

APPENDIX 2

Examples of Blacklisting Evaluation Criteria

Declaration to be included in the Form of Tender for GC/Works and JCT construction contracts covering blacklisting and anti-collusion:

15. Please indicate if currently, or within the last three years, you have, or have been, a party to any scheme or arrangement under which:

		Yes	No
(a)	You communicate the amount of your tender to any other person or body before the contract is let;		
(b)	Any other tenderer for the works is reimbursed any part of their tendering costs		
(c)	Your tender prices are adjusted by reference directly or indirectly to the prices of any other tender for the works		
(d)	A blacklist (as defined by the Employment Relations Act 1999 (Blacklists) Regulations 2010) operates.		

Any Tenderer that answers “Yes” to paragraph 15 must provide in a separate Appendix a summary of the circumstances and any remedial action that has taken place to effectively “self clean” the situation referred to in that paragraph to the satisfaction of the Employer. The Tenderer shall, as a minimum, prove that it has:

- Paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
- Clarified the facts and circumstances in a comprehensive manner by actively collaborating with investigating authorities; and
- Taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

The measures taken by the Tenderer shall be evaluated by the Employer taking into account the gravity and particular circumstances of the offence or misconduct. If such evidence is considered by the Employer (whose decision shall be final) as sufficient, the Tenderer concerned shall be allowed to continue in the procurement process. Where the measures are considered by the Employer to be insufficient, the Tenderer shall be given a statement of the reasons for that decision.