**INVITATION TO TENDER**

**NHS LITIGATION AUTHORITY**

**VOLUME 4**

**RESPONSE DOCUMENT**

**19 October 2016**

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**Lots:**

Please indicate which Lots you are applying for:

**Lot 1: Yes ☐**

**Lot 2: Yes ☐**

**Both Lot 1 and Lot 2: Yes ☐**

If applying for Lot 1, please complete Parts 1 – 5 and Part 8.

If applying for Lot 2, please complete Parts 1 – 3 and Parts 6 – 8 only.

If applying for both Lot 1 and Lot 2, please complete Parts 1 – 8.

**Note that if you are applying as a Consortium and the Consortium structure is different between Lots, please complete and submit this Response Document twice.**

# Part 1: Potential supplier Information

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

|  |  |  |
| --- | --- | --- |
| **Section 1 - Potential supplier information** | | |
| Question number | 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   1. public limited company 2. limited company 3. limited liability partnership 4. other partnership 5. sole trader 6. third sector 7. other (please specify your trading status) |  |
| 1.1(d) | Company registration number (if applicable) |  |
| 1.1(e) | Charity registration number (if applicable) |  |
| 1.1(f) | Registered VAT number |  |
| 1.1(g) | Trading name(s) that will be used if successful in this procurement |  |
| 1.1(h) | Are you a Small, Medium or Micro Enterprise (SME)? | Yes ☐  No ☐ |
| 1.1(i) | Details of Persons of Significant Control (PSC), where appropriate:  - Name;  - Date of birth;  - Nationality;  - Country, state or part of the UK where the PSC usually lives;  - Service address;  - The date he or she became a PSC in relation to the company (for existing companies the 6 April 2016 should be used);  - Which conditions for being a PSC are met;  - Over 25% up to (and including) 50%,  - More than 50% and less than 75%,  - 75% or more.  (Please enter N/A if not applicable) |  |
| 1.1(j) | Details of immediate parent company:  - Full name of the immediate parent company  - Registered office address (if applicable)  - Registration number (if applicable)  - Head office VAT number (if applicable)  (Please enter N/A if not applicable) |  |
| 1.1(k) | Details of ultimate parent company:  - Full name of the ultimate parent company  - Registered office address (if applicable)  - Registration 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 in control of them.

Please provide the following information about your approach to this procurement:

|  |  |  |
| --- | --- | --- |
| **Section 2 - Bidding model** | | |
| Question number | Question | Response |
| 1.2(a) - (i) | Are you bidding as the lead contact for a group of economic operators? | Yes ☐  No ☐  If yes, please provide details listed in questions 1.2(a) (ii), (a) (iii), 1.3, Part 2, Sections 1 and 2 and Part 3, Section 1. |
| 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 legal entity prior to signing a contract, if awarded. If you do not propose to form a single legal entity, please explain the legal structure. |  |

**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 or content is provided in any section.

I am aware of the consequences of serious misrepresentation.

|  |  |  |
| --- | --- | --- |
| **Section 3 - Contact details and declaration** | | |
| Question number | 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 to meet the selection must complete and submit the Section 1 and Section 2 self-declaration.

|  |  |  |
| --- | --- | --- |
| **Section 1 - Grounds for mandatory exclusion** | | |
| Question number | Question | Response |
| 2.1(a) | **Regulations 57(1) and (2)**  The detailed grounds for mandatory exclusion of an organisation under the Public Contracts Regulations 2015 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 been convicted anywhere in the world of any of the offences within the summary below and listed on the [webpage](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/551130/List_of_Mandatory_and_Discretionary_Exclusions.pdf). | |
|  | Participation in a criminal organisation. | Yes ☐  No ☐  If Yes please provide details at 2.1(b) |
| Corruption. | Yes ☐  No ☐  If Yes please provide details at 2.1(b) |
| Fraud. | Yes ☐  No ☐  If Yes please provide details at 2.1(b) |
| Terrorist offences or offences linked to terrorist activities | Yes ☐  No ☐  If Yes please provide details at 2.1(b) |
| Money laundering or terrorist financing | Yes ☐  No ☐  If Yes please provide details at 2.1(b) |
| Child labour and other forms of trafficking in human beings | Yes ☐  No ☐  If Yes please provide details at 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 of the grounds listed the conviction was for, and the reasons for conviction,  Identity of 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 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) | **Regulation 57(3)**  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 question 2.3(a), please provide further details. Please also confirm 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.

|  |  |  |
| --- | --- | --- |
| **Section 2 - Grounds for discretionary exclusion** | | |
| Question number | Question | Response |
| 3.1 | **Regulation 57 (8)**  The detailed grounds for discretionary exclusion of an organisation under the Public Contracts Regulations 2015 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 law 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 in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws 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 of the Public Contracts Regulations 2015? | 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)  3.1(j) - (i)  3.1(j) - (ii)  3.1(j)-(iii) | Please answer the following statements  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.  The organisation has withheld such information.    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 provided 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  Yes ☐  No ☐  If Yes please provide details at 3.2  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 been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self-Cleaning) |  |

# Part 3: Selection Questions

|  |  |  |
| --- | --- | --- |
| **Section 1 - Economic and Financial Standing** | | |
| **Question number** | **Question** | **Response** |
| 4.1 | Please supply a copy of your audited accounts for the most recent two years. If you have been trading for less than two years please supply such audited accounts as are available together with a statement of turnover, profit and loss and cash flow for the period(s) subsequent to the date of such audited accounts.  If you are seeking to rely on a parent company identified in Part 1, Section 1, please provide the information requested above in respect of the parent company you wish to rely on. Please also confirm in the column to the right that the parent company is willing to enter into a parent company guarantee if the Authority so requests or other alternative guarantee (e.g. from a bank). | Attached ☐ |
| 4.2 | Please confirm that since the date of the most recent accounts or other financial statements that you are providing in response to Question 4.1(a) ("Relevant Financial Date"). | |
| 4.2(a) | no material business or financial issues have arisen that affect your organisation's financial position or its ability to continue as a going concern | Yes ☐  No ☐  If No please provide details at 4.4 |
| 4.2(b) | the number of partners/members of your organisation has not declined to less than 95% of the number applicable as at the Relevant Financial Date | Yes ☐  No ☐  If No please provide details at 4.4 |
| 4.2(c) | all rent and tax obligations have been paid as they fall due | Yes ☐  No ☐  If No please provide details at 4.4 |
| 4.2(d) | the organisation has complied with any and all covenants within its bank facilities | Yes ☐  No ☐  If No please provide details at 4.4 |
| 4.3 | Please confirm that as at the date of your tender your organisation is able to settle all debts and liabilities incurred as and when they fall due. | Yes ☐  No ☐  If No please provide details at 4.4 |
| 4.4 | If you have answered No to any of the above, explain what measures been taken to demonstrate the reliability of the organisation despite the existence of a relevant ground for exclusion? (Self-Cleaning).  If bidding as a Consortium and one or more of the Members, has answered No to any of the above, please provide confirmation that another Member is willing to enter into a guarantee in the event any of the Members fail. |  |

**Section 2 - Technical and Professional Ability**

|  |  |
| --- | --- |
| 5.1(a) | **Relevant experience and contract examples**  Please provide details of up to three contracts, in any combination from either the public or private sector; voluntary, charity or social enterprise (VCSE) that are relevant to our requirement. VCSEs may include samples of grant-funded work. Contracts should have been performed during the past three 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 is 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).  If you cannot provide examples please complete 5.1(b).  **Please note that this section is not Lot specific. The Authority is interested in mediation services of a similar type and complexity. You need only complete this Section 2 once if applying for both Lot 1 and Lot 2 unless you are required to submit separate documents due to your consortium structure differing between Lots.** |

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Contract 1** | **Contract 2** | **Contract 3** |
| **Name of customer organisation** |  |  |  |
| **Point of contact in the organisation** |  |  |  |
| **Position in the organisation** |  |  |  |
| **E-mail address** |  |  |  |
| **Description of contract** |  |  |  |
| **Contract Start date** |  |  |  |
| **Contract completion date** |  |  |  |
| **Estimated contract value** |  |  |  |

|  |  |
| --- | --- |
| 5.1(b) | If you cannot provide at least one example for question 5.1(a), 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 a contract. You are advised to carefully read the evaluation methodology for this question 5.1(b) in Volume 1.  *[Start your answer from this point.]* |

|  |  |  |
| --- | --- | --- |
| **Section 3 - Modern Slavery Act 2015:** **Requirements under Modern Slavery Act 2015** | | |
| 6.1 | Are you a relevant commercial organisation as defined by section 54 ("Transparency in supply chains etc.") of the Modern Slavery Act 2015 ("the Act")? | Yes ☐  N/A ☐ |
| 6.2 | If you have answered yes to question 1 are you compliant with the annual reporting requirements contained within Section 54 of the Act 2015? | Yes ☐  Please provide relevant the url …  No ☐  Please provide an explanation |

|  |  |  |
| --- | --- | --- |
| **Section 4 - Insurance** | | |
| 7.1 | Please self-certify whether you already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated below:  Public Liability Insurance = £1 million per claim  Professional Indemnity Insurance = £1 million per claim | Yes ☐  No ☐  Suppliers who self-certify that they meet the requirement will be required to provide evidence of this if they are successful at contract award stage. |

|  |  |  |
| --- | --- | --- |
| **Section 5 - Registered Status** | | |
| 8.1 | Please self-certify whether your organisation is a registered mediation provider and/or a registered mediator of the Civil Mediation Council, or if you are currently not, you commit to obtaining such status prior to the commencement of the contract. | Yes ☐  No ☐  Suppliers who self-certify that they meet the requirement will be required to provide evidence of this if they are successful at contract award stage. |

# Part 4: Lot 1 Quality Questions

**Mediation service for the resolution of disputes arising from personal injury and clinical negligence incidents and claims**

***Suppliers should note that the contract prohibits the sub-contracting of the service***

**QUALITY QUESTIONS**

**LOT 1: QUALITY QUESTION 1**

Please describe in your opinion what are the critical factors in the successful mediation of personal injury and clinical negligence claims. Please give examples showing how you/ your team have applied these factors in practice and how will you ensure that you deliver the NHS LA’s requirement for high quality mediation services.

Word limit: 1500 words.

*[Start your answer from this point.]*

**LOT 1: QUALITY QUESTION 2**

Please provide full CVs (not summary sheets) for all the qualified proposed mediators for this contract.

How do your mediators CVs and experience demonstrate that there will be successful service delivery to the NHS LA having regard to the attributes specified for mediators, and the requirement to operate within the NHS LA’s vison and values?

Word limit: 1500 words not including CVs.

*[Start your answer from this point. CVs may be included as embedded documents provided that these can be opened by the Authority.]*

**LOT 1: QUALITY QUESTION 3**

Please explain how you will meet the NHS LA’s requirement to cover its claims geographically (England only) and at the same time providing quality assurance.

Please provide a brief outline of the structure of your organisation, together with an organisational chart. This is for information only and will not be used in the evaluation of Quality Question 3.

Word limit: 1500 words not including your organisational chart.

*[Start your answer from this point. The organisational chart may be included as an embedded document provided that it can be opened by the Authority.]*

**LOT 1: QUALITY QUESTION 4**

Having regard to the requirements of the NHS LA in relation to information security please explain your organisational standards of information governance and how you will provide assurance of governance compliance to the NHS LA.

Word limit: 1500 words

*[Start your answer from this point.]*

# Part 5: Lot 1 Price Questions

**LOT 1: PRICE QUESTION 1 – FIXED FEES**

|  |  |  |
| --- | --- | --- |
| **Question** | **Value of claim excluding costs** | **Tendered price** |
| Price Question 1(a) | £750,001 and above |  |
| Price Question 1(b) | £100,001- £750,000 |  |
| Price Question 1(c) | Up to £100,000 |  |

**LOT 1: PRICE QUESTION 2 –HOURLY RATES**

|  |  |  |
| --- | --- | --- |
| **Question** | **Experience level** | **Tendered price** |
| Price Question 2(a) | **Leading Mediator**  Experience of in excess of 50 completed mediations |  |
| Price Question 2(b) | **Senior Mediator** Experience of 25-50 completed mediations |  |
| Price Question 2(c) | **Junior Mediator** Experience of 10-25 completed mediations |  |

# Part 6: Lot 2 Quality Questions

**Mediation service for the resolution of disputes arising from the recoverability of legal costs**

***Suppliers should note that the contract prohibits the sub-contracting of the service***

**QUALITY QUESTIONS**

**LOT 2: QUALITY QUESTION 1**

Please describe in your opinion what are the critical factors in the successful mediation of legal costs arising from personal injury and clinical negligence claims. Please give examples showing how you/ your team have applied these factors in practice and how will you ensure that you deliver the NHS LA’s requirement for high quality mediation services.

Word limit: 1500 words

*[Start your answer from this point]*

**LOT 2: QUALITY QUESTION 2**

Please provide full CVs (not summary sheets) for all the qualified proposed mediators for this contract.

How do your mediators CVs and experience demonstrate that there will be successful service delivery to the NHS LA having regard to the attributes specified for mediators, and the requirement to operate within the NHS LA’s vison and values?

Word limit: 1500 words not including CVs.

*[Start your answer from this point. CVs may be included as embedded documents provided that these can be opened by the Authority.]*

**LOT 2: QUALITY QUESTION 3**

Please explain how you will meet the NHS LA’s requirement to cover its claims geographically (England only) and at the same time providing quality assurance.

Please provide a brief outline of the structure of your organisation, together with an organisational chart. This is for information only and will not be used in the evaluation of Quality Question 3.

Word limit: 1500 words not including your organisational chart.

*[Start your answer from this point. The organisational chart may be included as an embedded document provided that it can be opened by the Authority.]*

**LOT 2: QUALITY QUESTION 4**

Having regard to the requirements of the NHS LA in relation to information security please explain your organisational standards of information governance and how you will provide assurance of governance compliance to the NHS LA.

Word limit: 1500 words

*[Start your answer from this point.]*

# Part 7: Lot 2 Price Questions

**LOT 2: PRICE QUESTION 1 – FIXED FEES**

|  |  |  |
| --- | --- | --- |
| **Question** | **Value of receiving party’s legal costs** | **Tendered price** |
| Price Question 1(a) | £750,001 and above |  |
| Price Question 1(b) | £250,0001 - £750,000 |  |
| Price Question 1(c) | Up to £250,000 |  |

**LOT 2: PRICE QUESTION 2 –HOURLY RATES**

|  |  |  |
| --- | --- | --- |
| **Question** | **Experience level** | **Tendered price** |
| Price Question 2(a) | **Leading Mediator**  Experience of in excess of 50 completed mediations |  |
| Price Question 2(b) | **Senior Mediator** Experience of 25-50 completed mediations |  |
| Price Question 2(c) | **Junior Mediator** Experience of 10-25 completed mediations |  |

# Part 8: Form of Tender

**To:** NHS Litigation Authority (the "Authority")

**Re:** Lot 1 and Lot 2 Mediation Services (the "Opportunity")

I/We the undersigned, hereby tender and offer to provide the requirements as detailed regarding the Opportunity as more particularly detailed to in the Invitation to Tender supplied to me/us for the purpose of tendering for the provision of the Opportunity and upon the terms thereof.

Attached to this form of tender are the following:

1. My/our Tender responding to the opportunity as identified in and required by the ITT; and
2. A signed Certificate of Non Collusive Tendering and Non-Canvassing.

I/We confirm that I/we can supply services under the Opportunity as specified in the Invitation to Tender at the price specified in our 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 and undertake that if any information in our Tender becomes untrue or misleading that I/we shall notify you immediately and update such information as required.

I/We confirm that this Tender will remain valid, binding and open for acceptance for 30 days from the date set for receipt of Tenders.

I/We undertake, in the event of acceptance of our Tender, to execute the contract for the Opportunity within 15 business days of such acceptance (or otherwise as agreed with the Authority) and if required in the interim to provide the requirements in accordance with the contract if necessary.

I/We understand that the Authority is under no obligation to accept this Tender and reserves the right to refuse this Tender whether it is lower, the same, or higher than any other Tender.

I/We confirm that the undersigned are authorised to commit the Bidder to the contractual obligations as detailed in the Invitation to Tender and the content of our Tender.

Signed: ………………………….

Name: ……………………………

Position: …………………………

Date: …………………………

For and on behalf of [***insert***]

**Certificate of Non-Collusion**

**To:** NHS Litigation Authority (the "Authority")

**Re:** Lot 1 and Lot 2 Mediation Services (the "Opportunity")

The essence of selective tendering for the Opportunity is that the Authority shall receive bona fide competitive tenders from all Bidders.

In recognition of this principle, I certify on behalf of [***insert***] to the Authority in relation to the Opportunity that:

1. this is a bona fide offer, intended to be competitive and that I/we have not fixed or adjusted the amount of the offer in accordance with any agreement or arrangement with any other person (except any sub-contractor identified in this offer); and
2. I/we have not done, and undertake that I/we will not do, nor will I/ we cause or induce any other person to do nor have they done, any of the following acts mentioned in this Certificate before the hour and date specified for the return of Initial Tenders nor (in the event of my Initial Tender being accepted) shall I/we do so while the resulting contract continues in force between us (or our successors in title):
   1. entered into any agreement with any other person with the aim of preventing Initial Tenders being made or as to the fixing or adjusting of the amount of any Initial Tender or the conditions on which any Initial Tender is made;
   2. communicated to any person other than the Authority, the detail of my Initial Tender including but not limited to the amount or approximate amount of my/our proposed offer except where the disclosure in confidence of the approximate value of the Initial Tender was essential to obtain insurance premium quotations, for performance bonds or for professional advice required for the preparation of the Initial Tender;
   3. entered into any agreement or agreements with any other person that they shall refrain from submitting an Initial Tender or as to the amount of any Initial Tender submitted by them;
   4. contravened the Bribery Act 2010 or any other applicable anti-bribery or anti-money laundering laws and/or regulations; or
   5. offered or agreed to pay or give or actually pay or give any sum of money, inducement or valuable consideration, directly or indirectly, to any person for doing or having done or having caused to be done in relation to any other Initial Tender or proposed Initial Tender any act or omission.

I/we agree that the Authority may, in its consideration of the offer and in any subsequent actions, rely upon the statements made in this Certificate.

I hereby declare that I am authorised by [***insert***] to supply the information given above and that, at the date of signing, the information given is a true and accurate record and if at any point I/we become aware of any information in future which affects the statement given in this certificate we will immediately notify the Authority of such information and its impact on the Certificate.

Signed: ………………………….

Name: ……………………………

Position: …………………………

Date: …………………………

For and on behalf of [***insert***]

**Certificate of Non-Canvassing**

**To:**  NHS Litigation Authority (the "Authority")

**Re:** Lot 1 and Lot 2 Mediation Services (the "Opportunity")

I certify on behalf of [***insert***] to the Authority in relation to the Opportunity that I/we have not done, and undertake that I/we will not do, nor will I/ we cause or induce any other person to do nor have they done, any of the following acts mentioned in this Certificate before the hour and date specified for the return of Initial Tenders nor (in the event of my Initial Tender being accepted) shall I/we do so while the resulting contract continues in force between us (or our successors in title):

1. I/we have not canvassed any or solicited any Director, member, officer, employee, representative or adviser of the Authority in connection with the proposed award of the Opportunity by the Authority;
2. I/we will not canvass or solicit any Director, member, officer, employee, representative or adviser of the Authority in connection with the award of the Opportunity;

I/we agree that the Authority may, in its consideration of the offer and in any subsequent actions, rely upon the statements made in this Certificate.

I hereby declare that I am authorised by [***insert***] to supply the information given above and that, at the date of signing, the information given is a true and accurate record and if at any point I/we become aware of any information in future which affects the statement given in this certificate we will immediately notify the Authority of such information and its impact on the Certificate.

Signed: ………………………….

Name: ……………………………

Position: …………………………

Date: …………………………

For and on behalf of [***insert***]