

Conditions of Participation

IT Support Services CYG 044



Comisiynydd y
Gymraeg
Welsh Language
Commissioner

The Conditions of Participation as laid out in this document are specific to this tender. Suppliers should complete the Conditions of Participation template and submit it with the other documents and any additional evidence, as part of their submission.

The information supplied in response to the Conditions of Participation does not supersede that provided by the supplier as part of their Standard Supplier Information on the Central Digital Platform.

It is the responsibility of the supplier to ensure that the information supplied in response to the Conditions of Participation is complete, current and accurate. Suppliers are required to attest to this at the time of making their tender submission.

Suppliers should note that the Conditions of Participation will be assessed prior to the tender evaluation stage. In accordance with section 19(3) of the Procurement Act 2023, the Commissioner will disregard a supplier's submission if the Conditions of Participation are not met. Suppliers who meet the Conditions of Participation will be assessed against the awarding criteria as noted in the Specification.

Contracting authorities are only permitted to include Conditions of Participation that fall within one of the two headings below:

- Legal and financial capacity to perform the contract
- Technical capability to perform the contract

1. Legal and Financial Capacity

1.1 Suppliers are required to respond to the particular questions noted in the table below relating to the legal and financial capacity of the supplier to perform the contract:

Area	Condition of Participation	Response requirement	Guidance
Financial	<p>Suppliers shall provide:</p> <ul style="list-style-type: none"> ▪ Accounts for the two most recently completed financial years. (Audited accounts should be provided where an entity is subject to audit, otherwise unaudited accounts should be presented) ▪ Where the entity forms part of a group, the accounts for the ultimate parent company should also be provided for the two most recent financial years 	Document	<p>The financial standing of the entity (or parent where relevant) will be assessed according to the criteria noted below. Entities should explain where failing any of these criteria does not represent a risk to the entity's financial stability.</p> <p>The Commissioner may determine that this Condition of Participation has not been fulfilled if an entity does not meet the following criteria:</p> <ul style="list-style-type: none"> ▪ Accounts filed by the due date ▪ Earnings before Interest and Tax > £0 ▪ Revenue Reserves > £0 ▪ Net Current Assets > £0 ▪ Acid Test Ratio > 0.5 ▪ Gearing Ratio < 2.0
Insurance	<p>Provision of evidence that insurances are held to the level of cover indicated. Where insurances are not currently held, it will be required that policies are in place following contract award.</p> <ul style="list-style-type: none"> ▪ Employer Liability Insurance ▪ Product Liability Insurance ▪ Professional Indemnity Insurance ▪ Business Interruption Insurance 	Document	<p>Employer Liability Insurance (£5,000,000) Product Liability Insurance (£2,000,000) Professional Indemnity Insurance (£1,000,000) Business Interruption Insurance (£200,000)</p>

2. Technical Capability

2.1 Suppliers are required to respond to the particular questions, noted in the table below relating to the technical capability of the supplier to perform the contract:

Area	Condition of Participation	Response	Guidance
Qualifications & Accreditations (Project Management)	Evidence that the supplier has sufficient resources that are qualified or have professional accreditations (membership) such as: <ul style="list-style-type: none"> ▪ Association for Project Management ▪ PRINCE2 ▪ Project Management Institute 	Document	<p>LOT 3 – Ad-hoc and Project work only</p> <p>Internationally recognised equivalents to UK qualifications, professional accreditations (memberships) are allowed</p> <p>The Commissioner may determine that this Condition of Participation has not been fulfilled if an entity does not meet the criteria.</p>
Qualifications & Accreditations (IT Security)	Evidence that the supplier has accreditations such as: <ul style="list-style-type: none"> ▪ Cyber Essentials / Cyber Essentials PLUS ▪ ISO 27001 	Document	Internationally recognised equivalents to UK qualifications, professional accreditations (memberships) are allowed
Data Protection	Confirmation that data stored / processed on behalf of the Welsh Language Commissioner is stored / processed in data centres that are located in the UK / a EU member state / a EEA country. Data must not be stored / processed in a data centre outside these jurisdictions.	Document	