

Response Document

Part 2 Due Diligence Questionnaire

For Participant’s information - the questions in this section are evaluated by:

- Mandatory Pass/Fail – Bidders that fail these questions will be excluded from this tender process.
- Discretionary Pass/Fail - Bidders that fail these questions may, at OS’ discretion, be excluded from this tender process.
- For Information Only – Not used for evaluation purposes.
- Percentage weighting – Shows the relative weighting of the question in the evaluation methodology.

This is indicated next to each question for your convenience.

1 Acceptance of Contract Terms

This is a Pass/Fail question, in so far as non-acceptance of the contract terms as specified below will result in a mandatory rejection.

1.1 By accepting the terms of the contract (included within this tender pack), you are confirming that you are compliant with all relevant legislation and regulation, including but not limited to:

- General Data Protection Regulation 2016/679
- Data Protection Act 2018
- Modern Slavery Act 2015
- Bribery Act 2010
- Equality Act 2010
- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- Health and Safety at Work etc. Act 1974

Participant accepts the terms of the contract included within tender pack without modification or amendment:

<input checked="" type="checkbox"/> Yes, I accept the contract	<input type="checkbox"/> No, I do not accept the contract
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PASS / FAIL

2 Health and Safety

Question 2.1 is a mandatory exclusion. Anyone that responds ‘No’ to this question will be excluded from participating in this tender opportunity.

2.1 The Participant confirms that they are compliant with the Health and Safety at Work etc Act 1974 and any other health and safety legislation that is applicable to the requirements of this ITT.

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Where you indicate ‘Yes’ please note that you will be asked to provide evidence such as a copy of your policy, any relevant accreditations (ISO 18001 or equivalent), copies of procedures and processes for monitoring, communications, regular reviews of the policy and reporting any issues, prior to any contract award.

PASS / FAIL

3 Environmental

3.1 The Participant confirms that they comply with all relevant Environmental Legislation.

If you respond ‘no’ to this question, OS will disqualify your organisation from this process and the rest of your organisation’s bid will not be scored.

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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3.2 Question 3.2 is a discretionary exclusion question. Anyone that responds ‘yes’ to this question and have not satisfactorily addressed the corrective actions as identified by the regulatory body and described them in 3.2.1 will be, at OS’ discretion, excluded from participating in this tender opportunity.

In the last three (3) years, has any regulatory body made any findings, or has the Participant been the subject of any formal investigation, for breach of environmental legislation?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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3.2.1 If the answer is ‘yes’ please provide details regarding the breach of legislation and what corrective action you have undertaken to ensure a similar breach does not occur again:

Click or tap here to enter text.

3.3 Environmental affairs and climate improvement is an important matter for OS.

We require all Participants to confirm that they have an Environmental Management Policy which would be used in the performance of services under the contract, that they are compliant with ISO 14001 or operate with equivalent processes and provide the following:

3.3.1 evidence demonstrating how your organisation sets targets to improve environmental performance through your Environmental Management System

Landmark have an Environmental Management Policy, which sets measurable goals such as reducing our electricity consumption by 30,000kwh/month at the Exeter Office due to decommissioning of the data centre. The servers now live in Newport which uses 100% renewable energy and is much more efficient due to the scale of the operation there. This policy is reviewed annually to both review targets and set adjusted ones for in future

2 %

3.3.2 evidence of monitors and measurers used within your business to meet your targets

Landmark monitors our energy usage to reduce where possible to meet devised targets as part of the EMP – for example reducing our electricity consumption by 30,000kwh/month at the Exeter Office due to decommissioning of the data centre. The servers now live in Newport which uses 100% renewable energy and is much more efficient due to the scale of the operation there.

2 %

3.3.3 evidence of how your business is progressing against those targets

Landmark is ISO 14001 accredited and continue to maintain this

1 %

3.3.4 a clear plan of how your business will be exploring in order to eradicate its Carbon Footprint in its operations and will become carbon net zero by the government’s 2050 target date **(FOR INFORMATION ONLY)**

Landmark have an Environmental Management Policy, which is reviewed annually to ensure progression towards this target of net zero by 2050. Our Green Champions group ensure employees can feed into this, inputting examples such as Set our hot water heaters, TV’s and Air Conditioners to be off overnight.

Suppliers that provide detailed responses and evidence to show that they have Environmental Management Policies that would be utilised during the performance of this contract along with the evidence requested will score higher for this question.

4 Equality and Diversity and Inclusivity

Question 4.1 is a mandatory exclusion. Anyone that responds ‘No’ to this question will be excluded from participating in this tender opportunity.

4.1 The Participant confirms that they are compliant with the Equality Act 2010 and any other equality, diversity and inclusivity legislation that is applicable to the requirements of this ITT.

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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Where you indicate ‘Yes’ please note that you may be asked to provide evidence such as provide a copy of your organisation’s equality, diversity and inclusivity policy, strategy or scheme to ensure that compliance with current equality and diversity legislation is met, on contract award.

PASS / FAIL

4.2 The Participant must describe how it prevents discrimination, and advance equality, in:

4.2.1 recruitment and selection;

<p>Landmark have an Inclusion and Diversity policy, which all employees are given a copy of and held to. An annual training is mandatory for all employees on this.</p> <p>Within out policy is reference to training, progression and hiring which focuses on ensuring that these biases are not held against the applicants, through many techniques such as preventing selectively biased screening and ensuring equal opportunity to all regardless</p>

1%

4.2.2 training and promotion

<p>Within out Inclusion and Diversity policy is reference to training, progression and hiring which focuses on ensuring that these biases are not held against the applicants, through many techniques such as preventing selectively biased screening and ensuring equal opportunity to all regardless</p>

1 %

In order to provide a complete response, Participant is advised to provide examples of job advertisements, documentation setting out selection processes used, procedures or process documentation for training and any policy or staff handbook documentation that supports the response. If you use documentation to support your response to this question, please ensure that it is clearly marked that it refers to this question. Participants that evidence well established and thorough processes concerning Equality & Diversity shall score higher.

5 Business Continuity and Disaster Recovery

5.1 Does your company have Business Continuity arrangements in place to ensure the continuation of the services provided by your company. Please give an overview of your business continuity arrangements, any documentation or certification such as ISO22301 or a qualified Business Continuity person (CBCI)

In support of your response, ensure you include details (and supporting evidence of) regarding:

- relevant accreditation or certification for example, ISO 22301 or equivalent;
- how any BCMS procedures and systems are used within your business to ensure quality of delivery of services;
- any examples of failure and the corrective actions which were identified and deployed.
- provide details (and evidence) of alternative facilities and other equipment;
- management of human resources.

Participants demonstrating proactive management through comprehensive plans/processes via documentation, certification and other related information shall score higher.

Click or tap here to enter text.

1 %

5.2 Business Disruption & Incident Management

Within the last three years have there been any occasions when your business operation has been disrupted. If so, please provide details of your incident management response and if your business continuity plans were invoked. As part of your response, please describe any crisis communications plan and approach to contacting customers such as OS. This should include timeframes, escalation procedures and measures undertaken culminating in contact being made with OS. Participants should include any reports and documentation that supported the action taken, any implementation and test plans that were used. Participants that have encountered less disruption or where they have encountered disruption have dealt with it with less impact on service shall score higher for this question.

Click or tap here to enter text.

1 %

5.3 Critical Suppliers

Please detail the strategy your organisation has in place for ensuring continuity of supply from your critical suppliers. As part of your response, detail how you review the arrangements during the lifecycle of the contract. Please provide any evidence that will support your response.

Participants that can provide the evaluation panel confidence in the resilience of the participants organisation supply chain business continuity shall score higher for this question.

[Redacted content]

1 %

6 GDPR

Please refer to and complete the GDPR Due Diligence questionnaire.

7 Contractual Issues

Question 7.1 is a discretionary exclusion question. Anyone that responds ‘yes’ to this question and have not satisfactorily addressed the corrective actions as identified by the regulatory body and described them in 3.2.1. will be, at OS’ discretion, excluded from participating in this tender opportunity.

7.1.1 7.1 Have/has the Participant or any of its named supply chain members or subcontractors: ever suffered deductions for liquidated and/or ascertained damages in respect of any contract within the last two years?

Yes No

If the answer is ‘yes’ please provide details regarding this and what corrective action you have undertaken to ensure the same does not occur again:

Click or tap here to enter text.

7.1.2 ever had a contract terminated or its employment determined under the terms of the contract in the last three years?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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If the answer is ‘yes’ please provide details regarding this and what corrective action you have undertaken to ensure the same does not occur again:

Click or tap here to enter text.

7.2 Is there any material pending or threatened litigation or other legal proceedings connected with similar projects against the Participant and/or any of its named supply chain members (sub-contractors) that may affect delivery of this project?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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If ‘Yes’, provide full details of the litigation or legal proceedings and what areas of impact this will have in respect of the delivery of the services required under this Contract.

Click or tap here to enter text.

PASS / FAIL

8 Anti-Bribery

The question in this section is subject to Discretionary Fail where OS reserves the right to remove you from the process if you answer ‘No’ and not to consider the remainder of your Tender.

8.1 The Participant confirms that they are compliant with the Bribery Act 2010?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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PASS / FAIL

8.2 The Participant confirms that they have an anti-bribery policy and processes in place?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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PASS / FAIL

Where you indicate ‘Yes’ please note that you may be asked to provide evidence before Contract Award.

9 TUPE

The Participant is asked to confirm that they understand and accepts the requirement for the indemnity detailed below. This question is subject to Discretionary Fail where OS reserves the right to remove you from the process if you answer ‘No’ and not to consider the remainder of your Tender.

Participants will need to make their own assessment as to whether the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) would apply, having regard to the data provided in the ITT. Participant’s should note, under the current supplier’s contract does include the following indemnity which the agreement states may be enforced against the current supplier by the New Service Provider:

If, as a result of the application of TUPE, the contract of employment of any employee or Personnel of Supplier shall have effect, following the termination or expiry of the Contract, as if originally made between OS and/or any New Service Provider (Outgoing Employee), OS and/or any New Service Provider may terminate the contract of employment with such Outgoing Employee and the Supplier shall indemnify and keep OS and any New Service Provider indemnified against all Liabilities in respect of such Outgoing Employee. The Supplier shall also indemnify and keep OS indemnified against all Liabilities incurred by OS and/or any New Service Provider arising out of, or in connection with, any claim (whether successful or not) made by an Outgoing Employee (whether or not such person is dismissed by OS).

When pricing Tender responses, Participants will need to make their own assessment as to the application TUPE and any liabilities arising under the same. In particular the Participant should state the assumption it has made in relation to TUPE and identify separately what (if any cost) is associated with this. For the avoidance of doubt, prices submitted in response to this Tender must be fixed and firm and re-negotiation of prices whether in respect of a Participant's incorrect TUPE assumptions or otherwise will not be permitted.

9.1 The Participant confirms that is understands and accepts the indemnity above in relation to the *Transfer of Undertakings (Protection of Employment) Regulations 2006?*

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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PASS / FAIL

10 Cyber Security

Please refer to and complete the Tender Security Questionnaire

PASS / FAIL