Suitability Assessment Questionnaire[1]

for

Employer's Representative (ER), as Principal Service Provider
Proposed new Adult Inpatient Unit, Connolly Hospital Blanchardstown, Dublin 15 (INDICATIVE PROJECT) as part of the HSE DT Services Framework Category 04: Acute Capital Works (Project value €15M - €60M excluding VAT) in geographical area: Dublin City North & West, Dublin North County (Capital & Estates Office Swords)

to be assessed under a

Restricted Procedure

PART 1

Information for Applicants, Project Particulars
and
Suitability Assessment Questionnaire

Document ID QC1 v3.2

[1] Footnote relates to PW-CF2 and PW-CF4 competitions only. Individual QC1 Questionnaire must be provided to facilitate applicant completion of relevant Specialist Service Provider Questionnaire.

Suitability Assessment for Service Provider
Restricted Procedure
Document Reference ID-QC1 v.3.2
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NOTES FOR CONTRACTING AUTHORITIES

PREPARING THIS DOCUMENT

The Suitability Assessment Questionnaire document comprises two separate parts.

Part 1, this document, which is completed by the Contracting Authority and uploaded to eTenders to provide the information for Applicants about the project, the submission requirements and the Qualification Criteria that will be applied to determine the suitability of Applicants to perform the services.

Part 2, is completed by Applicants, having been prepared and uploaded to eTenders by the Contracting Authority along with Part 1. The Contracting Authority is required to complete the cover page, and section 2.4 where Applicant details are required in addition to those specified.

Part 1 contains three sections:

Section 1 Information for Applicants, which requires no input from the Contracting Authority.

Section 2 Project Particulars, which gives details of the project and the Contracting Authority's requirements for the submission of the response to the Questionnaire. (The rules of tender and particulars thereof are in the Instructions to Tenderers which will accompany the Invitation to Tender letter issued to those who are shortlisted as set out in the Contract Notice).

Section 3 Suitability Assessment Criteria, which sets out the Qualification Criteria that apply in the Competition and used to evaluate SAQ Submissions. This section must be prepared by the Contracting Authority by selecting appropriate suitability assessment criteria to apply as Qualification Criteria, setting minimum standards under each such criterion that are proportionate to the project in question, the type of response that the Applicant is required to provide, and the basis upon which the response will be evaluated. Where it is deemed appropriate, the Contracting Authority may specify those criteria for which Applicants may declare that they meet the standards required under such criteria; these would typically be criteria that will be evaluated on a pass/fail basis. Where this is a permitted response, Applicants must be able to provide evidence in support of such declarations promptly should this be requested at any stage by the Contracting Authority.

Part 2 also contains three sections:

Section 1 General.

Section 2 Applicant Details, which is used to collect basic information about the Applicant and any sub-contractor proposed to provide a specialist skill, or other entities upon whom the Applicant relies in order to meet the requirements of any Qualification Criteria in Part 1 of the Questionnaire. If the Contracting Authority requires further details in addition to the standard details therein, the Contracting Authority must specify these requirements in section 2.4, prior to issuing Part 2. The Applicant must complete Section 2.

Section 3 Applicant Declaration, the Applicant must complete and sign Section 3, and provide any evidence or information required by Part 1 of this Questionnaire.

The Questionnaire is issued as a protected MS Word form (text other than form fields is protected).

IMPORTANT NOTICE FOR APPLICANTS

Purpose

This Suitability Assessment Questionnaire ("this Questionnaire") is issued in relation to a tender competition run under the restricted procedure. Its purpose is to obtain information from Applicants to determine if they are eligible to participate in this tender competition. Applicants, if successful, are invited to participate in a tender competition that may lead to a contract award for those services stated in Section 2.4 of the Project Particulars.

In this Questionnaire, the term Applicant is used for an Individual (Sole) Trader, a single entity, a Partnership, a Consortium or any other type of Joint Venture seeking to be awarded the Contract. If the role of PSDP or PSCS is required, the entity providing that skill must be an individual (sole) trader or company (i.e. body corporate) that constitutes an acceptable entity for the purpose of this project.

This Questionnaire and any related documents must not be used for any other purpose.

Multiple Participation

If any individual or group of individuals is included in more than one Applicant's submission for the same contract, a statement should be provided to the effect that the Applicant is aware of this multiple participation and that it has been brought to the attention of all the consortia of which that individual or group is a member.

The Contracting Authority will then investigate the circumstances to see if this multiple participation could result in a distortion of competition. Where it is felt that competition may be distorted, the Contracting Authority may take such steps as it deems appropriate which may include limiting the number of bidding teams with which an entity may participate, disqualifying relevant Applicants or such other steps as it deems appropriate subject to the principles of applicable law.

No liability

The Contracting Authority makes no representation, warranty, or undertaking in or in connection with this Questionnaire or the contents of this Questionnaire unless explicitly stated. The Contracting Authority has not authorised anyone to make any representation in connection with this Questionnaire on its behalf, and Applicants should not rely on any representation purportedly made on the Contracting Authority's behalf in connection with this Competition. Neither the Contracting Authority nor its officers, employees, or advisers will have any liability in connection with this Questionnaire or the contents of this Questionnaire. Applicants must make their own assessment of the adequacy, accuracy, and completeness of this Questionnaire.

Right to terminate or amend this Competition

The Contracting Authority reserves the right not to proceed with the Competition or any part of it and may terminate the Competition or any part of it at any time, with or without procuring the Works in another way. If this happens, neither the Contracting Authority nor its officers, employees, or advisers will be liable to any Applicant or other person. The Contracting Authority also reserves the right to change any part of this Questionnaire, including the procedures and time limits described in this Questionnaire. The Contracting Authority does not bind itself to accept any outcome of the process described herein and is not obliged to enter into a contract for the services with anyone.

Costs and No Legal Relationship

Neither the Contracting Authority nor its officers, employees, or advisers have any responsibility for Applicants' costs or losses in connection with this Competition. This Questionnaire does not create a contract or legal relationship (including, for the avoidance of doubt, any contract about the Competition itself) between any Applicant and the Contracting Authority unless and until the Contract has been entered into including by issue of a Letter of Acceptance and any conditions precedent to its effectiveness have been met. The exception to this is the obligation upon an Applicant with regard to confidentiality. This Questionnaire will not form part of any Contract unless expressly stated otherwise.

Confidentiality

IMPORTANT NOTICE FOR APPLICANTS

Applicants must treat this Questionnaire and their participation in the Competition as confidential. Applicants must not disclose any information about the Competition to anyone other than as required for the purpose of responding to this Questionnaire, or as required by law.

Disclosure

The Contracting Authority is entitled to disclose information about this Competition, including the identity of those expressing interest, to any person. If an Applicant considers that any information in its suitability assessment submission is commercially sensitive or confidential, this must be clearly stated, and clear and substantive reasons provided. The Contracting Authority will have regard to such a statement in considering a request for access to the information under the Freedom of Information Acts 2014 (or any other legislation relating to disclosure of information) but is not bound by the Applicant's view and will take such steps as it considers necessary to comply with its obligations under applicable law.

Conflicts of Interest

Any conflict of interest or potential conflict of interest must be fully disclosed to the Contracting Authority as soon as such conflict or potential conflict becomes apparent. This includes, but is not limited to, situations where an Applicant or any of the members of an Applicant which is a consortium, joint venture or partnership, or any entity being relied upon by an Applicant, or any of their advisers, contractors, consultants, servants or agents are currently or have been in the past an adviser, contractor, consultant, servant or agent to the Contracting Authority, or any local or other relevant authority in relation to the services which are the subject matter of this Competition.

Without prejudice to the foregoing, any 'registrable interest' involving the Applicant and the Contracting Authority (and where applicable any elected members of the Contracting Authority or members of the Board of the Contracting Authority), members of the Government, members of the Oireachtas or employees of the Contracting Authority or their relatives must be fully disclosed to the Contracting Authority immediately upon such information becoming known to the Applicant. The terms 'registrable interest' and 'relatives' shall be interpreted in line with the Ethics in Public Office Act, 1995 and the Standards in Public Office Act 2001 as may be amended from time to time.

The Contracting Authority will, at its absolute discretion, decide on the appropriate course of action in relation to any actual or perceived conflicts of interest, which may include (but is not limited to) excluding the Applicant from the Competition, or permitting the Applicant to continue subject to safeguards determined by the Contracting Authority being put in place and observed.

Tax Clearance

It will be a condition of the award of the Contract that the successful Tenderer shall, for the term of the contract, comply with all applicable EU and domestic tax laws. Prior to the award of the Contract arising out of this Competition the successful Tenderer shall be required to supply its Tax Clearance Access Number and Tax Reference Number to facilitate online verification of their tax status by the Contracting Authority. By supplying these numbers the successful Tenderer acknowledges and agrees that the Contracting Authority has the permission of the successful Tenderer to verify its tax cleared position online. Applicants may obtain information regarding their obligations concerning taxation from the Revenue Commissioners (www.revenue.ie).

Irish Law

Irish law is applicable to this Questionnaire and the Irish courts shall have exclusive jurisdiction in relation to any disputes arising from or in connection with this Questionnaire.

Collusion

Applicants' attention is drawn to the Competition Act 2002 - 2019 (as may be amended from time to time) which makes it a criminal offence to collude on prices or terms in a public procurement competition.

Prior Knowledge

IMPORTANT NOTICE FOR APPLICANTS

Applicants must not make any assumptions that the Contracting Authority has prior knowledge of their organisation or service provision. Applicants will only be evaluated on the information contained in their response to this Questionnaire ("SAQ Submission") (as may be clarified by the Contracting Authority in accordance with this Questionnaire).

GLOSSARY

Acronyms or capitalised terms used throughout this Questionnaire are defined in this glossary.

Applicant	The term is used for an Individual (Sole) Trader, a single entity, a Partnership, a Consortium or any other type of Joint Venture seeking to be awarded the Contract.
Specialist Skill Provider	In this Questionnaire, refers to an entity proposed by the Applicant to provide specialist skills services described in Section 2.4 of the Project Particulars. Note that a Specialist Skill Provider may be: (a) the Applicant itself (or a member of an Applicant which is a Consortium, Joint Venture or Partnership); or (b) a subcontractor.
BC(A)R	Building Control Regulations 1997 – 2021 and any amendments thereto.
CA	Contracting Authority
Candidate/Qualified Candidate	A Candidate is an Applicant who has submitted an SAQ Submission. A Qualified Candidate is a Candidate who has passed the suitability assessment.
Competition	The tender competition to which this Questionnaire relates.
Consortium	An association or combination of businesses or individuals who combine with the purpose of delivering a single objective.
Construction Regulations	Safety, Health and Welfare at Work (Construction) Regulations 2013 and any amendments thereto.
Contract	The Conditions of Engagement that may be awarded by the Contracting Authority for the Services at the conclusion of this Competition.
CRO	Companies Registration Office.
CWMF	The Capital Works Management Framework is mandated by Circular for public sector construction procurement and consists of a suite of best practice guidance, standard contracts and generic template documents available for download at http://constructionprocurement.gov.ie/.
Designer	Has the meaning given in the Construction Regulations.
ESPD	European Single Procurement Document, which, where required, the Applicant, any members of an Applicant and any entities relied upon by the Applicant or any members of an Applicant, must complete in order to provide a self-declaration in regards to the situations referred to in Regulation 57 of SI 284/2016, and to declare that the Applicant meets the Qualification Criteria in the Competition. An eESPD refers to the electronic version of the ESPD.
European Procurement Regulations	Means SI 284 of 2016 (European Union (Award of Public Authority Contracts) Regulations 2016) or SI 286 of 2016 (European Union (Award of Contracts by Utility Undertakings) Regulations 2016), as may be applicable to the Competition.

GLOSSARY

Foreign Subsidies Regulation ('FSR').	Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market.
FSR Annex	Annex to this Questionnaire, issued by the Contracting Authority when the Competition is subject to the application of the Foreign Subsidies Regulation.
Joint Venture	A joint venture is a contractual business undertaking involving two or more parties.
OJEU	Official Journal of the European Union.
Partnership	A business that has two or more owners who are individually liable for the entity's actions.
Principal Services	The services described in Section 2.4 of the Project Particulars. Where more than one Principal Service is required, a separate Questionnaire in respect of each Principal Service is issued by the CA.
PSCS	Project Supervisor Construction Stage appointed by the Employer in accordance with the Construction Regulations.
PSDP	Project Supervisor Design Process appointed by the Employer in accordance with the Construction Regulations.
Qualification Criteria	The suitability assessment criteria in Section 3 of this Questionnaire selected by the Contracting Authority to apply in this Competition and are those criteria where "Yes" is marked in the column "Applicable Criterion/Requirement".
Questionnaire	This Suitability Assessment Questionnaire, including annexes and related documents.
Specialist Skills	Those specialist service areas described in Section 2.4 of the Particulars required as part of the principal services.
Tenderer	A person or entity (or group of persons) who submits a tender at the next stage of this Competition.

SECTION 1: INFORMATION FOR APPLICANTS

1.1. INTRODUCTION

This Section 1 contains information in relation to the completing this Questionnaire.

Section 2 Project Particulars ("the Project Particulars"), sets out the submission requirements and the manner in which the shortlist of Qualified Candidates will be prepared. It contains the particulars of the project which summarises the key features of the service provision such as the duration of the service, Principal Services required, Specialist Skills required, any known particular risks, etc. Applicants should read this information carefully before submitting their response to this Questionnaire ("the SAQ Submission"). The Project Particulars also state whether the grounds for exclusion contained in Regulation 57 (Exclusion Grounds) of SI 248/2016 apply to this Competition.

Section 3, Suitability Assessment Criteria, sets out the minimum standards under the Qualification Criteria that the Applicant must meet in order to pass the suitability assessment. In a restricted procedure, Qualification Criteria may be assessed on a Pass/Fail plus Qualitative basis , or Pass/Fail plus Random Selection basis. The basis chosen by the Contracting Authority is set out in the Project Particulars. In any case, where a response to the Questionnaire fails to meet the minimum standards set out in Section 3, then the relevant Applicant will be eliminated from further participation in the Competition. The Applicant must follow the instructions set out in the Questionnaire and submit the information required in the format described otherwise the submission may be declared invalid.

1.2. SUITABILITY ASSESSMENT SUBMISSION REQUIREMENTS

Applicants must complete and submit the following documents ("the SAQ Submission"):

(i) Part 2 of the Questionnaire; and
(ii) where required in the Particulars, an ESPD or Appendix A; and
(iii) any evidence or other supporting documentation required by this Questionnaire.

Completing Part 2 of the Questionnaire

The Applicant must always complete and submit Part 2 of this Questionnaire (in addition to providing any evidence or supporting documentation required by this Questionnaire). In Part 2, Applicants must provide information on the Applicant's organisation and, any entities upon whose capacity they rely for the purpose of meeting the requirements of any of the Qualification Criteria in Part 1.

The Applicant must always complete and sign the Declaration in Section 3, otherwise the SAQ Submission may be declared invalid. In addition, in competitions above the EU thresholds, the Applicant shall also complete and submit an ESPD. The Declaration in Section 3 must still be completed and signed even where the Applicant has submitted an ESPD.

Where an ESPD is required to be submitted, the Applicant must complete Parts II (Information concerning the economic operator), Part III (Exclusion Grounds), Part IVα (Selection Criteria) and Part V (Concluding Statement) of the ESPD. Part IVα is completed by selecting "yes" to confirm that the Applicant meets the Qualification Criteria in the Competition.

Applicants may use an existing ESPD, provided however that it is accompanied by a letter from the Applicant confirming that their circumstances have not changed since the ESPD was originally completed.

Providing Evidence

The Applicant should provide only evidence that is current up to the date of submission of the SAQ Submission. Failure to submit the required evidence with the SAQ Response may result in exclusion from the Competition. Where the required means of submission is electronic submission, the Contracting Authority reserves the right to inspect the original hardcopy signed documents.

1.3. DEADLINE AND MEANS OF SUBMISSION FOR SAQ SUBMISSIONS

SAQ Submissions must be received in accordance with the required means of submission, by no later than the date and time, each as stated in Section 2.1 of the Project Particulars and in accordance with Section 5.1 of the Instructions to Tenderers. All times are local Irish time as standard time according to the Standard Time Act 1968 (as amended).

Where the Project Particulars state that the required means of submission is by electronic submission to eTenders web portal:

- Applicants are advised to ensure that they give sufficient time to allow for the successful upload of their SAQ Submission (and that they have a reliable, continual connection speed available for this purpose.
- Applicants should ensure that their operating system has sufficient capacity to execute the upload of all documents in their SAQ Submission before the deadline for receiving SAQ submissions.
- The timely and complete upload of the SAQ Submission is the responsibility of each Applicant. Applicants are advised to consult etenders.gov.ie for information on uploading electronic submissions.
- All files submitted electronically must be capable of being readily viewed in their entirety in the format stated in the Project Particulars. Where the required format is in read only PDF, all documents that require signature must be signed/sealed prior to scanning/converting to read only PDF.
- All uploaded documents should be clearly identified in their saved title. All documents should be clearly marked with the name of the Applicant, and the name of the Contract.
- It is the responsibility of the Applicant to ensure that electronic documents submitted are not corrupt**.**

Completed delivery of the SAQ Submission in advance of the submission deadline, is the responsibility of each Applicant.

1.4. MEANS OF COMMUNICATIONS

All communications in relation to this Questionnaire and this Competition must be in writing and submitted in accordance with the means of communication stated in Section 2.1 of the Project Particulars.

1.5. QUERY PROCEDURE

The interpretation of this Questionnaire is a matter for Applicants. Applicants may submit queries in relation to this Questionnaire in writing to the Contracting Authority using the means of communication stated in Section 2.1 of the Particulars.

Applicants should ensure queries are received before the query deadline specified in the Section 2.1 of Project Particulars. The Contracting Authority may, but is not obliged to, respond to queries received after the query deadline.

The Contracting Authority has no obligation to respond to queries. Where the Contracting Authority responds to a query, it will issue the response on the e-tenders website, unless the query has been clearly designated as confidential. If the query has been designated as confidential, and the Contracting Authority decides that the response should be published on the e-tenders website, the

Contracting Authority will notify the person raising the query, who will have the option within the time limit specified by the Authority of withdrawing the query or having any response sent to all Applicants.

The Contracting Authority may still issue any information it considers appropriate on the e-tenders website following withdrawal of the query.

As with this Questionnaire, responses to queries will not create any contractual relationship between the Contracting Authority and Applicants, or form part of the Contract unless explicitly stated otherwise.

It is the responsibility of Applicants to monitor the means of communication for this Competition for any correspondence or clarifications in relation to this Questionnaire.

It is the responsibility of Applicants to notify the Contracting Authority of any ambiguity, discrepancy, error, or omission in relation to this Questionnaire or related documents, immediately, even after the time for submitting queries has expired.

1.6. SAQ SUBMISSIONS WHERE MULTIPLE PRINCIPAL SERVICE PROVIDERS ARE REQUIRED

Where there are multiple Principal Service Providers required under Section 2.4 of the Project Particulars, a separate Questionnaire will be prepared by the Contracting Authority for each Principal Service Provider. The corresponding Part 2 of each such Questionnaire must always be completed by an Applicant for the Principal Service in question, and the responses to the separate Questionnaires collated by the Lead Applicant and returned as a single Suitability Assessment Submission.

Where a single entity applies for more than one Principal Service, they do not need to provide a response to criteria 3.2 and 3.3a – 3.3g (as may be applicable) for each Questionnaire, provided they submit the required information in one of their responses and reference it in all of their responses to the Suitability Assessment Questionnaire(s).

1.7. SAQ SUBMISSIONS BY CONSORTIA, JOINT VENTURES OR PARTNERSHIPS

For entities which apply and tender as a Consortium or Joint Venture (or Partnership), and the members have not set up together as a company (to be the legal entity which enters into the contract), one member of the consortium or joint venture must act as the lead member ("Lead Member") in compiling and submitting the single SAQ Submission. Notwithstanding the above, where an Applicant is a Consortium, Joint Venture or Partnership, each member of the Consortium, Joint Venture or Partnership must respond to the applicable sections of Section 3 of this Questionnaire (and Part 2) and the responses are submitted as a single SAQ Submission by the Lead Member.

Where an Applicant is a Consortium, Joint Venture, Partnership, or unincorporated grouping of two or more persons, the Applicant is not required to assume a specific legal form for the purposes of participating in this Competition, but may be required to do so by the Contracting Authority prior to the award of the Contract.

Where Applicants are required to submit a completed ESPD, each member of a Consortium, Joint Venture or Partnership, and any entity being relied upon for the purposes of this Questionnaire, must submit a completed ESPD.

1.8. SPECIALIST SKILL PROVIDERS

Where Specialist Skills (as identified in Section 2.4 of the Project Particulars) are required, these may be provided either by the Applicant itself or by specialist sub-contractors and in both cases, evidence required should accompany the SAQ Submission as instructed in the Questionnaire.

Where evidence is provided in support of any criteria, the Applicant must reference the criterion to which it refers.

Where an Applicant proposes that a specialist area is undertaken by a subcontractor, such an entity will be treated as an entity being relied upon by the Applicant and the requirements of Section 1.9 (Reliance on Resources) apply to such an entity. Where an Applicant is required to submit an ESPD, the entity relied upon by the Applicant for a Specialist Skill must also submit an ESPD.

The Contracting Authority also reserves the right to require a collateral warranty in the form of MF 2.3 *Collateral Warranty for Sub-Consultants* for any sub-consultant providing the Specialist Skills listed in the Particulars at the next stage of the Competition.

1.9. RELIANCE ON RESOURCES

Where, in order to meet any applicable criteria in Section 3.3 (Financial and Economic Standing) (including for the avoidance of doubt, with respect to evidence of turnover), and/or in Section 3.4 (Technical Capability) of this Questionnaire, an Applicant (or any member of an Applicant which is a Joint Venture, Consortium or Partnership) relies on the capacities of other entities or undertakings with which it is directly or indirectly linked, whatever the legal nature of those links may be (including, for example, but not limited to, a parent company and/or a subcontractor/sub-consultant, including a Specialist Skill Provider who is not the Applicant itself). The entity being relied upon shall provide a response to the applicable Sections in Part 1 and Part 2 of this Questionnaire, and where an ESPD applies to this Competition, shall complete an ESPD.

The Applicant will be required to demonstrate to the satisfaction of the Contracting Authority that the capacities relied upon will actually be available to the Applicant if it is awarded the Contract.

For the purposes of demonstrating that the resources relied upon will be available at this stage of the Competition, the Contracting Authority will accept[2]:

- a letter in the form of Appendix 1 to this SAQ – *Letter from entity relied upon*; or
- a completed ESPD signed by the entity being relied upon (where an ESPD applies in this Competition).

If availability of capacities is not established to the satisfaction of the Contracting Authority, the Contracting Authority will assess the suitability of the Applicant without taking into account the capacities of such an entity or entities.

At contract award stage, the Contracting Authority reserves the right to require the following from any entity relied upon with regard to:

- any of the Economic or Financial Standing criteria, the entity relied upon may be required by the Contracting Authority at contract stage, to enter into a guarantee in the form of the Reliance Guarantee in respect of the performance of the contract by the Applicant[3];
- any of the Technical Capability selection criteria, the entity may be required by the Contracting Authority at contract stage, to enter into a either a Reliance Warranty or Collateral Warranty for Sub-Consultants[4] (as appropriate to the nature of the resource relied upon by the Applicant) with regard to the making available the resources relied upon by the Applicant[5]**.** Note that where an Applicant relies on another entity for educational or

[2] Alternate evidence may be acceptable to the Contracting Authority

[3] The Contracting Authority may accept alternate arrangements, in place of a guarantee, at its discretion.

[4] The requirements for Collateral Warranties by Specialist Skill Providers will be stated in the Instructions to Tenderers issued at the next stage of the Competition.

[5] The Contracting Authority may accept alternate arrangements at its discretion.

professional qualifications (criteria 3.4a and 3.4b in this Questionnaire), or with regard to relevant professional experience (criteria 3.4c in this Questionnaire), including those of a Specialist Skill Provider (who is not the Applicant itself), the entity being relied upon must perform the works or services to which those qualifications or experiences relate;

- further evidence of the availability of the resources relied upon may be required by the Contracting Authority at a later stage in the Competition and/or upon award of the Contract.

1.10. GROUNDS FOR EXCLUSION

Note: Where a Competition is subject to the application of European Procurement Regulations, grounds for exclusion in Regulation 57 of SI 284/2016 will automatically apply. Where a Competition is not subject to the application of the European Procurement Regulations, a Contracting Authority may elect to apply the grounds for exclusion in Regulation 57 of SI 284/2016 in this Competition. The position for the Competition is set out in the Project Particulars.

The grounds under which the Contracting Authority may exclude an Applicant, any member of an Applicant, or any entity relied upon by the Applicant, from participation in this Competition are set out below.

Where grounds for exclusion apply in the Competition, the Applicant, each member of the Applicant (where the Applicant is a Joint Venture or Consortium or Partnership); and, any entity being relied upon by the Applicant (or any member of the Applicant) (including Applicant's Specialists), must provide a declaration regarding the situations referred to below by completing an ESPD or Appendix A, as stated in the Project Particulars.

The term 'Applicant' as used below refers to each of (a) the Applicant (b) a member of the Applicant (where an Applicant is a Joint Venture, Consortium or Partnership) (c) any entity being relied upon by the Applicant.

Subject always to the provisions of Regulation 57 of the European Union (Award of Public Authority Contracts) Regulations 2016 (SI 284 of 2016):

(a) if:

(i) the Applicant is in one of the situations listed in Regulations 57(1) or 57(3) of SI 284 of 2016; or

(ii) a member of the administrative, management or supervisory body of the Applicant/member of the Applicant, or a person having powers of representation, decision or control therein, is in one of the situations listed in Regulation 57(1) of SI 284 of 2016, the Applicant shall be excluded from the Competition;

(b) if the Applicant (or any member of the Applicant, in the case of a Joint Venture, Group or Consortium), is in any of the situations listed in Regulation 57(4) or 57(8) of SI 284 of 2016 selected by the Contracting Authority for the purposes of this Competition, the Applicant may be excluded from the Competition.

Any Applicant which is in one of the situations referred to above must provide details of any factors or circumstances which it believes are relevant to the Contracting Authority's assessment of whether the existence of these grounds should lead to the exclusion of the Applicant. For example, where an Applicant is in one of the situations referred to above but has taken measures which it believes are sufficient to demonstrate its reliability, that Applicant may provide evidence of such measures to the Contracting Authority for consideration. Applicants should note that, with regard to the situations listed in (a) above, the circumstances which the Contracting Authority may take into account before deciding whether or not to exclude an Applicant are prescribed by law, and Applicants are directed to Regulation 57 of the 2016 Regulations in this regard.

If an entity being relied upon is in one of the situations listed above, the Contracting Authority may require that the Applicant replaces such entity with another entity which is not in any of these situations. In the event that the entity cannot be replaced with another entity to whom the grounds

do not apply (including where the Contracting Authority concludes that to permit such replacement would be contrary to law), the Contracting Authority reserves the right to eliminate the Applicant from the Competition.

Where grounds for exclusion apply in the Competition, the Applicant, each member of the Applicant and any entity being relied upon by the Applicant (or any member of the Applicant, including Specialist skill providers who are not the applicant itself), must provide a self-declaration regarding the situations referred to above in the form of an ESPD (where the Competition is subject to the application of the European Procurement Regulations), or, by completing the self-declaration in the form of Appendix A – Self Declaration re Regulation 57 (where the Competition is not subject to the application of the European Procurement Regulations), as specified in the Project Particulars.

Note: The Contracting Authority may, at any time during the Competition (for example at shortlisting stage), require the Applicant to provide the confirmation in MF 2.7 *Declaration Under Oath/Solemn Oath*, and where the Declaration Under Oath/Solemn Oath pre-dates the date of submission, Applicants must also provide the confirmation in MF 2.8 *Confirmation Oath Still Valid*.

1.11. RESPONDING TO QUALIFICATION CRITERIA

The Qualification Criteria that will be used in evaluating SAQ Submissions are set out in Section 3 of the Questionnaire and are those criteria where "Yes" is marked in the column "Applicable Criterion/Requirement".

Some criteria are simple Pass/Fail criteria – these are requirements that must be met in full, and, if the criterion is passed, have no further role in calculating the Applicant's overall score. If a criterion is failed, the Applicant is eliminated from the competition. Where Specialist Skills and Health and Safety sub-criteria are included in any criterion then these too must be passed, otherwise the Applicant will be eliminated from the tender competition.

Where the Contracting Authority has chosen "Pass/Fail plus Qualitative", some criteria may have minimum Pass/Fail requirements, beyond which they are qualitatively evaluated. Each such criterion is given an allocation of marks (weighting) to be used to calculate the Applicant's overall score, as indicated in the relevant table in Section 3.

The Applicant must follow the instructions and respond as required by the following titles under the 'Response' heading for each criterion:

Where the response for a Qualification Criterion is marked as **Response: EVIDENCE REQUIRED,** in addition to providing the completed Applicants Details and Declaration document, the Applicant must provide the information specified in the qualification sub-criterion. Applicants should not purport to have responded to any such criterion solely by having provided the completed Applicant Details and Declaration (and/or an ESPD where an ESPD is required). The evidence submitted must prove that the Applicant meets the relevant criterion as of the date of submission of the Applicant's SAQ Submission. Failure to submit the required evidence with the SAQ Submission may result in exclusion from the Competition.

Where the response for a Qualification Criterion is marked **Response: DECLARATION REQUIRED**, it shall suffice for the purposes of responding to this Questionnaire for the Applicant to complete the Declaration in the Applicant Details & Declaration response document (and may also respond by way of the ESPD, where an ESPD is required). The Declaration in the Applicant Details & Declaration will be required even if the Applicant is also submitting an ESPD. The Contracting Authority may, at any time (for example, prior to shortlisting), request supporting documentation substantiating any declaration made in respect of any or all such Qualification Criteria. Supporting documents must prove that the Applicant meets the relevant Qualification Criteria as of the date of submission of the Applicant's SAQ Submission. Where the Contracting Authority requests supporting documentation substantiating any declaration made in respect of any or all such criteria, the supporting documents must be provided promptly and within the timeframe specified by the Contracting Authority. Failure to provide the requested supporting documentation within the timeframe specified may result in exclusion from the Competition.

For criteria marked as **Response: NOT REQUIRED,** Applicants should not provide the information.

1.12. CHANGE IN APPLICANT CIRCUMSTANCES

Where any information provided by an Applicant in response to this Questionnaire becomes untrue, incomplete or misleading (for example as a result of a change in circumstance or structure of the Applicant or of its proposed team), Applicants must inform the Contracting Authority of any such change in circumstances as soon as it becomes aware of this.

If it comes to the Contracting Authority's attention by any means that:

a) there has been a change in circumstances concerning an Applicant that could affect the Contracting Authority's assessment of that Applicant's SAQ Submission; or

b) information submitted by an Applicant was untrue, incomplete or misleading when submitted or has become by reference to the facts as they then stand untrue, incomplete or misleading;

the Contracting Authority may clarify this with the Applicant and may seek further information and/or evidence from the Applicant. The Contracting Authority may take such steps as it considers necessary including revising its assessment of the Applicant on the basis of the information then available to the Contracting Authority and/or excluding the Applicant from further participation in the Competition.

1.13. COMPLIANCE

The Contracting Authority shall assess the SAQ Submission for compliance with these Instructions, including for the provision of all the information and evidence required. The Contracting Authority may treat non-compliant submissions as set out in section 1.15 below.

1.14. CLARIFICATIONS

Applicants may be asked to clarify aspects of their SAQ Submission after the closing date by written submission, by interview or by both.

1.15. NON-COMPLIANT SUBMISSIONS

If an Applicant fails to comply in any way with the requirements of this Questionnaire (including any clarification or supplementary information issued by the Contracting Authority in connection with this Competition), the Contracting Authority may (but is not obliged to) take such steps as it deems appropriate, including (but not limited to):

a) rejecting the submission as non-compliant; and/or

b) without prejudice to the Contracting Authority's right to reject the submission:

(i) seeking clarification from the Applicant in respect of the relevant submission by way of a meeting or written submission;

(ii) requesting the Applicant to provide information or items which has/have not been provided or has/have been provided in an incorrect form;

(iii) waiving a requirement which, in the Contracting Authority's opinion is minor or procedural; and/or

(iv) take any other step permitted by law;

in accordance with applicable law and principles.

1.16. REVIEW

In the Particulars, the Contracting Authority may state a review procedure, whereby an Applicant who disputes a decision of the Contracting Authority about whether an SAQ Submission complies with the Suitability Assessment Questionnaire, may raise the matter with the Contracting Authority. The review procedure should include appropriate timelines for the submission of the query and response times.

Important Note to Applicants: Any such review process set out in the Particulars is not mandatory. Applicants should obtain legal advice as to the review procedures that may be available to them under law, as well as the timeframes in which such review procedures may be availed of.

1.17. DATA PROTECTION NOTICE

As part of this Competition, the Applicant may, (at various stages) provide personal data relating to the Applicant or its organisation, employees or other third parties. In this Suitability Assessment Questionnaire ("this Questionnaire"), "Data Protection Laws" means all applicable data protection law including, with effect from 25 May 2018, 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 the Applicant provides personal data relating to third parties, the Applicant must ensure that such third parties are made aware of the contents of this Data Protection Notice in full.

The Applicant, as controller in respect of any personal data provided by it as part of this competition, is required to confirm in the declaration required under Part 2 of this Questionnaire that all data subjects whose personal data is provided by the Applicant have consented to the processing of such personal data by the Applicant, the Contracting Authority, the evaluation team and the supplier of the etenders.gov.ie website, for the purposes of the participation of the applicant in this competition or that the Applicant otherwise has a legal basis for providing such personal data to the Contracting Authority for the purposes of its participation in this competition.

Where such personal data is provided, the relevant controller is the Contracting Authority. If there are any questions about the Contracting Authority's use of such personal data, please contact the Contracting Authority's Data Protection Officer whose details are available upon request to the Contracting Authority.

The Contracting Authority may process the following personal data as part of this competition:

- name;
- contact details;
- CV details (including but not limited to qualifications, education, experience, previous roles and responsibilities);
- details of proposed role(s) and responsibilities on this contract;
- referee details; and
- any other data provided by the Applicant.

The Contracting Authority collects personal data from the Applicant directly, and from the following sources:

- Applicant's organisation;
- other members of the Applicant's consortium (if applicable); and
- Referees.

Any personal data provided will be processed for the purposes of the competition, the administration of any contract awarded on foot of this competition, reporting to any regulators or oversight bodies and/or any disputes relating to the competition or the contract.

In connection with the above, the Contracting Authority may disclose personal data to various recipients including:

- Applicant's organisation;
- other members of the Applicant's consortium (if applicable);
- the Contracting Authority's third party service providers, such as financial, legal and technical advisors; and
- regulators or oversight bodies.

If the Applicant is unsuccessful as part of the tender process, such personal data will be retained until three years after the conclusion of the tender process or the award of the contract to the successful Tenderer, whichever is later. If the Applicant is successful, and a contract is awarded to the Applicant at the end of the tender process, such personal data will be retained in accordance with the Contracting Authority's record management and retention policy, a copy of which can be obtained from the Employer upon request.

Any data subjects in respect of which the Employer holds or processes 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.

1.18. ADDITIONAL GROUNDS FOR EXCLUSION

The Contracting Authority reserves the right to exclude any Applicant from the Competition should the Contracting Authority be of the view that entry into the Contract with such Applicant (bearing in mind any Applicant members (where the Applicant is a Consortium, Joint Venture or Partnership), entities relied upon or sub-consultants) would be contrary to any applicable law or regulation, including any applicable sanctions regimes.

Where required in the Particulars, Applicants shall be required to disclose in their SAQ Submission any issues giving rise to possible sanctions applications.

1.19. APPLICATION OF THE FOREIGN SUBSIDIES REGULATION

Where the Project Particulars state that Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 *on foreign subsidies distorting the internal market* - (the Foreign Subsidies Regulation) - applies to the Competition, (having regard to the estimated value of the Contract[6]), the FSR Annex forms part of this Questionnaire.

[6] Where the estimated value of the contract is above €250m [or the equivalent in Lots (€125m)

SECTION 2: PROJECT PARTICULARS

2.1 Competition Details

Latest time and date for submission of queries:	as per eTenders notice
Latest time and date for submission of the SAQ Submission is (local Irish time):	as per eTenders notice
Means of submission of the SAQ Submission:	by electronic submission using the eTenders web-portal
Where the means of submission is electronic, the required format of electronic files is:	Applicants are referred to the template uploaded by the HSE for this step (prequalification) for this competition which is to be utilised by the Applicants in uploading their prequalification submissions. It is advisable that folders/documents are clearly marked. Where information is be included for named Specialist Skills Providers these should be clearly marked and with the specialism evident. Specialist Skills Provider information should be separate from the Principal Service Provider information. Care should be taken in relation to the size capacity of any folders/documents to be uploaded to the eTenders web portal and Applicants should allow themselves sufficient time in which to upload their whole submission. Important Notice about file names: - eTenders webportal will reject files with names in excess of 64 characters. - eTenders webportal will not allow and will provide an error message for file names that include the following special four (4) characters: & % < and >.
Means of communication (in writing) in connection with the Competition is by:	electronic using eTenders webportal
Exclusion Grounds (Regulation 57) of SI 284/2016	
Applicants (and members of the joint venture, consortium, partnership and entities relied upon) must complete and submit a self-declaration in relation to Regulation 57 (Exclusion Grounds) of SI 284/2016 the form of:	an ESPD NOTE: An eESPD can be obtained via the Applicant's eTender profile. Please prepare the document, download it as a PDF, and include it with the submission package. Any other form of eESPD submitted might not be accepted.

SECTION 2: PROJECT PARTICULARS

Regulation (EU) No 833/2014 as amended by Council Regulation (EU) 2022/576 - Sanctions Against Russia	
Applicants are required to declare (by completing the Declaration in Part 2) that the Applicant, any members of the Applicant and entities relied upon do not exceed the limits set in Article 5k of Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, as amended by Council Regulation (EU) No 2022/578 of 8 April 2022.	Yes
The Foreign Subsidies Regulation - Regulation 2022/2560 of the European Parliament and of the Council of 10 July 2023 – on foreign subsidies distorting the internal market – ("the FSR")	
Does the Foreign Subsidies Regulation apply to this Competition?	N/A
Means of Evaluation of SAQ Submissions and shortlisting Candidates	
Means of Evaluation of SAQ Submissions and shortlisting qualified Candidates Pass/Fail + Qualitative and selection by ranking	
Where "Pass/Fail + selection by random selection" is selected above, the procedure to be used to form the short-list is: n/a	
The minimum number of qualified Candidates to be invited to tender (provided always that there are sufficient numbers) is:	8 (EIGHT)
The maximum number of qualified Candidates to be invited to tender (if applicable) is:	8 (EIGHT) unless there is a tie at 8th place
Review Procedure Is the Contracting Authority providing a review procedure (other than legal proceedings under Order 84A of the Rules of Superior Courts)[7]? Yes	
HSE Estates and then The High Court, The Four Courts, King's Inns Quay, Dublin 7, Ireland **Note to Applicants**: Any review process set out above is not mandatory. Applicants should obtain legal advice as to the review procedures that may be available to them under law, as well as the timeframes in which such review procedures may be availed of	

[7] Where the Competition is subject to the European Procurement Regulations.

SECTION 2: PROJECT PARTICULARS

2.2 Project Information

Project Title:	Proposed new Adult Inpatient Unit, Connolly Hospital Blanchardstown, Dublin 15 (INDICATIVE PROJECT)
Details of Client Requirements:	The purpose of this competition is to appoint a Design Team Framework for upcoming acute healthcare projects within the geographical area: Dublin City North & West, Dublin North County (Capital & Estates Office Swords). This initial Suitability Assessment Process is being used to form a shortlist of no.8 (eight) suitable consultants to be invited to the next stage of competition and form a final framework. Please refer to the PIM (Project Information Memorandum) document for details on formation of the framework and how projects are awarded throughout the lifetime of the framework. For the purposes of this competition the initial project being used for assessment and formation of this specific framework is an INDICATIVE PROJECT. The project in question is a new Adult Inpatient Unit in Connolly Hospital Blanchardstown, Dublin 15. The Adult Inpatient Unit will accommodate a total of 55 inpatient beds, including a number of higher observation beds and additional capacity to support patients with more complex care needs. The design will also include a dedicated room for enhanced safety and supervision where required. The Adult Inpatient Unit will provide care and treatment for patients requiring hospital admission who cannot be managed within community or outpatient settings. It will play a key role in delivering acute inpatient care as part of a wider, integrated healthcare system. The design should be enduring and take account of the needs of current and future patient needs. The specific requirements do not fix the form of design but provide a clear framework for their development to be realised in the final design solution.
Form of Contract:	Standard Conditions of Engagement for Consultancy Services **(Technical), COE 1**
Anticipated Date for Commencement of Service:	2027
Anticipated Service Contract Period (months/years):	4 years

2.3 Contracting Authority Information

Contracting Authority Name:	Health Service Executive

Contracting Authority Address:	Capital & Estates department – Dublin North, Unit 7, Swords Business Campus, Swords, Co.Dublin, K67 X3Y9
Contact Name:	Brian Cosgrave, Estates Manager
Contact Address (if different from Contracting Authority):	n/a
Contact Telephone No:	n/a
Contact Email Address:	n/a

2.4 Principal Services Required

Principal Service: Employer's Representative	Code: ER
Scope of Service:	Full Service
Specialist Skills required	Employer's Representative Services
Principal Service:	Code:
Scope of Service:	
Principal Service:	Code:
Scope of Service:	
Specialist Skills required	

2.5 Other Services

Title of Other Services
n/a

2.6 Health and Safety

2.6.1 Project Categorisation for Health and Safety Competence Assessment

Project categorisation for purpose of assessment of the role of Principal Service Provider or Specialist Skill Provider where such skills are required:	**Type 3**[8]

The successful Applicant will be required to comply with the Safety, Health and Welfare at Work Act 2005 (including the Safety Statement requirement) and any subsequent Safety, Health and Welfare legislation.
The successful Applicant will also be required to comply with the Safety, Health and Welfare at Work (Construction) Regulations 2013 (as amended), particularly where those Regulations apply to the service provision.

Health and Safety competencies for those to whom the Safety, Health and Welfare at Work (Construction) Regulations 2013 (as amended) apply will be assessed as part of Section 3.0 – the Suitability Assessment Questionnaire.

Areas of the works involving Particular Risks known to the Contracting Authority at the time of issue[9]**:**

[8] Type 1 applies to projects that have a value of <€1M (Exclusive of VAT); Type 2 applies to projects that have a value of > €1M (Exclusive of VAT) and < €10M (Exclusive of VAT); and Type 3 applies to projects that have a value > €10M (Exclusive of VAT). However, considerations in relation to the H&S risk must also be taken into account in deciding on the project type. If there is a high H&S risk, the category may need to be higher than that indicated by the project value above. The category of project chosen then governs decisions to be made about criteria and requirements in Section 3 of the Questionnaire.

[9] Particular Risks are defined at Schedule 1 to the Safety, Health and Welfare at Work (Construction) Regulations 2013 (as amended). **Please note that the list provided under that Schedule is not exhaustive.**

SECTION 3: SUITABILITY ASSESSMENT CRITERIA

Contracting Authority's Assessment Scheme

Applicants: The table below summarises the qualification criteria that will apply to your service provision, what you are required to submit in response to each criterion and how the criteria will be assessed. The Particulars set out whether the criteria will be assessed on a pass/fail or pass/fail plus qualitative basis. Where a criterion requires documentary evidence to be submitted, the relevant criterion will set out the extent of documentation and how it should be submitted.

No.[10]	Requirement/Criterion	Applicable Requirement/ Qualification Criterion	Response	Evaluation
3.1	**Not Used[11]**			
3.2	**PROFESSIONAL OR TRADE REGISTER**	**No**	**Not Required**	**N/A**
3.3	**FINANCIAL & ECONOMIC STANDING**			
3.3a	Annual Turnover (Service)	**Yes**	**Declaration Required**	**Pass/Fail**
3.3b	Balance sheet or Extracts from a Balance Sheet	**No**	**Not Required**	**N/A**
3.3c	Banker's Letter	**No**	**Not Required**	**N/A**
3.3d	Other Financial/Economic Information/References	**Yes**	**Evidence Required**	**Pass/Fail**
3.3e	Prof. Indemnity Insurance	**Yes**	**Declaration Required**	**Pass/Fail**
3.3f	Public Liability Insurance	**Yes**	**Declaration Required**	**Pass/Fail**
3.3g	Employer's Liability Insurance	**Yes**	**Declaration Required**	**Pass/Fail**
3.4	**TECHNICAL CAPABILITY (Service Provider's Competency)**			
3.4a	Qualifications (Managerial)	**Yes**	**Evidence Required**	**Qualitative**
3.4b	Qualifications (Personnel)	**Yes**	**Evidence Required**	**Qualitative**
3.4c	Services over the Past 3/5/7[12] Years	**Yes**	**Evidence Required**	**Qualitative**
3.4d	Measures for Ensuring Quality	**Yes**	**Evidence Required**	**Qualitative**
3.4e	Average Annual Manpower over the Past 3 Years	**Yes**	**Evidence Required**	**Qualitative**
3.4f	Technical Equipment Available	**No**	**Not Required**	**N/A**
3.4g	Technicians or Technical Bodies	**No**	**Not Required**	**N/A**

[10] The numbers in this column reference the subsection numbers of the criteria in this Questionnaire.
[11] This criterion no longer used – for the requirements in relation to Regulation 57 of SI 284/2016 (Exclusion Grounds) in relation to the Competition, refer to Section 1 - Information for Applicants.
[12] As selected in the criterion

3.4h	Environmental Management Measures	**No**	**Not Required**	**N/A**
3.4i	Supply Chain Management & Tracking Systems	**No**	**Not Required**	**N/A**

Qualitative Assessment – Weighting

CA Note: If Qualitative Assessment is to be used and weightings have been decided enter the principal service code followed by the appropriate % in the first column and, when required, the specialist skill code followed by % in the second column. Where Qualitative Assessment is not to be used enter N/A.

The Contracting Authority's Qualitative Assessment scheme is outlined in the table below.

No.[13]	Requirement/Criterion	% Weighting Principal Service	% Weighting Specialist Skill
3.4	**TECHNICAL CAPABILITY (Service Provider's Competency)**		
3.4a	Qualifications (Managerial)	30%	Not Required
3.4b	Qualifications (Personnel)	35%	Not Required
3.4c	Services over the Past 3/5/7 Years	25%	Not Required
3.4d	Measures for Ensuring Quality	5%	Not Required
3.4e	Average Annual Manpower over the Past 3 Years	5%	Not Required
3.4f	Technical Equipment Available	Not Required	Not Required
3.4g	Technicians or Technical Bodies	Not Required	Not Required
3.4h	Environmental Management Measures	Not Required	Not Required
3.4i	Supply Chain Management & Tracking Systems	Not Required	Not Required

[13] The numbers in this column reference the subsection numbers of the criteria in this Questionnaire.

SECTION 3: SUITABILITY ASSESSMENT CRITERIA

3.1 NOT USED[14]

3.2 ENROLMENT ON PROFESSIONAL OR TRADE REGISTER

Criterion Applicable:	Response:	Type of Evaluation:
NO	NOT REQUIRED	N/A

Applicants must be enrolled on a professional or trade registers[15] in accordance with Annex XI of Directive 2014/24/EU and meet the supplemental requirements (if any) as identified by the Contracting Authority below.

The evidence required to pass this criterion is proof of enrolment on a relevant professional or trade register in accordance with in accordance with Article 80 of Directive 2014/25/EU (and Regulation 85 of the European Union (Award of Contracts by Utility Undertakings) Regulations 2016 and Article 58 of Directive 2014/24/EU (and Regulation 58 of the European Union (Award of Public Authority Contracts) Regulations 2016) and the supplemental requirements (if any) as identified by the Contracting Authority below.[16]

3.3 EVIDENCE OF ECONOMIC AND FINANCIAL CAPACITY

Note: Information under Criterion 3.3 (and associated sub-criteria 3.3a – 3.3g) must be provided by the Applicant and/or, by the entity relied upon by the Applicant for the purpose of meeting the requirements of the relevant sub-criteria (as applicable).

3.3a EVIDENCE OF TURNOVER

Criterion Applicable:	Response:	Type of Evaluation:
YES	DECLARATION REQUIRED	PASS/FAIL

Provide evidence in relation to the service of certified turnover for the 3 previous financial years. However, where a multi-disciplinary firm is applying, evidence of the overall turnover of the firm should also be provided.

Evidence to be provided will be your Auditor's Letter or if the Applicant is a partnership, then a signed letter from the partnership's Accountant evidencing turnover.

[14] This criterion no longer used – for the requirements in relation to Regulation 57 of SI 284/2016 (Exclusion Grounds) in relation to the competition, refer to Section 1 - Information for Applicants.

[15] Enrolment on a professional or trade register should not be confused with being a member of the Royal Institute of the Architects of Ireland, the Association of Consulting Engineers of Ireland or any other similar body.

[16] In Ireland, the economic operator may be requested to provide a certificate from the Registrar of Companies or the Registrar of Friendly Societies, or, where the economic operator is not so certified, a certificate stating that the person concerned has declared on oath that the economic operator is engaged in the profession in question in the country in which the economic operator is established, in a specific place under a given business name.

SECTION 3: SUITABILITY ASSESSMENT CRITERIA

Minimum Turnover			
Area of Service / Business:	**Overall AverageTurnover to include other areas of business**	**Average Minimum Turnover:**	**Average Maximum Turnover:**
Employer's Representative (ER)	No mimimum level set	€500,000	n/a

Combined total turnover for all members of a consortium must meet the minimum turnover. If only one member has the skills, resources and experience for the work, that member must have an average turnover that demonstrates financial capacity for the work.

If for any valid reason the Applicant is not in a position to provide the requested turnover (e.g., tenderers who are categorised as 'Start-Up' entities) consideration will be given to the provision of alternative financial evidence.

For those 'Start-Up' companies who have been operating for more than three (3) years but no more than five (5) years these companies shall provide the evidence of turnover in accordance with this criterion.

For those 'Start-Up' companies who have been operating for three (3) years or less and therefore cannot provide evidence of turnover for all three (3) financial years required by the competition they shall provide the 'Turnover' evidence for those years for which the company has that evidence. For the balance of years for which the company cannot provide the required evidence they shall provide a set of management accounts for those years and the current year signed off by their external auditor/accountant.

External Sub-consultant(s) providing specialist skills are not required to provide evidence for this criterion.

The evidence should be in accordance with the requirements identified here (or if for any valid reason this evidence cannot be provided then alternative evidence which is considered appropriate by the Contracting Authority may be provided).

3.3b BALANCE SHEET OR EXTRACTS FROM A BALANCE SHEET

Criterion Applicable:	Response:	Type of Evaluation:
NO	**NOT REQUIRED**	**N/A**

3.3c BANKER'S LETTER

Criterion Applicable:	Response:	Type of Evaluation:
NO	NOT REQUIRED	N/A

3.3d FINANCIAL STATEMENTS OR EXTRACTS FROM FINANCIAL STATEMENTS

Criterion Applicable:	Response:	Type of Evaluation:
YES	EVIDENCE REQUIRED	PASS/FAIL

The Applicant shall provide an eTax Clearance Certificate showing tax compliance no later than ten (10) days prior to the deadline for submission of the Prequalification Responses. The evidence to be provided shall be an electronic 'screen capture' of the Applicant's tax clearance certificate.

External Sub-consultant(s) providing specialist skills, whether named by the Contracting Authority or proposed by the Applicant, are not required to provide the evidence for this criterion in line with the requirement mentioned above for the principal service provider.

The evidence should be in accordance with the requirements identified here (or if for any valid reason this evidence cannot be provided then alternative evidence which is considered appropriate by the Contracting Authority may be provided).

3.3e PROFESSIONAL INDEMNITY INSURANCE

Criterion Applicable:	Response:	Type of Evaluation:
YES	DECLARATION REQUIRED	PASS/FAIL

Before appointment, the successful Tenderer will be required to produce evidence from their Broker or Insurance Company confirming that the Applicant has current professional indemnity insurance cover in the required amount complying with the conditions listed below and that it will be maintained for 6[17] years after completion of the construction works in respect of the services provided – Model Form MF 2.1 duly completed by the Applicant's broker or insurance company is deemed acceptable evidence for this criterion (*or* if for any valid reason this evidence cannot be provided then alternative evidence which is considered appropriate by the Contracting Authority may be provided).

[17] Where the contract is to be executed under hand, then a period of 6 years should be sought for the Professional Indemnity Insurance, where the contract is to be executed under seal, then a period of 12 years should be sought.

Cover may be provided on an "EACH AND EVERY" or on an “ANNUAL AGGREGATE” basis. However, Applicants should note that where professional indemnity insurance is provided on an ANNUAL AGGREGATE basis the Contracting Authority will review the situation regarding the availability of professional indemnity insurance on an “EACH AND EVERY” basis with the successful Tenderer, on an annual basis. Any Specialist Skill Providers shall also have the benefit of a similar provision. Further details will be provided in the Tender and Schedule issued at the next stage of the Competition.

(i) Level of cover and excess as stated below for the Principal Service Provider:

Minimum level of Professional Indemnity Insurance complying with the conditions below:	**Cover on Each and Every claim basis**	**Cover on an Annual Aggregate basis**
	€ 6,000,000[18]	€ 6,500,000[19]
Maximum level of excess in any one claim below which the Service Provider will bear the cost:	2% of turnover or €5,000, whichever is greatest	

(ii) Level of cover and excess as stated below for Specialist Skill Providers:

General:

- The following applies to both Principal Service Providers and named Specialist Skills Providers.

- In relation to named Specialist Skills Providers associated with Architect discipline as Principal Service Provider, these specialists are required to provide evidence of professional indemnity insurance which will be assessed on a Pass/Fail basis.

- The Applicant must be capable of obtaining professional indemnity insurance (PII) cover in the sum of and complying with the conditions listed below and that the cover will be maintained for six (6) years after completion of the construction works in respect of the services provided. Both the Principal Service Provider(s) and named Specialist Skills Provider(s) must submit ‘Appendix 2 – Letter from Insurance Undertaking/Insurance Intermediary where evidence is required for sub-criteria 3.3e, 3.3f or 3.3g’ at this stage of the competition. Evidence in the form of a properly executed certificate, Model Form MF2.1 will be required from the successful candidate(s) prior to award of the service contract.

- The Contracting Authority’s preferred option for Professional Indemnity Insurance (PII) by Principal Service Providers and Specialist Skills Providers, as required, is cover on “Each and Every” claim basis. Unless a preferred Tenderer cannot attain PII at the date of the Contract being formed by the acceptance of their tender (this tender forming the framework or Call-Off competition or Mini-competition) then cover on an Annual Aggregate basis will be acceptable on the understanding that the Framework Participants shall monitor the EU and UK market at no longer than yearly intervals to establish whether (a) the ‘Each and Every’ Insurance, or (b) better cover than the cover in place at the later of the date of the Contract formed by the acceptance of the Tender (initial tender forming the framework or call-off competition or mini-competition) or the latest relevant annual renewal, can be obtained at the Increased Premium Rates; and if the “Each and Every” Insurance (a) becomes available to the Tenderer at the Increased Premium Rates or (b) is not

[18] If no value is entered it shall be read as €1,250,000 (One million and two eight hundred and fifty thousand Euro)
[19] If no value is entered it shall be read as €1,500,000 (One million and five hundred thousand Euro)

available (or not available at the Increased Premium Rates) but better cover than the Annual Aggregate Insurance in place at the later of the date of the Contract formed by the acceptance of this Tender forming the framework (or Call-Off competition or Mini-competition) or the latest relevant annual renewal becomes available at the Increased Premium Rates, such cover shall immediately come into effect (subject to the Contracting Authority's prior approval and such approval not being unreasonably withheld or delayed) and the preferred Tenderer shall notify the Contracting Authority within seven (7) days that such cover has been effected.

For the purposes of this Tender:

- the "Increased Premium Rates" means premium rates that do not exceed 125% of the premium rates payable by the preferred Tenderer for cover on an annual aggregate basis at the time of the applicable annual renewal PROVIDED THAT any difference between (a) premium rates for cover on an annual aggregate basis and (b) premium rates for the Required Insurance or better cover than the cover in place at the later of the date of the Contract formed by the acceptance of this Tender or the latest relevant annual renewal (whichever is applicable), is not due to any act, omission, default, claim, notice of claim, negligence or otherwise of or against the preferred Tenderer;

- "Each and Every Insurance" means professional indemnity insurance on an each and every claim basis at the level set out in the Schedule; and

- "Annual Aggregate Insurance" means professional indemnity insurance on an annual aggregate basis at the level set out in the Schedule.

The PII cover for both Principal Service Provider and named Specialist Skills Provider(s) must comply with the following conditions:

- Level of cover and excess as stated in the tables as part of this criterion.

- Cover is provided for legal defence costs in excess of the minimum level of cover.

- The conditions provide for claims for breach of professional duty or civil liability as well as negligence.

- Cover extends to include claims arising out of the sub-contracting of professional services by the Applicant.

- Cover is provided in respect of Joint & Several liability where the service provider is operating in a Joint Venture or a Consortium.

- The level of excess is capped at that listed in the tables as part of this criterion. Where the Applicant is a multi-national organisation and its level of excess for insurance purposes is based upon the turnover of the multi-national organisation, a higher level of excess may be accepted providing a parent company guarantee is provided to cover the level of excess.

- The jurisdiction in which claims can be lodged and settled is IRELAND.

Minimum level of Professional Indemnity Insurance complying with the conditions below:		
Specialist Skill Providers	**Cover on Each and Every claim basis**	**Cover on an Annual Aggregate basis**
N/A	€ N/A	€ N/A
N/A	€ N/A	€ N/A
N/A	€ N/A	€ N/A
N/A	€ N/A	€ N/A
N/A	€ N/A	€ N/A
N/A	€ N/A	€ N/A
N/A	€ N/A	€ N/A
Maximum level of excess in any one claim below which the Specialist Service Provider will bear the cost:	2% of turnover or €5,000, whichever is greatest	

(iii) The conditions provide for claims for breach of professional duty or civil liability as well as negligence;
(iv) The jurisdiction in which claims can be lodged and settled includes IRELAND.

Entitles issuing PII insurance cover must have been granted an authorisation as an insurance undertaking by the Central Bank of Ireland to provide Non-Life Insurance Class 13 General Liability cover. Entities providing insurance intermediary services must be either authorised by the Central Bank of Ireland, or registered in a Member State other than Ireland for the purposes of Directive 2009/138/EC.

The evidence required to pass this criterion may be either;

(i) evidence that professional indemnity insurance (PII) meeting the requirements set out above is in place. Such evidence may be provided by the relevant insurance undertaking itself or by an insurance intermediary using Model Form 2.1 ; or,
(ii) the completed Appendix 2 to this Questionnaire – *Letter of Undertaking re Insurance* which may be provided where the Applicant does not have professional indemnity insurance or does not have professional indemnity insurance meeting the professional indemnity insurance requirements set out above.

3.3f PUBLIC LIABILITY INSURANCE

Criterion Applicable:	**Response:**	**Type of Evaluation:**
YES	**DECLARATION REQUIRED**	**PASS/FAIL**

Before appointment, the successful Applicant will be required to produce evidence from their Insurance Company in the form of a copy of the policy confirming that the Applicant has current public liability insurance cover complying with the requirement(s) set out below.

Minimum level of Public Liability Insurance required in respect of any one accident:	€ 6500000[20]
Maximum level of excess for property only* for any one incident below which the Service Provider will bear the cost:	€ 10,000

*** No excess is permitted in respect of death, injury or illness.**

Entitles issuing public liability insurance cover must have been granted an authorisation as an insurance undertaking by the Central Bank of Ireland to provide Non-Life Insurance Class 13 General Liability cover. Entities providing insurance intermediary services must be either authorised by the Central Bank of Ireland; or registered in a Member State other than Ireland for the purposes of Directive 2009/138/EC.

The evidence required to pass this criterion may be either:

(i) evidence that public liability insurance cover meeting the requirements above is in place. Such evidence may be provided by the relevant insurance undertaking itself of by an insurance intermediary; or
(ii) the completed Appendix 2 to this Questionnaire – *Letter of Undertaking re Insurance* which may be provided where the Applicant does not have public liability insurance or does not have public liability insurance meeting the requirements set out above.

3.3g EMPLOYER'S LIABILITY INSURANCE

Criterion Applicable	Response:	Type of Evaluation:
YES	DECLARATION REQUIRED	PASS/FAIL

Before appointment, the successful Applicant will be required to produce evidence from their Insurance Company in the form of a copy of the policy confirming that the Applicant has current Employer's Liability insurance cover complying with the requirement(s) set out below.

Minimum level of Employer's Liability Insurance required in respect of any one accident:	€ 13,000,000[21]

Entitles issuing employers liability insurance cover must have been granted an authorisation as an insurance undertaking by the Central Bank of Ireland to provide Non-Life Insurance Class 13 General Liability cover. Entities providing insurance intermediary services must be either authorised by the

[20] If no value is entered it shall read as €2,600,000 (Two million and six hundred thousand Euro)

[21] If no value is entered it shall read as €13,000,000 (Thirteen million Euro) – No excess is permitted on Employer's Liability Insurance

Central Bank of Ireland; or registered in a Member State other than Ireland for the purposes of Directive 2009/138/EC.

The evidence required to pass this criterion may be either:

(i) evidence that employer's liability insurance cover meeting the requirements above is in place. Such evidence may be provided by the relevant insurance undertaking itself or by an insurance intermediary; or
(ii) the completed Appendix 2 to this Questionnaire – *Letter of Undertaking re Insurance* which may be provided where the Applicant does not have employer's liability insurance or does not have employer's liability insurance meeting the requirements set out above.

3.4 EVIDENCE OF TECHNICAL CAPABILITY CRITERIA

The Applicant should consider carefully responses to subsection 3.4 in relation to the type of principal service and specialist skills identified at **Section 2.4** of the Project Particulars, in particular:

- Where Specialist Skills are identified in **Section 2.4 of the Project Particulars**, these may be provided either by the Applicant itself or by specialist sub-contractors. Irrespective of whether a sub-contractor or the Applicant itself is proposed for a specialist skill, separate evidence in response to the sub-criterion must be provided by the entity proposed to undertake the specialist skill area.
- Where the principal service applied for is a Design Service or any service with design input (for example Quantity Surveying where the Applicant must demonstrate a level of competence relative to their design input[22]) the Health and Safety sub-criteria under each of the criteria 3.4a – 3.4g inclusive must be addressed by the Applicant, and where applicable, the Specialist Skill Provider.
- Prior to their appointment, the Successful Tenderer is required to sign the Safety and Health Declaration appropriate to their service provision. MF2.4 is required for general service providers, MF2.5 for PSDP and MF2.6 for PSCS.

3.4a EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Management)

Criterion Applicable:	Response:	Type of Evaluation:
YES	EVIDENCE REQUIRED	QUALITATIVE

Where the Safety, Health and Welfare at Work (Construction) Regulations 2013 (as amended) apply to either the Principal Service or Specialist Skills Provider (as defined in Regulation 2 of Construction Regulations – see footnote 23) they must also satisfy the requirements set out at 3.4.1a. These requirements (where applicable) are evaluated on a pass/fail basis and Applicants must pass 3.4.1a in order to be evaluated under 3.4a.

An Applicant who can demonstrate adequate training and qualifications for its managerial staff but cannot demonstrate appropriate experience will not be deemed adequate.

Principal Service Provider

The Applicant must provide evidence of the educational and professional qualifications (with dates obtained) and experience of their management staff, including the curricula vitae of the management staff and the organization structure in accordance with the requirements (if any) identified below.

The relevant number of appropriate qualified Management are:

Framework Category:	Framework Description:	Nr. of Employer's Representative as Management:
Framework Category 04	Acute Healthcare Capital Works - Project Value €15M-€60M	1Nr. Management

The relevant professional qualifications for Management are:

[22] "designer" means a person engaged in work related to the design of a project; "design" means the preparation of drawings, particulars, specifications, calculations and bills of quantities in so far as they contain specifications or other expressions of purpose, according to which a project, or any part or component of a project, is to be executed; *Regulation 2 of the Safety, Health and Welfare at Work (Construction) Regulations 2013 (as amended)*

- Option 1:

  Chartered membership of a relevant professional institution and the provision of evidence of same (Note 1). A minimum of five (5) years' experience post attaining chartered status of relevant professional institution is required. Also a minimum of three (3) years' experience at senior management/project director level is required. In relation to Architects, registered membership of Royal Institute of Architects of Ireland (RIAI) or equivalent shall meet the chartered membership condition. In relation to Quantity Surveyors, chartered status with SCSI or equivalent shall meet this condition. In relation to Engineers, chartered status with Engineers Ireland (EI) or equivalent shall meet this condition. Engineers relying on equivalency with Engineers Ireland (EI) chartered status must do so under the mutual recognition agreement between EI and the other agreed bodies/institutions (Note 2) and this shall be demonstrated and evidenced by the Applicant in their submission. Where the Applicant is relying on 'equivalency' the Applicant must demonstrate and provide evidence in their submission.

OR

- Option 2:
  - Chartered Membership of a relevant professional institution for either project management, construction management or engineering and this shall be demonstrated and evidenced by the Applicant in their submission (Note 1). A minimum of five (5) years' experience post attaining membership status of the relevant professional institution is required. Also a minimum of three (3) years' experience at senior management/project director level is required.

AND

- Where the Applicant is an Architect / Engineer under Option 1 above, then BCAR Registered membership on the appropriate discipline register in accordance with the Building Control Act 2007 or evidence of eligibility for membership of that register or other appropriate discipline register without further assessment is required (Note 3). In relation to Engineers, chartered membership of Engineers Ireland or evidenced equivalency shall meet this condition. In relation to Architects, registered membership of RIAI or evidenced equivalency shall meet this condition. In relation to Quantity Surveyors, registered membership of SCSI or evidenced equivalency shall meet this condition. Where the Applicant is relying on equivalency this shall be demonstrated and evidenced by the Applicant in their submission. Please note that 'registered membership' under the Building Control Act 2007 is a prerequisite for award of contract UNLESS the Applicant is relying on Option 2 above where they may not be eligible for membership of such BCAR register.

Note 1: Demonstration of Chartered Membership of a relevant professional institution shall be by copy of that chartered membership issued by the professional body; date and year of attaining chartership must be evidenced. This also applies to those Applicants who are relying on Option 2 above.

In the event that a copy of the person's charter certificate/membership certificate is not available then evidence shall be signed correspondence from the professional body on the professional body's letterhead confirming chartered membership/membership status and the date and year on which the Applicant received such chartered/membership status.

Where this written confirmation has been obtained by the Applicant from the professional body previously, i.e., for other competitions, then the Applicant can provide this existing confirmation as evidence here. Please note that evidence is not the annual certificate of registration under the Building Control Act 2007.

Note 2: Engineers relying on equivalency with the EI chartered status must clearly state that they are relying on the Mutual Recognition Agreement between EI and the other agreed bodies/institutions. The Applicant must state the equivalent body/signatory to the agreement on which they are relying and that the chartered status they hold is recognised by Engineers Ireland.

Note 3: Evidence of registered membership on the appropriate discipline register in accordance with the Building Control Act 2007 shall mean a copy of the current 'Certificate of Registration'.

Where the Applicant does not hold registered membership then written confirmation from the registering body for that discipline register is required on the registering bodies letterhead stating that the individual in question is eligible for membership on the appropriate discipline register in accordance with the Building Control Act 2007. Where this written confirmation has been obtained by the Applicant from the Registering Body previously, i.e., for other competitions, then the Applicant can provide this existing confirmation as evidence here. This applies to those Applicants availing of Option 1 above.

At tender stage the person will be required to hold registered membership on the appropriate discipline register and evidence will be required at that stage of the competition. Please note that this is a prerequisite for award of contract / participation in the framework EXCEPT in the case where the Applicant is relying on Option 2 noted above.

The relevant project experience for Management is:

- Each of the required Management staff shall provide evidence of the provision of service for at least two (2) healthcare projects, of which at least one (1) to be on a live acute campus. Of the projects submitted, at least two (2) are required to be of a construction value exceeding €15M (each). A maximum of four (4) projects is permitted. Healthcare projects of lower values may be considered if their nature and complexity can be demonstrated as being similar but the applicant may not attract as many marks. The application should include project where the individual has been involved in a similar role. The Applicant, when completing Appendix E (CV) shall describe any technical complexities relating to the projects offered for those management staff. Health & Safety experience must be evidence in the Applicant's CV (Appendix E) under the projects presented.

- Not Required for Employer's Representative (Note 4): Health & Safety competence must be evidenced as part of this criterion requirement for Designers (refer Criterion 3.4.1a Safety and Health Supplement further on in this criterion) and included in each management personnel Appendix E (CV). Please note that H&S competence will be assessed on a Pass/Fail basis and once passed the Applicant's submission under Criterion 3.4a will then be qualitatively assessed. Please refer to Sub-Criterion 3.4.1a Safety & Health Supplement further on in this criterion.

Note 4: Employer's Representatives are not required to evidence Health & Safety training in discharging duties as designers under the current Health & Safety legislation.

In relation to the characteristics of the project, (i.e., scale, size, and complexity), Applicant's attention is drawn to the description of the project included at Section 2 of this document Table 2.2 Project Information. The Applicant's attention is also drawn to the relevant section in the Project Information Memorandum which forms part of the prequalification pack for this competition in relation to qualitative assessment.

Specialist Skills Providers

If a Specialist Skill is required under Section 2.4 of the Project Particulars and is to be provided from within the Applicant's organisation this must be indicated in the response, if a sub-contractor is proposed to fulfil the Specialist Skill this must be indicated in its response to Part 2 of the Questionnaire.

Evidence in support of any criteria set out below must be submitted with the title '*Evidence in support of criterion 3.4a – Specialist Skills Providers*' where the response above is 'Evidence Required'.

Not Applicable

3.4.1a SAFETY AND HEALTH SUPPLEMENT – ASSESSED ON A PASS/FAIL BASIS

NOTE: This section is applicable only to those service providers defined as Designers under Regulation 2 of theConstruction Regulations– Criteria related to Project Supervisors (where applicable) are set out under 3.4a if it is for a Principal Service or under 3.4a Specialist Skills if it is to be a Specialist Skill.

Management staff of Applicant (including Specialist Skill providers) to whom the Construction Regulations apply must comply and provide evidence of compliance when requested with the following:

1. Have undertaken a course introducing the principles of the Construction Regulations with particular regard to the service provider's duties under those Regulations. The course should be approved by their relevant registration body or [in the absence of a registration body] a professional body appropriate to the service provider in question.

Employer's Representatives are not required to evidence Health & Safety training in discharging duties as designers under the current Health & Safety legislation.

3.4b EDUCATIONAL AND PROFESSIONAL QUALIFICATIONS (Personnel)

Criterion Applicable:	Response:	Type of Evaluation:
YES	EVIDENCE REQUIRED	QUALITATIVE

Where the Safety, Health and Welfare at Work (Construction) Regulations 2013 (as amended) apply to either the Principal Service or Specialist Skills Provider (as defined in Regulation 2 of Construction Regulations – see footnote 23) they must also satisfy the requirements set out at 3.4.1b. These requirements (where applicable) are evaluated on a pass/fail basis and Applicants must pass 3.4.1b in order to be evaluated under 3.4b.

An Applicant who can demonstrate adequate training and qualifications for its personnel but cannot demonstrate appropriate experience will not be deemed adequate.

Principal Service Provider

The Applicant must provide evidence of the educational and professional qualifications (with dates obtained) and experience of the Applicant's personnel proposed for the principal service, including the curricula vitae of the personnel in accordance with the requirements (if any) identified below.

The relevant number of appropriate qualified Senior Personnel are:

Framework Category:	Framework Description:	Nr. of Employer's Representatives as Senior Personnel:
Framework Category 04	Acute Healthcare Capital Works - Project Value €15M-€60M	2Nr. Senior Personnel

The relevant professional qualifications for Employer Representative Senior Personnel are:

- Option 1:
    - Chartered membership of a relevant professional institution and demonstration of same (Note 1). A minimum of three (3) years' experience post attaining chartered status of relevant professional institution is required. Also a minimum of two (2) years' experience at senior professional level managing projects of similar scale and complexity is required. In relation to Architects, registered membership of Royal Institute of Architects of Ireland (RIAI) or equivalent shall meet the chartered membership condition. In relation to Quantity Surveyors, chartered status with SCSI or equivalent shall meet this condition. In relation to Engineers, chartered status with Engineers Ireland (EI) or equivalent shall meet this condition. Engineers relying on equivalency with Engineers Ireland (EI) chartered status must do so under the mutual recognition agreement between EI and the other agreed bodies/institutions (Note 2) and this shall be demonstrated and evidenced by the Applicant in their submission. Where the Applicant is relying on 'equivalency' the Applicant must demonstrate and provide evidence in their submission.

OR

- Option 2:
    - Chartered Membership of a relevant professional institution for either project management, construction management or engineering and this shall be demonstrated and evidenced by the Applicant in their submission (Note 1). A minimum of three (3) years' experience post attaining membership status of the relevant professional institution is required. Also a minimum of two (2) years' experience at senior professional level managing projects of similar scale and complexity is required.

AND

- Where the Applicant is an Architect / Engineer under Option 1 above, then BCARRegistered membership on the appropriate discipline register in accordance with the Building Control Act 2007 or evidence of eligibility for membership of that register or other appropriate discipline register without further assessment is required (Note 3). In relation to Engineers, chartered membership of Engineers Ireland or evidenced equivalency shall meet this condition. In relation to Architects, registered membership of RIAI or evidenced equivalency shall meet this condition. In relation to Quantity Surveyors, registered membership of SCSI or evidenced equivalency shall meet this condition. Where the Applicant is relying on equivalency this shall be demonstrated and

evidenced by the Applicant in their submission. Please note that 'registered membership' under the Building Control Act 2007 is a prerequisite for award of contract UNLESS the Applicant is relying on Option 2 above where they may not be eligible for membership of such BCAR register.

Note 1: Demonstration of Chartered Membership of a relevant professional institution shall be by copy of that chartered membership issued by the professional body; date and year of attaining chartership must be evidenced. This also applies to those Applicants who are relying on Option 2 above.

In the event that a copy of the person's charter certificate/membership certificate is not available then evidence shall be signed correspondence from the professional body on the professional body's letterhead confirming chartered membership/membership status and the date and year on which the Applicant received such chartered/membership status. Where this written confirmation has been obtained by the Applicant from the professional body previously, i.e., for other competitions, then the Applicant can provide this existing confirmation as evidence here. Please note that evidence is not the annual certificate of registration under the Building Control Act 2007.

Note 2: Engineers relying on equivalency with the EI chartered status must clearly state that they are relying on the Mutual Recognition Agreement between EI and the other agreed bodies/institutions. The Applicant must state the equivalent body/signatory to the agreement on which they are relying and that the chartered status they hold is recognised by Engineers Ireland.

Note 3: Evidence of registered membership on the appropriate discipline register in accordance with the Building Control Act 2007 shall mean a copy of the current 'Certificate of Registration'.

Where the Applicant does not hold registered membership then written confirmation from the registering body for that discipline register is required on the registering bodies letterhead stating that the individual in question is eligible for membership on the appropriate discipline register in accordance with the Building Control Act 2007. Where this written confirmation has been obtained by the Applicant from the Registering Body previously, i.e., for other competitions, then the Applicant can provide this existing confirmation as evidence here. This applies to those Applicants availing of Option 1 above.

At tender stage the person will be required to hold registered membership on the appropriate discipline register and evidence will be required at that stage of the competition. Please note that this is a prerequisite for award of contract / participation on the framework EXCEPT in the case where the Applicant is relying on Option 2 noted above.

The relevant project experience for Senior Personnel is:

- Each of the required Senior Personnel shall provide evidence of the provision of service for at least two (2) projects, of which at least one (1) to be on a healthcare project. Of the projects submitted, at least two (2) are required to be of a construction value exceeding €15M (each). A maximum of four (4) projects is permitted. Projects of lower values may be considered if their nature and complexity can be demonstrated as being similar but the applicant may not attract as many marks. The

application should include project where the individual has been involved in a similar role. The Applicant, when completing Appendix E (CV) shall describe any technical complexities relating to the projects offered for those senior personnel. Health & Safety experience must be evidence in the Applicant's CV (Appendix E) under the projects presented.

- Not Required for Employer's Representative (Note 4): Health & Safety competence must be evidenced as part of this criterion requirement for Designers (refer Criterion 3.4.1b Safety and Health Supplement further on in this criterion) and included in each senior personnel Appendix E (CV). Please note that H&S competence will be assessed on a Pass/Fail basis and once passed the Applicant's submission under Criterion 3.4b will then be qualitatively assessed. Please refer to Sub-Criterion 3.4.1b Safety & Health Supplement further on in this criterion.

  Note 4: Employer's Representatives are not required to evidence Health & Safety training in discharging duties as designers under the current Health & Safety legislation.

In relation to the characteristics of the project, (i.e., scale, size, and complexity), Applicant's attention is drawn to the description of the project included at Section 2 of this document Table 2.2 Project Information. The Applicant's attention is also drawn to the relevant section in the Project Information Memorandum which forms part of the prequalification pack for this competition in relation to qualitative assessment.

Specialist Skills Providers

If a Specialist Skill is required under Section 2.4 of the Project Particulars and is to be provided from within the Applicant's organisation this must be indicated in the response, if a sub-contractor is proposed to fulfil the Specialist Skill this must be indicated in its response to Part 2 of the Questionnaire.

Evidence in support of any criteria set out below must be submitted with the title '*Evidence in support of criterion 3.4b – Specialist Skills Providers*' where the response above is 'Evidence Required'.

Not Applicable

3.4.1b SAFETY AND HEALTH SUPPLEMENT – ASSESSED ON A PASS/FAIL BASIS

NOTE: This section is applicable only to those service providers defined as Designers under Regulation 2 of the Construction Regulations **– Criteria related to Project Supervisors (where applicable) are set out under 3.4b if it is for a Principal Service or under 3.4b Specialist Skills if it is to be a Specialist Skill.**

Key Personnel of Applicant proposed for the principal service (and any Specialist Skills Providers) to whom the Construction Regulations apply must comply with and provide evidence of compliance when requested with the following:

1. Have undertaken a course introducing the principles of the Construction Regulations with particular regard to the service provider's duties under those Regulations. The course should be approved by their relevant registration body or [in the absence of a registration body] a professional body appropriate to the service provider in question.

Employer's Representatives are not required to evidence Health & Safety training in discharging duties as designers under the current Health & Safety legislation.

3.4c LIST OF TECHNICAL SERVICES PROVIDED OVER THE PAST 7 YEARS

Criterion Applicable:	Response:	Type of Evaluation:
YES	EVIDENCE REQUIRED	QUALITATIVE

Where the Safety, Health and Welfare at Work (Construction) Regulations 2013 (as amended) apply either to the Principal Service or the Specialist Skills Provider (as defined in Regulation 2 of Construction Regulations – see footnote 23) they must also satisfy the requirements set out at 3.4.1c. These requirements (where applicable) are evaluated on a pass/fail basis and Applicants must pass 3.4.1c in order to be evaluated under 3.4c.

A Contracting Authority may only require an Applicant to submit a list of services provided over a maximum period of 3 years. However a Contracting Authority may take into account services delivered over a longer period if appropriate. The period specified in the sub-criterion title above is the period within which the applicant may submit evidence of its technical services provided, it is not mandatory that technical services be evidenced for the whole period. If a firm cannot provide evidence for the entire period (e.g. a firm has not been trading for the whole period) this will not be used as a reason to reject its application.

Appendices B1 and B3 and any other supporting evidence should only be submitted if the response above is 'Evidence Required'. Where a declaration is permitted, evidence is only required when requested by the Contracting Authority.

Principal Service Provider

The minimum standard is satisfactory experience in providing technical services on projects of a similar scale, nature and complexity to the one for which SAQ Submissions are being assessed. (This does not mean to stipulate projects that are identical to the project that is the subject of this Questionnaire.)

Evidence of delivery of technical services should be provided in the form of a list of commissions carried out over the period set out above in the format set out in Appendix B1. These commissions should indicate how the service provider delivered the service. The Applicant should provide a Certificate of Satisfactory Execution (Appendix B3) for any project listed on Appendix B1 if so requested by the Contracting Authority.

Any supplementary requirements stated below should be submitted as set out by the Contracting Authority.

Provide evidence and details of three (3) projects completed (Refer Note 1 below) by the Applicant Company over the past seven (7) years.

Only three (3) projects shall be taken into account in considering the Applicant Company's relevant experience and the Applicant must rank their projects by relevance to this project at Appendix B1 document and details of each project provided at Appendix B3 document.

Relevant Experience: The Applicant Company must demonstrate their suitability by reference to previous experience on projects with a construction value of over €15M, two (2) being healthcare projects with at least one (1) being a healthcare project on a live acute campus. Projects of lower values may be considered if their nature and complexity can be demonstrated as being similar but the applicant may not attract as many marks. The Applicant(s) may provide details of any technical complexities regarding the offered projects they deem relevant.

For these purposes, please note the description of the project set out in Section 2 of this document Table 2.2 Project Information. The Applicant's attention is also drawn to the relevant section in the Project Information Memorandum, which forms part of the prequalification pack for this competition, regarding qualitative assessment. Healthcare projects of lower values may be considered if their nature and complexity can be demonstrated as being similar, but the Applicant's submission may not attract as many marks.

Please note that projects do not have to be identical to the project that is the subject of this SAQ.

Note 1: 'Completed' means substantial completion / practical completion or the completion of the defects liability period or equivalent has been achieved at the time of the issuing of this SAQ to the market.

If for any valid reason the Applicant is not in a position to provide the requested information (e.g. applicants who are categorised as 'Start-Up' entities) consideration will be given to projects where the Applicants' management has gained relevant experience. The Applicant's attention is drawn to the relevant section regarding 'Start-Up' Companies in the Project Information Memorandum which forms part of the prequalification pack for this competition.

Specialist Skills Providers

If a Specialist Skill is required under Section 2.4 of the Project Particulars and is to be provided from within the Applicant's organisation this must be indicated in the response, if a sub-contractor is proposed to fulfil the Specialist Skill this must be indicated in its response to Part 2 of the Questionnaire.
Evidence in support of any criteria set out below must be submitted with the title '*Evidence in support of criterion 3.4c – Specialist Skills Providers*' where the response above is 'Evidence Required'.

Not applicable

3.4.1c SAFETY AND HEALTH SUPPLEMENT – ASSESSED ON A PASS/FAIL BASIS

NOTE: This section is applicable only to those service providers defined as Designers under Regulation 2 of the Construction Regulations – Criteria related to Project Supervisors (where applicable) are set out under 3.4c if it is for a Principal Service or under 3.4c Specialist Skills if it is to be a Specialist Skill.

Applicants (including any Specialist Skills Providers) must notify the Contracting Authority of any enforcement actions, legal proceedings, accidents, fatalities or incidents associated with any lapse in the discharge of their duties under the Construction Regulations within the last 3 years. If any of the above apply, Applicants must identify the steps taken to prevent such lapses from reoccurring.

3.4d MEASURES FOR ENSURING QUALITY

Criterion Applicable:	Response:	Type of Evaluation:
YES	EVIDENCE REQUIRED	QUALITATIVE

Principal Service Provider

The Applicant must provide, when requested by the Contracting Authority, a description of the technical facilities and measures used by the applicant to ensure quality of service including any study and research facilities, measures used by the Applicant for ensuring quality both in the administration of the service and in the delivery of a high-quality end-product.
Minimum Standard
A written statement setting out how the service provider manages, reviews and evaluates their performance. It should include references to record keeping, Continuing Professional Development and how up-to-date information relevant to their particular service is accessed. A brief description of their Information Technology systems and policies should also be provided.

Please note this criterion is divided into 2Nr. parts.

- Part A relates to Quality Assurance Systems and applies to all disciplines.
- Part B relates to the Health & Safety Competence as Designers of the applicant company (Not required for Employer's Representative)

Principal Service Provider shall provide evidence in relation to this criterion.

Part A:
The Applicant shall provide the following evidence in relation to Quality Assurance Systems:

Evidence of effective (internal or external) Quality Control procedures describing the technical facilities and measures used by the Applicant for studying, researching, and ensuring quality including measures for ensuring quality both in the administration of the service and in the delivery of a high-quality end-product.

The Applicant must provide evidence that their Quality Assurance system is:

- Third party accredited OR
- Pending third party accreditation OR
- In-house.

Evidence shall be provided as stated below (a maximum of 2Nr. A4 page excluding supporting documentation):

a) Date of accreditation and period covered by providing a copy of the Certificate with details of the scope of quality assurance accreditation clearly identifying that the accreditation applies to the Applicant's company (in the case of multi-disciplinary companies/subsidiaries) and covers the Applicant's office (in the case of multi-office companies) OR

b) In the case of third-party accreditation pending, please supply evidence of date of application with details of the scope of quality assurance accreditation confirming that quality accreditation applies to the Applicant's company (in the case of multi-disciplinary companies/subsidiaries) and covers the Applicant's office (in the case of multi-office companies). Evidence shall be provided on two (2) A4 pages or less OR

c) In the case of 'In-house' Quality Assurance system, evidence supplied shall detail the scope of quality assurance system as it applies to the Applicant's company (in the case of multi-disciplinary companies/subsidiaries) and covers the Applicant's office (in the case of multi-office companies). Evidence shall be provided on two (2) A4 pages or less.

Part B: (Not required for Employer's Representative)

SECTION 3: SUITABILITY ASSESSMENT CRITERIA

Evidence shall be provided as stated below (a maximum of 4Nr. A4 pages excluding supporting documentation):

1. The Applicant shall provide the following in relation to health & safety:

   The following to be completed and signed as applicable by the relevant Principal Service Providers for this project.
   - MF 2.4: Health and Safety Compliance Declaration by All General Service Providers.

2. The Applicant shall provide a description of the Applicant's company policy/procedures and standard documentation which will demonstrate the Applicant's company competence with regard to Health & Safety Duties as Designers, as required under the Safety, Health and Welfare at Work Act 2005 as subsequently amended or replaced and the Safety, Health and Welfare at Work (construction) Regulations 2013 as amended or replaced from time to time and as declared herein at MF 2.4 or MF 2.5 as applicable.

3. The Applicant shall provide the following information as a minimum (maximum of four (4) A4 pages excluding supporting documentation):

   a) Description of the Applicant's company approach to addressing Health & Safety issues and approach to the application of principles of prevention in preparing designs. Evidence shall be provided on one (1) A4 page or less.

   b) An outline of the Applicant Company's management organisational structure with regard to allocation of duties, delegation of responsibilities, etc., in relation to Health & Safety and how this sits within the overall team structure. Evidence shall be provided on one (1) A4 page or less.

Cross Reference: Please also see requirements at Criterion 3.4e of this document.

   c) Copies of standard forms used for risk assessments as part of your (Applicant) duties under Safety, Health and Welfare at Work Act 2005 as subsequently amended or replaced. Please provide standard risk assessment forms for (relevant to projects of a similar size, nature, and complexity).

   d) Brief details of the Applicant's company arrangements for continuous professional development relevant to Designers for company personnel including those working on the project as referenced at Criteria 3.4a (management) and 3.4b (senior personnel). Evidence shall be provided on one (1) A4 page or less.

   e) Brief details of the Applicant's company procedures for disseminating up-to-date developments on Health & Safety issues to company staff. Evidence shall be provided on one (1) A4 page or less.

Specialist Skills Providers

If a Specialist Skill is required under Section 2.4 of the Project Particulars and is to be provided from within the Applicant's organisation this must be indicated in the response, if a sub-contractor is proposed to fulfil the Specialist Skill this must be indicated in in its response to Part 2 of the Questionnaire.

Evidence in support of any criteria set out below must be submitted with the title '*Evidence in support of criterion 3.4d – Specialist Skills Providers*' where the response above is 'Evidence Required'.

Not required

3.4.1d SAFETY AND HEALTH SUPPLEMENT – ASSESSED ON A PASS/FAIL BASIS

NOTE: This section is applicable only to those service providers defined as Designers under Regulation 2 of the Construction Regulations– Criteria related to Project Supervisors (where applicable) are set out under 3.4d if it is for a Principal Service or under 3.4d Specialist Skills if it is to be a Specialist Skill.

3.4e AVERAGE ANNUAL MANPOWER OVER THE PAST 3 YEARS

Criterion Applicable:	Response:	Type of Evaluation:
YES	EVIDENCE REQUIRED	QUALITATIVE

The Applicant must provide evidence, when requested by the Contracting Authority, in the form of a statement scheduling the average number of persons providing the services annually and the number of persons employed by the service provider in managerial positions during the immediately preceding 3 years in accordance with the requirements (if any) identified by the Contracting Authority below. If a firm cannot provide evidence for the entire period (e.g. a firm has not been trading for the whole period) this will not be used as a reason to reject its SAQ Submission.

Please note this criterion is to assess the manpower resources and organisational structure of the Applicant Company

Minimum Suitability Requirement:
When requested, evidence shall be in the form of a statement from the Applicant in relation to the average annual number of persons employed by the Applicant to provide technical services and the number of persons employed for that purpose in managerial positions over the immediately preceding three (3) years. In the case of multi-disciplinary firms, information is required in relation to the overall firm with specific reference to the particular discipline / technical service required herein.

The minimum standard is staffing levels for management and senior personnel as follows:

Disclipline:	Min. Nr. Management Personnel:	Min. Nr. Senior Personnel:	Min. Nr. Technical + Administrative Staff:
Employer's Representative as Principal Service Provider	1	2	3

Applicants / named Specialist Skills Providers must also provide a company corporate organisation chart showing the structure and hierarchy of their organisation. This corporate organisation chart/structure is not project specific.

Cross Reference: Please also see requirements of Criterion 3.4d (Part B) Item 3(b).

In the case of multi-disciplinary firms an overall company organisation chart is required with specific reference to the particular discipline / technical service required herein.

Specialist Skills Providers

If a Specialist Skill is required under Section 2.4 of the Project Particulars and is to be provided from within the Applicant's organisation this must be indicated in the response, if a sub-contractor is proposed to fulfil the Specialist Skill this must be indicated in its response to Part 2 of the Questionnaire.
Evidence in support of any criteria set out below must be submitted with the title '*Evidence in support of criterion 3.4e – Specialist Skills Providers*' where the response above is 'Evidence Required'.

Not Applicable

3.4.1e SAFETY AND HEALTH SUPPLEMENT – ASSESSED ON A PASS/FAIL BASIS
NOTE: This section is applicable only to those service providers defined as Designers under Regulation 2 of the Construction Regulations – Criteria related to Project Supervisors (where applicable) are set out under 3.4e if it is for a Principal Service or under 3.4e Specialist Skills if it is to be a Specialist Skill.

3.4f TECHNICAL EQUIPMENT AVAILABLE TO CARRY OUT THE CONTRACT

Criterion Applicable:	Response:	Type of Evaluation:
NO	NOT REQUIRED	N/A

The Applicant must provide evidence, when requested by the Contracting Authority, in the form of a statement of technical equipment that would be available to assist in the delivery of the required technical services in accordance with the requirements (if any) identified by the Contracting Authority below.

Specialist Skills Providers

If a Specialist Skill is required under Section 2.4 of the Project Particulars and is to be provided from within the Applicant's organisation this must be indicated in the response, if a sub-contractor is proposed to fulfil the Specialist Skill this must be indicated in its response to Part 2 of the Questionnaire.

Evidence in support of any criteria set out below must be submitted with the title '*Evidence in support of criterion 3.4f – Specialist Skills Providers*' where the response above is 'Evidence Required'.

3.4.1f SAFETY AND HEALTH SUPPLEMENT – ASSESSED ON A PASS/FAIL BASIS

NOTE: This section is applicable only to those service providers defined as Designers under Regulation 2 of the Construction Regulations– Criteria related to Project Supervisors (where applicable) are set out under 3.4f if it is for a Principal Service or under 3.4f Specialist Skills if it is to be a Specialist Skill.

3.4g TECHNICIANS OR TECHNICAL BODIES AVAILABLE

Criterion Applicable:	Response:	Type of Evaluation:
NO	NOT REQUIRED	N/A

The Applicant must provide evidence, when requested by the Contracting Authority, in the form of a list of the relevant technicians or technical bodies (other than in-house specialists or specialist subcontractors identified for specialist skills listed at Section 2.4 of the Project Particulars) whom the service provider can call on in order to provide the service or whom the service provider is going to use in relation to quality control. These should comply with the requirements (if any) identified by the Contracting Authority below.

Specialist Skills Providers

If a Specialist Skill is required under Section 2.4 of the Project Particulars and is to be provided from within the Applicant's organisation this must be indicated in the response, if a sub-contractor is proposed to fulfil the Specialist Skill this must be indicated in its response to Part 2 of the Questionnaire.

Evidence in support of any criteria set out below must be submitted with the title '*Evidence in support of criterion 3.4g – Specialist Skills Providers*' where the response above is 'Evidence Required'.

3.4.1g SAFETY AND HEALTH SUPPLEMENT – ASSESSED ON A PASS/FAIL BASIS

NOTE: This section is applicable only to those service providers defined as Designers under Regulation 2 of the Construction Regulations– Criteria related to Project Supervisors (where applicable) are set out under 3.4g if it is for a Principal Service or under 3.4g Specialist Skills if it is to be a Specialist Skill.

3.4h ENVIRONMENTAL MANAGEMENT MEASURES

Criterion Applicable:	Response:	Type of Evaluation:
NO	NOT REQUIRED	N/A

The evidence required to pass this criterion should be in accordance with the requirements identified below (or, if for any valid reason this evidence cannot be provided then alternative evidence which is considered appropriate by the Contracting Authority may be provided).

3.4i SUPPLY CHAIN MANAGEMENT AND TRACKING SYSTEMS

Criterion Applicable:	Response Type:	Type of Evaluation:
NO	NOT REQUIRED	N/A

The evidence required to pass this criterion should be in accordance with the requirements identified below (or, if for any valid reason this evidence cannot be provided then alternative evidence which is considered appropriate by the Contracting Authority may be provided).

Appendix 1

Letter of Undertaking from an entity relied upon – Refer to Section 1.9

[On letterhead of entity being relied upon]

To:	[Name and address of Contracting Authority]
Regarding:	[Title of contract]
Date:	[Date]

A Dhaoine Uaisle,

We refer to the tender for the above contract submitted by

[Insert name of Applicant]

We confirm that, if the above contract is awarded to the above-named Applicant, we will make the capacities relied upon available to the Applicant. We also confirm that, if the Applicant is awarded the contract, we will execute a contractual commitment to that effect in the form described in the relevant warranty/guarantee. In particular, we confirm that:

a) where we have been relied upon for financial or economic standing criteria, we confirm we will execute and deliver to you a guarantee in the form of a Reliance Guarantee[23]; or
b) where we are we have been relied upon for technical competency criteria we confirm that we will execute and deliver to you a warranty in the form of a Reliance Warranty[24] or Collateral Warranty[25] (as required by the Contracting Authority).
c) Where we have been relied upon for educational or professional qualifications, or with regard to relevant professional experience, we confirm that we will perform the works or services to which those qualifications or experiences relate.

Is sinne, le meas

Signed by
Authorised signature of entity being relied upon

[23] Model Form 2.9 Reliance Guarantee

[24] Model Form 2.10 Reliance Warranty

[25] Model Form 2.3 Collateral Warranty for Sub-Consultants

Appendix 2
Letter from Insurance Undertaking/Insurance Intermediary where evidence Is required for sub-criteria 3.3e, 3.3f or 3.3g

To:	[Name and address of Applicant]
Regarding:	[Insert contract title]
Date:	[Date]

A Dhaoine Uaisle,

We confirm that we are

a) an insurance undertaking authorised by the Central Bank of Ireland; or
b) an insurance intermediary authorised by the Central Bank of Ireland; or
c) an insurance intermediary registered in the EU/EEA for the purposes of Directive 2009/138/EC; and
d) we meet any other requirements for an insurance undertaking or insurance intermediary set out in the relevant Qualification Criterion relating to the provision of the insurance type stated below.

We confirm we have insurance facilities in place, which would enable us to provide to the above named entity with (*insert insurance type and limit amount as appropriate)*

- Professional indemnity Insurance in the required amount of [●] euros on [annual aggregate/each and every claim] basis
- Public Liability Insurance in the required amount of [●] euros
- Employers Liability Insurance in the required amount of [●] euros

and meeting any other requirements in the relevant Qualification Criteria for insurances[26].

Therefore, subject to a satisfactory application, we expect that insurance cover can be issued within 4 weeks of the receipt by us of the relevant application, subject to our normal terms and conditions. We understand you will be giving a copy of this letter to

[Name of Contracting Authority]

We look forward to receiving an application from you if your tender is successful.
is sinne, le meas

_____
Director
Name of Insurance Undertaking/Insurance Intermediary

[26] i.e. criterion 3.3e (Professional Indemnity Insurance), 3.3f (Public Liability Insurance), or 3.3g (Employer's Liability Insurance).