

Part 4: Procurement Specific Questionnaire (PSQ)

Contract Reference: RBGKEW1418

**Kew Gardens & Wakehurst Creative Programming Framework**

This document is for information

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## Guidance for Suppliers

1. Public procurement is governed by regulations to ensure that procurement delivers value for money, competition, transparency and integrity.
2. The Procurement Specific Questionnaire (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). The PSQ consists of three parts:
3. **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.
4. **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[[1]](#footnote-2)) exclusions information via the CDP. This includes self-declaration 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.
5. 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 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 suppler).
6. In additional 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.
7. 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 the deadline for submission of final tenders.
8. **Part 3 – conditions of participation:** contracting authorities may set conditions of participation which a supplier must satisfy in order to be awarded a public contract. They can relate to the supplier’s legal and financial capacity or their technical ability.
9. 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 (section 20(4)(a) of the Procurement Act and regulation 19(2)(d) of the Procurement Regulations 2024).
10. **Word limits** – Suppliers must adhere to any stated word limit/page limit indicated in the PSQ questions.
11. 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:

* details of the winning supplier’s associated persons
* details of the winning supplier’s connected person information
* for certain procurements over £5 million, details of unsuccessful bidders

1. Where a supplier is unsure or requires any clarification, they should check with the contracting authority.

|  |  |  |  |
| --- | --- | --- | --- |
| **No.** | **Question** | | |
| Preliminary questions | | | |
| 1. | What is your name?  Please provide your name/company name. If a registered company, please provide the registered company name. (*Please state the legal name that will be added to the contract where appropriate*). | | |
| Click to insert name / registered company name / Legal name | | |
| 2. | *You must be registered on the central digital platform (CDP).*  What is your central digital platform unique identifier? (*This is the identifier allocated or authorised via the Find a Tender service - this is usually your companies house number*).  Please provide your unique identifier below. | | |
| Click to insert unique identifier | | |
| 3. | Please confirm if you are bidding as a single supplier (with or without sub-contractors) or as part of a group or consortium.  Please select ‘Single supplier’ or ‘Group/consortium’ from the dropdown menu below. | | |
| Click to select from dropdown menu | | |
| If you are bidding as part of a group or consortium (including where you intend to establish a legal entity to deliver the contract), please provide: | | |
| 1. the name of the group/consortium   Click to enter group/consortium name | | |
| 1. the proposed structure of the group/consortium, including the legal structure where applicable   Click to enter proposed structure of group/consortium | | |
| 1. the name of the lead member in the group/consortium   Click to enter name of lead member | | |
| 1. your role in the group/consortium (e.g. lead member, consortium member, sub-contractor)   Click to enter your role in group/consortium | | |
| 4. | Please confirm which lot(s) you wish to bid for?  Please select ‘Yes’ or ‘No’ from drop down menus below. | | |
| Lot 1: Design & Fabricate Click to select yes or no.  Lot 2: Theatrical Performance Click to select yes or no. | | |
| 5. | Are you on the debarment list?  The debarment list can be found here [Procurement Review Unit - GOV.UK](https://www.gov.uk/guidance/procurement-review-unit#debarment-list)  Please select ‘Yes’ or ‘No’ from drop down menu below. | | |
| Click to select yes or no | | |
| If yes, please provide details about the event or conviction and steps taken to prevent such circumstances from occurring again. | | |
| Click to insert details | | |
| Part 1 – confirmation of core supplier information | | | |
| 6. | You must submit up-to-date core supplier information on the CDP and share this information with us via the CDP (either a share code or PDF download).  This includes:   1. basic information 2. economic and financial standing information 3. connected person information (these are persons with the right to exercise, or who actually exercise, significant influence or control over the supplier, over whom the supplier has the right to exercise, or actually exercises, significant influence or control over, for example: directors, majority stakeholders and parent and subsidiary companies) 4. exclusion grounds information   Please confirm you have shared this information with us.  Please select ‘Yes’ or ‘No’ from drop down menu below. | | |
| Click to select Yes or No | | |
| If yes, please provide a share code or upload your PDF download (clearly marked with the organisation name, and question number) and insert reference / file name below. | | |
| Click to insert share code or reference / file name | | |
| If you are unable to provide your share code or your PDF download, please complete and upload the ‘*Supplier Information*’ questionnaire at Annex 1 (clearly marked with the organisation name, and question number).  Please provide the reference / file name below. | | |
| Click to insert reference / file name | | |
| Part 2 – additional exclusions information | | | |
| Part 2A – associated persons | | | |
| 7. | Are you relying on any associated persons to satisfy the conditions of participation? (these are other suppliers who might be sub-contractors or consortium members but not a guarantor).  The conditions of participation are outlined in Part 3  Please select ‘Yes’ or ‘No’ from drop down menu below. | | |
| Click to select yes or no | | |
| If yes, please complete **Q8**, **Q9** & **Q10** (otherwise **Q8**, **Q9** & **Q10** are not applicable). | | |
| 8. | For each supplier/associated person, please confirm which condition(s) of participation you are relying on them to satisfy.  Please provide name of person or company and a brief description of which condition(s) of participation you are relying on them to satisfy for each person or company. | | |
| Supplier/associated person 1  Click to insert name of person or company and brief description | | |
| Supplier/associated person 2  Click to insert name of person or company and brief description | | |
| Supplier/associated person 3  Click to insert name of person or company and brief description | | |
| 9. | For each associated person, you must confirm they are registered on the CDP and have shared with us their information (either a share code or PDF download):   1. basic information 2. economic and financial standing information (if they are being relied upon to meet conditions of participation regarding financial capacity) 3. connected person information 4. exclusion ground information.   Please provide the supplier’s name and either a share code or PDF download (clearly marked with the organisation name, and question number) and provide the reference / file name for each associated person. | | |
| Supplier / associated person 1  Click to insert supplier name, their share code or PDF download reference / file name | | |
| Supplier / associated person 2  Click to insert supplier name, their share code or PDF download reference / file name | | |
| Supplier / associated person 3  Click to insert supplier name, their share code or PDF download reference / file name | | |
| If any of your associated persons are unable to provide their share code or their PDF download, they must complete the ‘Supplier Information’ template at Annex 1.  Please upload the completed ‘Supplier Information’ template for each associated person (clearly marked with the organisation name, and question number) and enter the reference / file name for each associated person below. | | |
| Supplier / associated person 1  Click to insert supplier name, and reference / file name | | |
| Supplier / associated person 2  Click to insert supplier name, and reference / file name | | |
| Supplier / associated person 3  Click to insert supplier name, and reference / file name | | |
| 10. | Are any of your associated persons on the debarment list?  The debarment list can be found here [Procurement Review Unit - GOV.UK](https://www.gov.uk/guidance/procurement-review-unit#debarment-list).  Please select ‘Yes’ or ‘No’ from drop down menu below. | | |
| Click to select yes or no | | |
| If **yes**, please provide the supplier’s name and details about the event(s) or conviction(s) and steps taken to prevent such circumstances from occurring again. | | |
| Associated person 1  Click to insert supplier’s name and details. | | |
| Associated person 1  Click to insert supplier’s name and details. | | |
| Associated person 1  Click to insert supplier’s name and details. | | |
| Part 2B – list of all intended sub-contractors | | | |
| 11. | Please provide:   1. a list of all suppliers who you intend to sub-contract the performance of all or part of the contract to (either directly or in your wider supply chain) 2. their unique identifier (if they are registered on the CDP), or otherwise, a Companies House number, charity number, VAT registration number, or equivalent 3. a brief description of their intended role in the performance of the contract   If you are **not** intending to sub-contract the performance of all or part of the contract, then **this question and Q12 are not applicable**.  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.  Please provide the information requested above for each sub-contractor, (i.e. the supplier‘s name, their unique identifier and a brief description of their intended role) below. | | |
| **Sub-contractor 1**  Click to insert name of sub-contractor – unique identifier – brief description | | |
| **Sub-contractor 2**  Click to insert name of sub-contractor – unique identifier – brief description | | |
| **Sub-contractor 3**  Click to insert name of sub-contractor – unique identifier – brief description | | |
| 12. | Please confirm if any intended sub-contractor is on the debarment list.  The debarment list can be found here [Procurement Review Unit - GOV.UK](https://www.gov.uk/guidance/procurement-review-unit#debarment-list)  Please select ‘Yes’ or ‘No’ from the drop down menu below. | | |
| Click to select yes or no | | |
| If yes, please provide the sub-contractor’s name and details about the event(s) or conviction(s) for their debarment and steps taken to prevent such circumstances from occurring again, for each associated person on the debarment list. | | |
| Sub-contractor 1  Click to insert sub-contractor’s name and provide details | | |
| Sub-contractor 2  Click to insert sub-contractor’s name and provide details | | |
| Sub-contractor 3  Click to insert sub-contractor’s name and provide details | | |
| Part 3 – questions relating to conditions of participation | | | |
| Part 3A – Procurement Specific Questions | | | |
| Mandatory requirements | | | |
| 13. | **Terms & Conditions**  Please confirm that you agree that the provision of the goods & services by the Supplier to RBG Kew is governed by RBG Kew’s Terms and Conditions as provided in Part 3 of this ITT.  Please select ‘Yes’ or ‘No’ from drop down menu below. | | |
| Click to select yes or no | | |
| 14. | **Insurance**  Please confirm whether you already have, or can commit to obtain, prior to the award of the contract, the levels of insurance cover indicated below:   1. Employer’s (Compulsory) Liability Insurance\* = £5 Million (minimum) 2. Public Liability Insurance = 5 Million   \*There is a legal requirement for certain employers to hold Employer’s (Compulsory) Liability Insurance of £5 million as a minimum. See the Health and Safety Executive website for more information: [www.hse.gov.uk/pubns/hse39.pdf](http://www.hse.gov.uk/pubns/hse39.pdf).  Please select ‘Yes’ or ‘No’ from drop down menu below. | | |
| Click to select yes or no | | |
| Please provide details of your insurances already in place. | | |
| Click to insert details | | |
| Please provide details of your insurances which would be obtained following contract award (including information on how you will obtain this insurance – e.g. a quote). | | |
| Click to insert details | | |
| Certain projects may also require the following additional insurance requirements, these will only be requested when the projects arise.  Professional Indemnity minimum £2M  Product Liability minimum £5M  Please confirm you can commit to obtain additional insurances should they be required for certain projects  Please select ‘Yes’ or ‘No’ from drop down menu below. | | |
| Click to select yes or no | | |
| 15. | Are you willing to work with both Kew Gardens AND Wakehurst on the same project across both sites at once? Note this will not be required for all projects.  Please select ‘Yes’ or ‘No’ from drop down menu below. | | |
| Click to select yes or no | | |
| Technical requirements – previous experience | | | |
| 16 | **Lot 1: Design & Fabricate**  **Only** complete this question if you are applying for Lot 1: Design & Fabricate  Are you applying for Lot 1: Design and Fabricate? | | |
| Click here to select yes or no. | | |
| Please read the Part 2: Specification carefully before submitting your application.  Please provide two examples of your previous work which demonstrate how your experience is relevant to the Specification.  Each example should take the form of a pdf deck of no more than 10 slides (minimum font size 10). We welcome wide-ranging experience, and we would particularly like to see examples of projects which:   * + Took place in outdoor environments   + Took place in heritage environments or locations which were archaeologically sensitive and ecologically protected   + Served thousands of visitors on a daily basis   + Were designed for family audiences   + Used a licenced property and working with a brand partner or helped to tell a mission-based story for the client   + Included elements of interactivity, challenge and reward, and learning through play   + Included installations or sets   We recommend including in your presentation deck the following items:   * + A brief description of the project, including location and date, host organisation and any brand partner   + A selection of creative design drawings, sketches, and mood boards that were developed in the planning stages of the project   + Construction drawings of any installations or sets   + Photographs of the live event   + Reviews or testimonials   Your response will be evaluated using the following criteria | | |
| **Criteria** | | **Weighting**  **(Total 80)** |
| 16.1 | Demonstration of work for family audiences | 10 |
| 16.2 | Demonstration of work that took place in an outdoor environment. | 10 |
| 16.3 | Demonstration of work that used a licenced property or helped to tell a mission-based story for the client | 10 |
| 16.4 | Demonstration of work that was interactive, included challenge and reward, or learning through play | 10 |
| 16.5 | Demonstration of work that included installations or sets | 10 |
| 16.6 | Demonstration of a clear understanding of health and safety and how this was applied to the project | 10 |
| 16.7 | Demonstration of a commitment to Equality, Diversity & Inclusion | 10 |
| 16.8 | Demonstration of a commitment to sustainability | 10 |
| Insert name/file reference of your 10 page pdf slide deck. Please ensure the document is clearly labelled with the same name/reference. | | |
| 17. | **Lot 2: Theatrical Performance**  **Only** complete this question if you are applying for Lot 2: Theatrical Performance  Are you applying for Lot 2: Theatrical Performance? | | |
| Click here to select yes or no. | | |
| Please read the Part 2: Specification carefully before submitting your application.  Please provide two examples of your previous work which demonstrate how your experience is relevant to the Specification.  Each example should take the form of a presentation deck of no more than 10 slides (minimum font size 10). We welcome wide-ranging experience, and we would particularly like to see examples of projects which:   * + Took place in outdoor environments   + Took place in heritage environments or locations which were archaeologically sensitive and ecologically protected   + Served thousands of visitors on a daily basis   + Were designed for family audiences   + Used a licenced property and working with a brand partner or helped to tell a mission-based story for the client   + Included elements of interactivity, challenge and reward, and learning through play   + Included scenery, sets and props   + Included actors, explainers, or hosts engaging visitors   We recommend including in your presentation deck the following items:   * + A brief description of the project, including location and date, host organisation and any brand partner   + A selection of creative design drawings, sketches, and mood boards that were developed in the planning stages of the project   + Construction drawings of any scenery, sets and props   + Pictures of any costumes, scenery, sets and props   + Photographs of the live event   + Reviews or testimonials   Your response will be evaluated using the following criteria | | |
| **Criteria** | | **Weighting**  **(Total 90)** |
| 17.1 | Demonstration of work for family audiences | 10 |
| 17.2 | Demonstration of work that took place in an outdoor environment. | 10 |
| 17.3 | Demonstration of work that used a licenced property or helped to tell a mission-based story for the client | 10 |
| 17.4 | Demonstration of work that was interactive, included challenge and reward, or learning through play | 10 |
| 17.5 | Demonstration of work that included scenery, sets, costumes and props | 10 |
| 17.6 | Demonstration of work that included actors, explainers, or hosts engaging visitors | 10 |
| 17.7 | Demonstration of a clear understanding of health and safety and how this was applied to the project | 10 |
| 17.8 | Demonstration of a commitment to Equality, Diversity & Inclusion | 10 |
| 17.9 | Demonstration of a commitment to sustainability | 10 |
| Insert name/file reference of your 10 page pdf slide deck. Please ensure the document is clearly labelled with the same name/reference | | |
| Part 3B – requirements for central government departments, their executive agencies and non-departmental public bodies | | | |
| Tackling Modern Slavery in Supply Chains (PPN 009) | | | |
| 18. | **Modern Slavery Statement (or equivalent statement/document)**  Supplier is ‘a relevant commercial organisation; \* and is compliant with the requirements contained within section 45 of the Modern Slavery Act 2015 and associated guidance and their statement includes information relating to:   1. the organisation’s structure 2. its policies in relation to slavery and human trafficking 3. its due diligence processes in relation to slavery and human trafficking in its business and supply chains 4. the parts of its business and supply chains where there is a risk of slavery and human trafficking taking place, and the steps it has taken to assess and manage that risk 5. its effectiveness in ensuring that slavery and human trafficking is not taking place in its business or supply chains, measured against such performance indicators as it considers appropriate 6. the training and capacity building about slavery and human trafficking available to its staff   **Or**  Supplier is not ‘a relevant commercial organisation; but has a turnover of more than £36 million and has provided a link to an equivalent statement or document which demonstrates information relating to a) to f) above.  \*’*Relevant commercial organisations’ are defined as commercial organisations that carry on a business or part of business in the UK, supply goods or services and have an annual turnover of £36 million or more.*  Please upload your response and insert the reference / filename below. | | |
| Supplier is ‘a relevant commercial organisation’ and is compliant with the requirements contained within section 54 of the Modern Slavery Act 2015 and associated guidance.  Please select ‘Yes’ or ‘No’ from drop down menu below. | | |
| Click to select yes or no | | |
| If yes, please provide a link to your published Statement. | | |
| Click to insert link | | |
| Supplier is not ‘a relevant commercial organisation’ but has a turnover of more than £36 million and has provided a link to an equivalent statement or document which demonstrates information relating to a. to f. above.  Please select ‘Yes’ or ‘No’ from drop down menu below. | | |
| Click to select yes or no | | |
| If yes, please provide a link to your equivalent statement or document. | | |
| Click to insert link | | |
| Confirmations | | | |
| 31. | I confirm that:   * to the best of my knowledge the answers submitted, and information contained in this document are complete, accurate and not misleading * upon request and without delay I will provide any additional information requested of us * I understand that the response to this questionnaire will be used to assess whether our organisation is entitled to participate in, or continue to participate in, this procurement * I understand that our organisation may be excluded from the procurement if requested information has not been provided, if any of this response or any follow up responses are incomplete, inaccurate or misleading, if confidential information has been accessed, or if we have unduly influenced your decision-making in this procurement.   Please select ‘Yes’ or ‘No’ from dropdown menu below. | | |
| Click to select yes or no | | |

|  |  |
| --- | --- |
| **Signed** |  |
|  |  |
| **Date** |  |
|  |  |
| **Name** |  |
|  |  |
| **Role** |  |
|  |  |
| **Phone number** |  |
|  |  |
| **Email** |  |
|  |  |
| **Postal address** |  |

## Glossary

| **Term** | **Definition** |
| --- | --- |
| 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 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 in order 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 paragraphs 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 the 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 suppler 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**](https://www.legislation.gov.uk/ukpga/2023/54/schedule/6/enacted) 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 mandatory exclusion ground. |
| Excludable supplier | A supplier is an ‘excludable supplier’ where the contracting authority considers, firstly, that a [**discretionary exclusion**](https://www.legislation.gov.uk/ukpga/2023/54/schedule/7/enacted) 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. |

**END**

1. Connected persons are persons who exercise (or have a right to exercise) significant influence or control over the supplier and those over which the supplier exercises (or has the right to exercise) significant influence or control. This includes majority shareholders, directors and shadow directors, parent and subsidiary companies and predecessor companies. The majority of the exclusion grounds state that they apply to the supplier or a connected person of the supplier. [↑](#footnote-ref-2)