PAS 91:2010

Construction related procurement – Prequalification questionnaires

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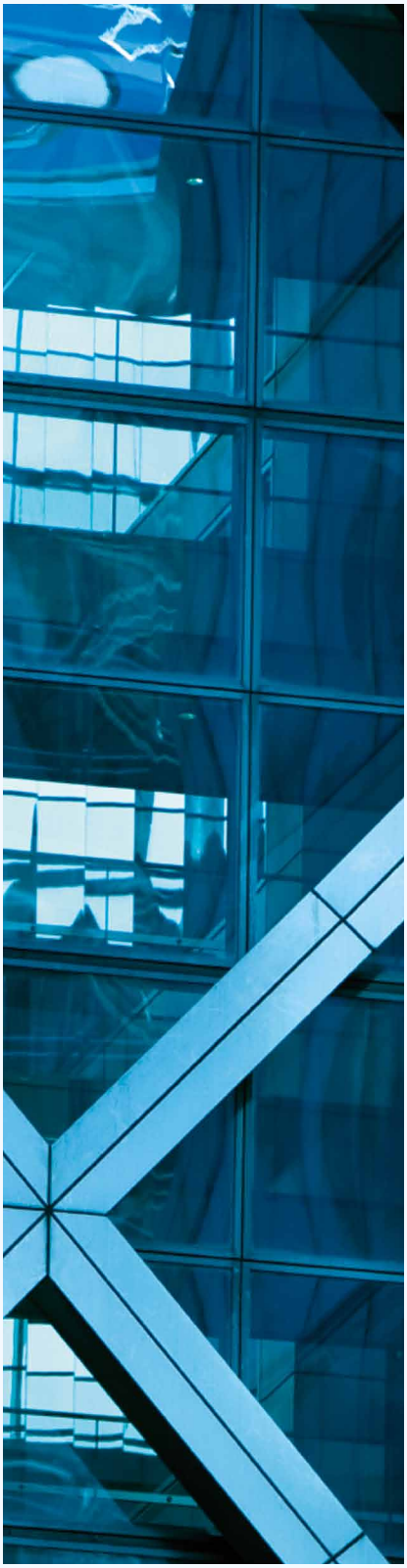

Foreword

This Publicly Available Specification (PAS) has been developed by BSI in order to specify the nature, content and format of a set of questions designed to test compliance with the core criteria essential for prequalification for construction tendering and to establish uniform requirements for their application and use. It comes into effect in October 2010.

Acknowledgement is given to the organizations who were involved in the development of this specification as members of the Steering Group.

- UK Department for Business, Innovation and Skills
- Office of Government Commerce
- Local Partnerships
- London Borough of Tower Hamlets
- Exor Management Services Ltd (Exor and SAFEcontractor)
- Constructionline
- Electrical Contractors' Association (ECA)
- Specialist Engineering Contractors' Group (SECG)
- Safety Schemes in Procurement (SSIP)
- National House Building Council (NHBC)
- National Federation of Builders (NFB)
- Federation of Master Builders (FMB)
- Value Wales
- Central Procurement Directorate Northern Ireland.
- Civil Engineering Contractors Association (CECA)
- The Equality and Human Rights Commission

Acknowledgement is also given to the members of the wider Review Panel and Government Departments consulted in the development of this PAS.

Additionally, the Office of Government Commerce, now part of the Efficiency and Reform Group within the Cabinet Office, has participated directly in the development of this PAS and supports its use.

BSI retains ownership and copyright of this PAS. BSI reserves the right to withdraw or amend this PAS on receipt of authoritative advice that it is appropriate to do so. This PAS will be reviewed for accuracy, relevance and currency at intervals not exceeding two years. Whilst it is envisaged that this PAS will continue in publication beyond two years, any amendments agreed as a result of the review will be included in an amended PAS, which will be published and publicized in *Update Standards*.

This PAS is not to be regarded as a British Standard. It will be withdrawn upon publication of its content in, or as, a British Standard or if an equivalent European standard is published.

The PAS process enables a specification to be developed rapidly in order to fulfil an immediate need in industry or in the wider community. A PAS may be considered for further development as a British Standard, or constitute part of the UK input to the development of a European or International Standard.

Use of this document

It has been assumed in the preparation of this PAS that it will be used by suitably qualified and experienced people, for whose use it has been produced. It is also envisaged that use of the PAS could support training activity.

Presentational conventions

The provisions of this PAS are presented in roman (i.e. upright) type. Its requirements are expressed in sentences in which the principal auxiliary verb is "shall".

Commentary, explanation and general informative material is presented in smaller italic type, and does not constitute a normative element i.e. the requirements to be met if compliance with this PAS is to be claimed.

Contractual and legal considerations

This publication does not aim to include all the necessary provisions of a contract. Users are responsible for its correct application.

Compliance with this PAS cannot in itself confer immunity from legal obligations.

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Introduction

BSI/PAS 91 is a publicly available specification that sets out the nature, content and format of a set of questions on core criteria essential to prequalification for construction tendering. In addition to setting out questions, the responses to which will be used to assess supplier suitability, the specification includes requirements for the selection; presentation, and application of core criteria in a transparent and equitable manner. To be eligible for prequalification it is necessary that suppliers demonstrate that they possess or have access to; the governance, qualifications and references, expertise, competence, health and safety/environmental/financial and other essential capabilities necessary for them to undertake work and deliver services for potential buyers. These 'areas of capability' are represented in the core question modules.

Core question modules

PAS 91 contains prequalification question (PQQ) modules that are universally applicable to assessing the capability of all suppliers (Annex A), and additional question modules that may also be required by buyers (Annex B). It is assumed that the PQQ modules will be utilized by those competent in construction related procurement and that they will be aware that mandatory/ discretionary exclusion requirements may apply.

'Project-specific' and additional questions (see also Annex E)

It is important to recognize that the information obtained from applying PAS 91 does not remove a buyer's legal or other requirements to make further enquiries about the supplier's capabilities, beyond the questions in these modules, to satisfy specific requirements for projects, services or other activities.

It is the intention that through the application of PAS 91 to prequalification services and processes, suppliers may prequalify at a time of their own choosing, commensurate with meeting the requirements of the tender process, and that successfully meeting the prequalification criteria will be recognized by all potential buyers that recognize PAS 91.

The use of this set of common criteria by those who provide prequalification services will help to streamline tendering processes by:

- reducing the need for unproductive, repetitive completion of a multiplicity of prequalification processes;
- increasing consistency between various prequalification databases;
- facilitating the identification of suitably qualified and experienced suppliers;
- enabling the separation of criteria at the prequalification and contract award stages of the procurement process.

It is not suggested that inclusion on a prequalification database will necessarily guarantee an invitation to tender or an engagement of services. It is recognized that those seeking to have work done may choose to select prequalified tenderers or may decide to advertise for tenders or expressions of interest for particular projects. However, with the growth of prequalification activity, it is suggested that by applying for prequalification through a prequalification scheme that conforms to PAS 91, those seeking to tender for construction contracts can access the tendering processes in a resource efficient manner. For those seeking to have contracts fulfilled, the use of PAS 91, either directly (through its application in self-generated prequalification processes) or through the use of an external prequalification assessment provider that adheres to the requirements of PAS 91, will enhance the effectiveness and efficiency of construction tendering processes. Its use is therefore recommended wherever construction-related prequalification is undertaken.

1 Scope

This publicly available specification (PAS) provides a set of questions to be asked by buyers of potential suppliers to enable prequalification for construction related procurement. This PAS also specifies requirements for the consistent use of those questions, irrespective of the size or nature of the contract. It is intended that the questions are also used by assessment providers in their intermediary role between buyers and suppliers.

It is widely recognized that excessive prequalification activity adds unacceptable cost, bureaucracy and confusion to the construction supply chain. Unnecessary bureaucracy associated with prequalification diverts both buyers' and suppliers' resources and attention away from proportionate and effective risk management.

Buyers and assessment providers should only require suppliers to provide the minimum paperwork necessary to demonstrate that the suppliers can provide a satisfactory response to the questions in the PAS 91 modules.

This PAS provides construction sector stakeholders with prequalification questions (PQQs) that:

- are the common questions that are relevant to construction-related procurement' and
- increase the scope for recognition between various types of PQQ activity, helping to significantly reduce duplication, unnecessary paperwork and cost for both buyers and suppliers.

The questions are presented in modules that cover 'areas of supplier capability' as follows:

Annex A – setting out questions that buyers are required to ask in all instances and that suppliers are therefore required to answer.

Table A1 Core question module A1 Supplier identity, key roles and contact information

Table A2 Core question module A2 Financial information

Table A3 Core question module A3 Business and professional standing

Table A4 Core question module A4 Health and safety policy and capability

Annex B – setting out questions on 'areas of supplier capability' that buyers frequently require answers to, for use when these are relevant.

Table B1 Supplementary question module B1 Health and safety policy and capability – designers and CDM co-ordinators

Table B2 Supplementary question module B2 Equal opportunity and diversity policy and capability

Table B3 Supplementary question module B3 Environmental management policy and capability

Table B4 Supplementary question module B4 Quality management policy and capability.

The questions provided are already widely asked across a range of commonly applied construction related PQQs. This PAS provides for their use in a uniform manner.

However, this PAS does not cover project-specific questions to suppliers and buyers or assessment providers who may make additional project-specific enquiries whenever necessary.

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Annex C Provides example of how the recognition of sector schemes and UKAS accredited certification can be used to further reduce the burden of prequalification.

Annex D Presents the rationale for the development of this PAS and an overview of its approach.

Annex E Addresses PQQ activity in the public and private sectors.

Annex F Provides information on Safety Schemes in Procurement (SSIP), in relation to health and safety assessment.

Annex G Provides a glossary of terms used in construction-related procurement.

Annex H Provides examples of the effort and cost of completing prequalification questionnaires without the benefit of the common questions and formats provided in PAS 91.

PAS 91 has been developed to maintain and consolidate current standards and good practice in PQQ activity in a manner that will reduce unnecessary proliferation of questions and question formats so as to significantly improve the cost-effectiveness of prequalification for both buyer and supplier. This PAS specifies what is to be asked in PQQs for construction-related procurement but not how the enquiry process is to be undertaken. It is not intended to add to or 'gold plate' PQQ activity or to raise requirements or standards beyond those which are already widely accepted as good practice in the construction sector.

The scope and nature of what is generally regarded as essential prequalification questions in relation to construction related procurement may change over time. For example, the formal inclusion of questions relating to equality and human rights is seen as only a first step in this topic area and it is intended that the equality and diversity questions will be enhanced in future. To ensure continued relevance, this PAS will be reviewed and revised where necessary within two years of publication, in accordance with the integral provisions of the BSI PAS process.

2 Terms and definitions

For the purposes of this PAS, the following definitions shall apply to the terms used in this specification.

2.1 area of capability

prequalification topic that enquires about the supplier's capability – as defined by the relevant question module e.g. health and safety

2.2 assessment provider

entity undertaking prequalification of suppliers as a service to both buyers and suppliers

2.3 buyer

client or other entity procuring the services of supplier(s) contributing to the fulfilment of a construction related contract

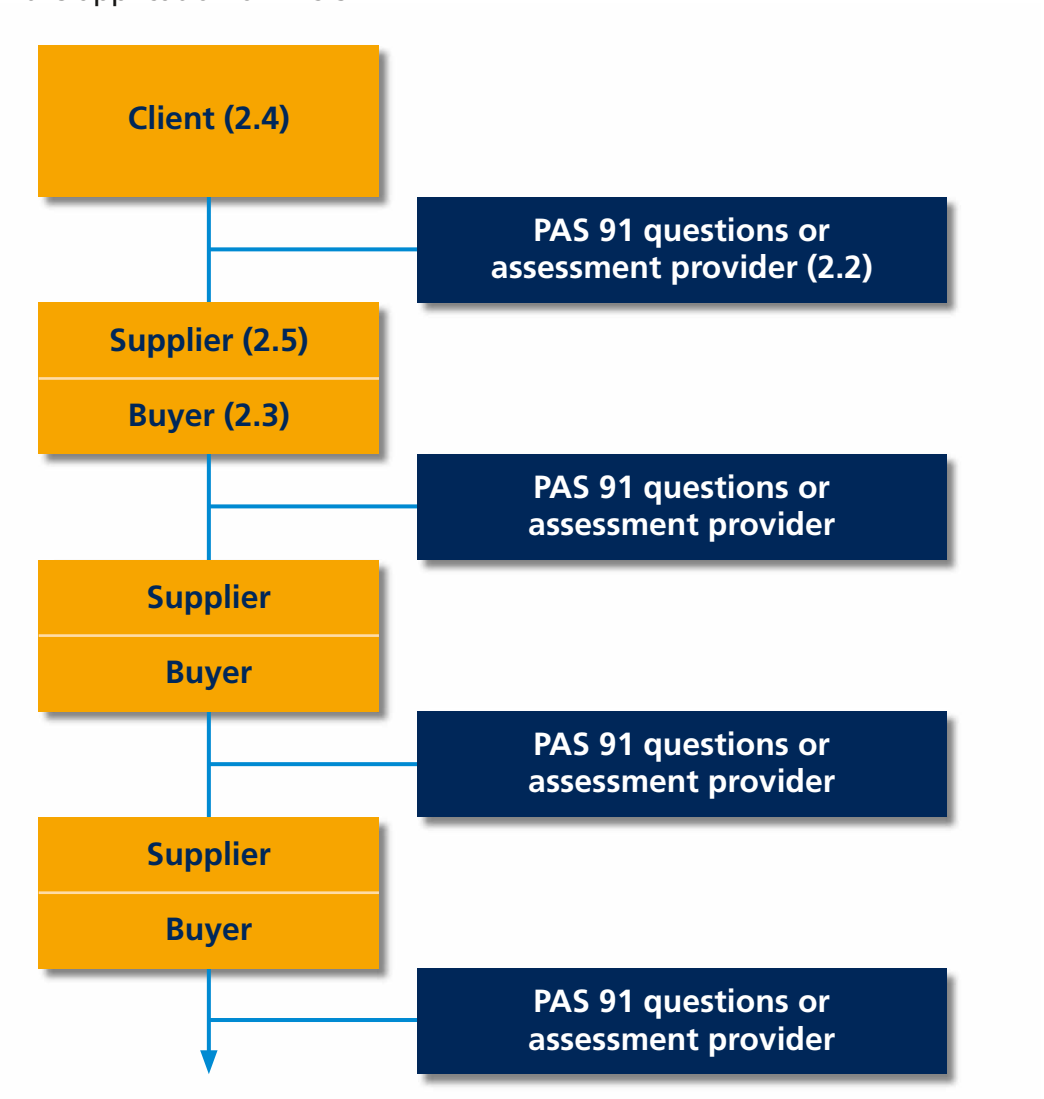
2.4 client

entity seeking or accepting the services of one or more suppliers as the first tier of a construction project supply chain

2.5 supplier

entity intending to provide services and works for all or part of a construction related contract

Figure 1 – Illustration of client/supplier/buyer relationships and the role of assessment providers in the application of PAS 91



NOTE *In a supply chain, each supplier will also be a buyer, other than the supplier last in that chain (i.e. not purchasing goods or services from others to fulfil their commitment to the previous buyer in the chain), who will be supplier only (see also Annex G Glossary for explanation of sub-contractor). Figure 1 does not depict this entity. Supply chains can also work in parallel with one another e.g. with multiple suppliers working for one buyer.*

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3 Rules for use of the question modules

3.1 Application of question modules

Buyers or assessment providers intending to apply the provisions of this PAS to prequalification processes shall:

- apply the question modules presented in Annex A, without addition to, or modification of, the individual questions, or apply requirement **3.3** (see also Annex C);
- at their discretion and where the module topic is relevant, apply supplementary question modules selected from Annex B, or apply requirement **3.3**. Where Annex B question modules are applied these shall be used, without addition or modification;
- require from suppliers only that documentary evidence that they consider essential for assessing supplier compliance with the PQQ, having particular regard to reducing documentary requirements on micro-businesses.

3.2 Assessment criteria

The criteria used to assess supplier responses shall be based solely on the information expected of suppliers in their response to questions in Annex A and B. Buyers or assessment providers applying this PAS to their prequalification processes shall inform suppliers of any particular significance given to the assessment criteria to be applied, prior to their responding to the questions (see tables in Annexes A and B).

NOTE *Ranking of questions should be avoided unless required by the particular circumstances of a contract. Any ranking of question modules considered necessary should be fair and equitable and not be used as a means to reserve contracts for those suppliers that may be preferred for reasons other than those provided for in this PAS.*

3.3 Use of alternative compliance evidence

Where buyers or assessment providers decide to accept evidence of compliance with standards or other assessment schemes (e.g. SSIP, ISO 9001) in lieu of response to particular question modules they shall:

- identify clearly the standards or schemes to be accepted and;
- identify the question modules that do not require responses if the supplier can show suitable evidence of compliance.

NOTE *It is recommended that users give consideration to accepting certification to recognized standards or assessment schemes wherever appropriate. For example, it is recommended that the buyer accepts a supplier's UKAS-accredited third party certification (e.g. to OHSAS 18001 or ISO 14001) or European equivalents, as meeting the requirements of the relevant question modules, without the need for those modules to be answered separately.*

Annex A (normative)
Prequalification questions – core modules

A.1 Application of core modules

The questions provided in Tables A.1 to A.4 shall be included as specified in Clause 3, in every prequalification questionnaire for which compliance with this PAS is claimed.

Table A.1 – Core question module A1: Supplier identity, key roles and contact information

Q Ref.	Information required	Description of information expected, which will be taken into account in assessment	Unique reference to supporting information
A1-1	**Full name of organization**	Organization either tendering or acting as lead contact where a consortium bid is being submitted	
	Registered office address	Property name, street name, town, county, postcode	
	Company or charity registration number		
	VAT registration number		
	Name of immediate parent company		
	Name of ultimate parent company		
A1-2	**Type of organization**	E.g. PLC, limited company, LLP, other partnership, sole trader, other (please specify) If PLC, limited company or LLP please provide Companies House registration number	
A1-3	**Contact details for enquiries**	Contact name, title, email, telephone number	
A1-4	**Company operating address** (If different from that of registered office, provided in response to A1-1)	Property name, street name, town, county, postcode	

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Table A.1 – Core question module A1: Supplier identity, key roles and contact information *(continued)*

Q Ref.	Information required	Description of information expected, which will be taken into account in assessment	Unique reference to supporting information
A1-5	**Consortia and sub-contracting** Please indicate either a), b) or c).	a) Your organization is bidding to provide services required itself; b) Your organization is bidding in the role of prime contractor and intends to use third parties to use third parties to provide some services; c) The potential provider is a consortium.	
A1-6	**Staffing** Please provide information as to:	• How many staff does your organisation employ (including consortia members or sub-contractors where appropriate) in total? • How many staff does your organisation employ relevant to the carrying out of services and/or delivery of goods similar to those required under this contract? • If you need to take on additional resources to deliver the contract, please indicate by how many staff (approx).	

Table A.2 – Core question module A2: Financial information

Q Ref.	Information required	Description of information expected, which will be taken into account in assessment	Unique reference to supporting information
A2-1	**Accounts and financial statements** 1. In respect of the organization for which prequalification is sought (the supplier organization), please provide the financial information described in a) through d) in the adjacent column. 2. In addition, where the supplier organization is a subsidiary in a group, the responses described in a) through c) are required for the organization overall responsible for the group. 3. Where a consortium or association is proposed, the responses described at a) through c) are required for each member of the consortium.	a) Copy of your audited accounts for the most recent two years.	
		b) Statement of your organizations turnover; profit and cash flow for the most recent full year of trading or where a full year of trading has not been completed the same information for the period applicable. ***NOTE*** *If this information is not available in an audited format please provide an end of period balance sheet or make the response specified at c).*	
		c) A statement of your organization's cash flow forecast for the current year and a letter from your bank outlining the current cash and credit position.	
		d) Alternative means of demonstrating financial status if trading for less than a year.	
A2-2	**Insurance statement and certificates**	Please confirm whether you have or would be willing to take out the appropriate level of insurance cover as set out in the Statement of Requirement if you are successful in winning the contract? • employers' liability insurance (does not apply to sole traders); ☐ Have ☐ Willing to • public liability insurance; ☐ Have ☐ Willing to • professional liability/ indemnity (where design input); ☐ Have ☐ Willing to • product liability (for supplied goods). ☐ Have ☐ Willing to	

NOTE *At the discretion of the buyer a minimum level of turnover may be specified, however buyers should avoid insisting on requirements which may not be proportionate or relevant to the procurement, or which may discriminate against or be burdensome for SMEs or new providers It is acknowledged that the nature and extent of the accounts provided will be commensurate with the business requirements and legal obligations of the supplier.*

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A.2 Responses to module A3 questions (See Table A.3)

Buyers shall require that suppliers, in their responses to the questions in module A.3 make known all pertinent information in respect of business related, criminal or civil court judgements against them and identify any ongoing or pending cases. (For public sector procurers, please read Annex E).

Table A.3 – Core question module A3: Business and professional standing

Q Ref.	Core question	Example of the type of information in support of responses, which will be taken into account in assessment	Yes	No	Unique reference to supporting information
A3-1	**Has your company or any of its Directors and Executive Officers been the subject of criminal or civil court action (including for bankruptcy or insolvency) in respect of the business activities currently engaged in, for which the outcome was a judgement against you or them?**	Please provide details. *Responses will be taken into account in assessing the outcome of this prequalification application where the circumstances of the judgement are pertinent to future projects. They will not necessarily constitute a reason for rejection.*			
A3-2	**Is your company or any of its Directors and Executive Officers the subject of ongoing or pending criminal or civil court action (including for bankruptcy or insolvency) in respect of the business activities currently engaged in?**	Please provide details now and notification of outcome, when known. *Responses will be noted but will have no bearing on the outcome of this prequalification application unless or until a conviction is confirmed. In the event that no notification of outcome is received, subsequent enquiry may be made of the supplier.*			
A3-3	**Has your company or any of its Directors and Executive Officers been in receipt of enforcement/remedial orders (such as those in relation to HSE, Environmental Agency or HMRI enforcement), in the last three years?**	Please provide details, including the status of the required action. *Responses will be taken into account as part of the assessment process.*			

Table A.4 – Core question module A4: Health and safety policy and capability

Q Ref.	Core question	Example of the type of information in support of responses, which will be taken into account in assessment	Yes	No	Unique reference to supporting information
A4-1	**Are you able to demonstrate that you have a policy and organization for health and safety (H&S) management?**	Please provide evidence of an H&S policy endorsed by the chief executive officer that is regularly reviewed. The policy should be relevant to the nature and scale of the work and set out responsibilities for H&S management at all levels in the organization. ***NOTE*** *Organizations with less than five employees are not required by law to have a documented policy statement and the need to reduce documentary requirements on micro-businesses in particular should be taken into account by buyers and assessment providers.*			
A4-2	**Are you able to demonstrate arrangements for ensuring that your H&S measures are effective in reducing/ preventing incidents, occupational ill-health and accidents?**	Please provide details of the arrangements for H&S management that are relevant to the nature and scale of the work undertaken. These should set out how the company will discharge its duties under CDM 2007, with a clear indication of how these arrangements are communicated to the workforce			
A4-3	**Do you have access to competent H&S advice/assistance – both general and construction/sector related?**	Please provide evidence of how your organization obtains access to competent H&S advice, including for the workforce. (Access to competent in-house advice, in whole or part, is preferred). It is essential that the advisor(s) be able to provide general H&S advice and that (from the same source or elsewhere) advice relating to construction H&S issues is accessible as required.			
A-4-4	**Do you have a policy and process for providing your workforce with training and information appropriate to the type of work for which your organization is likely to bid?**	Provide evidence that your organization has in place and implements, training arrangements to ensure that its workforce has sufficient skills and understanding to discharge their various duties. This should include a programme of refresher training (e.g. a CPD programme) that will keep the workforce updated on legislation and good H&S practice applicable throughout the company.			

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Table A.4 – Core question module A4: Health and safety policy and capability *(continued)*

Q Ref.	Core question	Example of the type of information in support of responses, which will be taken into account in assessment	Yes	No	Unique reference to supporting information
A4-5	**Does your workforce have H&S or other relevant qualifications and experience sufficient to implement your H&S policy to a standard appropriate to the work for which your organization is likely to bid?**	Be able to demonstrate that your workforce possesses suitable qualifications and experience for the tasks assigned to them, unless there are specific situations where they need to work under controlled and competent supervision e.g. trainees.			
A4-6	**Do you check, review and where necessary improve your H&S performance?**	Please provide evidence that your organization has in place and implements, a system for monitoring H&S procedures on an ongoing basis and for periodically reviewing and updating that system as necessary.			
A4-7	**Do you have procedures in place to involve your workforce in the planning and implementation of H&S measures?**	Please provide evidence that your organization has in place and implements a means of consulting with its workforce on H&S matters and show how workforce comments, including complaints are taken into account.			
A4-8	**Do you conduct accident/incident reporting and undertake follow-up investigation?**	Please provide access to all records of RIDDOR-reportable events which should include accident rates and frequency, for at least the last three years. Demonstrate that your organization has in place a system for reviewing significant incidents, and recording action taken as a result including action taken in response to enforcement.			
A4-9	**Do you have arrangements for ensuring that your suppliers (see Annex G Glossary for relationship to 'sub-contractors') apply H&S measures to a standard appropriate to the work for which they are being engaged?**	Be able to demonstrate that your organization has and implements, arrangements for monitoring supplier's H&S procedures and for ensuring that H&S performance appropriate for the work to be undertaken is delivered throughout the whole of your organizations supply chain.			

Table A.4 – Core question module A4: Health and safety policy and capability *(continued)*

Q Ref.	Core question	Example of the type of information in support of responses, which will be taken into account in assessment	Yes	No	Unique reference to supporting information
A4-10	**Do you operate a process of risk assessment capable of supporting safe methods of work and reliable project delivery where necessary?**	Be able to demonstrate that your organization has in place and implements procedures for carrying out risk assessments and for developing and implementing safe systems of work ('method statements'). Be able to provide relevant indicative examples. The identification and control of any significant occupational health issues should be prominent. ***NOTE*** *Organizations with five or less employees are not required by law to record risk assessments. In addition to ensuring risk management, the need to reduce documentary requirements on micro-businesses in particular should be taken into account by buyers and assessment providers.*			
A4-11	**Do you have arrangements for co-operating and co-ordinating your work with others (including other suppliers, notably contractors)?**	Please provide explanation of how co-operation and co-ordination of the work is achieved in practice, and how other organizations are involved in drawing up method statements/safe systems of work etc. including arrangements for response to emergency situations. This should include details of how comments and input from your suppliers will be taken into account and how external comments including any complaints, will be responded to.			
A4-12	**Do you have arrangements for ensuring that on-site welfare provision meets legal requirements and the needs/expectations of your employees?**	Be able to demonstrate how the supplier ensures suitable welfare facilities will be in place before starting work on site, whether provided by site-specific arrangement or own organizational measures.			

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A.3 Alignment with Approved Code of Practice (ACoP) and the Construction (Design and Management) Regulations 2007

The core questions in module A4 seek the same evidence of supplier capability as shown in the 'Stage 1' core criteria of the HSE's Approved Code of Practice (ACoP) to the Construction (Design and Management) Regulations 2007 (CDM 2007). The HSE CDM 2007 ACoP recommends that health and safety competency assessments of suppliers should be carried out as a two stage process:

Stage 1: An assessment of the supplier's organization and arrangements for health and safety, to determine whether these are sufficient to enable the supplier to carry out the work safely and without risk to health.

Stage 1 assessments are within the scope of PAS 91.

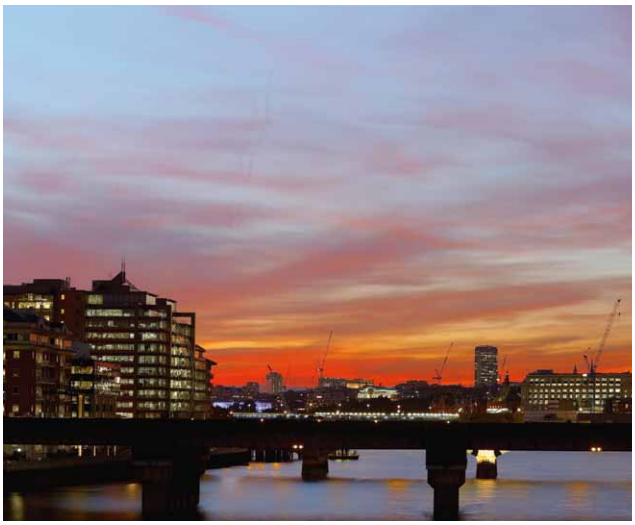
Stage 2: An assessment of the supplier's experience and track record, to establish that it is capable of doing the work (i.e. project, activity or service-specific enquiries), that it recognizes its limitations and how these should be overcome, and it appreciates the risks from doing the work and how these should be reduced.

Stage 2 assessments are outside the scope of PAS 91, although in the public sector stage 2 questions relating to previous experience will (as long as this is always the case, Paul) be asked in the PQQ.

NOTE 1 *Attention is drawn to the fact that asking questions in question module A4 does not fulfil the buyer's requirement to make project-specific enquiries about the supplier's health and safety capability where necessary to meet the needs of specific projects, services or other work activities.*

NOTE 2 *Additional core questions for 'designers' and 'CDM co-ordinators' are provided in Annex B.1.*

NOTE 3 *The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995.*



Annex B (normative)
Prequalification questions – supplementary modules

B.1 Application of supplementary modules

The question modules provided in Tables B.1 to B.4 can be applied at the discretion of buyers and/or assessment providers. Where Annex B question modules are applied they shall be used without addition or modification to the questions in the modules.

***NOTE** When using Annex B, public sector buyers should ensure that all questions are relevant and compliant with Regulations 23 – 26 of the Public Contracts Regulations 2006*

Table B.1 – Supplementary question module B1: Health and safety policy and capability – CDM co-ordinators and designers

Q No.	Core question	Evidence in support of response, which will be taken into account in assessment	Yes	No	Unique reference to supporting evidence
B1 1	**If you are a designer, do you have and implement, arrangements for meeting your duties under regulation 11 of CDM2007?** *(If not a designer, please enter ' not applicable' in the evidence reference column and proceed to question B1-2.* *If entering a response to this question as a designer, it will not be necessary to respond to questions B1-2; B1-3 or B1-4)*	Please provide evidence showing how you: • ensure co-operation and co-ordination of design work within the design team and with other designers/contractors; • ensure that hazards are eliminated and any remaining risks controlled; • ensure that any structure that will be used as a workplace will meet relevant requirements of the Workplace (Health, Safety and Welfare) Regulations 1992; • manage design changes. Please provide examples showing how risk was reduced through design. ***NOTE** Emphasis should be on practical measures that reduce particular risks arising from the design, not on lengthy procedural documentation highlighting generic risks.*			
B1-2	**If you are a CDM coordinator, are you able to demonstrate how you encourage co-operation, co-ordination and communication between designers (and anyone else)?**	Please provide evidence in the form of real examples rather than by generic documents.			

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Table B.1 – Supplementary question module B1: Health and safety policy and capability – CDM co-ordinators and designers *(continued)*

Q No.	Core question	Evidence in support of response, which will be taken into account in assessment	Yes	No	Unique reference to supporting evidence
B1-3	**If you are a CDM Coordinator, are you able to provide evidence of your field of knowledge and experience in the design and construction process?**	Please provide examples of actual attainments which should indicate competence as in the case of • Professionally Qualified to Chartered level (Note 2); • Membership of a relevant construction institution, e.g. CIAT; CIBSE; CIOB; ICE; IET; IMechE; IStructE; RIBA; RICS.			
B1-4	**If you are a CDM Coordinator, are you able to provide evidence of your knowledge and experience of H&S in construction?**	Please provide examples of actual attainments which should indicate competence as in the case of validated CPD in this field, and typical additional qualifications e.g. NEBOSH Construction Certificate; Member of health and safety register administered by the ICE (Note 3); Membership of Association for Project; Safety; Membership of Institution of Construction Safety.			

NOTE 1 *The terms 'Designer' and 'CDM co-ordinator' relate to the professional function, not to the type of organization. These questions align with the requirements for evidence in the ACoP to the CDM Regulations 2007. They cover the Stage 1 assessment of capability only (CDM 2007).*

NOTE 2 *Chartered membership of a recognized construction-related institution.*

NOTE 3 *Open to any member of a construction-related institution.*

NOTE 4 *Asking the questions in the module above does not remove the buyer's requirement to make further enquiries about the supplier's health and safety capability, as required for specific projects, services or other work activities. These may include, for example, an assessment of the supplier's experience to establish that it:*

- *is capable of doing the work;*
- *recognizes its limitations and how these should be overcome;*
- *and it appreciates the risks involved and how these should be reduced.*

Table B.2 – Supplementary question module B2: Equal opportunity and diversity policy and capability

Q No.	Question	Description of information in support of response, which will be taken into account in assessment	Yes	No	Unique reference to supporting information
B2-1	**Is it your policy as an employer to comply with anti-discrimination legislation, and to treat all people fairly and equally so that no one group of people is treated less favourably than others?**	No supporting evidence required.			
B2-2	**In the last three years has any finding of unlawful discrimination been made against your organization by any court or industrial or employment tribunal or equivalent body?**	Please provide details of any findings.			
B2-3	**In the last three years has your organization been the subject to a compliance action by the Equality and Human Rights Commission or an equivalent body on grounds of alleged unlawful discrimination?**	Please provide details of any investigations.			
B2-4	**If the answer to question 2 and / or 3 is "Yes", what steps did your organization take as a result of that finding or investigation?**	Please provide details/evidence of remedial action.			
B2-5	**What does your organization do to ensure that equality and diversity is embedded within your organization?**	Please provide copies of any relevant policies or written statement/evidence of relevant actions.			

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Table B.2 – Supplementary question module B2: Equal opportunity and diversity policy and capability *(continued)*

Q No.	Question	Description of information in support of response, which will be taken into account in assessment	Yes	No	Unique reference to supporting information
B2-6	**Do you actively promote good practice in terms of eliminating discrimination in all forms through:** **a) guidance to your employees/suppliers concerned with recruitment, training and promotion?** **b) making guidance or policy documents concerning how the organization embeds equality and diversity available to employees/ sub-contractors, recognized trade unions or other representative groups of employees?** **c) appropriate recruitment advertisements or other literature?**	Please provide copies of any relevant policies/literature or written statement/evidence of relevant actions.			

Table B.3 – Supplementary question module B3: Environmental management policy and capability

Q No.	Core question	Description of information in support of response, which will be taken into account in assessment	Yes	No	Unique reference to supporting information
B3-1	**Do you have a documented policy and organization for the management of construction-related environmental issues?**	Be able to provide evidence that you or your organization has an environmental management policy authorized by the Chief executive or equivalent and regularly reviewed. The policy should be relevant to the nature and scale of the work and set out the responsibilities for environmental management throughout the organization			
B3-2	**Do you have documented arrangements for ensuring that your environmental management procedures are effective in reducing/ preventing significant impacts on the environment?**	Be able to provide evidence that your organization's environmental policy implementation plan provides information as to how the company aims to discharge relevant legal responsibilities and provides clear indication of how these arrangements are communicated to the workforce, in relation to environmental matters including: • sustainable materials procurement; • waste management; • energy management. This should include the arrangements for responding to, monitoring and recording environmental incidents and emergencies and complaints.			
B3-3	**Do you have arrangements for providing employees who will engage in construction, with training and information on construction-related environmental issues?**	Be able to demonstrate that your organization has in place and implements, training arrangements to ensure that its workforce has sufficient skills and understanding to carry out their various duties. This should include a programme of refresher training that will keep the workforce updated on relevant legal requirements and good environmental management practice.			
B3-4	**Do you check, review and where necessary improve your environmental management performance?**	Be able to demonstrate that your organization has a system for monitoring environmental management procedures on an ongoing basis and for updating them at periodic interval.			

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Table B.3 – Supplementary question module B3: Environmental management policy and capability *(continued)*

Q No.	Core question	Description of information in support of response, which will be taken into account in assessment	Yes	No	Unique reference to supporting information
B3-5	**Do you have arrangements for ensuring that any suppliers you engage apply environmental protection measures that are appropriate to the work for which they are being engaged**	Be able to demonstrate that your organization has procedures for monitoring supplier's environmental management arrangements and ensuring that environmental performance appropriate for the work to be undertaken is delivered throughout the whole of your organizations supply chain.			

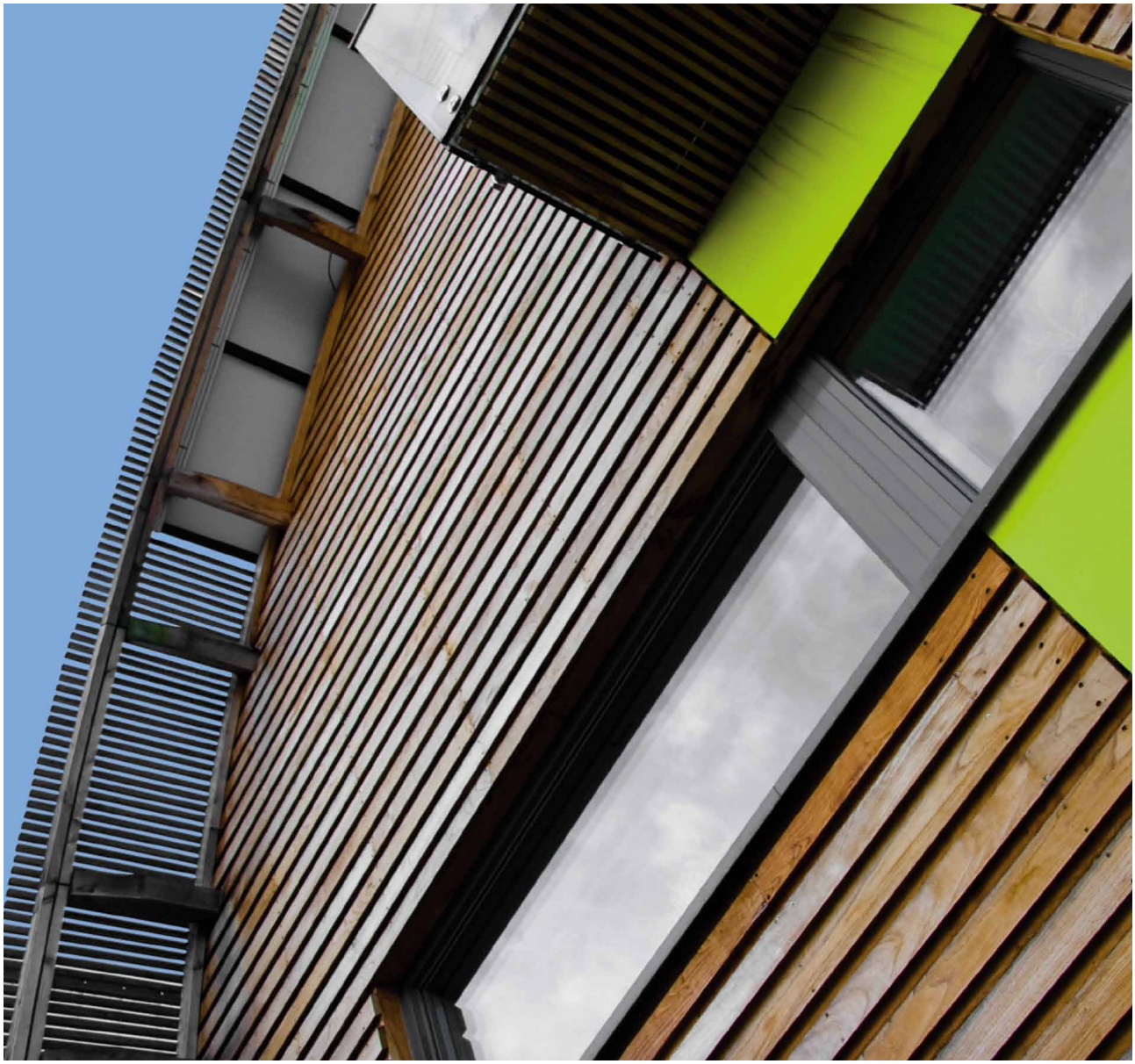

Table B.4 – Supplementary question module B4: Quality management policy and capability

Q No.	Core question	Description of information in support of response, which will be taken into account in assessment	Yes	No	Unique reference to supporting information
B4-1	**Do you have a policy and organization for quality management?**	Be able to demonstrate that your organization has and implements a quality management policy that is authorized by the Chief Executive or equivalent and periodically reviewed at a senior management level. The policy should be relevant to the nature and scale of the work to be undertaken and set out responsibilities for quality management throughout the organization			
B4-2	**Do you have arrangements for ensuring that your quality management, including the quality of construction output and general performance, is effective in reducing/ preventing incidents of sub-standard delivery?**	Be able to demonstrate that your organization keeps copies of documentation setting out quality management organization and procedures that meet currently agreed good practice. These should include the arrangements for quality management throughout the organization. They should set out how the company will carry out its policy, with a clear indication of how the arrangements are communicated to the workforce.			
B4-3	**Do you have arrangements for providing your workforce with quality-related training and information appropriate to the type of work for which your organization is likely to bid?**	Be able to demonstrate that your organization has in place and implements, training arrangements to ensure that its workforce has sufficient skills and understanding to discharge their various responsibilities. These arrangements should include a programme of training that will keep the workforce up to date with required knowledge about quality related issues, including copies of job profiles; training manuals and training records.			
B4-4	**Do you have procedures for periodically reviewing, correcting and improving quality performance?**	Be able to demonstrate that your organization has a system for monitoring quality management procedures on an on-going basis. Your organization should be able to provide evidence of systematic, periodic review and improvement of quality in respect of construction output and general performance.			

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Table B.4 – Supplementary question module B4: Quality management policy and capability *(continued)*

Q No.	Core question	Description of information in support of response, which will be taken into account in assessment	Yes	No	Unique reference to supporting information
B4-5	**Do you have arrangements for ensuring that your own suppliers (see Annex G for sub-contractors) apply quality management measures that are appropriate to the work for which they are being engaged?**	Be able to demonstrate that your organization has arrangements for monitoring supplier's quality management arrangements and ensuring that quality performance appropriate for the work to be undertaken is delivered throughout the whole of your organizations supply chain			

Annex C (informative)
Example of question module exemption provision

C.1 The questions in Module(s) *[module(s) to be identified as appropriate]* need not be completed if your organization meets the criteria identified below *[C.2 to C.4]* and can provide the supporting evidence required.

C.2 You have previously successfully completed a prequalification application using an assessment provider able to demonstrate that its information gathering process conforms to PAS 91.

Buyer to identify accepted assessment providers			Supplier to provide responses as follows		
Assessment provider	Evidence required		Membership/ achievement identifier	Valid until	Evidence provided
	Yes	No			

C.3 You have successfully met the requirements of one or more construction-related schemes.

Buyer to identify accepted schemes			Supplier to provide responses as follows		
Scheme identity	Evidence required		Membership/ achievement identifier	Valid until	Evidence provided
	Yes	No			

***NOTE** An example scheme under C.3 would be SSIP.*

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C.4 You hold a third party certificate of compliance with one of the standards identified below:

Buyer to identify accepted standards			Supplier to provide responses as follows		
Standard	Evidence required		Certification body	Valid until	Evidence provided
	Yes	No			

***NOTE** Example standards under C.4 would be UKAS accredited third party certification to ISO 9001; ISO 14001; BS OHSAS 18001.*

Annex D (informative) PAS 91 overview

D.1 Why this PAS?

D.1.1 The Problem

Throughout the construction supply chain (see Figure 1 and Figure D.1) suppliers bidding for work in the construction sector often have to complete many different PQQ forms. This leads to considerable unnecessary effort, which costs time and money. Buyers or their assessment providers have to read and evaluate the responses, which costs additional time and money.

Some buyers have difficulty in choosing which, if any, assessment provider to use, given the proliferation of prequalification methods and schemes in the industry. As a result, some are reluctant to use or accept any assessment provider, which results in those buyers asking all potential suppliers to complete entire PQQ question sets, even though the supplier may have already demonstrated a satisfactory response to such questions either to the buyer or to other parties – clearly this is hugely inefficient for all of the parties involved.

Other buyers decide on a particular assessment provider, which often means that suppliers wishing to tender for work from that buyer must pay to join the particular assessment provider's scheme as chosen by the buyer, and fill in the specific PQQ. A mismatch between an assessment provider's assurance procedures and the efforts and needs of the supplier arises when the buyer chooses one assessment provider as suitable for all project tendering, rather than actively managing the level of assurance needed in each procurement.

When the supplier applies to tender for work from another buyer, the same situation can occur, but involve a different assessment provider; resulting in suppliers having to pay to join several different schemes.

When assessment providers align with this PAS in terms of the core questions, this leaves buyers to source suppliers on the basis of the level of assurance they provide (i.e. the extent to which the answers to the questions given by the suppliers are checked and evaluated), and allows suppliers access to work where the risk levels are appropriate (see D.10 Dealing with uncertainty).

D.1.2 The Solution

Industry-wide agreement on – and the cross-recognition of – 'core' prequalification questions. Buyers should use these core questions, either directly or through an assessment provider that complies with this PAS, along with project-specific questions, to prequalify their suppliers.

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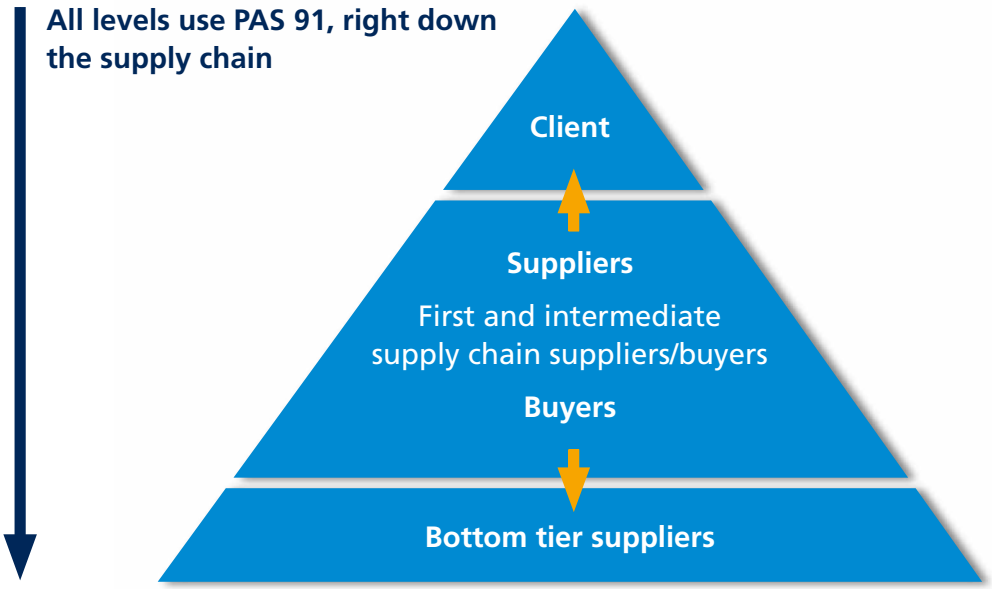
Figure D.1 – The application of PAS 91 to construction procurement and supply



D.1.3 What rather than how

This PAS describes **what** should be asked in the core construction PQQ process, and what the evaluation of the responses should be based on, but not **how** the process should be undertaken.

D.1.4 Shortlisting in a PQQ process

This PAS defines questions that are relevant to all construction procurements (Annex A), and additional questions that may be relevant to some but not all construction procurements (Annex B). In order for buyers to shortlist suppliers for specific work, additional **project specific questions** should be posed in addition to evidence of suitable responses to the PQQ process in respect of PAS 91. This is a key method of managing shortlists of suppliers before going on to the next stage in the tendering process.

D.1.5 Public Sector Buyers

Public sector buyers will be subject to policy and other drivers in their procurement techniques, notably legislation that implements the European procurement directive. (Annex E).

D.2 Benefits of PAS 91

D.2.1 Benefits to buyers

Clarity of process with more certainty that they are prequalifying suppliers correctly, and less time and resources needed in construction procurement. By reducing the cost and uncertainty surrounding basic prequalification, more suppliers can take part, giving more choice to many clients. In addition, this PAS should also help to raise the overall standard of supplier capability in the construction sector.

A buyer will have more confidence about assessment to the core criteria in the various areas of supplier capability, and can concentrate more on project-specific enquiries.

D.2.2 Benefits to suppliers

Less time taken, less paperwork, more certainty over which assessment provider to sign up with, and less expense in joining multiple assessment providers.

D.2.3 Benefits to assessment providers

Less concern over question sets, more time to focus on selling services to the right organizations, and a better informed buyer base who should understand the benefits of working with the right assessment provider.

D.2.4 Corporate Responsibility

Use of this PAS by all three groups above will be a benefit in terms of Corporate Responsibility, as it is part of the common agenda to reduce burdens on buyers and suppliers alike, and to increase the understanding and application of widely applicable standards in the construction industry.

D.3 Supplier responses to questions

Standardising the common questions is a vital part of the convergence of PQQ methodologies which is a key objective of this PAS.

Not all PAS 91 questions need interpretation (e.g. name and address), although many questions are supplemented with guidance (e.g. 'this should be the address of your main place of trading'). Where questions are more open to interpretation (e.g. asking the degree to which a company follows a procedure), then that question will be supplemented with an explanatory note that indicates for the supplier what the question is trying to find out and clarifies for the buyer why the question should be asked. The latter is vital as part of the process of buyer understanding (See D.4 Experienced Buyer).

D.4 Experienced buyer v occasional buyer

Experienced Buyers who make lots of purchases usually understand the PQQ process well. This does not necessarily mean that they operate it correctly – it is possible to repeat mistakes and inefficiencies. **Occasional buyers** – i.e. buyers who do not tender construction work on a frequent basis –may not be totally familiar with the PQQ process, in particular why certain questions are being asked, and how to interpret the answers to them.

Buyers in either category wishing to use an assessment provider to facilitate the PQQ process often find the choice difficult to make. Assessment providers naturally present their own scheme as a suitable choice, and this can lead to confusion. In some cases, buyers avoid using any assessment provider because of this.

This PAS helps to mitigate this confusion by explaining how the correct assessment of project risk helps to determine how to go about the choice of assessment provider(s), and how the system should operate. (See D.2.1 Benefits to buyers.)

D.5 Core questions for SMEs

The recent report on helping SMEs (MSMs) through procurement[1)] includes a section on defining a suitable set of core PQQs, to be used as part of general tendering where the work could potentially be provided by SMEs.

It is vital that this PAS and more general recommendations on core questions for SMEs are aligned so as not to cause even more cost and confusion in the construction supply chain, and beyond. Although this PAS refers to construction procurement, most core questions in this PAS will be applicable to general procurement. As such, they should align with other core questions relating to non-construction related procurement, such as those provided by OGC.

As the requirements for the UK change over time (e.g. because of legal changes), it will be necessary that the PAS and OGC and other PQQs be updated to ensure they remain aligned.

1) ISBN 978-1-84532-512-1 Accelerating the SME economic engine.

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D.6 Modular questions

PAS 91 takes a modular approach. For a supplier, the aim is to be able to answer the vast majority of the prequalification questions that you are asked about your capability to work or offer a service. Other buyers and assessment providers can then recognise that you have already demonstrated the relevant capability. and ideally, the supplier should only need to show such capability once, and certainly not repeatedly. For the buyer, the benefit is to be able to accept the answers to a PQQ previously provided by the supplier having responded successfully to the enquires of an appropriate assessment provider.

In a PQQ process, the scope of some of the questions will be relevant to all types of procurement across all sectors. As the nature of the work is seen in more detail, it is possible to unify the scope of more questions according to the type of sector involved e.g. automotive, retail, transport – and of course construction. Looking again in more detail, it is possible to determine more specific questions which would be relevant to particular types of construction procurement e.g. roofing, FM services, tunnelling, road surfacing etc. If this process were taken too far, it would result in a much too detailed portfolio of PQQs, almost project specific, and this would not be helpful.

The questions comprising the annexes to this PAS are presented in a modular manner. The structure of the modules is designed to be the least number of modules without requiring the industry to deal with areas of capability that are not relevant to what they do. Annex A contains modules that should be asked in all PQQ activity. These modules are:

A-1: Supplier identity; key roles and contact information

A-2: Financial information

A-3: Business and professional standing

A-4: Health and safety policy and capability

In addition, where it is necessary to assess supplier capability in the following areas, supplementary question modules are provided in Annex B:

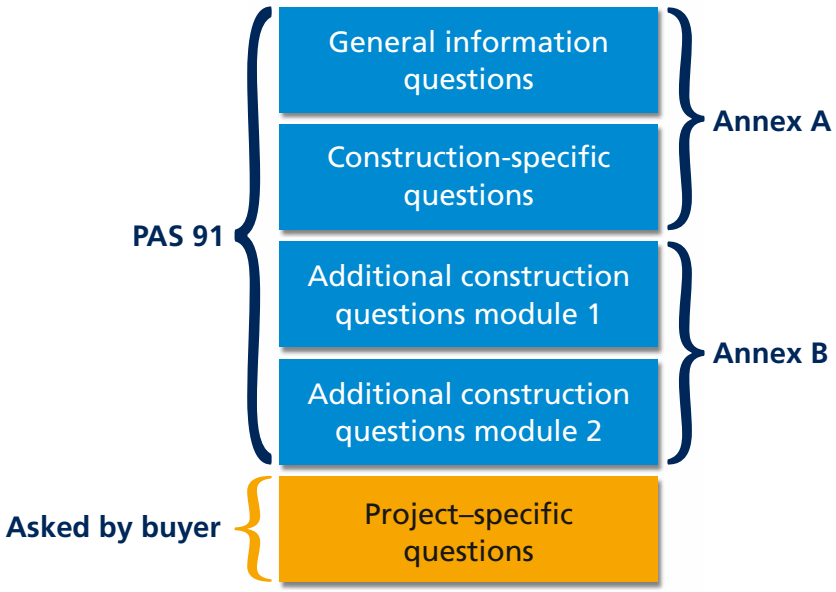
B-1: Health and safety policy and capability – CDM co-ordinators and designers;

B-2: Equal opportunity and diversity policy and capability;

B-3: Environmental management policy and capability;

B-4: Quality management policy and capability.

Figure D.2 – Illustration of the relationship between core and supplementary question modules



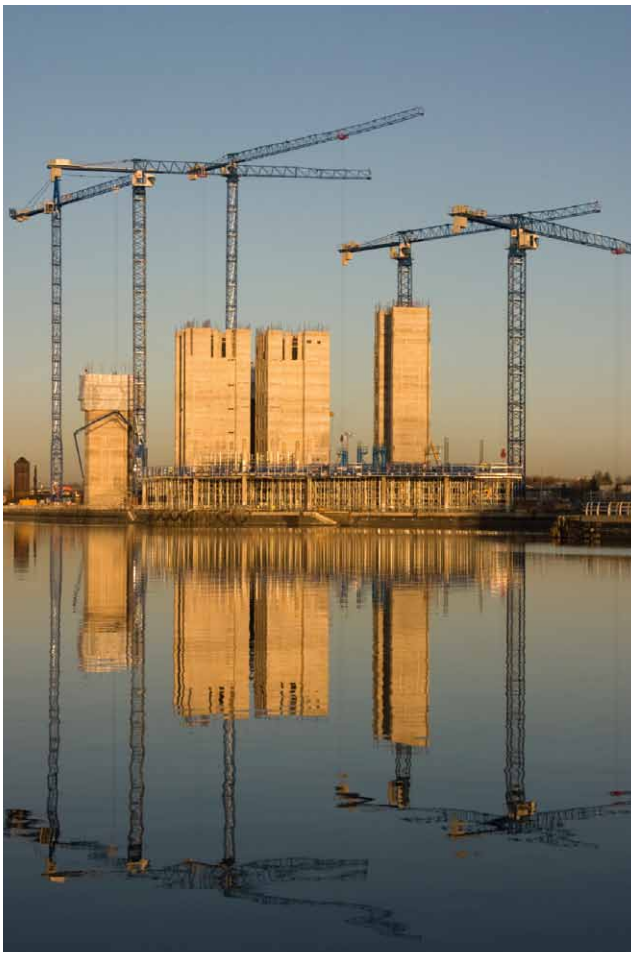
As explained in the Requirements section of this PAS, for construction procurement, Annex A describes the base question set that buyers shall ask and that suppliers will need to answer. There are several question topics additional to those described in Annex A. These are addressed in Annex B, providing questions that may be relevant in many procurement situations. Where they are relevant, they should be asked. An example of this is where a public sector buyer may need to address supplier diversity policy, while a given private sector buyer may not. Another is where it is necessary to assess the additional capability of a designer. Although questions of this nature will not be asked by all construction buyers, it is vital that if they are, then they are consistent.

Although the questions in Annex B are not asked in every construction PQQ, these question modules are very frequently asked, especially by public sector buyers. Adopting Annex B questions help to ensure consistency among buyers and assessment providers. It is important, therefore, to use the modules in Annex B when asking suppliers areas about the areas of capability shown.

If questions in these areas are not asked in a consistent manner, it will undermine the main purpose behind this PAS i.e. to reduce waste in the PQQ process.

D.7 Use of PAS 91 with unincorporated Joint Ventures or Consortia

Joint Ventures and Consortia are (usually) temporary entities that combine to pool resources and/or capability to bid for a specific project. As such, it is unlikely that they will be sourced using third party assessment providers (although the individual companies may be registered with them). It is therefore up to the buyer to make sure that they are satisfied that each of the individual entities involved in the Joint Venture/Consortium prequalify to the level of assurance warranted by the project (e.g. for a critical project, the buyer might wish to see evidence that each of the parties involved in the Consortium had prequalified via a 'Level 1' assessment provider).



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D.8 Assessment providers

D.8.1 Types of assessment provider

Some assessment providers operate a single register of prequalified construction suppliers; sample lists of suppliers can be selected according to size of company/ turnover, geographic location etc.

Other assessment providers maintain lists by sub-sector speciality (e.g. a trade association), or local lists.

The core questions in PAS 91 are not affected by these different approaches.

D.8.2 Capability of assessment providers

This PAS does not address the capability of assessment providers, whether by UKAS accreditation or other means. This is beyond the scope of this PAS. Accordingly, it is a matter for buyers to satisfy themselves that the assessment provider(s) whose members they accept through the PQQ process are suitable and employ information gathering processes that conform to this PAS.

D.9 Penetration of message and use of PAS 91

D.9.1 General

For the full benefits of PAS 91 to be achieved, as many buyers as possible need to know about it, understand it, and use it. Most importantly, this applies right through the supply chain, to where contractors, subcontractors and consultants are employed. It is possible that after an efficient PQQ process leading to contract award, the work is split up and subcontracted down the supply chain using inefficient PQQ mechanisms. The widest possible promotion of the intent and content of this PAS is vital to overcome this problem (D.2 Benefits).

D.9.2 Teaching/learning

This PAS has value as a learning tool, and organizations involved in construction training are encouraged to make use of it.

D.9.3 Marketing

This PAS will also be useful to assessment providers who want to make it known to buyers and potential buyers that they comply with it.

D.9.4 Trade associations

This PAS will be of use to construction trade associations, who may make it and its contents available to their members, along with information about the benefits, including helping members to decide which assessment provider to join, where they have a choice. Where trade associations assess their own members' capabilities they are encouraged to meet the requirements of this PAS (D.10 Dealing with uncertainty and 'D.9.6 Buyers and assessment providers').

D.9.5 Suppliers and Assessment providers

Ideally, suppliers should only have to join one assessment provider's scheme to obtain maximum exposure to work opportunities (D.10 Dealing with uncertainty and C.9.6 Buyers and assessment providers). A small company doing low-risk work might benefit from a self-assessment based assessment provider whereas a company operating in high risk work may need to pay more for an assessment provider to conduct a thorough audit in order to satisfy a buyer that they comply with the requirements.

D.9.6 Buyers and Assessment providers

Informed buyers may ask tenderers to provide their membership details for an assessment provider and then answer remaining questions specific to the project, or they may ask PQQs themselves, following the requirements in this PAS. Assessment providers will offer buyers different degrees of certainty in regard to risk (D.10 Dealing with uncertainty), and so buyers may request membership of one of several assessment providers as an alternative to responses to all of the questions, choosing suitable assessment providers who offer a level of certainty that the suppliers capabilities are appropriate to the risk of the particular project being tendered. This means that for a very high risk project the buyer may insist on supplier membership of only those assessment providers who offer a high level of assurance of compliance with the PQQ requirements – whereas for the routine maintenance contractor, the buyer conclude that any of the PAS-compliant assessment providers membership details would be sufficient. Buyer understanding and suitable application of these options is vital.

D.10 Dealing with uncertainty

D.10.1 Types of project 'risk'

For any given project there will be a number of 'risks' to its successful completion, and these will depend on the nature of the individual project. Because of this, for different projects, although the same questions will be used for the core and optional PQQ questions, buyers may require different types of evaluation, depending on the risk. For projects which are not likely to go wrong or have dire consequences if upsets occur,

buyers may be happy for the suppliers to self-certify (if a list of suppliers is taken from an assessment provider, this corresponds to 'Level 3' in Figure 4 below). On the other hand, for 'mission critical' projects, buyers may wish to know that the suppliers' answers have been more thoroughly checked ('Level 1' in Figure 4).

The level of risk is a critical consideration. The buyer's choice of PQQ assessment provider(s) should consider the assurance the assessment provider can provide that their list of suppliers are suitable for further consideration under prequalification or tendering.

D.10.2 Three levels of assurance/types of assessment provider

Although this paragraph models assessment providers by reference to three types, this is to make the range of services offered clear – there is a continuous spectrum, and any new entrants to the assessment market will have their own view of what to offer buyers. It is for the buyer to decide, therefore, the assessment provider(s) that provides adequate assurance of supplier responses to enquiries about capability.

D.10.2.1 Verification and assessment of supplier – Level 1

The assessment provider for example undertakes an audit typically involving on-site verification and outcome assessment, before accepting the supplier as meeting the requirements

- Most expensive for suppliers, most certain for buyers. Best for where high levels of assurance are essential or sought
- Limited choice of suppliers

D.10.2.2 Validated assessment – Level 2

The assessment provider for example obtains copies of certificates, details of company procedures etc. This commonly includes so-called 'desktop' assessment. Medium cost for suppliers, more certainty for buyers

- Wider choice of suppliers

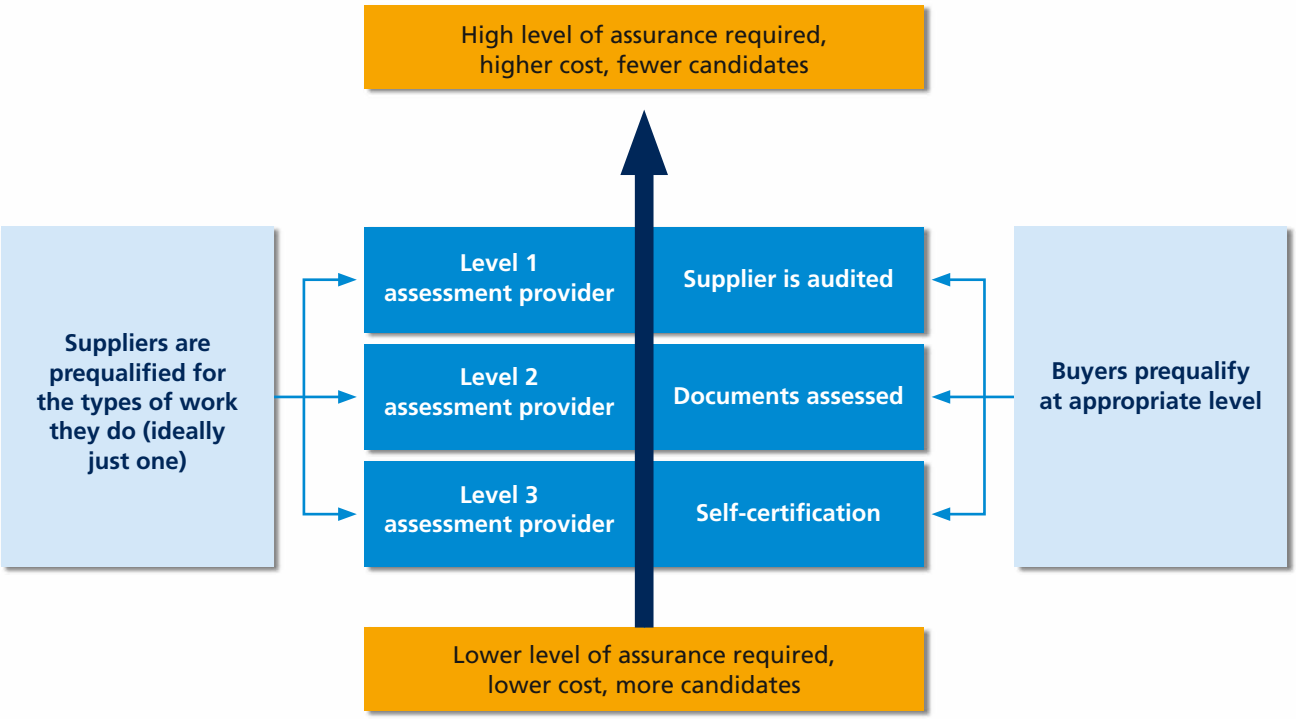
D.10.2.3 Self assessment – Level 3

The supplier fills in a questionnaire and makes statements about their work and certifications.

- Cheapest for suppliers, least certain for buyers
- Widest choice of suppliers

Various approaches to assessment may be suitable throughout the supply chain.

Figure D.3 – Levels of assurance



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D.11 Application of the PAS to exceptional cases

In exceptional circumstances, some of the questions in this PAS may not be answerable by suppliers. An example of this is how a start-up company would not be able to supply enough years of financial history. Another is a self employed supplier, who may not need to show evidence of employee communication). Assessment providers may already have exception procedures in place to deal with these and similar issues and they may continue to do so. Again, it is for the buyers to satisfy themselves that acceptable assessment procedures are in place.

D.12 Adoption of this PAS – transitional arrangements

There are already a number of assessment providers operating in the industry, with very significant numbers of members. While ideally all assessment providers should adopt this PAS **and make that intention clear from the start**, it may not be practical or cost effective for them to modify their question sets all at once and require all members to repeat their application at that point. That would be a very wasteful process. It is envisaged that assessment providers will 'migrate' to adoption of this PAS over a reasonable time, and make this clear to existing and new buyers (and suppliers). Typically this would take one to two years from this PAS coming into existence (during which time this PAS may be updated due to changing legislation, for instance); existing prequalified member suppliers would still be eligible to prequalify via the assessment provider they are registered with during this transition, with new supplier members and renewals of membership being prequalified using PAS 91 questions.

Annex E (informative)
Public sector buyers

E.1 General

Public sector buyers, and certain other buyers (e.g. some utilities) are subject to EU directives on purchasing, implemented by the Public Contracts Regulations 2006 and other legislation. These regulations place certain restrictions on what public sector buyers can ask of suppliers in a prequalification exercise. Any questions asked at PQQ stage must be consistent with Regulations 23-26 of the Public Procurement Regulations 2006. Contracting authorities should ensure that the questions asked of potential providers are relevant to the contract and proportionate.

The PQQ is used at the selection stage of the process. It is important to distinguish between the PQQ and ITT and decide at this stage what information you need to enable you to identify which suppliers are capable of delivering the contract. Questions asked in the PQQ must be in respect of either the organization's technical ability to perform the contract, its financial standing or legal status only and must not be repeated in the Invitation to Tender. They must not be expressed in such a way which would discriminate against non UK candidates. More specific questions about how suppliers would deliver the contract should be dealt with in the ITT.

The questions in this PAS are all allowable under the above Regulations.

E.2 Procurement policy

Public sector purchasers are also often committed to promoting certain policy objectives in their procurements. In these cases it is important for buyers to make certain that their requests of suppliers are acceptable within the regulations.

To fulfil the above policy objectives, in most cases there will be a requirement to agree in the contract to work to certain standards or agree to other conditions not directly associated with the delivery of the work. These requirements should be made clear to suppliers at the PQQ stage to avoid suppliers expending effort in prequalifying if they do not find the additional policy requirements acceptable.

In some cases it may be appropriate to ask additional 'policy delivery' questions at the PQQ stage. In this case, these questions should be treated in exactly the same way as the additional 'project specific' questions. In any case, buyers should make certain that these policy questions are acceptable under the Regulations.

Following the key tenet of this PAS, if policy-related PQQ questions are to be asked, it is strongly recommended that all buyers that ask such questions are consistent, i.e. they use the same questions to the maximum practical extent. Policy makers are therefore encouraged to provide clear guidance on the questions and/or contract clauses relevant to the particular policy aim.

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E.3 Scoring mechanism

As with all selection processes a PQQ should be evaluated consistently and objectively according to a defined scoring model which should be finalized prior to opening and commencing the evaluation of submitted questionnaires. Potential providers must be informed before they complete the PQQ of any scoring model for the PQQ, including the weightings and maximum marks assigned to each question If and where an unsatisfactory answer to one or more questions may of itself lead to exclusion from further consideration (irrespective of the quality of the rest of the response) suppliers must be told (and authorities should have) a clear justification[2)].

E.4 Mandatory and discretionary exclusion

The Public Sector and Utilities Procurement Directives as implemented by the Public Contracts and the Utilities Contracts Regulations 2006, include a mandatory requirement for contracting authorities to exclude economic operators (suppliers, contractors and services providers) from public contracts where they have been convicted of certain offences, including participation in criminal organizations, corruption, money laundering and fraud. Grounds for obligatory and discretionary exclusion (in eligibility) in accordance with Regulation 23 of the Public Contracts Regulations 2006 (as amended) can be found at www.opsi.gov.uk/si/si2006/uksi_20060005_en.pdf

E.5 Use of equivalent standards

Contracting authorities must consider offers which claim to satisfy the requirements in an equivalent manner even though they do not conform to the standard in question. Tenders must be examined to establish whether they satisfy the contracting authority's requirements in an equivalent manner and under no circumstances may contracting authorities reject offers solely on the grounds that they are not based on a specified standard or technology. The burden of proving technical equivalence will fall on the bidder in the absence of certification of conformity with the standard.

www.ogc.gov.uk/documents/PPN_10_09_Policy_on_Standards_and_References.pdf

2) See *Procurement Policy Note*, (PDF) Dec 2008 for comments on Lianakis ECJ.

Annex F (informative)
Health and safety: SSIP and supplier capability

Buyers may choose to prequalify suppliers who have been successfully assessed by members of the Safety Schemes in Procurement Forum (SSIP) against Module A-4. SSIP, as with Module A-4, covers health and safety questions only.

To ensure general health and safety capability, and to help reduce cost and bureaucracy for the buyer and supplier, buyers may therefore choose to accept an 'SSIP-assessed' supplier without requiring separate responses from the supplier to the general health and safety questions in PAS 91, and to refer to the acceptability of 'SSIP assessment' as part of their PQQ process.

Furthermore, accepting an SSIP-assessed supplier as part of general PQQs can allow buyers to give additional attention to project-specific health and safety questions.

SSIP is a significant contribution to the 'mutual recognition' recommendations recognized in recent reports such as that cited at Normative References Clause 2. SSIP member schemes apply the same core questions for prequalification assessment as presented in both PAS 91 and the Health and Safety Executive's (HSE) Approved Code of Practice (ACoP) to CDM 2007. The HSE actively supports SSIP, noting that suitable assessment of a supplier by an SSIP assessor meets the buyer's general requirement to exercise 'reasonable judgment' based on the evidence provided[3)]. However, using a SSIP scheme, or adopting PAS 91, does not remove the buyer's requirements to:

- ensure that a supplier is indeed 'SSIP-assessed';
- further enquire, as necessary, about the supplier's health and safety capability to carry out specific projects, services or other activities.

SSIP member schemes are subjected annually to independent third party audit.

For more on SSIP- and the prequalification assessment schemes in the SSIP Forum – go to: www.ssip.org.uk

3) *HSE's ACoP to CDM 2007 says that if a buyer's "judgement is reasonable and clearly based on the evidence... asked for and...provided", the buyer "will not be criticized" if the supplier it appoints subsequently proves not to be competent when carrying out the work.

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Annex G (informative)
Glossary of terms used in construction related procurement

This glossary sets out an alphabetical list of terms used in relation to construction procurement and provides explanation of their use in PAS 91.

G.1 [construction] organization *(noun)*

any group of people acting together in a predetermined, structured and coordinated manner to achieve a common construction related objective. In PAS 91 this term is used generically to encompass firms, companies or other entities functioning as part of a supply chain

G.2 sub-contractor *(noun)*

an entity (organization or individual) engaged to carry-out work for another entity as part of a larger project. In the PAS 91 supply chain (Figure 1) the second and all subsequent suppliers can be considered as sub-contractors, including the supplier last in the chain

G.3 workforce *(collective noun)* [treated as singular or plural]

the people engaged in or available for work, in a particular organization and in the supplier organizations that constitute any of its supply chains

Annex H (informative)
Prequalification statistics

B.1 This annex provides information on the impact of prequalification on small firms.

Figure H.1 – Private contractors: number of firms (Great Britain)

Size of firm (by number employed)	Third quarter each year: number				
	2004	2005	2006	2007	2008
1	71,620	73,117	71,960	74,325	78,826
2-3	55,027	57,320	58,910	60,313	62,910
4-7	26,865	28,435	30,375	31,814	33,594
8-13	10,982	11,599	12,230	12,669	13,459
14-24	6,161	6,341	6,656	6,860	7,102
25-34	1,985	2,037	2,056	2,128	2,262
35-59	1,906	1,928	2,034	2,129	2,211
60-79	550	573	583	597	647
80-114	464	469	467	490	511
115-299	560	556	562	595	602
300-599	148	148	148	154	164
600-1,199	75	65	72	65	60
1,200 and over	60	56	54	60	59
All firms	**176,403**	**182,644**	**186,107**	**192,199**	**202,407**

Source: ONS ISSN 1758–0838 – Construction Statistics Annual 2009

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H.1 The PQQ burden on small firms – examples

H.1.1 Quote from Specialist Engineering Contractors GROUP

"SEC Group surveyed 606 companies regarding prequalification schemes. Participants in the survey were The Association of Plumbing and Heating Contractors (APHC), British Constructional Steel Association (BCSA), Electrical Contractors Association (ECA), The Heating and Ventilating Contractors Association (HVCA), The Lift and Escalator Industry Association (LEIA) and SELECT, Scotland's Electrical Trade Association.

They found the average number of schemes which a company has to subscribe to in a year is 2.3, or up to 20 for larger companies. Subscriptions vary between under £200 up to many thousand pounds, but the average is £1,500. The cost of subscriptions to prequalification schemes is of the order of £10 million, for the whole membership of the six organizations surveyed.

Other costs associated with paperwork administering the schemes in the companies, average £4,000 per company. This adds up to an expenditure of at least £28 million for the whole membership. The number of days spent solely on complying with these schemes averages 9 days, which means over 60,000 days a year for the whole membership."

H.1.2 Quote from National Specialist Constructors Council (NSCC):

"In a difficult economic market, improving efficiency and reducing waste is vital for business survival. With 29 member organizations, NSCC represents over 7000 SMEs in the construction industry, some of which report completing over 100 Prequalification Questionnaires (PQQs) per year, each requesting essentially the same information. It is estimated that every year 5,000 contractors collect information on 180,000 sub-contractors and suppliers using more than two million paper questionnaires at a cost to the industry of £250 million. This is bad for business and the construction industry as a whole and NSCC fully supports setting a standard for prequalification."

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