



An Roinn Cumarsáide,
Fuinnimh agus Acmhainní Nádurtha
Baile Átha Cliath 2.

Department of Communications,
Energy and Natural Resources,
Dublin 2.

Your Ref: 019794.0001.JH

Our Ref: ²⁸FOI~~27~~/2008

4 June 2008

Ms Claire Waterson
William Fry Solicitors
Fitzwilton House
Wilton Place
Dublin 2

Dear Ms Waterson

I refer to the appeal made on your behalf by John Handoll under the Freedom of Information Acts 1997 and 2003 on 9 May 2008 for review of the earlier decision of this Department dated 2 May 2008.

I am a more senior member of the staff of this Department than the person who made the decision of 6 May 2008. This review decision is an entirely new and separate decision on your request, and is explained below.

Section 20

The decision of 6 May 2008 refused the documentation being sought under Section 20.

I acknowledge your point that some of the information being sought would not form part of the deliberative process that is the NBS tendering process, but I consider that certain of the information does form part of the deliberative process.

I have reviewed the decision and am of the view that certain of the information may be released as it does not form part of the deliberative process. The attached schedule lists all of the relevant documents held by the Department including the documents being released, copies of the documents are also attached.

As regards the information being refused for release, my view is that certain of this information is relevant to National Broadband Scheme (NBS) tendering process, and that this is an on-going deliberative process. If this documentation was released it would meet the information request and demonstrate technology and cost considerations. My view is that releasing this information would not be in the public interest as it could potentially compromise the tender process whereby the State could get less value for money, and my decision is that this information is not released.

Section 22

The decision of 2 May 2008 refused release of the documentation being sought under Section 22 as Judicial Review proceedings relating to certain parts of the NBS process were before the courts, and releasing the information sought could possibly interfere with these proceedings, and could lead to contempt of court. It is noted that these proceedings had only started at the time of the decision of 2 May 2008. I have discussed this decision with the decision maker who advised that his decision was based on the potential for a discovery of documents to be served as part of the Judicial Review. The Judicial Review is scheduled for hearing next week, no discovery of documents has been served to date, nor is it likely to be served at this stage. I am therefore of the view that the refusal to release certain of the information sought under this Section is not now appropriate, albeit there were valid reasons for refusing some of the documentation in the initial decision.

Section 27

My view is that some of the information you have sought comes under the NBS tendering process, and that some of this information is commercially sensitive. If all of this documentation was released it would meet the information request and demonstrate technology and cost considerations. My view is that this would not be in the public interest as it could reasonably be expected to result in financial loss, could prejudice commercial positions and could prejudice the outcome of contractual negotiations for the State and/or the bidders, and that this would not be in the public interest. Accordingly, I have decided to refuse certain of the information in the public interest as some of the information is commercially sensitive.


Schedule

The attached schedule lists the documentation held by the Department in relation to this request. The list identifies documents that are being released, and the documents that are not being released with the reason(s) for refusal.

Right of appeal

You may appeal this decision by writing to the Information Commissioner at 18 Lower Leeson Street, Dublin 2. There is a fee of €150 for such appeals, other than appeals against a decision to impose a fee. If you wish to appeal, you must usually do so not later than 6 months from the date of this notification. Should you write to the Information Commissioner making an appeal, please refer to this letter.

Yours sincerely



Brendan Buckley
Assistant Principal
Communications (Development) &
Electronic Commerce Division

Schedule of Records: Summary of Decision Making

Record No.	Brief Description & Date of Record	File Ref.	No. of Pages	Decision: Grant/Part Grant/Refuse	Basis of Refusal: Section of Act
1	Pre-notification submission, email from Yvonne McCarthy (DCMNR), 02/05/2007		25	Grant	N/A
2	Pre-notification information, email from Yvonne McCarthy (DCMNR) to A.Riedl, 10/05/2007		2	Grant	N/A
3	Pre-notification submission, email from Yvonne McCarthy (DCMNR) to A.Riedl, A.Papadias, 27/06/2007		48	Grant	N/A
4(a)	Email from A.Riedl to Yvonne McCarthy, 05/07/2007		2	Refuse	20
4(b)	Email from Yvonne McCarthy to A.Riedl, 05/07/2007		1	Grant	N/A
4(c)	Email from A.Riedl to Yvonne McCarthy, 27/06/2007		1	Grant	N/A
5	Email correspondence from Yvonne McCarthy (DCMNR) to A.Riedl, 09/07/2007		4	Refuse	20
6	Electronic Notification by the Irish Authorities to the European Commission, 17/08/2007		29	Refuse	20
7	Decision Letter by the Commission to the Irish authorities of 26/09/2007		15	Partial Refusal	27
8	Request by the Irish authorities to		4	Refuse	20

	protect confidential information contained in the Commission Decision, 27/09/2007					
9	Updated information submitted by the DCMNR on the NBS [email from Aneta Scieplek (DCMNR) to A Riedl, 18/12/2007		3	Refuse	20	
10	Submission of two confidential documents by G.Purcell: follow-up information on the NBS [email from G.Purcell (DCMNR) to I.Papadimas and A.Riedl, 21/02/2007 2007		91	Refuse	20	
11	Email from A.Riedl to Yvonne McCarthy (DCMNR), 26/11/2007		1	Refuse	20	
12	Email from Yvonne McCarthy (DCMNR) to A.Riedl, 22/11/2007		1	Grant	N/A	
13	Email from Yvonne McCarthy (DCMNR) to A.Riedl, 22/11/2007		1	Grant	N/A	
14	Email from Yvonne McCarthy (DCMNR) to A.Riedl, 22/11/2007		7	Refuse	20	
15	Email from A.Riedl to Yvonne McCarthy (DCMNR), 22/11/2007		1	Grant	N/A	
16	Email from A.Riedl to Yvonne McCarthy (DCMNR)		1	Grant	N/A	
17	Email from Aneta Scieplek (DCMNR) to A.Riedl, 28/09/2007		3	Refuse	20	
18	Email from A.Riedl to Yvonne McCarthy (DCMNR), A.Scieplek,(DCMNR), Eric Tomkins(Comreg), 28/09/2007		3	Refuse	20	
19	Email from Yvonne McCarthy (DCMNR) to A.Riedl, 27/09/2007		4	Refuse	20	
20	Email from Yvonne McCarthy (DCMNR) to A.Riedl, 17/08/2007		15	Refuse	20	
21	Email from Yvonne McCarthy		1	Grant	N/A	

	(DCMNR) to A.Riedl, 05/7/2007				
22	Email from Yvonne McCarthy (DCMNR) to A.Riedl, 14/06/2007		1	Grant	N/A
23	Email from A.Riedl to Yvonne McCarthy (DCMNR), 07/06/2007		1	Grant	N/A
24	Email from Yvonne McCarthy (DCMNR) to A.Riedl, 30/04/07		1	Grant	N/A
25	Email from A.Riedl to Yvonne McCarthy (DCMNR), 30/04/07		1	Grant	N/A
26	Email from Yvonne McCarthy (DCMNR) to A.Riedl, 30/04/2007		1	Grant	N/A
27	Email from Yvonne McCarthy (DCMNR) to A.Riedl, 08/03/2007		1	Grant	N/A
28	Email from Yvonne McCarthy (DCMNR) to A.Riedl, 08/03/2007		1	Grant	N/A
29	Email from A.Riedl to Yvonne McCarthy (DCMNR), 08/03/2007		1	Grant	N/A
30	Cover Letter from DFA to DCMNR, cc D/Finance (14 March 2006) re State Aid N 284/2005		1	Grant	N/A
31	Cover Letter from DFA to DCENR, cc D/Finance (01 October 2007) re State Aid N 475/2007		1	Grant	N/A
32	Email from Yvonne McCarthy to E.O'Donnahill (DFA) & D.Hackett (DFA) re Commission Decision re National Broadband Scheme, 27/09/2007		3	Partial Refuse	27

From: Yvonne McCarthy
Sent: 02 May 2007 17:10
To: 'Alexander.RIEDL@ec.europa.eu'
Cc: 'Eric Tomkins'
Subject: National Broadband Scheme (NBS)
Sensitivity: Confidential

Alexander,

The Contract Notice for the NBS (National Broadband Scheme) was published on www.etenders.gov.ie <<http://www.etenders.gov.ie>> this afternoon, in parallel the Contract Notice has been sent to OJEU. I will forward details of the OJEU number when received. Interested candidates need to request the relevant documentation from the Department; this relevant documentation includes the Information Memorandum (IM) and Pre-Qualification Questionnaire (PQQ) for the National Broadband Scheme. Please find attached copies of these documents.

The NBS is in line with the principles outlined in informal discussions with DG. We have taken a decision in two key areas: First, we are proceeding by way of a national tender as opposed to a regional tender and second, we have generated a map indicating the unserved areas that may be covered by the NBS.

The reason for choosing a national approach for the tender is to maximise the viability and sustainability of the scheme. The mapping process completed by our technical experts, highlighted that the currently unserved areas have a very low population density, which is highly spatially dispersed. These significant factors favoured a national approach in order to ensure that the successful tenderer has access to some of the more densely populated areas, this could not be achieved by dividing the tender into regional areas.

The Department has highlighted in the IM that the map is an indicative map denoting the geographic areas it is anticipated may fall within the coverage requirements of the NBS. The indicative map sets out those areas of Ireland which, from information currently available to the DCMNR (including, without limitation, based on representations from service providers):

- (i) are currently served by broadband;
- (ii) DCMNR reasonably believes will be served by broadband in the near future, based on information from service providers; and
- (iii) Remaining areas that are not currently served by broadband and can be addressed by the NBS.

The DCMNR are undertaking an ongoing assessment of served and unserved areas for broadband in Ireland. Further maps will be provided in the Invitation to Participate in Competitive Dialogue ("ITPCD") documentation, which will show the indicative target areas which will be addressed by the NBS Contract. Please find the link to the indicative map on the Departments' <http://www.dcmnr.gov.ie/nbs> <<http://www.dcmnr.gov.ie/nbs>> .

The Department are preparing a draft notification to DG Competition with respect to this scheme; we will be in contact in the next week in relation to this issue.

Regards,

Yvonne



DCMNR NBS PQQ - DCMNR IM
2 May 2007.DOC...cument - 2 May 20

Yvonne Mc Carthy
Communications Development
29-31 Adelaide Road
Dublin 2

Phone - 01 6783187
Fax - 01 6782126

DEPARTMENT OF COMMUNICATIONS, MARINE AND NATURAL RESOURCES

NATIONAL BROADBAND SCHEME

PRE-QUALIFICATION QUESTIONNAIRE (PQQ)

2 May 2007

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Background

The Department of Communications, Marine and Natural Resources (the "DCMNR") has published a Contract Notice in the Official Journal of the European Union (the "OJEU"), and the www.etenders.gov.ie website, regarding the proposed contract for the National Broadband Scheme (the "NBS Contract"). Further information regarding the NBS Contract and the proposed procurement process is set out in an Information Memorandum accompanying this Pre-Qualification Questionnaire.

The OJEU Contract Notice number is [REDACTED]

2. Instructions for Completion of this Pre-Qualification Questionnaire

- a) Candidates who wish to be considered for the proposed NBS Contract should respond to all of the questions detailed in this Pre-Qualification Questionnaire, accurately, without any omissions and in accordance with the terms and conditions set out in section 2. Candidates are required to provide all details that they consider necessary to provide a sufficient response to each part of the Pre-Qualification Questionnaire. Failure to do so may lead to disqualification.
- b) Where the Candidate is a single entity, responses should be provided with respect to that entity. Where the Candidate is a consortium, information required in responses to this Pre-Qualification Questionnaire should be provided with respect to each member of the consortium (e.g. each organisation or relevant group company participating in the consortium etc.), save where otherwise expressly indicated. Where the Candidate proposes to rely on the resources of another entity in accordance with paragraph 2.2 of this Pre-Qualification Questionnaire, information with respect to such entity should be provided where requested in this Pre-Qualification Questionnaire.
- c) The written response to each question is to be given in the space allowed, immediately following each question. Where additional space is required, Candidates should provide their response on separate A4 sheets which are clearly marked with the appropriate question number. All supporting literature enclosed must be relevant to a question set out in this Pre-Qualification Questionnaire and should be clearly marked with the relevant question number.
- d) Information required by more than one part in this Pre-Qualification Questionnaire is only required to be provided once, but its location within the completed Pre-Qualification Questionnaire must be clearly noted in all other responses to questions that seek to rely on it. If any of the questions in this Pre-Qualification Questionnaire are not relevant to a Candidate or member of a Candidate, please insert "Not Applicable". Do not leave any section blank.
- e) This Pre-Qualification Questionnaire identifies where responses to questions should be supported by additional information in the form of, for example,

opinion that, notwithstanding the objection of the Candidate, the query/request is not confidential, the DCMNR may issue the query and its response to all of the Candidates.

All queries should be dated and addressed to:

Yvonne McCarthy
Communications Development
Department of Communications, Marine and Natural Resources
29-31 Adelaide Road,
Dublin 2
IRELAND

Email: Yvonne.McCarthy@dcmnr.gov.ie

Fax: +353 1 6782126

and headed "Query: *National Broadband Scheme PQQ*". Questions forwarded by letter, e-mail or fax will be accepted. Verbal queries will not be accepted unless they are subsequently confirmed by letter, e-mail or fax prior to the deadline discussed above.

If, as a result of queries/requests, any discussion or other communication between the DCMNR and a Candidate and/or otherwise, the DCMNR is of the opinion that a clarification of and/or amendment to this Pre-Qualification Questionnaire is required to be made and/or additional information is required to be issued, then the DCMNR shall be entitled to make any such clarification of and/or amendment to this Pre-Qualification Questionnaire at any time by notice in writing contained on the www.standards.gov.ie website. Candidates who have already requested and obtained this Pre-Qualification Questionnaire prior to any such amendment will be notified in writing of the amendment.

2.2 Reliance on Resources

Where, in order to prove it can satisfy the financial and economic standing, or technical capability necessary to undertake the NBS Contract, a Candidate or, in the case of a consortium, any member of a Candidate relies on the resources of 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, reliance on a parent company's resources, or the resources of a key contractor), it must establish that it has available to it the resources of those entities or undertakings which are necessary for the performance of the NBS Contract.

management and contract structure charts. Such supporting information must be provided where requested.

f) This Pre-Qualification Questionnaire shall be completed by all Candidates in the English language. Where copies of original documents are provided in languages other than English, an accurate English translation (or explanation) must be provided for the documents will not be considered for evaluation.

g) Unless otherwise stated, documents provided in response to questions in this Pre-Qualification Questionnaire are not required to be notarised or legalised at this stage. However, the DCMNR reserves the right subsequently to seek notarisation or legalisation in respect of certain documents.

h) Please note that all financial information submitted in response to this Pre-Qualification Questionnaire should be denominated in Euro.

2.1 Queries

Any queries arising from this Pre-Qualification Questionnaire which may have a bearing on the Candidate's response should be raised in writing with the DCMNR at the address set out below as soon as possible and, in any event, **no later than 4pm (local Irish time) on Thursday 28 June 2007**. The DCMNR may at its absolute discretion (but shall not be obliged to) respond to queries after this date.

All such queries received, together with replies and clarifications on the points raised, may be circulated to all Candidates who have requested and obtained the **Pre-Qualification Documents**. If a Candidate believes a query and/or its response relates to a confidential aspect of its completed Pre-Qualification Questionnaire it must mark the query as "**confidential**". If the DCMNR, at its absolute discretion, is satisfied that the query and/or its response should be properly regarded as confidential, the nature of the query and its response shall, subject to the following provisions of this section 2.1 be kept confidential.

If the DCMNR is of the opinion that it would be inappropriate to answer the query/request on a confidential basis it will notify the Candidate and require the Candidate to either withdraw or reformulate the query or to raise any objection within 2 days of such notification and state the grounds for its objection. If the Candidate does not withdraw or reformulate the query/request or raise any objection within the specified period, or the DCMNR is of the

2.6

Conflict of Interest

Any conflict of interest or potential conflict of interest must be fully disclosed to the DCMNR as soon as such conflict or potential conflict becomes apparent. In the event of any conflict or potential conflict of interest, the DCMNR shall, in its absolute discretion, decide on the appropriate course of action.

In particular, in the case of a consortium of contractors, if any member of the consortium proposes to be part of another competing Candidate, the DCMNR must be notified as soon as possible and in any event prior to submission of Pre-Qualification Questionnaires so that it can determine whether it considers this to constitute a conflict of interest. The DCMNR reserves the right at its absolute discretion to refuse to allow a consortium member to be part of another competing Candidate and/or to disqualify a Candidate in the event that there is a breach of this requirement. If clarification is required, please contact the DCMNR in accordance with section 2.1 above.

2.7

Freedom of Information

The DCMNR is subject to the Freedom of Information Acts 1997 and 2003. Where Candidates consider that any information they supply is either commercially sensitive or confidential in nature, this should be highlighted with clear and substantive reasons specified. In such cases, the relevant information may, subject to the provisions of the Freedom of Information Acts 1997 and 2003, be protected from access in response to a request made thereunder.

2.8

Confidentiality

This Pre-Qualification Questionnaire, the Information Memorandum accompanying this Pre-Qualification Questionnaire and all discussions and correspondence between Candidates and the DCMNR must be treated as private and confidential. Candidates should not disclose the fact that they are expressing an interest or release this Pre-Qualification Questionnaire or the Information Memorandum other than on a confidential basis to those who have a legitimate need to know or whom they need to consult for the purpose of expressing an interest.

The DCMNR shall have the right to publicise, or otherwise disclose, to any third party, information regarding the NBS, the identity of Candidates (including, without limitation, where the Candidate is a consortium details of their respective members), shortlisted

For example, a letter from such other entity confirming that it will provide the necessary support will suffice. If sufficient evidence is not provided the Candidate or a member of a Candidate will be evaluated based on its own financial and economic standing, and technical capability. A contractual commitment in the form of a guarantee may be required at contract execution stage in favour of the DCMNR from any such supporting entity.

2.3

Submissions by Consortia

In order to offer the resources and the range and depth of skills required, organisations may wish to collaborate to form a consortium which will then apply as a single Candidate for pre-qualification. Such Candidates should specify in full in this Pre-Qualification Questionnaire the identity of their proposed members and shall appoint one of its members to be a lead Candidate for the purposes of this competition. A Candidate's choice of legal structure (e.g. joint venture/unincorporated/incorporated) will not be relevant in the assessment at this time. Where the Candidate is a consortium, each member of the Candidate may be required to contract on the basis of joint and several liability or any other basis which the DCMNR considers appropriate in its discretion having regard to the nature, size and complexity of the NBS Contract, which basis will be set out in the Invitation to Participate in Competitive Dialogue.

2.4

Change in Candidate

Any change in the membership of the Candidate, or in the control of the Candidate or any Candidate members, and/or in the roles of the Candidate members, after the Candidate has submitted its completed Pre-Qualification Questionnaire, may lead to its disqualification unless approved by the DCMNR in writing. The DCMNR reserves the right to withhold approval for any such changes and to disqualify the Candidate concerned from any further participation in the procurement process.

2.5

Conditions of Contract

Candidates should note that it will be a condition of contract that a current Tax Clearance Certificate is provided to the DCMNR. The DCMNR reserves the right to request parent company and/or other guarantees (e.g. performance guarantees) as a condition of contract. Full details of applicable conditions of contract will be set out during the competitive dialogue stage.

2.11 Assessment Criteria

Candidates who have been adjudged by the DCMNR to have met the eligibility requirements set out in Sections A10 and A11 of this PQO will be assessed on the basis of the criteria set out below. Candidates deemed to have satisfied the financial and economic standing, and technical capability necessary to undertake the NBS Contract will be invited to participate in competitive dialogue.

2.9 Non-Compliance with the requirements set out in this Pre-Qualification Questionnaire

If a completed Pre-Qualification Questionnaire fails to comply in any respect with the requirements set out in this document, the DCMNR shall be entitled (but shall not be obliged):

- a) to reject the relevant completed Pre-Qualification Questionnaire as non-compliant;
- b) without prejudice to DCMNR's right to reject the completed Pre-Qualification Questionnaire as non-compliant:

- i) to meet with, raise issues and/or seek clarification from the Candidate in respect of the relevant completed Pre-Qualification Questionnaire;
- ii) to request the Candidate to provide the DCMNR with information or items which have not been provided or have been provided in an incorrect form;

- iii) to waive a requirement which, in the opinion of the DCMNR, is minor and/or procedural; and/or

- iv) to amend the relevant requirements of and invite other Candidates to adjust their respective completed Pre-Qualification Questionnaires on the basis of such revised requirement PROVIDED HOWEVER no amendment and/or change to the DCMNR's requirements will be permitted if, in the DCMNR's opinion, the amendment and/or change, if accepted, would constitute a material amendment and/or change to the DCMNR's pre-qualification requirements.

2.10 Interview

The DCMNR may, at its sole discretion, decide to request one or more Candidates to interview.

Financial and Economic Standing

The objective of the financial appraisal is to select candidates that have the necessary financial and economic standing to undertake the NBS Contract.

Total Score available for Financial and Economic Standing: 100 marks

a) Financial and Economic Standing

The objective of the financial appraisal is to select candidates that have the necessary financial and economic standing to undertake the NBS Contract.

Total Score available for Financial and Economic Standing: 100 marks

b) Technical Capability

A detailed assessment of the Candidate's capability to carry out a project of the size, nature and complexity of the NBS, having regard to the following:

- (i) General and specific project experience relevant to the NBS (Sections C1 to C4) [65 marks]
- (ii) Staff resources and experience (Sections C5 to C8) [25 marks]
- (iii) Quality assurance and Health and Safety standards (Sections C9 to C10) [10 marks]

Total Score available for Technical Capability: 100 marks

Any Candidate who fails to score a minimum of 50 marks in respect of each of Section B and Section C of this Pre-Qualification Questionnaire will be deemed not to have the financial and economic standing and/or technical capability necessary to undertake the NBS Contract and will not be pre-qualified.

To determine the ranking of Candidates who score a minimum of 50 marks in respect of each of Section B and Section C of this Pre-Qualification Questionnaire the DCMNR will then apply the following weighting to the financial and economic standing, and technical capability scores:

- Financial and Economic Standing: 35%
- Technical Capability: 65%

It is envisaged that, provided a sufficient number of Candidates are qualified from those that express an interest, at the DCMNR's sole discretion a minimum of 3 and a maximum of 8 highest ranked Candidates will be pre-qualified.

Return of Completed Pre-Qualification Questionnaire

Candidates must return completed responses to this Pre-Qualification Questionnaire, including a signed copy of the Declaration contained in Section 4, together with accompanying supporting information to the following address for the attention of Yvonne McCarthy, clearly marked "NATIONAL BROADBAND SCHEME: PQQ RESPONSE":

NATIONAL BROADBAND SCHEME: PQQ RESPONSE
 Communications Development
 Department of Communications, Marine and Natural Resources
 29-31 Adelalide Road
 Dublin 2
 IRELAND

ATT: Yvonne McCarthy

by not later than 4 pm (local Irish time) on Thursday 5th July 2007.

Twelve (12) paper copies of the completed Pre-Qualification Questionnaire and supporting documents must be provided in a sealed envelope. In addition, an electronic copy of the completed Pre-Qualification Questionnaire and supporting documents should be submitted on a virus free diskette or CD-ROM in the sealed envelope. Responsibility for the timely arrival of its completed Pre-Qualification Questionnaire rests solely with the Candidate.

3. Pre-Qualification Questionnaire

3.1 Section A: General Information

This section contains general information questions in questions A1 to A9. Questions A10 and A11 require the Candidate to confirm whether certain mandatory or non-mandatory exclusion criteria apply to it.

Questions A1 to A5 are, to the extent applicable, to be completed by the lead Candidate of a consortium or if the Candidate is a sole organisation, by that organisation.

Questions A6 to A11 are to be completed by each member of a consortium (including the lead Candidate) on separate forms, if applicable.

3.2 Section B: Financial and Economic Standing

This section contains questions that will assist the DCMNR's evaluation of a Candidate's financial and economic standing.

Questions B1 to B6 are to be completed by each member of a consortium on separate forms, if applicable. If the Candidate or consortium member proposes to rely on the financial and economic resources of another entity in accordance with section 2.2 of this Pre-Qualification Questionnaire, questions B1 to B6 are to be completed for both the Candidate/consortium member and the relevant entity on separate forms.

3.3 Section C: Technical Capability

This section contains questions that will assist the DCMNR's evaluation of a Candidate's technical abilities and both general project and specific project experience.

Questions C1 to C10 are to be completed by each member of a consortium on separate forms, if applicable. If the Candidate or consortium member proposes to rely on the technical resources of another entity in accordance with section 2.2 of this Pre-Qualification Questionnaire, questions C1 to C10 are to be completed for both the Candidate/consortium member and the relevant entity on separate forms.

Section A: General Information

A1: Candidate Structure

Is the Candidate a single entity or is it a Consortium?

Tick as appropriate

Single entity

Consortium

A2. Name of the Candidate or, where the Candidate is a consortium, name of the organisation that will act as lead Candidate for the NBS project and name of each of the consortium members.

Candidate or, where the Candidate is a consortium, lead Candidate:

Where the Candidate is a consortium, name of the consortium members:

1:

2:

3:

4:

A3: Name and contact details for lead Candidate principal contact:

Name:

Position in Organisation:

Address:

E-mail:

Telephone:

Fax:

A4: Where the Candidate is a consortium, specify the role that each member of the consortium proposes to undertake and the services that each will deliver as part of NBS project.

Name of Organisation	Role and Services to be Delivered

A5: Provide an organisation chart and details of the relationship between the members of the consortium.

Questions A6 to A11 are to be completed by ALL Candidates. Where the Candidate is a consortium, each member of the consortium (including the lead Candidate) should complete responses on separate forms.

A6: Name of Organisation:

A7: Provide details of registered office, registered number and date of registration of company where applicable. If not a company, provide status of organisation, including details of the trading address.

A8: If the Candidate or consortium member is a limited company and is a subsidiary of another company, provide details of the name of the organisation's ultimate holding or parent company:

A9: If you are relying on the resources of another entity in accordance with paragraph 2.2 of this Pre-Qualification Questionnaire, please tick the appropriate box below and fill in the location of the relevant supporting document. If sufficient evidence is not provided the Candidate or member of the consortium will be evaluated based on its own financial, economical and technical standing.

Tick if appropriate written evidence of such support for financial and economic standing is enclosed.

Reference to where enclosed:

Tick if appropriate written evidence of such support for technical standing is enclosed.

Reference to where enclosed:

A10. Mandatory Exclusion Criteria

The DCMNR shall exclude from consideration any person who, to the knowledge of the DCMNR, has at the date of submission of this PQQ been convicted of an offence involving:

- a) participation in a prescribed criminal organisation, or
- b) corruption, or
- c) fraud, or
- d) money laundering.

Please confirm that none of the circumstances at (a) to (d) above apply. Candidates may, where the DCMNR considers it appropriate, be requested to provide documentary evidence as set out in Regulation 53 of the European Communities (Award of Public Authorities' Contracts) Regulations 2006.

A11. Non-Mandatory Exclusion Criteria

The DCMNR may exclude from consideration any person who at the date of submission of this PQQ:

- (a) is bankrupt or the subject of a bankruptcy petition; or, being a body corporate, is being wound up or is the subject of proceedings for compulsory winding up; or whose affairs are being administered by a court; or who is the subject of proceedings in which it is sought to have their affairs so administered; or who has entered into an arrangement with creditors; or who has suspended business activities; or who is, in the opinion of the DCMNR, in any situation analogous to any of those mentioned in this paragraph (a) under a law of the State, another Member State or a third country relating to bankruptcy or insolvency.
- (b) has been found guilty of professional misconduct by a competent authority that is authorised by law to hear and determine allegations of professional misconduct against persons that include the Candidate, or
- (c) has committed grave professional misconduct provable by means that the DCMNR can demonstrate, or
- (d) has not fulfilled an obligation to pay a social security contribution as required by a law of the country or territory:
 - (i) where the person ordinarily resides or carries on business, or
 - (ii) where the DCMNR is established, or
- (e) has not fulfilled an obligation to pay a tax or levy imposed by or under a law of the country or territory:
 - (i) where the person ordinarily resides or carries on business, or
 - (ii) where the DCMNR is established, or

Section B: Financial and Economic Standing

(f) has provided a statement or information to the DCMNR or another contracting authority knowing it to be false or misleading, or has failed to provide to the DCMNR or another such authority a statement or information that is reasonably required by the authority for the purpose of awarding the public contract concerned.

any of the circumstances set out above apply, please provide details. If not, please confirm that none of the circumstances apply. Candidates may, where the DCMNR considers it appropriate, be requested to provide documentary evidence as set out in Regulation 53 of the European Communities (Award of Public Authorities' Contracts) Regulations 2006.

B1: Please provide copies of the Candidate's full audited annual financial statements (including all notes to the financial statements) that cover the last three years of trading or for the period that is available if the Candidate has been trading for less than three years. The latest set of such statements should be for an accounting period ending no earlier than 12 months before the date of submission of this Pre-Qualification Questionnaire. If the most recent audited annual accounts remain unsigned or the audit has not yet been completed, the draft accounts and any published interim or management accounts for that year should be provided. Candidates should provide details of any event or matter between the date on which the last set of audited financial statements are available (where such event or matter is not set out in the draft accounts) and the date of submission of this Pre-Qualification Questionnaire that, had the accounts not been prepared or finalised until this submission date, would have required to be adjusted for or disclosed in accordance with the provisions of International Accounting Standards, or confirmation that no such event has taken place.

B2: Where the information requested in B1 above is not available in an audited form, Candidates should provide a statement of their turnover, Profit & Loss and cash flow position for the most recent three full years of trading (or part year if not applicable) and an end period balance sheet. Where this information cannot be provided, a statement of the organisation's cash flow forecast for the current year and a bank letter outlining the current cash and credit facility position should be provided. In addition, Candidates should clearly indicate the reasons for the information requested in B1 not being available.