

Our ref: ITT\_1115  
Your ref:

Highways Agency  
The Cube  
199 Wharfside Street  
Birmingham  
B1 1RN

<http://www.highways.gov.uk>  
Direct Line: 0121 678 8398

EM Highway Services Ltd  
St John's House  
2 – 10 Queen Street  
Manchester  
M2 5JB

31 December 2013

**- VIA BRAVO -**

**For the attention of: Trevor Hunt**

Dear Sir

**AREA 9 ASSET SUPPORT CONTRACT  
OJEU REF: 2012/S 248-410250**

I am directed by the Secretary of State for Transport to inform you that your Offer dated 2 July 2013 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 following documents:-

- **Tender Amendment 1 dated 9 April 2013**
- **Tender Amendment 2 dated 29 April 2013**
- **Tender Amendment 3 dated 2 May 2013**
- **Tender Amendment 4 dated 3 May 2013**
- **Tender Amendment 5 dated 10 May 2013**
- **Tender Amendment 6 dated 23 May 2013**
- **Tender Amendment 7 dated 30 May 2013**
- **Tender Amendment 8 dated 13 June 2013**
- **Tender Amendment 9 dated 20 June 2013**
- **Tender Amendment 10 dated 27 June 2013**
- **Tender Amendment 11 dated 15 November 2013**

together with this letter forms a binding contract between yourselves and the Secretary of State.

For the purposes of complying with the Construction (Design and Management) Regulations 2007, I hereby formally appoint your company as the Principal Contractor, CDM Co-ordinator and 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 by Wednesday 8 January 2014. We will then apply the Secretary of State's official 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) Construction Industry Scheme. Please contact the Project Leader and arrange to supply your Unique Tax Reference (UTR). This will enable the Agency to check your CIS registration with HMRC and deduct the correct tax from payments as appropriate. You are reminded that in accordance with the Inland Revenue's Construction Industry Scheme's Regulations, the Secretary of State is not permitted to make payment under the contract until this check has been completed.

Please note, a BPA (Blanket Purchase Agreement) number, under the Agency's financial system (SFM) will be created for your company relating to this Contract. You must quote this number on each and every application for payment. Your BPA number will be advised by the Project Sponsor.

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

- (a) validation, due to diligence or sustainability check carried out by the Agency on any part of the Tender;
- (b) evidence, assumptions or other information provided by you with your Tender or for the purposes set out in paragraph (a) above; or
- (c) clarification requested by the Agency and provided by you (whether orally or in writing) as part of the assessment process.

Please treat the contents of this letter as strictly confidential until the Secretary of State makes a public announcement. I should also remind you at this time, of the requirements of paras 1.1.4 and 1.1.8 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.

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

1.1.8 The tender must be treated as private and confidential at all times. Tenderers must not disclose the fact that they have been invited to tender 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 the tender. Tenderers must not release information concerning the invitation to tender and/or the tender documents for publication in the press or on radio, television, screen or any other medium.

Yours faithfully

 31/Dec 2013

**David Poole**  
**Commercial & Procurement Director**

