

Our ref: SW DSC

Kier Highways Limited
Tempsford Hall
Sandy
Bedfordshire
SG19 2BD

Paul Stacey
The Cube
199 Wharfside Street
Birmingham
B1 1RN

24 February 2017

Via Bravo

For the attention of Helen Taylor, Bid Director

OFFICIAL – SENSITIVE

**South West Asset Delivery – Design Services Contract:
Notification of Award**

Dear Madam

I am directed by Highways England Company Limited to inform you that your Offer submitted on 04 November 2016 for carrying out the above named Contract, is accepted in respect of your proposals for completion in accordance with the Terms and Conditions of the Contract.

Your Tender as amended and amplified by the documents listed in Annex A to this letter together with this letter forms a binding contract between yourselves and Highways England.

For the purposes of complying with the Construction (Design and Management) Regulations 2015, I hereby formally appoint your company as the Principal Designer.

As agreed in your Tender, I am enclosing two copies of an Agreement by Deed for carrying out this contract. Please seal or sign under hand both copies of the Deed and return both copies to me at the above address by no later than 21 March 2017. We will then apply Highways England's common seal and return one copy for your retention. Please note a Deed executed under hand must be signed by two directors or by one director and the company secretary; if executed by seal, please arrange authentication by a director and the Company Secretary or by two Directors)

This Contract is for a construction operation and falls within the scope of the HM Revenue and Customs (HMRC) Constructions Industry Scheme. Please contact Dave Sledge (0300 470 4248) and arrange to supply your Unique Tax Reference (UTR). This will enable Highways England to check your CIS registration with HMRC and deduct the correct tax from payments as appropriate. You are reminded that in accordance with the HMRC's Construction Industry Scheme's Regulations, Highways England is not permitted to make payment under the contract until this check has been completed.

You acknowledge that any documents and information submitted by you as part of your Tender or for validation purposes, represent your proposals for meeting Highways England's requirements, but do not in any way override or modify those requirements. You will remain liable to comply with all the obligations set in the documents forming part of the Contract.

You will not be relieved from compliance with these obligations by any:

- a) Validation, due diligence or sustainability check carried out by Highways England on any part of your Tender
- b) Evidence, assumptions or other information provided by you with your Tender or the purposes set out in Paragraph (a) above; or
- c) Clarification requested by Highways England and provided by you (whether orally or in writing) as part of the assessment process.

You must treat this letter in confidence until Highways England makes any public announcement. I should also remind you at this time, of the requirements of paras 2.1.5 and 2.1.9 of the Instructions for Tenderers, as they relate to confidentiality, the relevant extracts are reproduced below. In the light of recent cases where there has been press reporting in advance of contract award or announcement it is especially important that these conditions are adhered to and that full confidentiality is maintained.

2.1.5 Tenders must be submitted in accordance with these Instructions. Tenders not complying with these Instructions may be rejected by Highways England whose decision in the matter will be final.

2.1.9 The contents of these Instructions and of any other documentation sent to Tenderers in respect of this tender process are provided on the basis that they remain the property of Highways England. Tenderers must not release information concerning the tender documents for publication in the press or on radio, television, screen or any other medium. Tenderers must not disclose the fact that they are tendering or release details of the tender documents, other than on an "in confidence" basis to those who have a legitimate need to know or whom they need to consult for the purpose of preparing their tender response. If you are unable or unwilling to comply with this requirement you are required to destroy these Instructions and all associated documents immediately and not to retain any electronic or paper copies. Tenderers are required to conduct themselves in good faith in all dealings in relation to this tender process.

Finally, please acknowledge by return safe receipt and understanding of the contents of this by via Bravo messaging.

Yours faithfully

Paul Stacey
Head of Asset Delivery, Commercial & Procurement

Annex A

Kier Highways Limited's Tender

Kier Highways Limited's Tender as submitted via Bravo solutions on 04 November 2016 containing:

- Volume 1A – Selection Questionnaire (all parts)
- Volume 1B – Supporting Information Containing:
 - SME subcontracting statement
 - Proposed Information Assurance Solution
 - Fair Payment Charter
 - Anti-Fraud Code of Conduct
 - Anti-Bribery Code of Conduct
 - Anti-Collusion Certificate
 - Summary of Relevant Insurance Policies and certificates
 - Statement undertaking responsibility for dealing with insurance claims/excessive claims
 - Statement confirming willingness to accept role of Principle Designer
- Volume 2A – Quality Submission A Containing:
 - Kier Highways Limited's Combined Quality Statement Part A and Quality Statement Part B
- Volume 2B – Quality Submission B Containing:
 - Kier Highways Limited's Contract Overview
 - Kier Highways Limited's Combined Health & Safety Statement Part A and Part B
- Volume 3 – Commercial Submission Containing:
 - Kier Highways Limited's Form of Tender questions (as entered on Bravo)
 - Kier Highways Limited's Completed Contract Date Part Two
 - Kier Highways Limited's Task Schedule Appendix A (Time Charge and Overheads)
 - Kier Highways Limited's Task Schedule Appendix B (Lump Sum)

Tender Amendments

Amendment Number	Description	Date
TA1	SW DSC Contract Data Part 1 Issue 3 Revision 1.pdf SW DSC Contract Data Part 2 Issue 3 Revision 1.docx SW DSC IfT - Doc 1 (Tender Process) Issue 3 Rev 1.pdf SW DSC IfT - Doc 3 (Tender Assessment) Issue 3 Rev 1.pdf SW DSC IfT - Vol 1A (Selection Questionnaire) Issue 3 Rev 1.pdf SW DSC IfT - Vol 1B (Supporting Information) Issue 3 Rev 1.pdf SW DSC IfT - Vol 2A (Quality Submission A) Issue 3 Rev 1.pdf	07/10/16

	SW DSC IfT - Vol 2B (Quality Submission B) Issue 3 Rev 1.pdf SW DSC IfT Index Sheet Revision 1.pdf SW DSC Quality Submission Answer Book Issue 3 Revision 1.docx SW DSC Scope Issue 3 Revision 1.pdf	
TA2	SW DSC IfT Index Sheet Revision 2.pdf SW DSC Scope Annex 3 Issue 3 Revision 1.pdf SW DSC Scope Annex 10 Issue 3 Revision 1.pdf SW DSC Scope Annex 18 Issue 3 Revision 1.pdf SW DSC IfT - Doc 3 (Tender Assessment) Issue 3 Rev 2.pdf	17/10/16
TA3	SW DSC Task Schedule Issue 3 Revision 1.pdf SW DSC IfT Index Sheet Revision 3.pdf SW DSC Task Schedule Appendix B Lump Sum Issue 3 Revision 1.xlsx	25/10/16
TA4	SW DSC Contract Data Part 1 Issue 3 Revision 2.pdf SW DSC Scope Issue 3 Revision 2.pdf	28/10/16
TA5	SW DSC Task Schedule Appendix B Lump Sum Issue 3 Revision 2.xlsx SW DSC Task Schedule Issue 3 Revision 2.pdf	01/11/16

Tender Clarifications

SW DSC - Financial Clarification (1) sent 14/12/16 and Kier's response 15/12/16

SW DSC - Financial Clarification (2) sent 18/01/17 and Kier's response 19/01/17

SW DSC - Re: Re: Financial Clarification (2) sent 23/01/17 and Kier's response 23/01/17

SW DSC - Re: Re: Re: Re: Financial Clarification (2) sent 24/01/17 and Kier's response 24/01/17

All via Bravo

Tender Validation & Sustainability

SW DSC - Stage 4 Validation Visit letter sent 26/01/17 – containing all validation questions for both quality and finance. Kier's responses (5 bravo messages) 29/01/17 with attachments containing answers. In addition to Kier's further responses 30/01/17, 31/01/17 & 01/02/17 with attachments containing answers.

SW DSC - Kier sustainability letter sent 02/02/17 – containing all sustainability questions. Kier's response 03/02/17 with attachments containing responses.

All via Bravo