

**Highways England**

**Technical Surveys and Testing**

**Engineering and Construction Short**

**Contract for**

**M5 Portbury J19 N&S MP145 Joints**

**Contract Documents**

**Form of Tender**

**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 *Employer*")

at: *Great North House,*  
*20 Allington Way*  
*Darlington*  
*DL1 4QB*

This tender relates to the provision of works in relation to *M5 Portbury J19 N&S MP145 Joints*

Having examined

- the conditions of contract, being the NEC3 engineering and construction short contract (April 2013) and any Z Clauses,
- the Contract Data,
- the Works Information,

and all published tender amendments and clarifications, we offer to Provide the Works for a sum to be determined in accordance with the conditions of contract.

The following completed documents forming part of our offer are also returned with this tender:

Volume 1: Proposals for Providing the Works

- Completed Health & Safety Submission including a Risk Register
- Programme
- Tenderer to state any other information that they have provided which form part of their Proposals for Providing the Works

Volume 2:

- Completed Contractor's Offer
- a Price List
- a summary of relevant insurance policies and certificates where appropriate.
- any request made for non-disclosure under the Freedom of Information Act 2000.

We confirm that we have fully completed and returned, or uploaded onto Bravo, all the above listed documents, including all necessary attachments.

We understand that you are not bound to accept the lowest or any tender received, nor are Highways England liable for any tender costs we have incurred should you choose not to award a tender or the process is cancelled for whatever reason.

We agree that you may disclose any information and documents submitted by us 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 agree that we will meet with the commitments set out in Highways England's Anti Bribery and Anti Fraud Codes of Conduct and strive to meet the commitments set out in Highways England Fair Payment Charter.

We confirm that we have, or will have, the correct level of insurance(s) and that we agree to present all such certificates and documentation as required by Highways England prior to contract award and confirm that we will take responsibility for dealing with claims or parts of such claims within our insured excess amounts.

We certify that this tender is made in good faith 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, and we undertake that we will not:

- (1) before the award of any contract for the works:
  - (a) communicate to any person other than the *Employer* the amount or approximate amount of the tender or 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;
  - (b) enter into any agreement or arrangement with any person that they shall refrain from tendering or as to the amount of any tender to be submitted;
- (2) 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 *service*, any act or thing of the sort described at (1)(a) or (1)(b) above.

We also certify that the principles described in paragraph (1) and (2) 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 certification, 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 works" means the works in relation to which this tender is made.

This offer is open for acceptance for a period of 90 calendar days after the tender return date.

To help Government develop its procurement policy in respect of small businesses, the Department 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.]*

*We are a consortium and we attach here a statement signed by all members of our consortium confirming the legal form of the entity which will enter into a formal Agreement with you, if this offer is accepted. Where our consortium intends to contract as an unincorporated joint venture, we also confirm that (if selected) each of the consortium members will accept joint and several liability for all of the Contractor's obligations under the contract.*

Dated this ..... day of ..... 20.....

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

Name ..... (e.g. Director, Secretary, etc.)  
(in capitals)

Duly authorised to sign tenders for and on behalf of:

.....

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

..... Fax no .....

..... E-mail .....