



Document Version	QSQ v 3.2 (JM/CL 07 June 2023)
Qualification System Title	A Multi-Supplier Qualification System for the Provision of Irish Translation & Localisation Services to Uisce Éireann
Tender Reference	23/027

QUALIFICATION SYSTEM QUESTIONNAIRE (QSQ)

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PARTICULARS**A. CONTRACTING AUTHORITY AND QUALIFICATION SYSTEM**

A1	Contracting Entity	Uisce Éireann
A2	Tender Reference	23/027 A Multi-Supplier Qualification System for the Provision of Irish Translation & Localisation Services to Uisce Éireann
A3	Procedure	Formation of a qualification system
A4	Scope of Qualification System	The objective of this QSQ is to qualify Applicants onto the Qualification System for Irish Translation & Localisation service providers regarding the provision of translation services, and proofing from English to Irish primarily- and potentially from Irish to English. The main subject areas for translation services (but not limited to) will cover the following Uisce Éireann areas. • Legal & Annual reports • Technical & Scientific • HSQE & Signage/Forms • Business correspondence & Audited accounts • Strategy/Polices & Marketing materials • Website content & Recruitment advertising • Time sensitive regulated notices Admission to the Qualification System is subject to Applicants meeting the minimum requirements and minimum scores set out in this QSQ. The details of how the Qualification System will operate are set out in Appendix 1 (Operation of the Qualification System). Applicants should note that from time to time over the term of the Qualification System, the Contracting Entity, at its sole discretion but without altering the overall nature of the Qualification System, may modify the Qualification System to reflect changes in its requirements. The conditions under which such an option may be exercised by the Contracting Entity will be outlined in the relevant call off competition document. The Contracting Entity reserves the right to add additional lots to the Qualification System. Applicants may apply for qualification in one or more lots.

A5	Term of the Qualification System	10 years from the date of its establishment unless terminated earlier by the Contracting Entity, with an annual option to extend for a further 10 years by sending a notice to all of the Qualified Applicants. Applicants may apply for inclusion on the Qualification System at any stage during this period.
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B SUBMISSION OF QSQ RESPONSE

B1a	Date and Time IQSQ Response for Initial Competitions	Applicants who are interested in participating in the initial Competitions (which may include further shortlisting see appendix 1 Operation of the Qualification System) must submit their completed QSQ by 12:00hrs (local time) 21/08/2023. The Contracting Entity may, but shall not be obliged to, run an Initial Competition.
B1b	Date and Time QSQ Response following initial Competitions	Submissions can be submitted at any time while the Qualification System is open and will be evaluated firstly, after the submission date in B1a, and then every six months thereafter, subject to change at the sole discretion of the Contracting Entity
B2	Submission of QSQ Response	No submissions will be possible after the deadline. All submissions are electronic, as such NO paper copies will be accepted or read. The QSQ Response must be submitted through the eTenders system before the deadline (i.e. Applicants must press the submit button). Applicants should ensure all attachments have been added before submitting. Applicants should allow sufficient time to upload document(s). Applicants are advised that, depending on the size of the documentation, the submission/upload process may take some time. Any technical problems with the eTenders system or questions of the functionality in the eTenders system should be directed to the eTenders helpdesk. Applicants should contact eTenders helpdesk either via email etenders@eu-supply.com or by phone +353 (0)21 243 92 77 during office hours (09:00am – 17:30pm Irish time).

B3	Format of QSQ Response	In order to avoid potential file corruption, file names must not exceed 21 characters. The Contracting Entity is not responsible for corruption in electronic documents. Applicants must ensure that electronic documents are not corrupt. All QSQ Responses must be compiled such that they can be read using PDF or Microsoft Office. All QSQ responses to be submitted using the QS workbook attached, and all supporting documentation to use the following naming convention Naming Convention QS Workbook to be named "23/027 Supplier Name QS WB" Supporting Documentation to be named "Supplier Name (Section in WB supporting document refers to). 5.1 SDOC_001" Please adhere to the structure of the QSQ for ease of evaluation. Each section requires a separate section clearly named by section name. Policies & additional documentation can be annexed separately. Please name all appendices according to the relevant section, the relevant appendix number and a descriptive name. The Contracting Entity reserves the right not to evaluate information provided unless clear and specific reference has been made to the pass/fail criteria or sub-criteria to which the information relates.
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C. CLARIFICATIONS/QUERIES

C1	Queries/Requests for Clarifications	All queries relating to any aspect of this competition must be directed to the messaging facility on www.etenders.gov.ie. For the avoidance of doubt, Applicants may not contact the Contracting Entity directly regarding any aspect of this competition. Applicants should ensure that they register their interest in this competition, by clicking the "Accept" button on www.etenders.gov.ie, in order to receive all the responses to queries and other updates in relation to this competition.
C2	Final Time and Date for Receipt of Queries	Queries must be submitted through the eTenders system not later than 12:00 hours (local time) on 09/08/2023, unless amended by way of clarification.

D. MINIMUM REQUIREMENTS (Pass/Fail)

D1	Turnover (Pass/Fail)	Please Complete 23/027 QSQ Workbook Tab D1 in response to this section. The Minimum Requirement is that the Applicant must demonstrate an average annual turnover, in the last 2 years or pro-rata for a company established within the last 2 years, of at least: • €100,000 <i>Figure must represent the turnover that is required in order to sustain the demand of the QS. This is often 1.5 x annualised contract value (net VAT). It shall not exceed twice the annualised contract value except in duly justified circumstances, and Supply Chain's procurement report must explain that reason. Factor of less than 1.5 requires approval from Business Unit's finance department.</i> Wording for lots: If applying for more than one lot, the Applicant must demonstrate an average annual turnover of the cumulative value pertaining to all selected lots. The Applicant should attach to the QSQ Response copies of the following documents for the entity/entities responsible for financial standing: 1) Financial Statements (including Income Statement/Profit & Loss and Statement of Financial Position/Balance Sheet) for each of the two financial years immediately preceding the date noted at Item B1 (and depending on date of application take note of section B1b) of these Particulars. Copies of audited accounts should be furnished unless an audit exemption has been claimed for any of the required periods in accordance with applicable law. If so, the Applicant should attach copies of management accounts (including the statements included above) for the relevant years together with confirmation from their accountant that the relevant audit exemption has been properly claimed; and 2) If at the time of application, the previous year's financial statements have yet to be audited, a letter from the entity's accountant certifying the turnover figure for that year should be provided. It is the responsibility of the Applicant to provide audited financial statements to the Contracting Entity once these become available. Where the Applicant is unable, for a valid reason, to provide the specified documentation set out above, the Applicant must inform the Contracting Entity of that valid reason as to why the documentation cannot be supplied, and provide other suitable alternative documentation to prove, to the satisfaction of the Contracting Entity, their turnover. <u>Resources of other entities</u> Applicants should note that if they <u>intend to rely on the financial capacity of another entity to satisfy this Minimum Requirement</u> they could, for example, submit with their QSQ Response a duly executed undertaking in the format requested in Section 4.3.1 from those entities that they will place the necessary resources at the disposal of the Applicant. Additionally, the Applicant should attach the financial documents referenced above for the supporting entity/entities with their QSQ Response.
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		[A maximum of two entities are permitted to combine their respective turnovers in order to satisfy the minimum turnover requirement. (only include if there are objectively justifiable reasons for making this a condition)] The Contracting Entity reserves the right to request further information to demonstrate the turnover of the Applicant Please Complete 23/027 QSQ Workbook Tab D1 in response to this section.
D2	NOT USED	NOT USED
D3	NOT USED	NOT USED
D4	Compliance with requirements of the Modern Slavery Act 2015 or equivalent legislation	Please Complete 23/027 QSQ Workbook Tab D4 in response to this section. Commercial organisations that carry on a business or part of a business in the UK, supply goods or services and have an annual turnover of £36 million or more ("relevant commercial organisations") are required under section 54 of the UK's Modern Slavery Act to prepare a slavery and human trafficking statement as defined by section 54 of the Act, The Minimum Requirement is either: (1) that the Applicant states "N/A" to all questions (because it is not a "relevant commercial organisation" as defined above and the country in which it is incorporated does not have equivalent legislation to the Act) or, (2) where the Applicant states "Yes" to question (A), it provides sufficient evidence that it is compliant with the annual reporting requirements contained in section 54 of the Modern Slavery Act or (3) the Applicant responds "Yes" to question (C). (A) Is the Applicant a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")? Yes ☐ N/A ☐ (B) If "Yes", is the Applicant compliant with the annual reporting requirements contained within section 54 of the Act? Yes ☐ Please provide the relevant URL ... No ☐ Please provide an explanation Where the Applicant fails to provide sufficient evidence of compliance with the annual reporting requirements contained within section 54 of the Act (where applicable), this may result in the Applicant being eliminated without further consideration of its QSQ Response. (C) If the country in which the Applicant is incorporated has equivalent legislation to the Act, is the Applicant compliant with the requirements of that Act? Yes ☐ No ☐ N/A ☐

		Section 5k.1 of the Council Regulation (please refer to scenario (a), (b), (c) listed under Section 6.4 (A))? Yes ☐ No ☐ Please Complete 23/027 QSQ Workbook Tab D5 in response to this section.
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E. PASS/FAIL CRITERIA

Pass/Fail Criteria	Maximum Marks Available (2000)	Minimum percentage required to pass
This table is a summary only of the pass/fail criteria (and does not include the sub-criteria in Section 5) Applicants should refer to details as set out in Section 5. The maximum and minimum marking is as noted in the column to the right.		
Resources (Section 5.2)	100 marks	50%
Experience (Section 5.3)	600 marks	50%
Quality Assurance (Section 5.5.1)	400 marks	50%
Sustainability (Section 5.5.3)	300 marks	50%
Data Protection (Section 5.5.4)	200 marks	60%
Information Security (Section 5.5.5)	200 marks	60%
Business Continuity & Disaster Recovery (Section 5.5.6)	200 marks	50%

F. INSURANCE REQUIREMENTS

F1	Insurance requirements	It shall be a condition of the award of any contract that may be awarded by the Contracting Entity pursuant to the Qualification System that the successful tenderer shall have in place insurance which meets the Contracting Entity' requirements, as set out in the Call for Competition tender documentation for that contract.
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G DEFINITIONS

Applicant	entities seeking to respond to this QSQ.
Contracting Entity	the entity named in Item A1 of the Particulars.
Initial Competition	the first competition, if any, which the Contracting Entity may (at its absolute discretion) run pursuant to this Qualification System.
Minimum Requirements	means the minimum requirements identified in Section D of the Particulars.
Principal Applicant	the party identified in section 4.1 of a Joint Venture Applicant's QSQ Response
Qualification System	the qualification system to be formed pursuant to this QSQ (if any is formed).
Qualified Applicant	an Applicant who has been admitted to the Qualification System.
QSQ	this qualification system questionnaire

Important Notice

This QSQ is issued by the Contracting Entity for the purposes of a competition for the award of the Contract.

This QSQ is a summary of available information and no reliance shall be placed on any information or statements contained herein, and no representation or warranty, express or implied, is or shall be made in relation to the completeness, accuracy or functioning of the information contained in this QSQ, nor as to the reasonableness of any assumption made in preparing this information.

Neither the Contracting Entity nor any subsidiary or holding company of the Contracting Entity or a subsidiary of any such holding company, nor its advisers, consultants, contractors, servants and/or agents shall have any liability or responsibility in relation to the accuracy, adequacy or completeness of such information or any statements made. For the avoidance of doubt, Applicants should not assume that any such information or statements shall remain unchanged - the information provided herein is preliminary only and will be superseded by the ITN when it is published.

Neither the Contracting Entity nor any subsidiary or holding company of the Contracting Entity or a subsidiary of any such holding company, nor its advisers, consultants, contractors, servants and/or agents shall have any liability or responsibility in relation to any system issues with the e-tenders portal, either due to network congestion or poor network speeds, or otherwise.

The Contracting Entity is not bound by any anomalies, errors or omissions in this QSQ. Neither the issue of this QSQ nor any information or statement in this QSQ shall constitute or result in the basis of a contract or part of a contract between the Contracting Entity and any Applicant. The Contracting Entity shall not be obliged to enter into a contract with any Applicant. Save for any confidentiality obligations imposed on the Applicant, no legal relationship or other obligation shall arise between the Applicant and the Contracting Entity unless and until a Contract in relation to the subject of this competition has been formally executed in writing by the Contracting Entity and the successful Applicant in this competition and any conditions precedent to the effectiveness of such documents (if any) have been fulfilled. If the competition is divided into lots, each lot shall constitute a separate contract for the purposes of Regulation 8(2) of SI 131 of 2010, as amended by SI 193 of 2015.

The Contracting Entity reserves the right at any time to take such steps as it considers appropriate in respect of the competition, which may include (but are not limited to):

- to change the basis of, or the procedures (including the timetable) relating to, the tender process;
- to reject any, or all, of the QSQ Responses;
- not to invite an Applicant to proceed further;
- not to furnish an Applicant with additional information; or
- to abandon the competition

and no expense incurred by any person in responding to this QSQ will be reimbursed.

The Contracting Entity reserves the right to amend this document, its requirements and any information contained herein at any time by notice, in writing, to the Applicants. Reference to this QSQ shall include all information contained in this document and any other information (whether written, oral or in machine-readable form) or opinions made available at any time during the competition by or on behalf of the Contracting Entity, any subsidiary or holding company of the Contracting Entity or a subsidiary of any such holding company, its advisers, consultants, contractors, servants and/or agents in connection with this competition.

The Contracting Entity does not make any guarantee in regard to any contract award and/or the volume or value of works, services or supplies to be procured.

Irish law is applicable to this document. The Irish courts shall have exclusive jurisdiction in relation to any disputes arising from this document.

DATA PROTECTION NOTICE

As part of your QSQ Response, you may provide personal data relating to yourself, employees or other third parties. In this QSQ, "Data Protection Law" means all applicable data protection law including the General Data Protection Regulation (Regulation (EU) 2016/679) and the Data Protection Act 2018; and the terms 'personal data', 'process', 'controller', 'processor' and 'data subject' shall have the meanings given to them under Data Protection Law.

Where you provide personal data relating to third parties, you must ensure that such third parties are made aware of the contents of this Data Protection Notice in full.

Where such personal data is provided, the relevant controller is the Contracting Entity. If you have any questions about our use of your personal data, please use the eTenders messaging system to raise these with the Contracting Entity.

We generally process the following personal data as part of QSQ Responses:

- name;
- contact details;
- qualifications;
- curriculum vitae;
- company / project organigram;
- any other personal data provided by you as part of your submission.

We collect personal data from you directly, and from the following sources:

- your employer (where relevant);
- other members of your consortium;
- any other source of personal data referred to in this QSQ.

Any personal data provided will be processed for the purposes of the QSQ process. Our legal basis for processing such personal data in accordance with the provisions of this Data Protection Notice is that it is necessary for the exercise of official authority vested in us.

We may disclose your personal data to various recipients in connection with the tender process, including:

- your employer;
- other members of your consortium;
- third party service providers of the Contracting Entity, such as advisors and contractors; and
- other potential recipients identified in this QSQ.

In connection with the above we may transfer your personal data outside the European Economic Area, including to a jurisdiction which is not recognised by the European Commission as providing for an equivalent level of protection for personal data as is provided for in the European Union (a "**Third Country**"). If and to the extent that we do so, we will ensure that appropriate measures are in place to comply with our obligations under applicable law governing such transfers, which may include entering into a contract governing the transfer which contains the 'standard contractual clauses' approved for this purpose by the European Commission or, in respect of transfers to the United States of America, ensuring that the transfer is covered by the EU-US Privacy Shield framework (or any replacement framework). Further details of the measures that we have taken in this regard are available on request from the Contracting Entity.

If you are unsuccessful as part of the tender process, such personal data will be retained until three years after the conclusion of the tender process. If you are successful, and join the Qualification System, such personal data will be retained in accordance with PD/97, the Contracting Entity's data management policy.

Any data subjects in respect of which we hold or process personal data have rights in relation to their personal data, including the right to request access to their data and, in certain circumstances to request rectification, erasure or restriction of the processing of their personal data. All such data subjects have the right to lodge a complaint with the Irish supervisory authority, the Data Protection Commission. The provision of such personal data is not a contractual requirement, however, failure to provide sufficient information may affect the completeness of your QSQ Response.

SECTION 1: CONTRACTING ENTITY ORGANISATION INFORMATION

Uisce Éireann: Incorporated in July 2013 as a company under the Water Services Act 2013, **Uisce Éireann** brought water and wastewater services of the 31 local authorities together under one national service provider. Uisce Éireann is responsible for the operation of all public water and wastewater services including:

- Management of national water and wastewater assets
- Maintenance of the water and wastewater system
- Investment and planning
- Managing capital projects
- Customer care and billing

Uisce Éireann is also responsible for all the capital investment decisions and implementation of the capital programme delivery across the country. For more information, please see Uisce Éireann's website, which can be found at www.water.ie.

SECTION 2: INSTRUCTIONS TO APPLICANTS

Conditions of Submission of QSQ Response

2.1 By submitting a QSQ Response an Applicant agrees and confirms:

- (a) that it has examined and understood this QSQ;
- (b) that it may not, subsequent to its QSQ Response, make any changes to the information provided to the Applicant without written consent of the Contracting Entity and that any such consent must be sought from the Contracting Entity in writing and the Contracting Entity may decide, at its absolute discretion, whether to accept or reject the change;
- (c) the Applicant may be requested by the Contracting Entity to provide further information to support its QSQ Response;
- (d) the Contracting Entity is not bound to accept any application by way of a QSQ Response which it may receive;
- (e) the Contracting Entity shall not be liable in any way for any costs incurred in the preparation or in the submission of the Applicant's QSQ Response;
- (f) none of the information provided to the Applicant or received from the Applicant shall constitute a contract or part of a contract between the Contracting Entity and any Applicant (save for any confidentiality obligations imposed on the Applicant) and that the Contracting Entity reserves the right not to follow up this QSQ in any way and/or to change the tender procedure and/or terminate discussions at any time;
- (g) no legal relationship or other obligation shall arise between any Applicant and the Contracting Entity unless and until a contract has been formally executed in writing by the Contracting Entity and a successful Applicant and any conditions precedent to the effectiveness of such documents have been fulfilled.

QSQ Response

2.2 The Contracting Entity reserves the right, but shall not be obliged, to reject any QSQ Response which does not fully comply with the requirements set out in this document. If a QSQ Response fails to so comply, the Contracting Entity shall be entitled (but shall not be obliged) to take such steps as it considers appropriate, at its sole discretion, including (but not limited to):

- (a) to reject the QSQ Response as non-compliant;
- (b) without prejudice to the Contracting Entity's right to reject the QSQ Response:
 - (i) to meet with, raise issues and/or seek clarification from the Applicant in respect of its QSQ Response;
 - (ii) to request the Applicant to provide the Contracting Entity with information or items which have not been provided or have been provided in an incorrect form; and/or
 - (iii) to waive a requirement which, in the opinion of the Contracting Entity, is minor or procedural.

Notwithstanding the above, the Contracting Entity does not have the discretion to accept late submissions. See Item B2 of the Particulars.

2.3 The Applicant should ensure that the Applicant's QSQ Response is comprehensive and clear, as qualification may be based solely on this without any call to interview. However, the Contracting Entity retains the right, at its discretion:

- (a) to call all, some only or none of the Applicants to make a presentation to the Contracting Entity for the purpose of clarifying their respective QSQ Responses; and/or
- (b) to require, all, some only or none of the Applicants to facilitate a site visit and / or system audit to provide further clarification in support of their respective QSQ Responses.
- (c) to request the Applicant to provide the Contracting Entity with information or items which have not been provided or have been provided in an incorrect form; and/or
- (d) to waive a requirement which, in the opinion of the Contracting Entity, is minor or procedural.

- 2.4 Neither the Contracting Entity nor any of their respective servants, consultants, agents or advisers will be responsible for any expense incurred in the preparation and delivery of the QSQ Response or in attendance at interview (if required).
- 2.5 All information requested must be provided in the English or the Irish language (accompanied by an English translation).
- 2.6 Answers must be provided to all questions in the QSQ. If a question is not relevant to an Applicant "Not Applicable" or "n/a" should be inserted.
- 2.7 All financial data is to be given in Euro (€) or Sterling (UK). Where the data is not given in Euro (€) or Sterling (UK), then the average European Central Bank foreign exchange rate for the financial period will be used when translating all income statement values and the rate as at the period end will be used when translating balance sheet values
- 2.8 An Applicant may not make any changes to the information in its QSQ Response without the prior written consent of the Contracting Entity. Such consent must be sought from the Contracting Entity in writing and the Contracting Entity may decide, at its absolute discretion, whether to accept or reject the change.
- 2.9 To ensure equality of treatment in the assessment of the QSQ Responses, limits are placed on the size, format, and the amount of information Applicants may submit in respect of the pass/fail criteria. Additional information submitted by the Applicant in excess of any stated limit shall not be considered by the Contracting Entity nor shall it be included in the quotation evaluation/assessment process, i.e. where a maximum of 10 pages are specified the Contracting Entity shall only consider the information presented in the first 10 pages of that response section and additional pages shall not be read or assessed. Similarly, where three examples of projects are requested only the first three projects listed/provided shall be considered as part of the assessment.
- 2.10 A minimum font size of 10-point Arial or equivalent shall be used in submission text. References to an A4 page are to one side of an A4 page (i.e. a double-sided page counts as 2 A4 Pages). For readability purposes, spreadsheets, drawings and diagrams only, (e.g. programmes, flow-charts), may be presented on A3 pages. Each A3 page shall count as 2 A4 pages, however the previous restriction on font size shall not apply to A3 pages.

Amendments, Clarifications and Queries

- 2.11 If the Contracting Entity is of the opinion that a clarification and/or amendment is required to be made to this document, and/or additional information is required to be issued, then the Contracting Entity shall be entitled to make any such clarification and/or amendment and/or issue such additional information, at any time, provided that, in respect of the Initial Competition only, this shall be prior to the date for submission of the QSQ Response as noted at Item B1 (and depending on date of application take note of section B1b) of the Particulars.
- 2.12 Subject to any applicable legal requirements, the Contracting Entity will not enter into any correspondence with an Applicant in relation to its QSQ Response except to seek clarification of the Applicant's QSQ Response, or in response to an Applicant's request to make a change, enquiry or request for clarification as referred to below.
- 2.13 No communication may be entered into with any employee of the Contracting Entity in relation to this QSQ.
- 2.14 Verbal queries or requests for clarification will not be considered by the Contracting Entity. In respect of the Initial Competition, a written response will be emailed to enquiries received on or before the Final Time and Date for Receipt of Queries/Requests for Clarification noted at Item C2 of the Particulars. The Contracting Entity may at its absolute discretion, but shall not be obliged to, reply to queries received after that time and date.

- 2.15 All such queries received, together with replies and clarifications on the points raised, may be circulated to all Applicants. If an Applicant believes a query/request and/or its response relates to a confidential or commercially sensitive aspect of its QSQ Response that Applicant must mark the query/request as “confidential” or “commercially sensitive”. If the Contracting Entity, at its discretion, is satisfied that the query/request and/or its response should be properly regarded as confidential or commercially sensitive, the nature of the query/request and its response shall be kept confidential (subject to any applicable legal requirements).
- 2.16 If the Contracting Entity is of the opinion that it would be inappropriate to answer the query/request on a confidential basis, it will notify the Applicant and require the Applicant to either withdraw the query or to raise any objection within 3 working days (being a day on which banks are normally open for business in Dublin) of such notification and state the grounds for its objection. If the Applicant does not withdraw the query/request or raise any objection within the specified period, or the Contracting Entity is of the opinion that, notwithstanding the objection of the Applicant, the query/request is not confidential or commercially sensitive, the Contracting Entity may issue the query/request and its response to all of the Applicants.

Ambiguities

- 2.17 Applicants shall immediately notify the Contracting Entity should they become aware of any ambiguity, discrepancy, error or omission in this QSQ. The Contracting Entity shall, upon receipt of such notification, notify all Applicants of its ruling in respect of any such ambiguity, discrepancy, error or omission. Such ruling shall be issued in writing, shall form part of the competition documents.

Conflict of Interest

- 2.18 Any conflict of interest or potential conflict of interest involving an Applicant (including any parent, subsidiary or associated company of the Applicant or any director, partner or person in an equivalent position in the Applicant) must be fully disclosed to the Contracting Entity on submission of the Applicant's QSQ Response. In the event of any conflict or potential conflict of interest, the Contracting Entity shall, in its absolute discretion, decide on the appropriate course of action, which may, without limitation, include exclusion of the Applicant from the competition. Any registerable interest involving the Applicant or any of its sub-contractors and any of the members of the Board of the Contracting Entity or (where applicable), its subsidiaries or its parent company or other subsidiaries of a parent company, members of the Government, members of the Oireachtas, or employees of the Contracting Entity, its subsidiaries its parent company or other subsidiaries of the parent company or relatives of those employees must be fully disclosed in the response to this QSQ. In the event of such information only coming to their notice after the submission of QSQ Response, it should be communicated to the Contracting Entity immediately upon it becoming known to the Applicant. The terms 'registerable interest' and 'relative' shall be interpreted as per section 2 and schedule 2 of the Ethics in Public Office Act 1995 (as amended).

Code of Business Conduct

- 2.19 The Contracting Entity's purchasing activities of goods and services are carried out in accordance with best business practice. The Contracting Entity complies with the Code of Practice for the Governance of State Bodies issued by the Department of Finance (the 'Code of Practice') and with the Charter on Ethics in Public Procurement issued by the Forum on Public Procurement in Ireland. The Contracting Entity complies with applicable tendering and purchasing procedures and is committed to fairness, transparency and integrity in all business dealings. The Contracting Entity does not engage in any practice which distorts or is likely to distort fair and open competition in the procurement /tender process or which involves any improper or unethical business practices.
- 2.20 It is a requirement of the Contracting Entity that all third party suppliers who engage with the company at any stage in the “procure to pay” process (tendering, contracting, ordering, certification, invoicing, payments) do so in compliance with best practice and with honesty and

integrity. If the Applicant is dissatisfied in relation to the Contracting Entity's tendering and purchasing procedures it shall immediately bring this to the Contracting Entity's attention.

Confidentiality

- 2.21 All documents issued and information given to the Applicants shall be treated by the Applicants as confidential. Applicants shall not release details of the documents other than on a confidential basis to those who have a legitimate need to know or whom they need to consult, for the purpose of preparing their QSQ Response.
- 2.22 Applicants shall not at any time release information concerning this competition for publication in the press or on radio, television, screen or any other medium.
- 2.23 The Contracting Entity is subject to the Freedom of Information Act 2014 together with other legislation governing access to information. The provisions of any such legislation will supersede the stated position of the parties. Subject to the following, all documents submitted by an Applicant will be treated as confidential by the Contracting Entity:
- a. the requirement on the Contracting Entity to disclose information under any applicable legal requirements, including obligations under Freedom of Information legislation;
 - b. the right of the Contracting Entity, at any time, to publicise, or otherwise disclose, to any third party, information regarding the competition, the identity of Applicants (including details of their respective members, representatives, advisers, consultants, contractors, servants and/or agents), shortlisted or preferred Applicants, the tender process or the award of places on the Qualification System;
 - c. notwithstanding the generality of the foregoing, the right to disclose information to:
 - d. referees as part of the reference verification process; and
 - e. other state/semi-state entities for the purpose of disclosing details of the contract performance of the successful applicant.

Documents will not be returned to the Applicant.

Tax Clearance Certificate and Insurance Requirement

- 2.24 It shall be a condition of the award of any contract that may be awarded by the Contracting Entity pursuant to the Qualification System that the successful tenderer (if the successful tenderer is a group, each member of the group), produces promptly a Tax Clearance Certificate, or in the case of a non-resident, a statement from the Revenue Commissioners in Ireland confirming suitability on tax grounds.
- 2.25 It shall be a condition of the award of any contract that may be awarded by the Contracting Entity pursuant to the Qualification System that the successful tenderer shall have in place insurance which meets the Contracting Entity's requirements. Further details of the Contracting Entity's insurance requirements are provided in section F1 of the particulars section.
- 2.26 An Applicant who successfully qualifies to participate in any competition to be run under the Qualification System may be required to provide evidence to demonstrate that it can comply with the conditions noted at Sections 2.24 and 2.25 above when submitting its tender in this competition. Further details will be included in the tender documents which will issue to Qualified Applicants invited to participate in any such competition.

SECTION 3: CRITERIA AND PROCESS FOR PRE-QUALIFICATION

Compliance and Minimum Requirements

- 3.1 The Applicant's response to the questions in Section 6 (Exclusion Criteria) will be assessed in the first instance by the Contracting Entity. In accordance with the instructions in Section 6 (Exclusion Criteria), Applicants to whom any of the exclusion criteria apply may be deemed ineligible and may be eliminated from the competition. No further consideration will be given to the QSQ Response of any Applicant so eliminated.
- 3.2 An Applicant whose QSQ Response is not rejected following consideration by the Contracting Entity of the responses to Section 6 (Exclusion Criteria) will then be assessed for compliance with the Minimum Requirements as set out at Item D of the Particulars. In order to be considered for qualification the Applicant must satisfy **all** of the Minimum Requirements specified at Item D of the Particulars. If the Contracting Entity is not satisfied (acting reasonably) that any Applicant meets all of the Minimum Requirements, the Applicant shall be eliminated from the competition and no further consideration shall be given to its QSQ Response.
- 3.3 An Applicant who, in accordance with the procedure described above,
- has been deemed eligible; and
 - has satisfied the Minimum Requirements,
- will then have its QSQ Response evaluated in accordance with the pass/fail criteria stated at Item E of the Particulars.
- 3.4 Details of the information required to be provided by an Applicant in respect of each of the pass/fail criteria set out at Item E of the Particulars (inclusive) are set out in Section 5 below. The allocation of marks in respect of each of the noted criteria is as set out at Item E of the Particulars.

Pass/Fail Criteria

- 3.5 The Applicant's response to each question (other than in relation to financial capacity/standing) will be assessed in order to ascertain whether the level of detail, qualifications, experience, documentation, certification and/or content of the response is appropriate for the nature, complexity and size (by reference, if relevant, to the lots applied for by the Applicant) of the scope of the Qualification System (as described above in Item A4 of the Particulars).
- 3.6 Where applicable, marks will be allocated based on the information and explanations provided in Applicants' written responses. Each question will be scored 0-100% of the marks available for the question based on the following bands:

Score	Indicator
90-100%	Excellent – response demonstrates exceptional evidence of capability
70-89%	Above Average - response demonstrates convincing evidence of capability
50-69%	Average – response demonstrates some capability
30-49%	Below Average - response lacks convincing evidence of capability
11-29%	A poor response - limited or poor evidence of capability
0-10%	Failed to address the question

- 3.7 If the Applicant's response to one of the questions or pass/fail criteria fails to meet the minimum pass mark, that Applicant may be excluded from further consideration.

Resources of other entities

- 3.8 QSQ Responses may be submitted by single entities, by groups of service providers or an entity relying on subcontractors. Where the QSQ Response is from a Joint Venture Applicant, the Principal Applicant nominated in the Applicant's submission is responsible for ensuring that all parties to the consortium comply with this QSQ and the Qualification System itself, if relevant. The Contracting Entity will not act as an arbitrator between members of a consortium/joint venture. A group will not be required to convert into a specific legal form in order to submit a QSQ Response, but may be required to do so prior to award of a contract. In addition to the requirements under Section 4.3 (Resources of Other Entities), the Contracting Entity reserves the right, amongst other solutions, to require that a contract be entered into with each member of the group on the basis of joint and several liability, to contract with one member of the group as prime contractor to whom the other members will be sub-contractors or to require joint liability from supporting entities in the case of critical tasks. Once qualified, the composition of the group may only be changed with the consent of the Contracting Entity.
- 3.9 Save where expressly stated to the contrary in this QSQ, in order to demonstrate the Applicant's economic and financial standing, resources and/or technical and/or professional experience and abilities, the Applicant or any member of a Joint Venture Applicant) may rely on the resources/capacities of other entities, whatever the legal nature of the link between the Applicant and those other entities (including, for example, but not limited to, reliance on a parent company's resources/capacities). Please note that previous experience gained by:
- (a) an individual while working for a third party entity;
 - (b) a third party joint venture partner, where the Applicant did not supervise or carry out the work/services in question; and
 - (c) a third party designer where the Applicant was the design build contractor but not the designer that did the design
- cannot be relied upon unless the third party entity itself is relied upon.
- Previous experience of a management contractor in managing third party subcontractors for an item of work, where the management contractor can show that it managed those third party subcontractors and supervised their work, can be relied upon.
- 3.10 If the Applicant is relying on the resources/capacities of another entity or entities, it must provide confirmations from those entities in the form required in Sections 4.3.1 and 4.3.2 (or in such other format as is deemed acceptable in form and substance to the Contracting Entity, at its sole discretion).
- 3.11 Where the Applicant is relying on the resources of another entity, or is a consortium or joint venture, the entit(ies) identified in Section 4 as being relied upon for a question shall respond to the relevant question.
- 3.12 Where more than one response is provided for any one section/question, each response will be marked and allocated an equal weighting in order to allocate the marks (e.g. if three responses are received for a particular section which has a maximum mark of 120 Marks, each response will be scored out of 40 marks with the results added together to give the overall result for that section). **Accordingly, Applicants should not submit responses that they do not intend to be included in the assessment.**
- 3.13 If sufficient evidence to allow full assessment of the given criteria is not provided the Applicant or a member of an Applicant will be assessed based on its own financial and economic standing and/or resources and/or technical and/or professional experience and abilities. A contractual commitment in the form of a guarantee or in such other form as the Contracting Entity may specify

may be required at contract stage in favour of the Contracting Entity from any such supporting entity.

Prohibition on Related Companies

3.16 If this competition is split into lots, two related companies may not apply for the same lot if:

- (a) one company is the other's holding company; or
- (b) more than half in nominal value of one company's equity share capital (within the meaning of section 7(11) of the Companies Act 2014 (as amended)) is held by the other company or by members of the other company; or
- (c) one company is entitled to exercise or control the exercise of more than one half of the voting power at any general meeting of the company; or
- (d) the businesses of the companies have been so carried on that the separate business of each company, or a substantial part thereof, is not readily identifiable.

SECTION 4: APPLICANT'S ORGANISATION

Section 4.1 – Applicant/Principal Applicant Details

Please fill out 23/027 QSQ Workbook Tab 4.1 in response to this section.

The information requested below shall be provided by the Applicant (or the Principal Applicant only in the case of a Joint Venture Applicant). Responses to this section are for information purposes only and will not be scored.

VAT Registered Name of Applicant:

If the Applicant is registered in a non-EU country, the Applicant's proper legal name can be provided here.

VAT Registered Number of Applicant:

This can be left blank if the Applicant is registered in a non-EU country.

Please verify your VAT Registered Name and Number are correct using the following website:

http://ec.europa.eu/taxation_customs/vies/

If a registered company:

Registered number of Applicant at relevant registration office:

Tender Correspondence Information:

Address:

Applicant's Contact Name:

Contact's Position:

Telephone No.:

E-mail Address:

Section 4.2 – Application by a Joint Venture Applicant

Please fill out 23/027 QSQ Workbook Tab 4.2 in response to this section.

If an Applicant is a Joint Venture Applicant, the Applicant must provide the additional information set out in the table below. If it is intended that a joint venture will be incorporated but it has not yet been formed, please provide proposed details in table below.

1) VAT Registered Name of Principal Applicant. If registered in a non-EU country, the proper legal name can be provided.			
2) Legal entities (VAT Registered Names) within the consortium or JV. If registered in a non-EU country, the proper legal name can be provided.			
3) VAT Registered Numbers of the legal entities within the consortium or JV This can be left blank if the Applicant is registered in a non-EU country			
4) Relevant ownership / participation division (%) within the consortium or JV			
5) Area of Responsibility –include relevant section number from the QSQ			
6) Questions responded to by the entity			

Notes:

- VAT Registered Name of the Principal Applicant as per Section 4.1 above, only one entity can be named.
- The VAT Registered Names and Numbers of all legal entities within the Joint Venture Applicant. Please verify your VAT Registered Name and Number using the following website: http://ec.europa.eu/taxation_customs/vies/
- Relevant ownership/participation percentage split, for example this may be 50/50 or 33/33/33.
- Details of which entity is putting forward the experience and capabilities in response to the questions. If an entity which does not form part of the consortium / JV is proposed as being fully / partly responsible the extent of the entity's participation should be listed in Section 4.3.

Enter the questions that the entity responded. The entity that is relied upon in relation to a particular question is to provide the response to that question. If more than one response is provided, the responses will each be weighted equally when applying the marks.

Section 4.3 – Resources of Other Entities

Please fill out 23/027 QSQ Workbook Tab 4.3 in response to this section.

Where the Applicant is relying on the resources of another entity (who is not a member of the consortium / JV) e.g. subcontractor, subsidiary, parent company, etc., the Applicant shall provide in this QSQ Response:

- (i) The information relevant to the area, section and question to which they are being relied upon; and
- (ii) Evidence from the entity proving that those resources will be available to the Applicant for the duration of the Qualification System and (unless the resources relate to financial standing/capacity) that the entity being relied upon will perform those elements of a contract for which the resources or capacities relied upon are required. That evidence could be in the form of the undertakings set out in Sections 4.3.1 and 4.3.2 (on a letter with the company letter head of the company being relied upon) as applicable.

Entity (VAT Registered Name)	Area of Responsibility - include relevant section number	Questions the Entity Responded

4.3.1 Financial Standing letter

Dear Sir,
reference

Re: [Insert tender reference and title]
QSQ Response Submission by **Applicant name**
Financial Resources

We understand that **Applicant name**, is relying on our financial standing in the above competition and requires confirmation that those financial resources are available to it.

Accordingly we confirm that we can provide the financial resources identified in the QSQ Response to facilitate **Applicant name's** participation in the competition. In addition if they are successful in the competition and appointed, then we will provide a guarantee to you that those financial resources will be made available for the duration of the Qualification System.

Yours faithfully,

**authorised representative of
guarantor of financial resources**

4.3.2 Resources/Technical Ability letter

Dear Sir,

Re: [Insert tender reference and title]
QSQ Response Submission by **Applicant name**
Resources/Technical Ability

We understand that **Applicant name**, is relying on our resources/technical ability in the above competition and requires confirmation that those resources are available to it.

Accordingly we confirm that we can provide the resources identified in the QSQ Response to facilitate **Applicant name's** participation in the competition. In addition if they are successful in the competition and appointed, then we will provide a guarantee to you that those resources will be made available for the duration of the Qualification System. We also confirm that we will perform those elements of a contract for which the resources or capacities relied upon are required.

Yours faithfully,

**authorised representative of
guarantor of technical ability/resources**

SECTION 5: – INFORMATION TO BE PROVIDED BY APPLICANT

The Applicant should answer each question and/or respond to each request for information or documents. If the question or request does not apply to the Applicant, “Not Applicable” or “N/A” should be inserted

5.1 not used

Section 5.2: RESOURCES (100 marks with a minimum 50% pass mark)

5.2.1 The Applicant shall provide a current organisation chart for the Applicant showing the current management team of the Applicant. The organogram should show clear lines of responsibility and accountability for the variety of disciplines carried out. For a joint venture / consortium the organogram should show the lines of responsibility and accountability within the proposed grouping (20 marks).

The organogram should also show clear lines of responsibility and accountability for the following areas and personnel (Total available 80 marks):

- Project Manager/Key Account Manager (20 marks)
- Translators with Post -Graduate qualification in Translation specifically from English into Irish and 3 years full-time experience (20 marks)
- Translators with Séala an Aistriúcháin and 3 years post qualification experience (20 marks)
- Proof-reader/Editor with Séala an Eagarthóra and at least 3 years full-time experience (20 marks)

Please fill out 23/027 QSQ Workbook Tab 5.2 in response to this section. Supporting Documentation to be named “Supplier Name (Section in Workbook supporting document refers to). 5.2 SDOC_00x.

5.3: EXPERIENCE (600 marks total (300 per Reference Project) with a minimum 50% pass mark)

The Applicant is to provide 2 x reference projects (as detailed below) in the last three years that are similar in nature, scale and complexity to the reference project titles below. The 2 examples carry equal weightings of 300 marks each. The entity that performed the contract in question must be the entity that is relied upon by the Applicant in its answer.

This includes demonstrating that:

5.3.1 Reference Project 1: Legal Translations – English to Irish (300 Marks)

- Client name/ Customer sector
- Start date
- Project Title
- Subject matter
- Word count & total cost of translation (minimum 4000 x word count)
- Duration of project
- Lessons learned & Quality assurance

5.3.2 Reference Project 2: Business correspondence & Audited accounts – English to Irish (300 Marks)

- Client name/ Customer sector
- Start date
- Project Title
- Subject matter
- Word count & total cost of translation (minimum 4000 x word count)
- Duration of project
- Lessons learned & Quality assurance

Note 1: References may be requested from any party involved in the referenced projects.

Please fill out Section 5.3 – Experience of the 23/027 QSQ Workbook in Tab 5.3 - Experience in response to this section.

5.4: not used

5.5: not used

5.5.1 QUALITY ASSURANCE (400 marks with a minimum 50% pass mark)

5.5.1(a) Please detail the Quality Assurance Processes and company Standard Operating Procedure (SOP) in place for the delivery of completed English to Irish translation services. These processes should indicate whereby a draft translation is checked against the source text by a second more senior translator/ editor with Séala an Aistriúcháin and/or Séala an Eagarthóra and is finally read independently of source text by senior translator with Séala an Aistriúcháin or Séala an Eagarthóra before sign off and return to Uisce Éireann. (200 Marks)

5.5.1(b) Processes in place for the provision of quarterly management information reports, please provide sample reports as detailed below: (100 total marks)

- Report 1 – Quality assurance and performance management (50 marks)
- Report 2 – Contract volumes and values (50 marks)

5.5.1 (c) Please detail complaint management procedures and remedies for failure to meet requirements. (100 Marks)

5.5.1(d) Please provide the details of the software your company leverages to provide translation services and the level of access of the customer facing portal. (No Marks Available for information purposes only)

Please fill out Section 5.5.1 23/027 QSQ Workbook in Tab 5.5.1 – Quality Assurance in response to this section.

5.5.2 not used

5.5.3 SUSTAINABILITY (300 marks (100 marks per Sub section 5.5.3(a) -5.5.3(c)) with a minimum 50% overall pass mark)

5.5.3(a) Low Carbon Climate Action (100 marks)

Uisce Éireann has made a Net Zero Carbon by 2040 commitment. In relation to your organisation, please describe:

- Any Climate Action or Low Carbon commitments that have been adopted, including the years to which your commitment relates.
- Any KPIs used to track performance and details of any accreditation or monitoring schemes you use/plan to use to verify performance against commitments

5.5.3(b) Diversity and Inclusion and building a sustainable talent pool (100 marks)

Please briefly describe:

- Any programmes or policies your organisation has for building a sustainable talent pool including training and capacity building within the workforce.
- Any programmes your organisation has developed specifically to attract and develop talent from underrepresented minority groups.

5.5.3(c) Fair work practices (100 marks)

Please describe:

- The policies and programmes your organisation has in place to support Fair Work practices for workers (including any agency or sub-contractor workers)
- How you track and benchmark success and adherence to your Fair Work policies or programmes

Please fill out Section 5.5.3 of 23/027 QSQ Workbook in Tab 5.5.3 - Sustainability in response to this section.

5.5.4 DATA PROTECTION (200 marks with minimum 60% overall pass mark)

Please note that all parts of this question must be answered. If you answer 'yes' to any section of this question further details are to be provided as part of your response.

5.5.4(a) GDPR Compliance (50 marks)

Please provide details of the organisational and technical data protection controls in place within your organisation, and with your third party providers, to protect Uisce Éireann data, and which meet the standards compatible with EU General Data Protection Regulation 2016/679 and Irish Data Protection Act 2018. (Please note provision of a policy alone will not be a sufficient response to this question)

5.5.4(b) Cross-Border Data Transfers (50 marks)

Will all Uisce Éireann data held by your organisation or by any third parties who may be hosting the Contracting Entity data on your behalf, geographically be hosted within the EEA? If **YES** please provide details. If **NO**: What legal basis do you rely on (e.g. Standard Contractual Clauses, Binding Corporate Rules, EC Adequacy Decisions, etc.) to enable your organisation to transfer the Uisce Éireann data outside the EEA?

5.5.4 (c) Data Protection by Design (50 marks)

Do you provide, or do you intend to provide the Uisce Éireann with an IT solution, tools or application as part of the contracted services? If YES, is the solution, tools or application designed with privacy by design in mind, as part of approach to security? Please answer fully in the positive or negative and if answer is **YES**, describe.

5.5.4 (d) Data Protection Authority (50 marks)

Has your organisation or any subsidiaries or sub-contractors (whilst carrying out work on behalf of YOUR organisation), been fined, penalised or subjected to an enforcement by a Data Protection Authority in the last 3 years? If **yes**, please provide details, including remediating actions. Please note that this is a mandatory question and failure to fully answer will result in an overall Zero score applying to this section and your PQQ will not progress any further.

Please fill put Section 5.5.4 – Data Protection of the 23/027 QSQ Workbook in response to this section.

5.5.5 INFORMATION SECURITY (200 marks with minimum 60% overall pass mark)

5.5.5 (a) Management of Information Security (40 marks)

Please describe in detail how your organisation manages information security, including how information security informs your organisation's core operations through to the delivery of product or service to customers.

5.5.5 (b) Security Awareness Training (40 marks)

Please describe in detail your organisation's approach to the provision of security awareness training for employees and contractors, including details of:

- (a) whether such training is mandatory for all staff and contractors;
- (b) whether, and how often, such training is refreshed for all staff and contractors;
- (c) indicative content of such training.

5.5.5 (c) Policies, Standards & Controls (40 marks)

Please describe in detail the policies, standards and controls that support your organisation's management of information security, including details of:

- (a) what policies, standards and controls form the basis of your organisation's management of information security;
- (b) how policies, standards and controls are reviewed and updated.

5.5.5 (d) Governance, Risk & Compliance (40 marks)

Please describe how your organisation organises and manages its information security governance, risk and compliance activities, including details for:

- i. the whole organisation generally;
- ii. for staff and contractor personnel specifically;
- iii. for third-party suppliers specifically.

5.5.5 (e) Information Security Standards & Compliance (40 marks)

Please describe in detail how your organisation's information security posture can be assured, with evidence, to Uisce Éireann, e.g. through independent audits, risk assessments, due diligence, or certification to international information security standards such as ISO 27001, PCI-DSS, etc.

Please fill put Section 5.5.5 – Information Security of the QSQ Workbook in response to this section.

5.5.6 BUSINESS CONTINUITY, DISASTER RECOVERY (200 marks with a minimum 50% pass mark)

5.5.5(a) Provide details of the Business Continuity and Recovery arrangements that the Applicant has in place and how would demonstrate continuity of service under different scenarios that could impact the delivery of this tender. Considerations and contingencies for the following should be included as a minimum:

- Resources
- IT Applications and Systems (as applicable for this tender)
- Operational contingencies during unforeseen events (i.e., severe weather, pandemic, Cyber/ Malware security attack or other major business disruption)

5.5.5 (b) Provide details on how and frequency on which these arrangements are tested and reviewed

Please fill Section 5.5.6 – BC & DR of the 23/027 QSQ Workbook in response to this section.

SECTION 6: EXCLUSION CRITERIA

THIS SECTION 6 MUST BE COMPLETED BY THE APPLICANT / PRINCIPAL APPLICANT ONLY AS IDENTIFIED IN SECTION 4.1. IT IS NOT A REQUIREMENT TO SIGN THIS SECTION 6.

COMPETITION REF	23/027 A Multi-Supplier Qualification System for the Provision of Irish Translation & Localisation Services to Uisce Éireann
APPLICANT NAME	

6.1 Subject to the provisions of Regulation 57 of the European Union (Award of Public Authority Contracts) Regulations 2016 (in this Section 6, the **Regulations**):

(a) if any of the conditions set out in Regulation 57(1) or 57(3) of the Regulations apply to:

- (a) the Applicant
- (b) any member of the Applicant, in the case of a Joint Venture Applicant,
- (c) any entity being relied upon in accordance with section 3.8 of this QSQ; or
- (d) any member of the administrative, management or supervisory body of such organisations or any person who has powers of representation, decision or control therein

the Applicant shall be excluded from the competition.

(b) if any of the conditions set out in Regulation 57(8) of the Regulations apply to:

- (a) the Applicant
- (b) or any member of the Applicant, in the case of a group/consortium
- (c) or any entity being relied upon in accordance with section 3.8 of this QSQ.

the Applicant may be excluded from the competition.

(c) Applicants must complete the questionnaires in Sections 6.2 and 6.3 below. The Contracting Entity will accept Part III of the European Single Procurement Document (**ESPD**) in response to this Section 6.

6.2 Applicants must complete the below questionnaire.

6.2.1 OFFENCES Within the past five years, has the Applicant (or any member of your proposed consortium, if applicable, or any entity being relied upon for the purposes of Section 3.8 of the QSQ), or any member of the administrative, management or supervisory body of such organisation or any person having powers of representation, decision or control therein been convicted of any of the following offences?	Please indicate your answer by marking 'X' in the relevant box.	
	Yes	No
(b) participation in a criminal organisation, as defined in Article 2 of Council Framework Decision 2008/841/JHA;		
(c) corruption, as defined in Article 3 of the Convention on		

the fight against corruption involving officials of the European Communities or officials of Member States of the European Union and Article 2(1) of Council Framework Decision 2003/568/JHA as well as corruption as defined in the national law of the contracting entity or the economic operator;		
(d) fraud within the meaning of Article 1 of the Convention on the protection of the European Communities' financial interests;		
(e) terrorist offences or offences linked to terrorist activities, as defined in Articles 1 and 3 of Council Framework Decision 2002/475/JHA respectively, or inciting or aiding or abetting or attempting to commit an offence, as referred to in Article 4 of that Framework Decision;		
(f) money laundering or terrorist financing, as defined in Article 1 of Directive 2005/60/EC of the European Parliament and of the Council; or		
(g) child labour and other forms of trafficking in human beings as defined in Article 2 of Directive 2011.		
If the answer to any of the above questions is “yes”, please provide full details, including date of conviction, identity of person convicted, and details of any measures taken to demonstrate reliability despite the existence of a relevant ground for exclusion.		

6.2.2 NON PAYMENT OF TAXES Within the past five years, in respect of the Applicant, (or any member of your proposed consortium, if applicable, or any entity being relied upon for the purposes of section 3.8 of the QSQ)	Please indicate your answer by marking 'X' in the relevant box.	
	Yes	No
(a) Has it been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of Ireland or the legal provisions of the country in which the economic operator in question is established (if outside Ireland), that such economic operator is in breach of obligations related to the payment of tax or social security contributions?		
If the answer to any of the above questions is Yes, please provide further details. Please confirm whether the relevant economic operator has paid, or has entered into a binding arrangement with a view to paying, including, where applicable, any accrued interest and/or fines?		

6.3 The Contracting Entity may also exclude any Applicant that answered 'yes' to any of the following situations:

Within the past three years, please indicate if any of the following situations have applied, or currently apply, to the Applicant or any member of the Applicant, in the case of a group/consortium or any entity being relied upon in accordance with Section 3.8 of this QSQ	Please indicate your answer by marking 'X' in the relevant box.	
	Yes	No
(a) a violation by the Applicant of applicable obligations referred to in Regulation 18(4) of the Regulations (applicable obligations in the fields of environmental, social and labour law that apply at the place where the works are carried out or the services provided that have been established by European Union law, national law, collective agreements or by international, environmental, social and labour law listed in Schedule 7 of the Regulations);		
(b) the Applicant is bankrupt or is the subject of insolvency or winding-up proceedings, where its 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 national laws and regulations;		
(c) the Applicant is guilty of grave professional misconduct, which renders its integrity questionable;		
(d) the Applicant has entered into agreements with other economic operators aimed at distorting competition;		
(e) a conflict of interest within the meaning of Regulation 24 of the Regulations (which includes any situation where a relevant staff member has directly or indirectly a financial, economic or other personal interest which might be perceived to compromise his or her impartiality and independence in the context of the procurement procedure);		
(f) a distortion of competition from the prior involvement of the Applicant in the preparation of the procurement procedure, as referred to in Regulation 41 of the Regulations;		
(g) the Applicant has 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;		
(h) the Applicant has been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the pass/fail criteria, has withheld such information or is not able to submit the supporting documents required pursuant to Regulation 59 of the Regulations; or		

Within the past three years, please indicate if any of the following situations have applied, or currently apply, to the Applicant or any member of the Applicant, in the case of a group/consortium or any entity being relied upon in accordance with Section 3.8 of this QSQ	Please indicate your answer by marking 'X' in the relevant box.	
	Yes	No
(i) the Applicant has undertaken to unduly influence the decision-making process of the Contracting Entity to obtain confidential information that may confer upon it undue advantages in the procurement procedure or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award..		
If the answer to any of the above questions is "yes", please provide details.		

Please fill Section 6 – Exclusion Criteria of the 23/027 QSQ Workbook in response to this section.

SECTION 7: CONFLICTS OF INTEREST

COMPETITION REF	23/027 A Multi-Supplier Qualification System for the Provision of Irish Translation & Localisation Services to Uisce Éireann
APPLICANT NAME	

THIS DECLARATION MUST BE DULY SIGNED AND SUBMITTED AND IS PART OF THE APPLICANT'S QSQ RESPONSE. WHERE APPLICANT IS A JOINT VENTURE / CONSORTIUM, A SEPARATE DECLARATION MUST BE SIGNED BY EACH MEMBER AS WELL AS ANY ENTITY BEING RELIED UPON FOR THE PURPOSES OF SECTION 3.8 OF THE QSQ. FAILURE TO COMPLETE THIS DECLARATION WILL EXCLUDE THE APPLICANT'S QUALIFICATION SYSTEM RESPONSE.

If any conflict of interest arises in respect of the Applicant (including any parent, subsidiary or associated company of the Applicant or any director, partner or person in an equivalent position in the Applicant, or any equivalent person in any entity being relied upon for the purpose of section 3.8 of the QSQ) with regards to this competition, it must be fully disclosed to the Contracting Entity on submission of its QSQ Response.

Without prejudice to the generality of the above, the following must (without limitation) be disclosed in respect of the persons named in the above paragraph:

- if any such person is engaged in any service or operation which relates or may relate in any direct way to the outcome of this competition;
- any registerable interest involving the such person or any sub-contractors and any of the members of Uisce Éireann, members of the Government, members of the Oireachtas, or employees of Uisce Éireann.
- any situation involving any such persons and any staff members of the Contracting Entity (who are involved in the conduct of the procurement procedure or may influence the outcome of that procedure) which might be perceived to compromise the impartiality and independence of the procurement procedure.

Is there a conflict of interest (as described above)?

Yes ☐ No ☐

If yes, please describe:

--

Continued over /

All potential conflicts of interest should be disclosed. Persons or companies engaged in any service or operation which relates or may relate in any direct way to the outcome of this competition may be excluded from applying or being involved in the procurement. Any decision of the Contracting Entity in this regard shall be final.

In the event of such information only coming to the Applicant's notice after the submission of a QSQ Response, it should be communicated to the Contracting Entity immediately on it becoming known to the Applicant. The terms 'registerable interest' and 'relative' shall be interpreted as per section 2 and schedule 2 of the Ethics in Public Office Act 1995 (as amended).

I certify that the information provided above is accurate and complete to the best of my knowledge and belief. I understand that the provision of inaccurate or misleading information in this declaration will invalidate my / our QSQ Response.

Signature: _____ Date: _____

Name: _____

Telephone: _____

Email: _____

Position in Applicant company / entity:

Please fill Section 7 – Conflict of Interest of the 23/027 QSQ Workbook in response to this section.

APPENDIX 1 OPERATION OF THE QUALIFICATION SYSTEM

[NOTE: This section needs discussion for each competition. Emergency concept deleted.

1 General

During the term of the Qualification System, the Contracting Entity may commence competitions for contracts by inviting all of the Qualified Applicants (for the particular lot if the Qualification System is divided into lots) to participate in the relevant competition.

For the avoidance of doubt, the Contracting Entity may, at its discretion, conduct a further qualification stage in respect of each contract, which may involve a shortlisting process in order to limit the number of Qualified Applicants invited to tender for the contract in question (see further paragraph 3 - Further Qualification Stage/Shortlisting prior to Award of Contracts - below).

For the avoidance of doubt, the Contracting Entity also reserves the right to procure work, supplies and services falling within the scope of A4 through other means and admission to the Qualification System shall not be a guarantee that any Applicant will be awarded a contract.

Applicants may request entry to the Qualification System at the times indicated in B1a and B1b of the Particulars section.

If the Qualification System is divided into lots, the Contracting Entity reserves the right to add additional lots to the Qualification System.

2. Notification of Opportunities

The Contracting Entity will publish information regarding each call off competition by means of a notice to the Qualified Applicants (for the relevant lot if the Qualification System is divided into lots). Details of the award process by negotiated procedure (in particular relevant deadlines and details of any further qualification assessment or shortlisting stage) will be set out at that stage.

3. Further Qualification Stage/Shortlisting prior to Award of Contracts

The fact that an Applicant can satisfy the Contracting Entity with regard to the criteria set out in the QSQ does not necessarily mean that such Applicant will be considered to be suitable for all or any contracts awarded pursuant to the Qualification System.

During the term of the Qualification System, the Contracting Entity may (but is not obliged to) conduct a further qualification process (which may involve performing a shortlisting process in order to limit the number of Qualified Applicants from whom tenders will be invited for a particular call for competition). If the Contracting Entity chooses to perform such additional qualification/shortlisting process it envisages that it will do so having regard to the following selection criteria (the specific weightings of which will be notified to Qualified Applicants). For the avoidance of doubt one or more of the selection criteria may be assessed on a scored basis, may be weighted at zero, may be designated as "pass/fail" or may be designated as a minimum requirement):

- (i) Demonstrating that the Qualified Applicant continues to meet the minimum requirements set out in the QSQ by which the Qualified Applicant was admitted to the Qualification System and that none of the exclusion criteria in section 6 of the QSQ apply to the Qualified Applicant.
- (ii) Minimum level of turnover.
- (iii) Satisfactory financial standing (having regard to the contract in question).
- (iv) Possession of required level of insurance, having regard to the contract in question.
- (v) Suitability of the personnel and/or sub-contractors that the Qualified Applicant proposes to use to operate the contract. (Applicants should note that sub-contracting may not be permitted in respect of some contracts).
- (vi) Possession of any other consent, approval, Certification or license that may be required in respect of call for competitions in question.

- (vii) Such other objective rules and criteria as may be updated having regard to the call for competitions in question.

Qualified Applicants should note that they may be required to achieve:

- (i) a minimum mark for any of the qualification/shortlisting criteria, and/or
- (ii) a minimum mark out of the total marks available at further qualification/shortlisting stage, in order to be taken through to the contract award stage of the relevant competition.

The Contracting Entity reserves the right to require that Qualified Applicants submit their further qualification submission (if any) at the same time as their tender submission in respect of any required for the call for competition. Alternatively, the Contracting Entity reserves the right to require any further qualification/shortlisting information to be provided in advance of being invited to tender for the call for competition (and may treat such submission as being the first stage in any restricted or negotiated procedure). In either case the Contracting Entity will notify Qualified Applicants accordingly at the relevant time.

It is envisaged that Qualified Applicants will be permitted to team up with other Qualified Applicants for the purpose of competing in a call for competition, subject to any conditions that may be imposed by the Contracting Entity having regard to the contract in question.

4. Award Stage

The invitation to submit a tender ("ITT") in respect of such for the call(s) for competition will be issued to those Qualified Applicant(s) who:

- (i) have been selected following a further qualification stage in respect of the call for competition for which the Contracting Entity has chosen to conduct a further qualification phase or shortlisting process; or
- (ii) have been admitted to the Qualification System (where the Contracting Entity does not intend to conduct a further qualification/shortlisting process).

The ITT is envisaged to contain greater detail about the scope, the draft contract, supporting material, and detailed information regarding the award process (including timeframes for response) and award criteria. The Contracting Entity currently envisages that the outline award criteria to be included in the ITTs for contract(s) will include (but may not necessarily be limited to) most economically advantageous tender (which may be price only), which may be divided into sub-criteria having regard to the features of the call for competition in question. |