**Obligatory undertakings required from the Bidder(s)**

**Name of Bidder(s):**

**Name of project:**

**Declaration**

***Notes to Bidders:***

1. ***Please read the declaration below. This Schedule should then be completed, signed and returned via the e-tendering portal in response to the appropriate initial eligibility question.***
2. ***An authorised signatory, in his/her own name, on behalf of the Bidder and each of any Bidder Members and/or Sub-contractors, must sign a copy of this declaration***

**CONFIDENTIALITY UNDERTAKING**

In consideration of the release by the Contracting Authority of the Confidential Information as set out below, the potential Bidder Entity undertakes and agrees with the Contracting Authority as follows:

1. This undertaking is binding upon the potential Bidder Entity and all persons associated with the potential Bidder Entity.

2. This undertaking extends to all information of whatsoever nature in whatsoever form relating to the above requirement, obtained from any source, including without limitation the service requirement documentation, information received from the Contracting Authority, and any named party to the procurement, or its appointed advisors and information obtained as a result of being allowed in or onto any premises associated with the delivery of the project (“Confidential Information”). It does not extend to information which, at the time it is obtained, is in the public domain.

3. The potential Bidder Entity shall use the Confidential Information solely for the purpose of bidding under the FTCI process.

4. The potential Bidder Entity shall not use or disclose or permit the disclosure by any person of any of the Confidential Information for the benefit of any third party.

5. The potential Bidder Entity shall keep all materials containing Confidential Information in a secure place at all times.

6. No failure or delay by the Contracting Authority in exercising any right or power or privilege available to the Contracting Authority shall be deemed to be a waiver nor shall any single or partial exercise of any such right or power or privilege preclude any further exercise or the exercise of any such rights or power or privilege.

7. The agreement formed by the acceptance of this statement shall be governed by and constructed in all respects in accordance with English law, and each hereby submits to the exclusive jurisdiction of the courts of England and Wales in relation to all matters pertaining to or arising from this Agreement.

**CANVASSING**

The Contracting Authority reserves the right to disqualify (without prejudice to any other civil remedies available to the Contracting Authority and without prejudice to any criminal liability which such conduct by a potential; Bidder or any of their potential Bidder Members may attract) any potential Bidder or potential Bidder Member who, in connection with this bidding process.

Offers any inducement, fee or reward to any representatives or advisors of the Contracting Authority, and any named party to the procurement.

1. Does anything which would constitute a breach of the Bribery Act 2010;
2. Canvasses any of the persons referred to above in connection with this bidding process; or
3. Contacts any of the persons referred to above prior to conclusion of the bidding process about any aspect of the bidding process in a manner not permitted by this bidding process (including without limitation contact for the purposes of discussing the possible transfer to the employment of the potential Bidder of such person).

Other than where specifically permitted by this bidding process, no attempt should be made to contact the Contracting Authority’s project team office by telephone, nor to contact the Contracting Authority, or any named party to the procurement, or the Contracting Authority’s or advisers as part of the procurement. Any enquiries made to persons other than the Contracting Authority project team will be regarded as *prima facie* evidence of canvassing.

**NON COLLUSION UNDERTAKING**

The Contracting Authority reserves the right to disqualify (without prejudice to any other civil remedies available to them and without prejudice to any criminal liability which such conduct by a Bidder may attract) any potential Bidder or potential Bidder Member who, in connection with this bidding process:

1. Fixes or adjusts their bidding process by or in accordance with any agreement or arrangement with any other potential Bidder or potential Bidder Member of another potential Bidder (other than a Bidder’s own Bidder Members); or
2. Enters into any agreement or arrangement with any other potential Bidder or potential Bidder Member of another potential Bidder to the effect that they shall refrain from submitting a bid or
3. Offers or agrees to pay or give or does pay any sum or sums of money, inducement or valuable consideration directly or indirectly to any party for doing or having done or causing or having caused to be done in relation to any other bid or proposed bid, any act of omission (without prejudice to any other civil remedies available to the Contracting Authority and without prejudice to any criminal liability which such conduct by a potential Bidder or potential Bidder Member may attract) relating to any other bid or proposed bid for this service; or
4. Causes or induces any person to enter such agreement as is mentioned in either paragraph (i) or (ii) or to inform the potential Bidder or potential Bidder Member of the content any rival bid; or
5. Canvasses any of the persons referred to above (Canvassing) in connection with this bid; or
6. Communicates to any party other than the Contracting Authority, the content of its bid response.

**CONFLICT OF INTEREST DECLARATION**

All potential Bidders, including sub-contractors, members of a consortium, and advisers or other associated parties (Relevant Organisations) are required to identify any potential conflicts of interest that could arise if the Relevant Organisation were to take part in any procurement process and/or provide services under, or otherwise enter into any contract with the Contracting Authority, and any named party to the procurement.

If any assistance is required in order to complete this form, the Relevant Organisation should contact NEL Procurement via the messaging facility on the e-tendering portal.

Any changes to interests declared either during the procurement process, or during the term of any contract subsequently entered into by the Relevant Organisation and the Contracting Authority, must be notified to the Contracting Authority by completing a new declaration form and submitting it to the Contracting Authority.

Relevant Organisations completing this declaration form must provide sufficient detail of each interest so that the Contracting Authority, and a member of the public, would be able to understand clearly the type of financial or other interest the person concerned has, and the circumstances in which a conflict of interest with the business of the Contracting Authority (including the award of a contract) might arise.

**If in doubt as to whether a conflict of interest could arise, a declaration of the interest should be made.**

**A copy of the Conflict of Interest Declaration is to be completed by an authorised signatory, in his / her own name, on behalf of each of the Bidder, partners, consortium members and/or sub-contractors.**

**Declarations:**

**PLEASE DO NOT LEAVE ANY FIELD BLANK – IF “NOT APPLICABLE” or “NO” PLEASE RESPOND BY ENTERING “N/A” or “NONE”. IF “N/A” PLEASE PROVIDE A BRIEF EXPLANATION**

|  |  |
| --- | --- |
| **NAME OF RELEVANT ORGANISATION:** |  |
| **Role in this bid (Prime Supplier, sub-contractor, partner, consortium member)** |  |
| **Interests** | |
| **Type of Interest** | **Details** |
| Provision of services or other work for Contracting Authority, and/or named party to the procurement |  |
| Provision of services or other work for any other potential bidder in respect of this project or procurement process |  |
| Any other connection with the Contracting Authority, and/or named party to the procurement, whether personal or professional, which the public could perceive may impair or otherwise influence the Contracting Authority’s, and/or any named party to the procurement, or any of its members’ or employees’ judgements, decisions or actions |  |

|  |  |  |
| --- | --- | --- |
| **NAME OF RELEVANT PERSON** | **[*complete for each Relevant Person*]** | |
| **Role in this bid (Prime Supplier, sub-contractor, partner, consortium member)** | **[*complete for each Relevant Person*]** | |
| **Interests** | | |
| **Type of Interest** | **Details** | **Personal interest or that of a family member, close friend or other acquaintance?** |
| Provision of services or other work for the Contracting Authority, and/or named party to the procurement |  |  |
| Provision of services or other work for any other potential bidder in respect of this project or procurement process |  |  |
| Any other connection with the Contracting Authority, and/or named party to the procurement, whether personal or professional, which the public could perceive may impair or otherwise influence the Contracting Authority’s, and/or named party to the procurement, or any of its members’ or employees’ judgements, decisions or actions |  |  |

**Form Completion**

|  |
| --- |
| **I declare that, to the best of my knowledge, the answers submitted to these questions are correct. I understand that the information will be used in the selection process to assess my organisation’s suitability to be invited to participate further in this procurement, and I am signing on behalf of the company named in this ITT. I understand that the Authority may reject my submission if there is a failure to answer all relevant questions fully or if I provide false/misleading information** |

Signed:

Name:

Position:

Bidder:

Date:

**Completed on behalf of:**

*Please complete the below details of Bidder Members, and/or Sub-contractors (where relevant) and confirmation of their bid roles (e.g. subcontractor, partner, consortium member etc).*

Organisation:

Bid role:

Organisation:

Bid role:

Organisation:

Bid role:

Organisation:

Bid role:

Organisation:

Bid role: