

**Fund Management for a Yorkshire & Humber  
Venture Capital & Loan Fund  
Pre Qualification Questionnaire**

Version 6.0

January 2021

## FUND MANAGEMENT FOR A YORKSHIRE AND HUMBER VENTURE CAPITAL AND LOAN FUND

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**FUND MANAGEMENT FOR A YORKSHIRE & HUMBER VENTURE CAPITAL &  
LOAN FUND (VCLF)**

**PRE-QUALIFICATION QUESTIONNAIRE (“PQQ”)**

This document should be completed and returned with a cover letter in accordance with the **Pre-Qualification Questionnaire** Information and Instructions to Potential Provider/Potential Providers.

**Questionnaires to be submitted by:** 12.00 noon 1<sup>st</sup> February 2021

**To:** Alex McWhirter

**E-mail address:** [alexm@finance-yorkshire.com](mailto:alexm@finance-yorkshire.com)

**Tel:** 01226 323 719  
07855 406 920

# Introduction

No information contained in this PQQ or in any communication made between Finance Yorkshire Limited (“the Company”) and any Potential Provider in connection with this PQQ shall be relied upon as constituting a contract, agreement or representation that any contract shall be offered in accordance with this PQQ. The Company reserves the right, subject to the appropriate procurement regulations, to change without notice the basis of, or the procedures for, the competitive tendering process or to terminate the process at any time. Under no circumstances shall the Company incur any liability in respect of this PQQ or any supporting documentation.

It should be noted that Finance Yorkshire is a private company limited by guarantee and is not required to follow public procurement procedures. However in the interests of openness and transparency, good practice from procurement procedures has been applied where appropriate.

## 1. Purpose of this Pre-Qualification Questionnaire (PQQ)

This PQQ sets out the information which is required by the Company in order to assess the suitability of Potential Providers in terms of its technical knowledge and experience, capability/capacity, organisational and financial standing to meet the requirement. During the PQQ stage, the intention is to arrive at a Short List of between 3 and 5 qualified providers to move ahead to the next stage of procurement.

**All respondents should note that fundraising for the proposed VCLF is advanced and that Finance Yorkshire reasonably expects the new fund to resemble, in broad terms, the structure outlined in this document. However, Finance Yorkshire cannot at this stage, guarantee that any or all of the necessary funding will be secured and reserves the right not to appoint any fund manager in the event that a fund is not established for any reason. Finance Yorkshire is unable to assist with the financial or other costs accrued by respondents preparing submissions for this procurement exercise. By submitting a completed pre-qualification questionnaire, respondents acknowledge their unqualified acceptance of this limitation.**

### 1.1 Structure of PQQ

Potential Providers must adhere to the format of this PQQ when answering the questions. Where questions cannot be answered fully, please provide a relevant explanation and details. Please keep responses concise and, where practical, include electronic links to where additional relevant information can be accessed.

### 1.2 Background Information

Finance Yorkshire was established as a private company limited by guarantee in March 2010. The company was established as a holding fund for a new £90m regional venture capital and loan fund developed through the JEREMIE initiative and capitalised through investment from (at that time) the Regional Development Agency (now managed by the Department of Business Energy and Industrial Strategy (BEIS)), the 2007-2013 European Regional Development Fund (ERDF) programme and commercial lending from the European Investment Bank (EIB).

Finance Yorkshire was established to provide gap finance through debt and equity instruments to SMEs across Yorkshire and Humber, where the private sector was unwilling or unable to do so. Three sub-funds were managed by the Holding fund:

- A Seedcorn Fund, investing in early-stage innovative technology or knowledge-based SMEs.
- A Loan Fund, providing predominantly unsecured loans up to £250,000 as either stand-alone investments or co-investments where SMEs may have already secured some of their financial requirements for capital expansion or development plans.
- An Equity linked Fund making equity-based investments (including mezzanine) up to £2 million to support SME growth and capital expenditure.

In December 2014, Finance Yorkshire secured a further £23m of investment capital provided through additional ERDF capital, a £10m grant from Round 6 of the Regional Growth Fund programme and additional regional legacy match.

Finance Yorkshire completed its final investment in July 2016 and has been in portfolio management since then. The EIB was fully repaid by August 2017. Proceeds from Finance Yorkshire exits and realisations are accumulating and will be used as investment capital for its new VCLF.

### 1.3 The Requirement

Finance Yorkshire wish to create a new VCLF, which will provide comprehensive SME investment cover across the Yorkshire and Humber region, and will naturally succeed and build upon work undertaken by Finance Yorkshire's JEREMIE Fund. The VCLF will provide gap funding and will be structured to complement other existing investment support activities such as the British Business Bank's Northern Powerhouse Investment Fund, Local Enterprise Partnership grant schemes and other national and regional financial support schemes.

**The VCLF will provide Microloan, Loan, Seedcorn and Growth capital (including mezzanine) support to small and medium sized businesses that still have a finance gap after making formal approaches to the commercial market.**

It will comprise four portfolios:

#### **Microloan Fund (£4.0m – indicative total Fund allocation)**

##### **Investment range from £5k to £25k**

This will provide predominantly unsecured loans to businesses that may have already secured finance from banks and other small loan providers. These businesses often have little or no security but need small amounts of debt to start up, to purchase business equipment or for working capital requirements.

#### **Loan Fund (£20.0m – indicative total Fund allocation)**

##### **Investment range from £25k to £250k**

This will provide syndicated loans through to complete financial packages for businesses that may have already secured finance from banks as senior/secured debt, cashflow finance or have maximised their access to national/regional/LEP support. These businesses often have little security left to offer but where appropriate and possible, Personal Guarantees will be secured against these loans. Typically, these businesses need headroom to undertake a venture without shouldering unrealistic levels of risk. Range of investments could include cover for working capital, lower level capital expenditure and investment in premises.

### **Seedcorn (£12.0m – indicative total Fund allocation)**

#### **Investment range up to £1.50m**

This portfolio will support early stage, equity-based, tranching investment in innovative technology or knowledge-based businesses. Clients are likely to be pre-revenue and high-risk but have potential for high growth and for good return realisation on exit. Investment may be made on two levels – Proof of Concept to finance activity that establish that a venture has a feasible commercial basis in trading and on exit; and Commercialisation that will support the very earliest entry into markets.

### **Growth Fund (£22.0m- indicative total Fund allocation)**

#### **Investment range up to £1.50m**

This fund will make equity-based investments (including mezzanine) alongside debt and private venture capital to support longer term and higher value tranching investments up to £1.50m. This portfolio is likely to support a range of management buy-outs, product and market expansion, capital expenditure, acquisitions and some larger start-up ventures.

#### **Investment will be available to businesses located in Yorkshire and Humber:**

- **demonstrating the need to secure financial support in addition to, or replacing investment support from the private/commercial sector;**
- **possessing viable business plans.**

Finance Yorkshire is seeking to procure fund management services for the above portfolios in respect of this VCLF.

## **1.4 Outline Timetable**

Set out below is the proposed procurement timetable. This is intended as a guide and whilst the Company does not intend to depart from the timetable it reserves the right to do so at any stage.

<b>Date or Target Date</b>	<b>Activity</b>
5 <sup>th</sup> January 2021	PQQ published and made available to Potential Providers.
12.00 noon 1 <sup>st</sup> February 2021	PQQ Return Date.
5 <sup>th</sup> February 2021	Evaluation of pre-qualification questionnaires completed.
10 <sup>th</sup> February 2021	Invitation to tender issued to selected providers.
12.00 noon 10 <sup>th</sup> March 2021	Tender Return Date.
19 <sup>th</sup> March 2021	Evaluation of tenders completed.
29 <sup>th</sup> March 2021	Contract Award.

## **1.5 Additional Information**

All requests for clarification or additional information in respect of this PQQ should be addressed to the named [contact point](#). No approach of any kind in connection with this PQQ should be made to any other person within, or associated with, the Company.

This PQQ is being provided on the same basis to all Potential Providers.

The Company expressly reserves the right to require a Potential Provider to provide additional information supplementing or clarifying any of the information provided in response to the requests set out in this PQQ.

The Company will not reimburse any costs incurred by Potential Providers in connection with preparation of their responses to this PQQ.

## **1.6 Instructions for Completion**

Potential Providers should follow the instructions outlined below when completing this PQQ.

Potential Providers should answer all questions as accurately and concisely as possible in the same order as the questions are presented. Where a question is not relevant to the Potential Provider's organisation, this should be indicated, with an explanation.

Questions should be answered in English.

The information supplied will be checked for completeness and compliance before responses are evaluated.

Responses will be evaluated in accordance with the procedures set out in section 1.11 Provider Selection. In the event that none of the responses are deemed satisfactory, the Company reserves the right to terminate the procurement.

Failure to furnish the required information, make a satisfactory response to any question, or supply documentation referred to in responses, within the specified timescale, may mean that a Potential Provider is not invited to participate further.

## **1.7 Submission of Completed Pre-Qualification Questionnaires**

Recipients are invited to complete the attached PQQ and submit it with a cover letter by email or hard copy, together with any requested supporting information, to the Company no later than 12.00 noon 1<sup>st</sup> February 2021

Please note that completed PQQs received after the closing date may be rejected.

Email responses should be sent to the [contact point](#) detailed on page 3 with the reference "**FY Contract FY 01/2021**" noted in the email subject.

For printed/paper copies, two (2) copies of the completed pre-qualification questionnaire should be sent to the Company at the address below in a plain envelope with the reference included in the bottom left corner "**FY Contract FY 01/2021**". The Company does not accept responsibility for the premature opening or mishandling of envelopes that are not submitted in accordance with these instructions.

Alex McWhirter,  
Chief Executive  
Finance Yorkshire  
1 Capitol Court  
Capitol Business Park  
Dodworth  
Barnsley  
S75 3TZ

## **1.8 Consortia and sub-contracting**

Where a consortium or sub-contracting approach is proposed, all information requested should be given in respect of the proposed prime contractor or consortium leader. Relevant information should also be provided (as indicated in the PQQ) in respect of consortium members or sub-contractors who will play a significant role in the delivery of the requirements under any ensuing framework agreement. Responses must enable the Company to assess the overall consortia or core supply base.

Where the proposed prime contractor is a special purpose vehicle or holding company, information should be provided of the extent to which it will call upon the resources and expertise of its members.

The Company recognises that arrangements in relation to consortia and sub-contracting may (within limits) be subject to future change. Potential Providers should therefore respond in the light of the arrangements as currently envisaged. Potential Providers are reminded that any future change in relation to consortia and sub-contracting must be notified to the Company so that it can make a further assessment by applying the selection criteria to the new information provided.

## **1.9 Queries about the procurement**

The Company will not enter into detailed discussion of the requirements at this stage.

Any questions about the procurement should be submitted by email to the [contact point](#) detailed on page 3 or in writing for the attention of Alex McWhirter at the address given in paragraph 1.7 above. Questions regarding the procurement should be headed with the reference “**FY Contract FY 01/2021**”.

If the Company considers any question or request for clarification to be of material significance, both the question and the response will be communicated, in a suitably anonymous form, to all Potential Providers who have responded; have expressed an interest; or those that show an interest before the closing date for the submission of the PQQ.

All responses received and any communication from Potential Providers will be treated in confidence.

## **1.10 Provider contact point**

Potential providers are asked to include a single point of contact in their organisation for their response to the PQQ. The Company will not be responsible for contacting the Potential Provider through any route other than the nominated contact. The Potential Provider must therefore undertake to notify any changes relating to the contact promptly.

## **1.11 Provider selection**

The objective of the selection process is to assess the responses to the PQQ and select Potential Providers to proceed to the next stage of the procurement.

Selection Criteria will be a combination of financial and non financial factors and will consider;

- Provider Acceptability – Status of the provider.
- Economic and financial standing – the provider must be in a sound financial position to participate in a procurement of this size. This may entail independent financial checks.

- Provider track record – The provider must be able to demonstrate a successful track record of providing similar services to those listed in this PQQ.
- Provider capacity and capability – Assessment of the totality of resources and core competencies available to the provider in the delivery of this service.

Failure to provide a satisfactory response to any of the questions may result in the Company not proceeding further with the Potential Provider.

The evaluation criteria for this assessment are as follows;

<b>QUESTIONS</b>	<b>WEIGHTING</b>
GENERAL INFORMATION	INFORMATION ONLY
FINANCIAL DETAILS	IN/OUT
CONTRACTUAL MATTERS	IN/OUT
TECHNICAL OR PROFESSIONAL ABILITY	SCORED
ADDITIONAL CONTRACT - SPECIFIC QUESTIONS	SCORED

### **Weighting Definition**

INFORMATION ONLY      For information purposes only

IN/OUT                      Will not attract a score but will determine whether the Potential Provider remains in the process

SCORED                      An essential requirement which will be scored in the range below

Each question will be scored in the range 0-10 as follows:

- 0            Response is not eligible for consideration.  
The response does not meet requirements and is significantly deficient or no response is provided.
- 1 – 2      Response is inadequate.  
Inadequate details have been provided, questions have not been answered or answers are not directly relevant.
- 3 – 4      Response is limited.  
The response provides limited information or only partially answers the questions.
- 5 – 6      Response is acceptable.  
The response provides acceptable levels of detail and accuracy but fails to address a small number of points.
- 7 – 8      Response is good.  
The response is comprehensive in terms of detail and relevance to the question.
- 9 – 10     Response is excellent.  
The response answers the question completely with relevance and precision and includes improvements such as offering improved value for money.

## PART A – GENERAL INFORMATION

1 Full name, address and website of the Potential Provider:

<b>Company Name</b>	
<b>Address</b>	
<b>Town/City</b>	
<b>Postcode</b>	
<b>Country</b>	
<b>Website</b>	

2 Name, position, telephone number and e-mail address of main contact for this contract.

<b>Name</b>	
<b>Position</b>	
<b>Telephone Number</b>	
<b>Fax Number</b>	
<b>E-mail</b>	

3 Current legal status of the Potential Provider (e.g. partnership, private limited company, etc.).

	<b>Please (tick one box)</b>
<b>Sole Trader</b>	
<b>Partnership</b>	
<b>Public Limited Company</b>	
<b>Private Limited Company</b>	
<b>Other (<i>please state</i>)</b>	

4 Date and place of formation of the Potential Provider, registration under the Companies Act, please provide copies of Certificate of Incorporation and any changes of name, registered office and principal place of business.

<b>Date of formation</b>	
<b>Place of formation</b>	
<b>Date of registration</b>	
<b>Registration number</b>	
<b>Certificates enclosed</b>	YES / NO ( <i>please delete as applicable</i> )

<b>Registered Office</b>	
<b>Brief Description of the Potential Provider's primary business and main products and services.</b>	
<b>Brief history of the Potential Provider's organisation, no more than 400 words, including details of any parent and associated companies and any changes of ownership over the last 5 years including details of significant pending developments, changes in financial structure or ownership, prospective take-over bids, buy-outs and closures etc which are currently in the public domain.</b>	

- 5 Is the Potential Provider a consortium joint venture or other arrangement? If so, and if it is available, please provide details of the constitution and percentage shareholdings.

<b>Consortium</b>	YES / NO <i>(please delete as applicable)</i>
<i>If yes please complete the table below</i>	

<b>Organisation</b>	<b>Percentage shareholding</b>

- 6 Please provide a one-page chart illustrating the ownership structure of the Potential Provider including relations to any parent or other group or holding companies.

<b>Ownership structure enclosed (please ✓)</b>	
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7 **Registration with professional body**

Where applicable, is the Potential Provider registered with the appropriate trade or professional register(s) in the country where it is established (under the conditions laid down by that trade or professional register).

<b>Evidence of registration with appropriate professional/trade body</b> <i>Either insert required details or state 'None'</i>

8 Please indicate by ticking the appropriate box what type of Potential Provider you are (please refer to paragraph 1.8 [\(Consortia and subcontracting\)](#)).

	<b>Please (tick one box)</b>
<b>Type A Potential Provider</b> A Potential Provider able to provide The Requirement (as stated in Para 1.3 ) itself or, if unable to do so, is bidding in the role of prime contractor and has the complete fund management network (sub-contractors) already in place to deliver those requirements.	<input type="checkbox"/>
<b>Type B Potential Provider</b> A Potential Provider able to provide The Requirement as prime contractor (as stated in Para 1.3) but is unable to confirm all sub-contractors (complete fund management network) at this stage. This Potential Provider will need to demonstrate a satisfactory methodology and track record of delivering a fund management network.	<input type="checkbox"/>

9 **To be completed by Type A Potential Providers only:** Please indicate in the table below (by inserting the relevant company/organisation name) the composition of the fund management network, indicating which member of the fund management network (which may include the Potential Provider itself or solely be the Potential Provider) will be responsible for which element of the requirement.

Requirement	Company / Organisation	How much of the requirement and what will they directly deliver (%)
Microloan		
Loan		
Seedcorn		
Growth		

10 **To be completed by Type B Potential Providers only:** Please complete the following table to indicate whether or not a fund management network member (sub-contractor) is already identified as providing part of the requirement. If identified, please insert the relevant company/organisation name (which may include the Potential Provider itself).

Requirement	Company / Organisation	How much of the requirement (%) and what will be directly delivered by them
Microloan		
Loan		
Seedcorn		
Growth		

- 11 **To be completed by Type B Potential Providers only:** Please explain your methodology for procuring a fund management network leading to a successful solution. Please support this with details of relevant experience of this type of procurement and issues you have taken into account in selecting previous fund management network members (sub-contractors).

Methodology for procuring fund management network (300 words or fewer)

- 12 **To be completed by Type A and B Potential Providers:** If details are available then please list any other identified members of your fund management network (sub-contractor).

Organisation name	Organisation address and contact details	Responsibility / Role and percentage of overall contract they will be responsible for	Length of time as a sub-contractor to the prime contractor.

**Note - If a fund management network member (sub-contractor) is to be responsible for more than 25% of the delivery of the overall requirement then the sub-contractor should complete and submit, as part of the overall PQQ documentation, a questionnaire giving full details about their organisation.**

- 13 Does the Potential Provider and/or any of its named fund management network members (sub-contractors) have any potential conflicts of interest that may arise if selected to deliver this contract (as outlined in paragraph 1.3)?

Potential conflicts of interest	YES / NO <i>(please delete as applicable)</i>
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# PART B - FINANCIAL DETAILS

14 Name and address of principal banker together with banker's reference.

<b>Bank Name</b>	
<b>Address</b>	
<b>Town/City</b>	
<b>Postcode</b>	

<b>Banker's reference enclosed (please √)</b>	
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15 **Accounts information** — please provide a copy of the full report and audited accounts for the last 2 financial years including all strategic and Directors reports. If the accounts you are submitting are for a year ended more than 10 months ago please also enclose the latest set of management accounts. If there are any changes to the strategic direction of the Potential Provider please provide details of this

	<b>Please √ or state 'N/A'</b>
<b>Profit and Loss Accounts</b>	
<b>Balance Sheet</b>	
<b>Full accompanying notes</b>	
<b>Director's/Managing Partner's Report (if available)</b>	
<b>Auditor's Report</b>	

16 Please supply the following information for the last 3 financial years:

	<b>Amount (£K) 2018/2019</b>	<b>Amount (£K) 2019/2020</b>	<b>Amount (£K) 2020/2021</b>
<b>Overall turnover for last 3 years</b>			
<b>Turnover in relevant services</b>			
<b>Operating Profit</b>			
<b>Profit in relevant services</b>			
<b>Current Assets</b>			
<b>Current Liabilities</b>			
<b>Long Term Liabilities</b>			
<b>Net Assets</b>			
<b>Numbers of Staff working in relevant services</b>			

If the information you are submitting is for a financial year-ending more than 10 months ago, please submit the latest available information or a statement signed by the Finance Director detailing any major changes in the current financial position since the date of the latest information provided.

Potential Providers who do not have 2 years of audited accounts should provide whatever filed accounts they may have. Newly formed Potential Providers should provide a statement of the Potential Provider's turnover, profit & loss account and cash flow for the most recent year of trading and/or a statement of the Potential Provider's cash flow and profit forecast for the current year and a letter from the Potential Provider's bank outlining the current cash and credit position.

17 **Insurances** - Please provide evidence of the employers' liability, public liability insurance [and professional liability or indemnity] insurance held by the Potential Provider. The evidence should include the name of the insurers, policy numbers, expiry dates and limits for any one incident and annual aggregate caps and the excesses under the policies.

<b>Name of insurer</b>	
<b>Address</b>	
<b>Type of insurance</b>	
<b>Policy numbers</b>	
<b>Expiry date</b>	
<b>Limits of indemnity (per occurrence and aggregate)</b>	

<b>Excess (if any)</b>	
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- 18 Please provide a statement of any material pending or threatened litigation or other legal proceedings over the last 5 years where the claim is or was of a value in excess of £50,000.

<b>Disclosure of legal proceedings (300 words or fewer)</b> <i>Either insert required details or state 'None'</i>

# PART C - CONTRACTUAL MATTERS

Please answer the following questions regarding contracts. **If the answer to any of the questions is 'Yes', please provide a full explanatory statement below.**

19 Has the Potential Provider or any of its named fund management network members ever suffered deductions for liquidated and/or ascertained damages in respect of any contract within the last two years?

	<i>Please delete as applicable</i>
<b>Deductions for liquidated and/or ascertained damages</b>	YES / NO
<i>If yes, please answer the following two questions:</i>	
<b>Did the deduction exceed £50,000?</b>	YES / NO
<b>Was the deduction greater than [10%] of the whole life value of the contract?</b>	YES / NO

20 Has the Potential Provider or any of its named fund management network members (sub-contractors) ever had a contract terminated or its employment determined under the terms of the contract in the last three years?

<b>Contract terminated / employment determined</b>	YES / NO <i>(please delete as applicable)</i>
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21 Has the Potential Provider or any of its named fund management network members (sub-contractors) ever failed to receive a contract renewal on the basis of unsatisfactory performance in the last three years?

<b>Failed to receive contract renewal</b>	YES / NO <i>(please delete as applicable)</i>
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22 Are there any material pending or threatened litigation or other legal proceedings connected with similar contracts against the Potential Provider and/or any of its named fund management network members (sub-contractors) that may affect delivery of this contract?

<b>Legal proceedings pending</b>	YES / NO <i>(please delete as applicable)</i>
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23 If you have answered 'Yes' to any of questions 20 to 22 please give an explanatory statement:

<b>Brief statement (300 words or fewer)</b> <i>Either insert required details or state 'None'</i>

## **PART D –TECHNICAL OR PROFESSIONAL ABILITY**

- 24 Please provide details of FCA accreditation or equivalent held by your organisation and/or consortium members. Where an equivalent accreditation is held, the relevance to the selected services should be detailed.
- 25 Provide details of your registration with any relevant national body (for example the British Private Equity & Venture Capital Association) for providing the selected services.
- 26 State your average annual manpower and number of managerial staff over the past three years broken down by discipline where relevant. Where appropriate, provide details where staff have been recruited for specific contract applications and how this may apply in this case.
- 27 List all the professional and educational qualifications of your key managerial staff and other employees who would be responsible for managing the VCLF (this information should be supplied for the lead company and all other parties involved in any proposed consortium).
- 28 Provide the names and full contact details (including email addresses, telephone and, where appropriate, fax numbers) of three persons to whom reference could be made in respect of the services provided by you on similar contracts.
- 29 Provide a statement of the technical services which you may call upon in carrying out the contract (for example due diligence technology/technical support) and whether this assistance would be independent of your organisation or not.
- 30 Provide details of your organisation's measures for ensuring quality, details of your quality assurance registrations (where appropriate, registration with national or international quality assurance standards/bodies) and your approach to contract, project and/or customer relationship management.
- 31 Provide details of any contract, project and/or customer relationship management systems you will use in managing this contract.

# PART E – ADDITIONAL CONTRACT - SPECIFIC QUESTIONS

Your response to part E should not exceed 4 sides of A4 paper.

- 32 In which areas does your organisation or consortium wish to indicate its interest in bidding to provide fund management services?

Microloans	Yes/No
Loans	Yes/No
Seedcorn	Yes/No
Growth	Yes/No
  
- 33 In the context of the Fund proposed in this document, outline your organisation’s or consortium’s experience in providing finance and/or support to SMEs. It will help if you specifically address the following:
  - The location and duration of previous activities
  - How your organisation was appointed and by whom
  - The source and nature of the original investment capital
  - The key economic and financial outcomes generated or progress to date
  
- 34 If successful, is your organisation or consortium able to put the required service in place to go live in 2021?
  
- 35 Outline your experience of working with other similarly funded business support and finance providers. If you do not have experience of this kind, explain how you plan to establish linkages to the network of SME support in the Yorkshire and the Humber region.

# PART F - CHECKLIST OF ATTACHMENTS

Please ensure that the following attachments are included within your response:

<b>Document</b>	<b>Included</b>
Certificate of Incorporation	Y / N
Ownership Structure	Y / N
Banker's Reference	Y / N
Accounts Information	Y / N
Insurances	Y / N
Part G – Statement Relating to Good Standing	Y / N

## **PART G — STATEMENT RELATING TO GOOD STANDING**

### **STATEMENT RELATING TO GOOD STANDING — GROUNDS FOR OBLIGATORY EXCLUSION (INELIGIBILITY) AND CRITERIA FOR REJECTION OF CANDIDATES**

It should be noted that Finance Yorkshire is a private company limited by guarantee and is not required to follow public procurement procedures. However in the interests of openness and transparency, good practice from procurement procedures has been applied where appropriate. In this section, the provisions of Regulation 57 of the Public Contracts Regulations 2015 have been voluntarily applied and used and are required to be confirmed by Potential Providers.

#### **Grounds for mandatory rejection (ineligibility)**

The Potential Provider (or its directors or any other person who has powers of representation, decision or control of the named organisation) confirms that it has not been convicted of any of the following offences:

- (a) conspiracy within the meaning of section 1 or 1A of the Criminal Law Act 1977 or article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA;
- (b) corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906, where the offence relates to active corruption;
- (c) the offence of bribery, where the offence relates to active corruption;
- (d) bribery within the meaning of sections 1 or 6 of the Bribery Act 2010;
- (e) any of the following offences, where the offence relates to fraud affecting the European Communities' financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities:—
  - (i) the offence of cheating the Revenue;
  - (ii) the offence of conspiracy to defraud;
  - (iii) fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978;
  - (iv) fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006;
  - (v) fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;
  - (vi) an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993;
  - (vii) destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969;
  - (viii) fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or
  - (ix) the possession of articles for use in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act;
- (f) money laundering within the meaning of section 340(11) of the Proceeds of Crime Act 2002;

- (g) an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996;
- (h) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants etc.) Act 2004;
- (i) an offence under section 59A of the Sexual Offences Act 2003;
- (j) an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994 or under section 71 of the Coroners and Justice Act 2009; or
- (k) any other offence within the meaning of Article 57(1) of the Public Contracts Directive;
  - (i) as defined by the law of any jurisdiction outside England and Wales and Northern Ireland; or
  - (ii) created after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland.

<b>Organisation's name</b>	
<b>Signed</b>	
<b>Position</b>	
<b>Date</b>	

## Discretionary grounds for rejection

The Potential Provider (or its directors or any other person who has powers of representation, decision or control of the named organisation) confirms that it:

- (a) being an individual is not bankrupt or has not had a receiving order or administration order or bankruptcy restrictions order made against him or has not made any composition or arrangement with or for the benefit of his creditors or has not made any conveyance or assignment for the benefit of his creditors or does not appear unable to pay or to have no reasonable prospect of being able to pay, a debt within the meaning of section 268 of the Insolvency Act 1986, or article 242 of the Insolvency (Northern Ireland) Order 1989, or in Scotland has not granted a trust deed for creditors or become otherwise apparently insolvent, or is not the subject of a petition presented for sequestration of his estate, or is not the subject of any similar procedure under the law of any other state;
- (b) being a partnership constituted under Scots law has not granted a trust deed or become otherwise apparently insolvent, or is not the subject of a petition presented for sequestration of its estate;
- (c) being a company or any other entity within the meaning of section 255 of the Enterprise Act 2002 has not passed a resolution or is not the subject of an order by the court for the company's winding up otherwise than for the purpose of bona fide reconstruction or amalgamation, nor had a receiver, manager or administrator on behalf of a creditor appointed in respect of the company's business or any part thereof or is not the subject of similar procedures under the law of any other state;
- (d) has not been convicted of a criminal offence relating to the conduct of his business or profession;
- (e) has not committed an act of grave misconduct in the course of his business or profession;
- (f) has fulfilled obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which the organisation is established;
- (g) has fulfilled obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which the economic operator is established;
- (h) is not guilty of serious misrepresentation in providing any information required of him under this regulation;
- (i) in relation to procedures for the award of a public services contract, is licensed in the relevant State in which he is established or is a member of an organisation in that relevant State when the law of that relevant State prohibits the provision of the services to be provided under the contract by a person who is not so licensed or who is not such a member.

<b>Organisation's name</b>	
<b>Signed</b>	
<b>Position</b>	
<b>Date</b>	