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**Stage 1**

**Procurement Specific Questionnaire**

**Darlington College**

**The Provision of Snacks and Soft Drinks**

**Reference CA15779**

Date & Time for Return of Tenders: **Noon, on 03 June 2025**

Anticipated Contract Commencement Date: **28 July 2025**

Anticipated Initial Completion Date: **27 July 2028**

Anticipated Contract Extension Period: **2 x 12 months**

**An Open Tender conducted in accordance with the Procurement Act 2023.**

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**Procurement Specific Questionnaire Return Documents**

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**Section 1: Introduction to the Procurement Specific Questionnaire**

In conducting an Open tender in accordance with the Procurement Act 2023, Darlington College requires all suppliers submitting a tender to complete and submit a Procurement Specific Questionnaire (PSQ). This document replaces the Standard Selection Questionnaire (SQ) document, which applied to tenders under the previous Public Contracts Regulations. The PSQ is made up of four sections:

1. Preliminary questions
2. Part 1 – confirmation that the supplier has registered on, submitted and shared their core supplier information via the Central Digital Platform (CDP)
3. Part 2 – additional exclusions information
4. Part 3 – questions relating to conditions of participation

***PSQ Explained***

1. Public procurement is governed by regulations to ensure that procurement delivers value for money, competition, transparency and integrity.
2. The PSQ has been designed to help contracting authorities ensure that suppliers share the right information when participating in a procurement. This is separate from the formal tender submission (on how the supplier proposes to meet the tender requirements). In addition to a small number of preliminary questions, the PSQ consists of three parts:

Part 1 - confirmation of core supplier information

Suppliers participating in procurements will now be expected to register on a central digital platform (CDP). Suppliers can submit their core supplier information and, where a procurement opportunity arises, share this information with the contracting authority via the CDP. It is free to use and will mean suppliers should no longer have to re-enter this information for each public procurement but simply ensure it is up to date and subsequently shared. The CDP is available at <https://www.gov.uk/find-tender>. Part 1 provides confirmation that suppliers have taken these steps.

Part 2 - additional exclusions information

Procurement legislation provides for an ‘exclusion regime’ and a published ‘debarment’ list to safeguard procurement from suppliers who may pose a risk (for example, due to misconduct or poor performance). Suppliers must submit their own (and their connected persons) exclusions information via the CDP. This includes self-declarations as to whether any exclusion grounds apply to them and, if so, details about the event or conviction and what steps have been taken to prevent such circumstances from occurring again. Additionally:

* 1. As part of a procurement, a supplier will need to also share additional exclusions information for any suppliers that they are relying on to meet the procurement’s conditions of participation. These could either be consortium members or key sub-contractors (but excludes any guarantors). These suppliers are ‘associated persons’ and their exclusions information must be shared with the contracting authority. We recommend this is done by ensuring that associated persons register, submit and share their information via the CDP (like the prime/main supplier).
  2. In addition to the sub-contractors who are being relied on to meet the conditions of participation (who are associated persons), suppliers will need to share an exhaustive list of all their intended sub-contractors, which will be checked against the debarment list.
  3. If a sub-contractor is unknown at the start of the procurement (or brought in during it), this should be made clear by the supplier and relevant details of the sub-contractor should be provided once their identity and role is confirmed. This information should be shared with the contracting authority as soon as possible and at least by final tenders.

Part 3 - conditions of participation:

Contracting authorities may set conditions of participation which a supplier must satisfy, to be awarded a public contract. They can relate to the supplier’s legal and financial capacity or their technical ability.

1. Some of the information requested in the PSQ will be for information purposes only. Other information will be assessed by the contracting authority. This might include a pass or fail mechanism, or a threshold which the supplier must meet. Under certain procurement processes, a contracting authority might use the information shared via the PSQ as part of a selection process to limit the number of participating suppliers. For example, inviting the five suppliers that submitted the highest scoring responses. Where this is the case, the contracting authority will outline the maximum number of suppliers, and the criteria used to select the limited number of suppliers, in their tender notice.
2. Suppliers should note that contracting authorities have legislative duties to publish certain information which relate to the supplier in their contract award notices. This information includes, but is not limited to:
   1. details of the winning supplier’s associated persons
   2. details of the winning supplier’s connected person information
   3. for certain procurements over £5 million, details of unsuccessful bidders

**Section 2: Scoring Methodology**

**Note:**

Where a supplier is unsure or requires any clarification in respect of any question within the PSQ, a clarification question should be raised by contacting the CPC via the tender messaging tool on MultiQuote at <https://suppliers.multiquote.com/Page/Login.aspx>. Clarification questions should be submitted as soon as possible, and in any case not later than **calendar ten days** before the date fixed for submission of tenders.

**Preliminary Questions**

Questions 1, 3 and 4. These questions are for information only and are **not scored**.

Question 2. Failure to confirm your CDP unique identifier **may**, in conjunction with your response to Part 1 question 6, **result in a fail** and your tender will not be evaluated.

Question 5. A response of ‘Yes’ to this question and subsequent provision of requested information will be verified. If it is established that your company or any company within a consortia bid set out in response to question 3, is included on the debarment list, it will **result in a fail** and your tender will not be evaluated.

**Part 1 – Confirmation of core supplier information**

Question 6.

1. Basic information. This is for information only and is **not scored**.
2. Economic and financial standing information. This is for information only and is **not scored**. The information provided will be used to assess the requirements for financial capacity at Question 13.
3. Connected person information. This information will be checked against the Debarment List and any inclusion on that list will **result in a fail** and your tender will not be evaluated.
4. Exclusion Grounds. Any declared mandatory exclusion ground or any declared discretionary exclusion ground which is not acceptable, will **result in a fail** and your tender will not be evaluated.

**Part 2 – Additional exclusions information**

Questions 7, 8 & 11. These questions are for information only and are **not scored**.

Question 9. Will be evaluated in accordance with the scoring methodology set out for Question 6 above.

Questions 10 & 12. Will be evaluated in accordance with the scoring methodology set out for Question 5 above.

**Part 3 – Questions relating to conditions of participation**

Question 13. A response not demonstrating the required financial capacity set out in the question will **result in a fail** and your tender will not be evaluated.

Question 14. Will be evaluated in accordance with the scoring criteria for Question 6 above.

Questions 15 & 17. A response of No, or a response of Yes without providing adequate supporting information requested will **result in a fail** and your tender will not be evaluated.

Question 16. Not used

Question 18. Failure to provide the information requested in respect of relevant experience and contract examples will **result in a fail** and your tender will not be evaluated. Responses to references taken up with the companies whose information is provided, demonstrating inadequate or irrelevant past performance, will **result in a fail** and your tender will not be evaluated.

Question 19. Where applicable and in conjunction with your response to Question 11, failure to provide the information requested, or that information demonstrates inadequate or poor procedures, will **result in a fail** and your tender will not be evaluated.

Question 20. Not used

Question 21. A response not demonstrating the required health & safety arrangements and controls, will **result in a fail** and your tender will not be evaluated.

**Confirmations**

Question 22. A response of no, or no response, will **result in a fail** and your tender will not be evaluated.

**Section 3: Glossary of Terms**

**Associated person** A supplier may be an excluded supplier or an excludable supplier if any exclusion ground applies to either the supplier or an associated person (see the references to ‘associated person’ in section 57 of the Act) and if the circumstances giving rise to the ground are continuing or likely to occur again. An associated person for these purposes is defined in section 26(4) as a person the supplier is relying on to satisfy the conditions of participation (other than a guarantor). Associated persons are likely to be within the first tier of sub-contractors, but may be further down the supply chain, for example in procurements of contracts with highly technical elements.

**Central digital platform** The online system referenced in the Procurement Act 2023 (Act) and defined in the Procurement Regulations 2024 as the central digital platform. It is available at [www.gov.uk/find-tender](http://www.gov.uk/find-tender). The central digital platform will enable:

* contracting authorities and suppliers to register and receive a unique identifier
* contracting authorities to publish notices and other information as required under the Act for covered and below-threshold procurements
* suppliers to submit and store certain core organisational information as required by the regulations to participate in a covered procurement. This information will only be available to those contracting authorities that a supplier chooses to share it with; it cannot be freely accessed
* anyone to view the notices and access related public procurement data

**Conditions of participation** The Procurement Act 2023 includes rules on conditions of participation under a competitive tendering procedure and a competitive selection process under a framework. Contracting authorities are allowed to set conditions of participation only if they are a proportionate means of ensuring that suppliers have: a. legal and financial capacity; or b. technical ability, to perform the contract. Suppliers must satisfy these conditions if they are to be awarded the contract. The conditions must be proportionate having regard to the nature, complexity and cost of the public contract. Whereas compared with award criteria (section 23) which are used to assess the tender, conditions of participation are used to assess the supplier. Contracting authorities must make these conditions clear in the tender notice, supplemented (where necessary) by the tender documents.

**Connected persons** A connected person is defined in paragraph 45 of Schedule 6 to the Act. In summary, it covers:

1. a person with ‘significant control' over the supplier (within the meaning given by section 790C(2) of the Companies Act 2006 (CA 2006))
2. a director or shadow director of the supplier
3. a parent undertaking or a subsidiary undertaking of the supplier
4. a predecessor company
5. any other person who it can reasonably be considered stands in an equivalent position in relation to the supplier as a person within paragraph a to d
6. any person with the right to exercise, or who actually exercises, significant influence or control over the supplier
7. any person over which the supplier has the right to exercise, or actually exercises, significant influence or control

**Competitive tendering**

**procedures** There are two competitive tendering procedures set out in section 20 of the Procurement Act 2023: the open procedure and the competitive flexible procedure, and both are commenced via publication of a tender notice.

**Core supplier information** The core supplier information defined in the regulation 6(9) of the Procurement Regulations 2024 is divided into four key categories of information and covers (in summary):

* basic information – this includes (and is not limited to) the supplier’s name, unique identifier, address, VAT number (if applicable), legal form and date of company registration (if applicable), details of qualifications/trade associations and classification, for example whether the supplier is an SME and/or a public service mutual
* economic and financial standing information – as set out in the supplier’s most recent financial accounts
* connected person information – this includes (but is not limited to) information relating to relevant connected persons such as names, date of birth and nationality, service address and legal form
* exclusion grounds information – this includes information relating to relevant convictions and events that form either a mandatory or discretionary exclusion ground under the Act

**Debarment** Debarment is a mechanism under which a Minister of the Crown can put a supplier on the centrally published debarment list. This must be following an investigation, whereby the minister is satisfied that a supplier is an excluded supplier or an excludable supplier and should be added to the debarment list. Depending on why a supplier is on the debarment list, contracting authorities either must exclude them or may exclude them from procurements. The list will be managed by the Procurement Review Unit (PRU) and published on GOV.UK

**Excluded supplier** A supplier is an ‘excluded supplier’ where the contracting authority considers, firstly, that a mandatory exclusion ground applies to the supplier or an associated person and, secondly, that the circumstances giving rise to the exclusion ground are continuing or likely to occur again. A supplier will also be an excluded supplier where a Minister of the Crown has already determined this – i.e. where the supplier or an associated person is on the debarment list because of a mandatory exclusion ground.

**Excludable supplier** A supplier is an ‘excludable supplier’ where the contracting authority considers, firstly, that a discretionary exclusion ground applies to the supplier or an associated person and, secondly, that the circumstances giving rise to the exclusion ground are continuing or likely to occur again. A supplier will also be an excludable supplier where a Minister of the Crown has already determined this – i.e. where the supplier or an associated person is on the debarment list because of a discretionary exclusion ground.

**Exclusions** The Procurement Act sets out a list of mandatory (schedule 6) and discretionary (schedule 7) exclusion grounds and places a duty on contracting authorities to consider both whether any of these apply to suppliers (including by virtue of a connected person), as well as whether the circumstances are continuing or likely to occur again. Contracting authorities must exclude an excluded supplier and may exclude an excludable supplier from procurements.

**Intended sub-contractors** As part of a competitive tendering process, contracting authorities must ask for details of all sub-contractors a supplier intends to use as part of the procurement (as required by section 28(1)(a) of the Act). This is not restricted to sub-contractors that the supplier is relying on to meet conditions of participation (who will in any event be associated persons) but applies to all sub-contractors (of all tiers) the supplier intends to sub-contract the performance of all or part of the contract to. A contracting authority must check whether any of the intended sub-contractors are on the debarment list (as required by section 28(1)(b) of the Act). A contracting authority may also request information for the purpose of determining whether any intended sub-contractor is an excluded or excludable supplier.

**Unique identifier** Unique identifiers are defined in regulation 8 of the Procurement Regulations 2024. In the case of a supplier, it is the unique code which is submitted to the central digital platform and is recognised by that platform or, where no such code is submitted and recognised, it is the unique code which is allocated by that platform when the supplier registers on that platform.