

melton borough council

**Tender for**

**green waste treatment/disposal**

**Tender – DOCUMENT Four**

**Response Document: To be Completed and Returned**

When completed, please return **one copy** ofthe response document (Document Four) via [https://www.eastmidstenders.org](https://www.eastmidstenders.org/).

Please ensure that Appendices 1, 2 and 3 are completed.

|  |
| --- |
| **To be received no later than 12 noon on 19th February 2018**  **Late submissions will be disregarded.** |

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**STANDARD SELECTION QUESTIONNAIRE (SSQ)**

**Potential Supplier Information and Exclusion Grounds: Part 1 and Part 2**

The Standard Selection Questionnaire is a self declaration, made by you (the potential supplier) that you do not meet any of the grounds for exclusion. If there are grounds for exclusion, there is an opportunity to explain the background and any measures you have taken to rectify the situation (we call this self cleaning).

A completed declaration of Part 1 and Part 2 provides a formal statement that the organisation making the declaration has not breached any of the exclusion grounds. Consequently we require all the organisations that you will rely on to meet the selection criteria to provide a completed Part 1 and Part 2. For example, these could be parent companies, affiliates, associates or essential sub-contractors, if they are relied upon to meet the selection criteria. This means that where you are joining in a group of organisations including joint ventures and partnerships, each organisation in that group must complete one of these self-declarations. Sub-contractors that you rely on to meet the selection criteria must also complete a self declaration (although sub-contractors that are not relied upon do not need to complete the self-declaration).

When completed this form is to be sent back to the contact point given in the procurement documents along with the selection information requested in the procurement documentation.

**Supplier Selection Questions: Part 3**

The procurement document will provide instructions on selection questions you need to respond to and how to submit those responses. If you are bidding on behalf of a group (consortium) or you intend to use sub-contractors, you should complete all of the selection questions on behalf of the consortium and/or any sub-contractors.

If the relevant documentary evidence referred to in the Standard Selection Questionnaire is not provided upon request and without delay we reserve the right to amend the contract award decision and award to the next compliant bidder.

Consequences of misrepresentation

If you seriously misrepresent any factual information in filling in the Standard Selection Questionnaire and so induce the Authority to enter into a contract, there may be significant consequences. You may be excluded from the procurement procedure and from bidding for other contracts for three years. If a contract has been entered into you may be sued for damages and the contract may be rescinded. If fraud, or fraudulent intent, can be proved you or your responsible officers may be prosecuted and convicted of the offence of fraud by false representation, and you must be excluded from further procurements for five years.

**Notes for completion**

1. The ‘Authority’ means the contracting Authority or anyone acting on behalf of the contracting Authority that is seeking to invite suitable candidates to participate in this procurement process.
2. ‘You / ‘Your’ refer to the potential supplier completing this Standard Selection Questionnaire, i.e. the legal entity responsible for the information provided. The term ‘potential supplier’ is intended to cover any economic operator as defined by the Public Contract Regulations 2015 (referred to as the ‘Regulations’) and could be a registered company; the lead contact for a group of economic operators; charitable organisation; Voluntary Community and Social Enterprise (VCSE); Special Purpose Vehicle or other form of entity.
3. Please ensure that all questions are completed in full and in the format requested. If the question does not apply to you, please state ‘N/A’. Should you need to provide additional information in response to the questions, please submit a clearly identified annex.
4. The Authority recognises that all arrangements set out in section 1.2 of the Standard Selection Questionnaire, in relation to a group of economic operators (for example a consortium) and/or use of sub-contractors, may be subject to change and will, therefore, not be finalised until a later date. The lead contact should notify the Authority immediately of any change in the proposed arrangements and ensure a completed Part 1 and Part 2 is submitted for any new organisation relied on to meet the selection criteria. The Authority will make a revised assessment of the submission based on the updated information.
5. For Part 1 and Part 2 every organisation that is being relied on to meet the selection must complete and submit the self-declaration.
6. For Part 3 – if you are bidding on behalf of a group, for example a consortium, or you intend to use sub-contractors, you should complete all the questions on behalf of the consortium and/or any sub-contractors, providing one composite response and declaration.

The Authority confirms that it will keep confidential and will not disclose the any third parties any information obtained from a named customer contact other than to the Cabinet Office and/or contracting authorities defined by the Regulations or pursuant to an order of the court of demand made by any competent authority or body where the authority is under a legal or regulatory obligation to make such a disclosure.

**PART 1: POTENTIAL SUPPLIER INFORMATION**

Please answer the following questions in full. Note that every organisation is being relied on to meet the selection must complete and submit the Part 1 and Part 2 self-declaration.

1.1 Potential Supplier Information

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| 1.1 (a) | Full name of the potential supplier submitting the information |  |
| 1.1 (b) (i) | Registered office address (if applicable) |  |
| 1.1 (b) (ii) | Registered website address (if applicable) |  |
| 1.1 (c) | Trading Status:  i) public limited company  ii) limited company  iii) limited liability partnership  iv) other partnership  v) sole trader  vi) third sector  vii) other (please specify) |  |
| 1.1 (d) | Date of registration in country of origin |  |
| 1.1 (e) | Company registration number (if applicable) |  |
| 1.1 (f) | Charity registration number (if applicable) |  |
| 1.1 (g) | Head office DUNS number (if applicable) |  |
| 1.1 (h) | Registered VAT number |  |
| 1.1 (i) (i) | If applicable, is your organisation registered with the appropriate professional or trade register(s) in the member state where it is established? | Yes  No  N/A |
| 1.1 (i) (ii) | If you responded ‘yes’ to 1.1 (i) (i), please provide the relevant details including the registration number(s) |  |
| 1.1 (j) (i) | Is it a legal requirement in the member state where you are established for you to possess a particular authorisation, or be a member of a particular organisation in order to provide the goods, services or works specified in this procurement. | Yes  No |
| 1.1 (j) (ii) | If you responded ‘yes’ to 1.1 (j) (i) please provide additional details of what is required and confirmation that you have complied with it |  |
| 1.1 (k) | Relevant classifications (state whether you fall within one of these, and if so which one):  i) Voluntary Community Social Enterprise (VCSE)  ii) Sheltered Workshop  iii) Public service mutual |  |
| 1.1 (m) | Are you a Small, Medium or Micro Enterprise (SME)? | Yes  No |
| 1.1 (n) | Details of Persons of Significant Control (PSC) where appropriate:   * Name * Date of birth * Nationality * Country, state or part of the UK where PSC usually lives * Service address * The date he/she became PSC in relation to the company (for existing companies the 6th April 2016 should be used) * Which conditions for being PSC are met: over 25% and up to (and including) 50%; more than 50% and less than 75%; 75% or more.   Please enter N/A if not applicable |  |
| 1.1 (o) | Details of immediate parent company:   * Full name of immediate parent company * Registered office address (if applicable) * Registration number (if applicable) * Head Office DUNS number (if applicable) * Head Office VAT number (if applicable)   Please enter N/A if not applicable |  |
| 1.1 (p) | Details of ultimate parent company:   * Full name of ultimate parent company * Registered office address (if applicable) * Registration number (if applicable) * Head Office DUNS number (if applicable) * Head Office VAT number (if applicable)   Please enter N/A if not applicable |  |

Please note: A criminal record check for relevant convictions may be undertaken for the preferred suppliers and the persons of significant control.

1.2 Bidding Model

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| 1.2 (a) (i) | Are you bidding as the lead contact for a group of economic operators?  If yes, please provide details listed in questions 1.2 (a) (ii), (iii), and to 1.2 (b) (i), (ii), and to 1.3 Section 2 and 3.  If no, and you are a supporting bidder please provide the name of your group at 1.2 (a) (ii) for reference purposes and complete 1.3, Section 2 and 3. | Yes  No |
| 1.2 (a) (ii) | Name of group of economic operators (if applicable) |  |
| 1.2 (a) (iii) | Proposed legal structure if the group of economic operators intends to form a named single entity prior to signing a contract, if awarded. If you do not propose to form a single legal entity, please explain the legal structure. |  |
| 1.2 (b) (i) | Are you or, if applicable, the group of economic operators proposing to use sub-contractors? | Yes  No |
| 1.2 (b) (ii) | If you responded yes to 1.2 (b) (i) please provide additional details for each sub-contractor, we may ask them to complete this form as well.   * Name * Registered Address * Trading Status * Company registration number * Head Office DUNS number (if applicable) * Registered VAT number * Type of organisation * SME (yes/no) * The role each sub-contractor will take in providing the works, services and/or supplies, e.g. key deliverables * The approximate % of contractual obligations assigned to each sub-contractor |  |

1.3 Contact details and declaration

I declare that to the best of my knowledge the answers submitted and information contained in this document are correct and accurate.

I declare that, upon request and without delay, I will provide the certificates or documentary evidence referred to in this document.

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.

I understand that the Authority may reject this submission in its entirety if there is a failure to answer all the relevant questions fully, or if false/misleading information is provided in any section.

I am aware of the consequences of serious misrepresentation.

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| 1.3 (a) | Contact Name |  |
| 1.3 (b) | Name of Organisation |  |
| 1.3 (c) | Role in Organisation |  |
| 1.3 (d) | Phone number |  |
| 1.3 (e) | E Mail address |  |
| 1.3 (f) | Postal address |  |
| 1.3 (g) | Signature (electronic is acceptable) |  |
| 1.3 (h) | Date |  |

**PART 2: EXCLUSION GROUNDS**

Please answer the following questions in full. Note that every organisation that is being relied on meet the selection must complete and submit the Part 1 and Part 2 self declaration.

2.1 Grounds for Mandatory Exclusion

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| 2.1 (a) | Regulations 57(1) and (2):  The detailed grounds for mandatory exclusion are set out on this [web page](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf), which should be referred to before completing these questions.  Please indicate if, within the past five years you, your organisation or any other person who has powers of representation, decision or control in the organisation has been convicted anywhere in the world of any of the offences within the summary below and listed on the [web page](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf).  Participation in a criminal organisation  Corruption  Fraud  Terrorist offences or offences linked to terrorist activities  Money laundering or terrorist financing  Child labour and other forms of trafficking in human beings | Yes  No  If yes, please provide details in 2.1 (b)  Yes  No  If yes, please provide details in 2.1 (b)  Yes  No  If yes, please provide details in 2.1 (b)  Yes  No  If yes, please provide details in 2.1 (b)  Yes  No  If yes, please provide details in 2.1 (b)  Yes  No  If yes, please provide details in 2.1 (b) |
| 2.1 (b) | If you have answered yes to question 2.1 (a), please provide further details:   * Date of conviction, specify which grounds listed the conviction was for and the reasons for conviction * Identify who has been convicted * If the relevant documentation is available electronically, please provide the web address, issuing authority, precise reference of the documents |  |
| 2.2 | If you have answered ‘yes’ to any of the points above have any measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion/ (self cleaning) | Yes  No |
| 2.3 (a) | Has it been established, for your organisation by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of any part of the United Kingdom or the legal provisions of the country in which the organisation is established (if outside the UK) that the organisation is in breach of obligations related to the payment of tax or social security contributions? | Yes  No |
| 2.3 (b) | If you have answered ‘yes’ to questions 2.3 (a) please also confirm that you have paid, or have entered into a binding arrangement with a view to paying, the outstanding sum including where applicable any accrued interest and /or fines. |  |

Please note: the Authority reserves the right to use its discretion to exclude a potential supplier where it can demonstrate by any appropriate means that the potential supplier is in breach of its obligations relating to the non-payment of taxes or social security contributions.

3.1 Grounds for Discretionary Exclusion

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| 3.1 | Regulation 57 (8)  The detailed grounds for discretionary exclusion of an organisation are set out on this [web page](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf) which should be referred to before completing these questions.  Please indicate if, within the past three years, anywhere in the world any of the following situations have applied to you, your organisation or any other person who has powers of representation, decision or control in the organisation. |  |
| 3.1 (a) | Breach of environmental obligations? | Yes  No  If yes, please provide details at 3.2 |
| 3.1 (b) | Breach of social obligations? | Yes  No  If yes, please provide details at 3.2 |
| 3.1 (c) | Breach of labour obligations? | Yes  No  If yes, please provide details at 3.2 |
| 3.1 (d) | Bankrupt or is the subject of insolvency or winding-up proceedings, where the organisation’s assets are being administered by a liquidator or by the court, where it is an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the law and regulations of any State? | Yes  No  If yes, please provide details at 3.2 |
| 3.1 (e) | Guilty of grave professional misconduct? | Yes  No  If yes, please provide details at 3.2 |
| 3.1 (f) | Entered into agreements with other economic operators aimed at distorting competition? | Yes  No  If yes, please provide details at 3.2 |
| 3.1 (g) | Aware of any conflict of interest within the meaning of regulation 24 due to the participation in the procurement procedure? | Yes  No  If yes, please provide details at 3.2 |
| 3.1 (h) | Been involved in the preparation of the procurement procedure? | Yes  No  If yes, please provide details at 3.2 |
| 3.1 (i) | Shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions? | Yes  No  If yes, please provide details at 3.2 |
| 3.1 (j) | Please answer the following statements: |  |
| 3.1 (j) (i) | The organisation is guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria | Yes  No  If yes, please provide details at 3.2 |
| 3.1 (j) (ii) | The organisation has withheld such information | Yes  No  If yes, please provide details at 3.2 |
| 3.1 (j) (iii) | The organisation is not able to submit supporting documents required under regulation 59 of the Public Contract Regulations 2015 | Yes  No  If yes, please provide details at 3.2 |
| 3.1 (j) (iv) | The organisation has influenced the decision making process of the contracting authority to obtain confidential information that may confer upon the organisation undue advantages in the procurement procedure, or to negligently provide misleading information that may have a material influence on decisions concerning exclusion, selection or award. | Yes  No  If yes, please provide details at 3.2 |
| 3.2 | If you have answered ‘yes’ to any of the above, explain what measures have been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion (self cleaning) |  |

**PART 3: SELECTION QUESTIONS**

4 Economic and Financial Standing

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| 4.1 | Are you able to provide a copy of your audited accounts for the last two years, if requested?  If no, can you provide **one** of the following (answer with a ‘yes’ or ‘no’ in the relevant box):   1. A statement of the turnover, Profit and Loss Account, Income Statement, Balance Sheet/Statement of Financial Position and Statement of Cash Flow for the most recent year of trading for this organisation 2. A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position 3. Alternative means of demonstrating financial status if any of the above are not available (e.g. forecast of turnover for the current year and a statement of funding provided by the owners and/or bank, charity accruals accounts or an alternative means of demonstrating financial status). | Yes  No  Yes  No  Yes  No  Yes  No |
| 4.2 | Where we have specified a minimum level of economic and financial standing and/or a minimum financial threshold within the evaluation criteria for this procurement, please self certify by answering ‘yes or ‘no’ that you meet those requirements | N/A |

5 If you have indicated in question 1.2 that you are part of a wider group, please provide further details below:

|  |  |
| --- | --- |
| Name of Organisation |  |
| Relationship to the Supplier completing these questions |  |

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| 5.1 | Are you able to provide parent company accounts if requested at a later stage? | Yes  No |
| 5.2 | If yes, would the parent company be willing to provide a guarantee if necessary? | Yes  No |
| 5.3 | If no, would you be able to obtain a guarantee elsewhere (e.g. from a bank)? | Yes  No |

6 Technical and Professional Ability

6.1 Please provide details of up to three contracts, in any combination from either the public or private sector; voluntary, charity or social enterprise (VSCE) that are relevant to our requirement. VCSEs may include examples of grant funded work. Contracts for supplies or services should have been performed during the last three years. Works contracts may be from the last five years.

The named contact provided should be able to provide written evidence to confirm the accuracy of the information provided below.

Consortia bids should provide relevant examples of where the consortium has delivered similar requirements. If this is not possible (e.g. the consortium is newly formed or a Special Purpose Vehicle to be created for this contract) then three separate examples should be provided between the principal member(s) of the proposed consortium or Special Purpose Vehicle (three examples are not required from each member).

Where the supplier is Special Purpose Vehicle or a managing agent not intending to be the main provider of the supplies, services or works, the information requested should be provided in respect of the main intended provider(s) or sub-contractor(s) who will deliver the contract.

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Contract 1** | **Contract 2** | **Contract 3** |
| Name of Customer organisation |  |  |  |
| Point of contact in the organisation |  |  |  |
| Position in the organisation |  |  |  |
| Email address |  |  |  |
| Description of contract |  |  |  |
| Contract start date |  |  |  |
| Contract completion date |  |  |  |
| Estimated contract value |  |  |  |

Where you cannot provide at least one example for question 6.1, in no more than

500 words please provide an explanation for this, e.g. your organisation is a new

start up or you have provided services in the past but not under contract.

|  |
| --- |
|  |

|  |  |
| --- | --- |
| 6.2 | Where you intend to sub-contract a proportion of the contract, please demonstrate how you have previously maintained healthy supply chains with your sub-contractor(s).  Evidence should include, but not be limited to, details of your supply chain management tracking systems to ensure performance of the contract and prompt payment or membership of the UK Prompt Payment Code (or equivalent) |
| **Response:** | |

7 Requirements Under Modern Slavery Act 2015

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| 7.1 | Are you a relevant commercial organisation as defined by section 54 (Transparency in supply chains etc.) of the Modern Slavery Act 2015 | Yes  No |
| 7.2 | If you have answered ‘yes’ to question 7.1, are you compliant with the annual reporting requirements contained within section 54 of the Modern Slavery Act 2015 | Yes  Please provide the relevant URL  No  Please provide an explanation |

8 Additional Questions

Suppliers who self certify that they meet the requirements to these additional questions will be required to provide evidence of this if they are successful at contract award stage.

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| 8.1 | Insurance:  Please self certify whether you already have or are able to obtain, prior to the commencement of the contract the levels of insurance cover indicated below.  Employers (Compulsory) Liability Insurance\* = £10,000,000  Public Liability Insurance =  £10,000,000  \* It is a legal requirement that all companies hold Employer’s (Compulsory) Liability Insurance of £5 million as a minimum. Please note that this requirement does not apply to Sole Traders. | Yes  No  Yes  No |

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| 8.2 | Health and Safety |  |
| 8.2 (a) | Does your company have a formal health and safety policy or statement? | Yes  No |
| 8.2 (b) | Does your company have a health and safety system accredited to BS8800 or equivalent? | Yes  No |
| 8.2 (c) | Does your company have a specific director, partner or other person responsible for the implementation of your company’s health and safety policy.  If ‘yes’, please provide details | Yes  No |
| 8.2 (d) | Does your company employ a full time health and safety professional or health and safety consultant?  If ‘yes’, please provide details of the qualifications, experience and any membership of an appropriate professional body. If ‘no’, please indicate who provides advice on health and safety | Yes  No |
| 8.2 (e) | Does your organisation provide health and safety training to:  i) staff?  ii) sub-contractors?  If ‘yes’, please provide details of the content and type of training, e.g. induction, management, task specific etc | Yes  No |
| 8.2 (f) | Does your company maintain accident records? | Yes  No |
| 8.2 (g) | Do you consult staff on health and safety matters?  If ‘yes’, please describe how | Yes  No |
| 8.2 (h) | Do you undertake risk assessments?  If ‘yes’, please provide details? | Yes  No |
| 8.2 (i) | Has your organisation, over the past 5 years, been or is in the process of being investigated/ prosecuted for any health and safety offence?  If ‘yes’, please provide details | Yes  No |
| 8.2 (j) | Has your organisation, over the past 5 years, been or is in the process of having any civil action brought against it for any health and safety offence?  If ‘yes’, please provide details | Yes  No |
| 8.2 (k) | Has your organisation been served with any prohibition/ improvement notices for breaches of health and safety legislation in the past 3 years?  If ‘yes’, please provide details including subsequent action taken by the organisation | Yes  No |

|  |  |  |
| --- | --- | --- |
| **Question No.** | **Question** | **Response** |
| 8.3 | Environmental Management |  |
| 8.3 (a) | Does your organisation have a policy regarding the safe management of the environment?  If ‘yes’, please provide its key features in relation to the delivery of this contract. | Yes  No |

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**TENDER SUBMISSION**

**Please note that only those organisations which pass the standard Selection Questionnaire (SSQ) will have their Tender submissions evaluated.**

Please see Document One for details on how responses will be evaluated.

**QUALITY**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Question 1:** |  | **Word limit:** | 1000 words | |
| Explain the method you intend to use in receiving and processing green waste | | | | |
| **Answer:** | | | | |
| **Question 2:** |  | **Word limit:** | 500 words | |
| Identify the site at which the Council will deposit green waste and provide approximate mileage to the Council offices. | | | | |
| **Answer:** | | | | |
| **Question 3: Word limit:**  1000 words  How will the site be managed? Please include information on weighbridge management, traffic management, emissions/contamination and dealing with problems at the site | | | |
| **Answer:** | | | |

## PRICE

Please complete the following Pricing Schedule. All prices quoted should exclude VAT.

Please set out your tendered and fully inclusive price per tonne for the receipt and processing of green waste for the duration of the contract:

£

per tonne

And in words:

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**Appendix 1: Form of Tender**

Date: ..........................................

**Tender for Melton Borough Council’s Tender for Green Waste Treatment/Disposal**

I/We the undersigned, hereby tender and offer to provide the Contract as listed above which is more particularly referred to in the Invitation to Tender supplied to me/us for the purpose of tendering for the provision of the Contract and upon the terms thereof.

I/We undertake in the event of acceptance of our Tender to execute the Contract within 15 business days of such acceptance and if required in the interim provide the Contract in accordance with the Contract if necessary.

I/We understand that the Council reserves the right to accept or refuse this Tender whether it is lower, the same, or higher than any other Tender.

I/We confirm that the information supplied to you and forming part of this Tender including (for the avoidance of doubt) any information supplied to you as part of my/our initial expression of interest in tendering, was true when made and remains true and accurate in all respects.

I/We confirm that this Tender will remain valid for 90 days from the date of this Form of Tender.

I/We confirm and undertake that if any of such information becomes untrue or misleading that I/we shall notify you immediately and update such information as required.

I/We confirm that the undersigned are authorised to commit the Bidder to the contractual obligations contained in the Invitation to Tender and the Contract.

Signed by:

Name…………………………………….

Position………………………………….

Name…………………………………….

Position………………………………….

for and on behalf of

………………………………………………………………………………………(Bidder)

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**APPENDIX 2: COLLUSIVE TENDERING CERTIFICATE**

We certify that this is a bona fide tender, and that we have not fixed or adjusted the amount of the tender by or under or in accordance with any agreement or arrangement with any other person. We also certify that we have not done so and we undertake that we will not do so at any time before the hour and date specified for the return of this tender any of the following acts:

1. Communicating to a person other than the person calling for these tenders the 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 quotations required for the preparation of the tender;
2. Entering into agreement or arrangement with any other person that he shall refrain from tendering or as to the amount of any tender to be submitted;
3. Offering or paying or giving or agreeing to 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 of any tender or proposed tender for that said work or thing of any sort described above.

In this certificate, the word ‘person’ includes any persons and any body or association, corporate or unincorporated; and ‘any agreement or arrangement’ includes any such transaction, formal or informal, whether legally binding or not.

SIGNED: ………………………………………………………………………..

NAME: …………………………………………………………………………

ON BEHALF OF:……………………………………………………………………

DATE: …………………………………………………………………………

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**APPENDIX 3: CONFIDENTIAL & COMMERCIALLY SENSITIVE INFORMATION**

**The following form should be submitted with all bids to indicate areas of the submission that are considered to be either *confidential* or *commercially sensitive*.**

**Confidential material** is as defined in Section 41 of the Freedom of Information Act, 2000 (FoI) where the disclosure of the information would constitute an actionable breach of confidence.

**Commercially sensitive** material is as defined in Section 43 of the FoI Act and relates to *‘information, the disclosure of which would be likely to prejudice the commercial interests of any person’*.

Bidders should make themselves aware of the definition of each term as well as the circumstances in which FoI & Environmental Information Regulations 2004 (EIR) exemptions apply.

**Confidential Material Checklist**

|  |
| --- |
|  |

Name of Organisation:

Confidential documents not for disclosure to third parties under the FoI & EIR. The Council may be obliged to disclose information in or relating to this bid following a request for information under FoI or EIR therefore please outline in the table below all items which you consider are genuinely confidential and which are not for disclosure in respect of your application.

|  |  |  |
| --- | --- | --- |
| **Information / Document** | **Reference / Page No.** | **Reasons for non-disclosure** |
|  |  |  |
|  |  |  |
|  |  |  |
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|  |  |  |
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The applicant acknowledges that the confidential information listed in this schedule is of indicative value only and the Council may be obliged to disclose it following a request under FOI or EIR.

The Council shall act reasonably and use its discretion, ensuring that the latest guidance/case law is taken into account, when making a decision to release or withhold information pertaining to the above if it is requested. By indicating what information believed to be confidential the Council will consider those views however the Council will make the final decision to disclose information or not.

**Commercially Sensitive Material Checklist**

**Commercially sensitive documents not for disclosure to third parties under FoI or EIR**

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Name of Organisation:

The Council may be obliged to disclose information in or relating to this bid exercise following a request for information under FoI or EIR therefore please outline in the table below items which are considered genuinely commercially sensitive and which are not for disclosure in respect of this bid.

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| --- | --- | --- | --- |
| Information / Document | Reference / Page No. | Reasons for non-disclosure (cite exemption(s) to be considered) | Duration of confidentiality |
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The applicant acknowledges that the commercially sensitive information listed in this schedule is of indicative value only and the Council may be obliged to disclose it pursuant to a request under FOI or EIR.

The Council shall act reasonably and use its discretion, ensuring that the latest guidance/case law is taken into account, when making a decision to release or withhold information pertaining to the above if it is requested. By indicating what information is believed to be commercially sensitive the Council will consider those views however the Council will make the final decision to disclose information or not.

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