

Part 3 Certificates and Declarations

Contract Reference

TTDA6023

Contract Title

**Paignton Academy Steps – Phase 1
Refurbishment and Phase 2 Send
Demolition & New Build**

Return Through

**www.supplyingthesouthwest.org.uk
(ProContract)**

Applicant Name

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TORBAY COUNCIL CONDITIONS OF TENDER

1. Tenders are invited for the supply of the goods or services specified or described in the invitation. Tenders with conditions of contract duly completed and marked with the title of the procurement and returned electronically via the Supplying the South West portal. Tenders must be returned by the date and time stated on the front page of the procurement documents. Tenders received after the time stated or not properly completed will be disregarded. Facsimile and emailed copies will not be accepted.
2. The Contract shall be subject to the Authority's Conditions of Contract, included in these Tender Documents. Wherever special conditions of Contract are contained in the Invitation to Tender, the Contract shall be subject to those special conditions in addition to the Standard Conditions of Contract, and where those special conditions are inconsistent with the Authority's Standard Conditions of Contract, the special conditions shall prevail. Offers by Applicants made subject to additional or alternative conditions may not be considered and may be rejected on the grounds of such conditions alone. No alteration must be made to the printed conditions or schedules. Any Tenders bearing such alterations will not be considered.
3. The Authority does not bind itself to accept the lowest or any Tender, and reserves the right to accept a Tender either in whole or in part, for such item or items specified in the Invitation to Tender, and for such place or places of delivery as it thinks fit, each item and establishment being for this purpose considered as Tendered for separately.

4. **To Torbay Council**

I / We the undersigned DO HEREBY UNDERTAKE on the acceptance by the Authority of my/our Tender either in whole or in part, to supply (or perform the services), on such terms and conditions and in accordance with such specifications (if any), as are contained or incorporated in the Invitation to Tender. I / We agree and declare that the acceptance of this Tender by letter on behalf of the Authority, whether for the whole or part of the items included therein, will constitute a Contract for the supply of such items, I/We agree to enter into a further agreement for the due performance of the Contract, and I/We declare that I am/We are acting as the Delegated Authority for the purposes of signing off this Tender, and therefore, the Contract.

SIGNATURE¹ ²

| | | | |
|------------------------------------|--|-------|--|
| Organisation Name: | | | |
| Company Number: | | | |
| Full Postal Address: | | | |
| Telephone Number: | | | |
| Signed: | | Date: | |
| Name (<i>in block capitals</i>): | | | |

¹ It must be clearly shown whether the Applicant is a limited company, statutory corporation, partnership or single individual, trading under his own or another name and also if the signatory is not the actual Applicant, the capacity in which he/she signs or is employed

² An electronic signature is acceptable

For Submission

| | |
|---|--|
| In the capacity of (<i>State official position, i.e. Director, Manager etc.</i>): | |
|---|--|

CERTIFICATE OF CONFIDENTIALITY

I / We hereby agree with the Authority that I / we shall not at any time divulge or allow to be divulged to any person any information, confidential or otherwise, relating to information passed to me regarding this project.

It is appreciated by the parties that in the event of negotiations in respect of the proposed Contract being entered into between the Authority and my organisation that it may be necessary to share information with colleagues within my organisation. In this event this confidentiality clause may be waived to allow such information sharing to take place but not further or otherwise.

APPLICANT'S WARRANTIES

In submitting their Tender the Applicant warrants, represents and undertakes to the Authority that it:

- (a) Has not done any of the acts or matters referred to in Regulation 57 of the Public Contracts Regulations 2015 and has complied in all respects with the requirements; and
- (b) Has full power and authority to enter into the Contract and provide the goods, services or works and will, if requested, produce evidence of such to the Authority; and
- (c) Is of sound financial standing and the Applicant and its partners, directors, officers and employees are not aware of any circumstances (except those disclosed in the audited accounts or other financial statements submitted to the Authority by the Applicant) which may adversely affect such financial standing in the future.

PRICING SCHEDULE DECLARATION

I / We offer to supply the goods, works or services as per the pricing in the Pricing Submission document appended to our submission, in accordance with the Specification, terms and conditions and all other documents forming the Contract.

SIGNATURE³

| | | | |
|---|--|-------|--|
| Organisation Name: | | | |
| Company Number: | | | |
| Full Postal Address: | | | |
| Telephone Number: | | | |
| Signed: | | Date: | |
| Name (<i>in block capitals</i>): | | | |
| In the capacity of (<i>State official position, i.e. Director, Manager etc.</i>): | | | |

³ An electronic signature is acceptable

CERTIFICATE OF UNDERTAKING AND ABSENCE OF COLLUSION OR CANVASSING

The Applicant shall sign the below Certificate of Undertaking and Absence of Collusion clearly indicating in the signature section below whether they sign as a Consortium or Member of Consortium (Box A) or as a single body and/or individual (Box B).

In the case of a Consortium, each Consortium Member must sign this document.

Box A – Consortium

I / We the undersigned do hereby certify that:

- (a) the consortium's Tender is bona fide and intended to be competitive;
- (b) the consortium has not entered into any agreement with any person outside the consortium with the aim of preventing Tenders being made or asked the amount of another Tender of the conditions or which the Tender is made;
- (c) the consortium has not informed any person outside the consortium other than the person calling for the Tenders the amount or approximate amount of the Tender except where the disclosure in confidence of the approximate amount of the Tender was necessary to obtain insurance premium or other quotations necessarily required for the preparation of the Tender;
- (d) the consortium has not caused or induced any person to enter into such an agreement as is mentioned in (b) above or to inform the consortium of the amount or the approximate amount of any rival Tender for the Contract.
- (e) the consortium has not and will not canvass or solicit any Member, Officer or employee of the Authority in connection with the preparation, submission and evaluation of this Tender or award or proposed award of the Contract and that to the best of my knowledge and belief, no person employed by the consortium or acting on the consortium's behalf has done or will do such an act.

I / We further undertake that the consortium will not do any of the acts mentioned in (b), (c), (d) and (e) above before the hour and date specified for the return of the Tender.

Box B – Single Body and/or Individual

I / We the undersigned do hereby certify that:

- (a) My / Our Tender is bona fide and intended to be competitive and I/we have not fixed or adjusted the amount of the Tender by or under in accordance with any agreement or arrangement with any other person;
- (b) I / We have not indicated to any person other than the person calling for the Tender amount or approximate amount of the proposed Tender except where the disclosure in confidence of the approximate amount of the Tender was necessary to obtain insurance premium or other quotations necessarily required for the preparation of the Tender;
- (c) I / We shall have not entered into any agreement or arrangement with any other person that they shall refrain from Tendering or asked the amount of any Tender to be submitted;
- (d) I / We have not offered to pay or give any sum of money or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other Tender or proposed Tender for the said work any act or thing of the nature specified and described above.
- (e) I / We hereby certify that I/we have not and will not canvass or solicit any Member, Officer or employee of the Authority in connection with the preparation, submission and evaluation of this Tender or award or proposed award of the Contract and that to the best of my knowledge and belief, no person employed by me/us or acting on my/our behalf has done or will do such an act.

I / We further undertake that I/we will not do any of the acts mentioned in (b), (c) (d) and (e) above before the hour and date specified for the return of the Tender.

SIGNATURE⁴

This document is being signed on behalf of (select one option from the drop-down box below):

Choose an item.

If signing as a consortium the wording in Box A of the Certificate of Undertaking and Absence of Collusion or Canvassing will apply.

If signing as a single body and/or individual the wording in Box B of the Certificate of Undertaking and Absence of Collusion or Canvassing will apply.

| | | | |
|----------------------|--|-------|--|
| Organisation Name: | | | |
| Company Number: | | | |
| Full Postal Address: | | | |
| Telephone Number: | | | |
| Signed: | | Date: | |

Name *(in block capitals)*:

In the capacity of *(State official position, i.e. Director, Manager etc.)*:

CONSORTIUM MEMBER SIGNATURE'S^{5 6}

| | | | |
|----------------------|--|-------|--|
| Organisation Name: | | | |
| Company Number: | | | |
| Full Postal Address: | | | |
| Telephone Number: | | | |
| Signed: | | Date: | |

Name *(in block capitals)*:

In the capacity of *(State official position, i.e. Director, Manager etc.)*:

| | | | |
|----------------------|--|--|--|
| Organisation Name: | | | |
| Company Number: | | | |
| Full Postal Address: | | | |
| Telephone Number: | | | |

⁴ An electronic signature is acceptable

⁵ Electronic signatures are acceptable

⁶ Please add more signature boxes as required

| | | | |
|---|--|-------|--|
| Signed: | | Date: | |
| Name (<i>in block capitals</i>): | | | |
| In the capacity of (<i>State official position, i.e. Director, Manager etc.</i>): | | | |
| Organisation Name: | | | |
| Company Number: | | | |
| Full Postal Address: | | | |
| Telephone Number: | | | |
| Signed: | | Date: | |
| Name (<i>in block capitals</i>): | | | |
| In the capacity of (<i>State official position, i.e. Director, Manager etc.</i>): | | | |
| Organisation Name: | | | |
| Company Number: | | | |
| Full Postal Address: | | | |
| Telephone Number: | | | |
| Signed: | | Date: | |
| Name (<i>in block capitals</i>): | | | |
| In the capacity of (<i>State official position, i.e. Director, Manager etc.</i>): | | | |

FREEDOM OF INFORMATION EXCLUSION SCHEDULE

All applicants are required to complete this Section.

Provision of Paignton Academy Steps – Phase 1 Refurbishment and Phase 2 SEND Demolition & New Build for Torbay Council for Torbay Council

Applicants’ attention is drawn to the Conditions of Tender and Terms and Conditions of the Contract.

As a public body the Authority is subject to the provisions of the Freedom of Information Act 2000 (FOIA) in respect of information it holds (including third party information). Any member of the public or other interested party may make a request for information.

The Authority shall treat all Applicant’s responses as confidential during the Tender process, but may receive requests for information after the Contract has been awarded which it will need to consider, applying the principles of the FOIA. More information is available from: www.ico.org.uk

Applicants are advised to refer to the FOIA to determine what they are entitled to identify as confidential or commercially sensitive. Simply stating that the entire document is confidential or commercially sensitive is unlikely to be acceptable and Applicants should note that ultimate disclosure of information is at the sole discretion of the Authority. While the Authority aims to consult with third-party providers of information before it is disclosed, it cannot guarantee that this will be done. **Therefore, Applicants are responsible for ensuring that any confidential or commercially sensitive information is identified to the Authority below.**

Applicants should state here which items of information (if any) supplied by them in their Tender they regard as confidential or commercially sensitive or which should not be disclosed in response to a request for information under the FIOA. Applicants should state why they consider the information to be confidential or commercially sensitive.

Regardless of whether you have designated any of the information in your Tender as confidential or commercially sensitive or not, you must Sign and Date where it asks you to do so at the end of this section. Disclosure of information is at the sole discretion of the Authority.

Commercially Sensitive Information

Is there any information within your Tender you wish to be designated as confidential or commercially sensitive? If you have answered Yes you must complete the table below and provide details on how long this information should be exempt for. Yes
No

Guidance: Before issuing this document please delete the sections/documents in the table below that do not apply to your tender:

I declare that I wish the information detailed in the table below to be designated as confidential or commercially sensitive⁷:

⁷ Applicants may add additional rows to the table if required.

| Document | | Section / Page Number | Details of the Confidential / Commercially Sensitive Information | The reason(s) it is considered that this information should be exempt under the Freedom of Information Act 2000 |
|--------------------------------|-----------------|-----------------------|--|---|
| Part 4 Selection Questionnaire | Choose an item. | | | |
| Part 5 Award Questionnaire | Choose an item. | | | |
| Part 7 Pricing Schedule | Choose an item. | | | |
| Appendices | Choose an item. | | | |

The period of time for which it is considered this information should be exempt is *(please select **ONE** of the options below)*:

Until award of Contract

During the period of the Contract

For a period of [insert number of years] years until [insert month and year]

Not Applicable

SIGNATURE⁸

Organisation Name:

Company Number:

⁸ An electronic signature is acceptable

For Submission

| | | | |
|---|--|-------|--|
| Full Postal Address: | | | |
| Telephone Number: | | | |
| Signed: | | Date: | |
| Name (<i>in block capitals</i>): | | | |
| In the capacity of (<i>State official position, i.e. Director, Manager etc.</i>): | | | |