**FORM OF TENDER**

To: HIGHWAYS ENGLAND COMPANY LIMITED a company incorporated in and in accordance with the laws of England and Wales having as its registered number 09346363 of Bridge House, 1 Walnut Tree Close, Guildford, Surrey, England, GU1 4LZ ("the *Client*”)

at:

Lateral,

8 City Walk,

Leeds,

LS11 9AT

This Tender relates to the services for the Skid Resistance Measurement Surveys 2020-2025.

We confirm that we have examined the invitation to tender documents and all appendices and ancillary documentation issued with it including but not limited to the;

1. The Conditions of Contract, being

* NEC 4 Terms Service Short Contract (TSSC), June 2017- January 2019
* NEC 4 TSSC - Contract Data 2019 – 2020.

1. Instructions for Tenderers and its appendices including Policy Documents
2. The Scope document and all appendices
3. The Selection Questionnaire
4. any such subsequent amendments to the above which may have been issued by Highways England to Tenderers under the Tender amendment process.

(the “Procurement Documentation”).

We confirm that this Tender is submitted in conformity with the Procurement Documentation.

The following completed documents are returned with this Tender: -

|  |
| --- |
| Lot 1-5 documents: |
| This Form of Tender – to be completed only once per Tenderer. |
| Selection Questionnaire (excluding section 8.5 response)- to be completed only once per Tenderer. |
| Selection Questionnaire section 8.5 response - to be completed only once per Tenderer. |
| Quality Statement questions 2- 36 (dependent on which lots are being tendered) |
| CVs for Project Team (As many as apply for Lot 1-5) |
| Price List/s– 1 relevant price list to be submitted per lot being tendered. |
| Policy Compliance Documents – each applicable document to be completed only once per Tenderer, full list of applicable documents confirmed in IfT. |

We agree to enter into a formal Agreement by Deed for carrying out the *services* under this contract in the form which has been provided to us by you with the tender documentation. Unless and until such a Deed is prepared and executed this tender, together with your written acceptance thereof, constitutes a binding contract between us. We understand that you are not bound to accept the lowest, or any tender you may receive.

We agree that the *Client* may disclose the *Consultant’s* information/documentation (submitted to the *Client* during this Procurement) more widely within Government for the purpose of ensuring effective cross-Government procurement processes, including value for money and related purposes.

We certify that we accept all contract clauses included in the tender documents and that we have raised a tender query, within the time limits allowed by the tender process, to clarify any ambiguity we perceive in the documents. We certify that we accept the answers published by Highways England in answer to the queries raised by any tenderer in regard to these matters.

We certify that this Tender is made in good faith and that we have not fixed or adjusted any of the rates or prices contained in the Tender by or under or in accordance with any agreement or arrangement with any other person. We also certify that we have not, and we undertake that we will not: -

(i) Before the award of any contract for the *services*: -

(a) communicate to any person other than the *Client* any of the rates or prices contained in the Tender or proposed Tender, except where the disclosure, in confidence, of such rates or prices was necessary to obtain insurance premium quotations required for the preparation of the Tender;

(b) enter into any agreement or arrangement with any person that they will refrain from tendering or as to the amount of any Tender to be submitted;

(ii) Pay, give or offer or agree to pay or give any sum of money or other 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 services, any act or thing of the sort described at (i) (a) or (b)

We also certify that the principles described in paragraph (i) and (ii) above have been, or will be, brought to the attention of all subcontractors, suppliers and associated companies providing services or materials connected with the Tender and any contract entered into with such subcontractors, suppliers or associated companies will be made on the basis of compliance with the above principles by all parties.

In this certificate, words and expressions shall have the same meanings as are respectively assigned to them in the Conditions. The word "person" includes any persons and anybody or association, corporate or un-incorporate; "any agreement or arrangement" includes any transaction, formal or informal and whether legally binding or not; and "the *services*" means the service in relation to which this Tender is made.

To help Government develop its procurement policy in respect of small businesses, Highways England needs to gather information about the size of the organisations we Invite to Tender. Please tick one of the following boxes:

* Please tick here if your organisation has between 1 and 50 employees
* Please tick here if your organisation has between 51 and 249 employees
* Please tick here if your organisation has 250 or more employees

In addition:

Please tick here if your organisation is a registered company

[*Tenderer to include the text below (in red) if the Tenderer is an unincorporated joint venture, otherwise delete.*]

This offer is submitted by us on a joint and several basis. If appointed, we will undertake in the formal contract to be jointly and severally liable to you for Providing the Services and for the performance of the *Supplier’s* obligations under the Agreement.

We will each give you not less than 4 weeks’ notice of any proposed termination of our joint venture arrangement. If the joint venture arrangement is terminated by either of us for any reason, this offer will be deemed to have been withdrawn.

Dated this............................................ day of ................................. 2019

Signature............................................ In capacity of ........................................

(e.g. Director, Secretary, etc.)

Name ...............................................................................

(in capitals)

Duly authorised to sign Tenders for and on behalf of:

……………………………………………………………………………………

Registered address .................................................. Tel no ..................…...……

.................................................. Fax no .........................….

………………………………….. E-mail …………………….