351, 29.12.1998,p.1.

(3) 1889 c. 69.

(4) 1906 c. 34. Section 1 was amended by section 47(2) and (3) of the Criminal Justice Act 1988 (c. 33) and section 108(2) of the Anti-terrorism, Crime and Security Act 2001 (c. 24) and section 68(2) of the Criminal Justice (Scotland) Act 2003 (c. asp7).

(5) 1968 c. 60. Section 9 was amended by section 26(2) of the Criminal Justice Act 1991 (c. 53) and sections 139, 140 of, and Part 17 of Schedule 6 and Schedule 7 to, the Sexual Offences Act 2003 (c. 42). Section 14 was amended by S.I. 2003/2908. Sections 15A and 15B were inserted by section 1(1) of the Theft (Amendment) Act 1996 (c. 62) and section 15B was amended by S.I. 2001/3649. Section 16 was amended by section 5(5) of the Theft Act 1978 (c. 31). Section 24A was inserted by section 2(1) of the Theft (Amendment) Act 1996 (c. 62). Section 33 was amended by S.I. 2001/1149. Section 34 was amended by S.I.2003/2908. Section 36 was amended by section 41(1) of, and Part I of Schedule 6 to, the Northern Ireland Constitution Act 1973 (c. 36). There are other amendments which are not relevant to these Regulations.

(6) 1978 c. 31. Section 1 was amended by section 4(1) of the Theft (Amendment) Act 1996 (c. 62). Section 5 was amended by section 37(1) of, and Schedule 2 to, the Extradition Act 1989 (c. 33). There are other amendments which are not relevant to these Regulations.

(7) 1985 c. 6. There are amendments to this Act which are not relevant to these Regulations.

(8) 1979 c. 2. There are amendments to this Act which are not relevant to these Regulations.

(9) 1994 c. 23. Section 72 was amended by section 17 of the Finance Act 2003 (c. 40). There are other amendments to this Act which are not relevant to these Regulations.

(10) 1993 c. 36. There are amendments to this Act which are not relevant to these Regulations.

(11) S.I. 2003/3075.

(12) 1986 c. 45. There are amendments to this Act which are not relevant to these Regulations.

(13) S.I. 1989/2405 (N.I. 19). There are amendments to this Order which are not relevant to these Regulations.

(14) 2002 c. 40. There are amendments to this Act which are not relevant to these Regulations.