

# **London Borough of Southwark Southwark Works: Employment Support Service Framework**

## **Section 7c – Offences Certificate**

**To**                                **The Mayor and Burgesses of the London Borough of Southwark** (the “Employer” also referred to as the “Council” or the “Authority”)

**TENDER FOR                Southwark Works Employment Support Service Framework**

**OPTION A:**

We [insert name of tenderer] do hereby certify that we (nor a member of our administrative, management or supervisory body or a person who has powers of representation, decision or control over us) have not been convicted of any offence referred to in Regulation 57 of the Public Contracts Regulations 2015, within the last 5 years, namely:

1.        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 section 45(6) of the Serious Crime Act 2015.
2.        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;
3.        the common law offence of bribery;
4.        bribery within the meaning of section 1, 2 or 6 of the Bribery Act 2010, or section 113 of the Representation of the People Act 1983;
5.        where the offence relates to fraud :-
  - (i)        the common law offence of cheating the Revenue;
  - (ii)       the common law 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)      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;
  - (vii)     fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006; or
  - (viii)    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 to use in fraud within the meaning of section 7 of that Act;
6.        any offence listed –

- (i) in section 41 of the Counter Terrorism Act 2008;
  - (ii) in Schedule 2 to that Act where the court has determined that there is a terrorist connection; or
  - (iii) any inchoate offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to the offences covered in (i) and (ii).
7. money laundering within the meaning of section 340(11) and 415 of the Proceeds of Crime Act 2002;
8. an offence in connection with human trafficking, exploitation, slavery, or other forced or compulsory labour as set out in:
- (i) Sections 1 to 4 of the Modern Slavery Act 2015;
  - (ii) Part 1 of the Human Trafficking and Exploitation (Scotland) Act 2015; or
  - (iii) Part 1 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015.
9. an offence under section 71 of the Coroners and Justice Act 2009; or
10. any other offence mentioned in Regulation 57 of the Public Contracts Regulations 2015.

We do hereby further undertake that we will notify the Council if we are convicted of any such offence during the procurement procedure.

We do hereby further certify that:

- 1) we are not in breach of our obligations relating to the payment of taxes or social security contributions, such breach having been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of the country in which it is established or with those of any of the jurisdictions of the United Kingdom;
- 2) we are not in (and have not been in for the last 3 years) one of the situations referred to in Regulation 57(8) of the Public Contracts Regulations 2015;
- 3) we are not in breach of the requirements under Regulation 3(1) of the Employment Relations Act 1999 (Blacklisting) Regulations 2010;

Signed.....  
 Authorised Signatory

Print Full Name.....

Position in Organisation (i.e. Director or Partner) .....

For and on behalf of.....

Address: (In the case of a Limited Company, the Registered Office)

.....  
 .....  
 .....

Date.....

**OPTION B:**

We [insert name of tenderer] do hereby certify that we have been convicted of an offence referred to in Regulation 57 of the Public Contracts Regulations 2015 within the last 5 years, namely:

*Insert full details:*

**AND/OR**

We are in, or have been in within the last 3 years, one of the situations referred to in Regulation 57(8) of the Public Contracts Regulations 2015; namely:

*Insert full details:*

We certify that we have:-

- (i) paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
- (ii) clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and
- (iii) taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

The evidence of the measures we have taken to demonstrate our reliability is:

We do hereby further undertake that we will notify the Council if we are convicted of any offence

during the procurement procedure.

We do hereby further certify that:

- 1) we are not in breach of our obligations relating to the payment or taxes or social security contributions, such breach having been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of the country in which it is established or with those of any of the jurisdictions of the United Kingdom;
- 2) we are not in breach of the requirements under Regulation 3(1) of the Employment Relations Act 1999 (Blacklisting) Regulations 2010;

Signed.....

Authorised Signatory

Print Full Name.....

Position in Organisation (i.e. Director or Partner).....

For and on behalf of.....

Address: (In the case of a Limited Company, the Registered Office)

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Date.....