

DECLARATION OF COMPLIANCE

SUPPLY OF WATER, WASTEWATER AND ANCILLARY SERVICES

REFERENCE NUMBER

RM 3790

ATTACHMENT 9

POTENTIAL PROVIDER – DECLARATION OF COMPLIANCE

Provision of: SUPPLY OF WATER, WASTEWATER AND ANCILLARY SERVICES

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1. Interpretation

- 1.1 Capitalised expressions set out in this Declaration of Compliance shall have the meaning given to them in the glossary of the Invitation to Tender (Attachment 1) and the Terms of Participation (Attachment 8).
- 1.2 The word “we” in paragraph 2 of this Declaration of Compliance refers to the Potential Provider.
- 1.3 Where the Potential Provider is a Lead Contact acting for a Group of Economic Operators (has answered “yes” to question SQ1.2(a) of the Selection Questionnaire in Attachment 2), the declarations in paragraph 2 shall additionally be made for and on behalf of each member of the Group of Economic Operators (except in relation to paragraphs 2.7 and 2.8 which, under this bidding model, shall apply to the Lead Contact only).
- 1.4 Where the Potential Provider proposes in its Tender to use Sub-Contractors (has answered “yes” to question SQ1.2(b) (i) of the Selection Questionnaire in Attachment 2), the declarations in paragraph 2.5.2 shall additionally be made for and on behalf of each Sub-Contractor.

2. Declarations

- 2.1 We offer to provide Goods and Services as specified in Attachment 5 - Framework Schedule 2: Part A: Goods and Services, in accordance with the terms and conditions of the draft Framework Agreement in Attachment 4.
- 2.2 We accept the terms of the draft Framework Agreement and, if our offer is accepted, we will execute the draft Framework Agreement (as amended to incorporate relevant aspects of the Tender such as our prices) within seven (7) days of being called upon to do so by the Authority.
- 2.3 We have made sufficient enquiries and have received sufficient information from the Authority to fully understand the requirements of this Procurement and agree to provide the Goods and Services in accordance with the draft Framework Agreement.
- 2.4 We warrant that all the information contained in our Tender (including any Attachments) is accurate and true and we undertake to notify the Authority of any changes as soon as practicable.
- 2.5 We warrant that we have complied with all the requirements set out in the Invitation to Tender (Attachment 1) and, in particular, we have:
 - 2.5.1 acted in good faith in preparing this Tender;
 - 2.5.2 not engaged in any form of collusive behaviour, including by way of any of the following:
 - 2.5.2.1 fixing or adjusting any element of the Tender by agreement or arrangement with any other person;

- 2.5.2.2 communicating with any person other than the Authority (or the relevant Contracting Authority) the value, price or rates set out in the Tender or information which would enable the precise or approximate value, price or rates to be calculated by any other person;
 - 2.5.2.3 entering into any agreement or arrangement with any other person so that person refrains from submitting a Tender;
 - 2.5.2.4 sharing, disclosing or permitting another person to access any information relating to the Tender (or another Tender to which it is party) with any other person;
 - 2.5.2.5 subject to paragraph 2.6, offering or agreeing to pay or receive any sum or sums of money, inducement or valuable consideration directly or indirectly to or from any other person for doing or causing to be done in relation to the Tender any other Tender or proposed Tender, any act or omission,
 - 2.5.2.6 directly or indirectly canvassing or seeking any information regarding this Procurement from a Minister, public sector employee or Authority, in breach of the Terms of Participation (Attachment 8).
- 2.6 The acts (or any omissions to the same effect) described in paragraph 2.5.2.5 shall not be prohibited where such acts (or omissions to the same effect) are undertaken with persons who are also participants in the Tender such as members of the Group of Economic Operators, Sub-Contractors of the Potential Provider, advisors or companies within the Potential Provider's Group or where disclosure to such person is made in confidence in order to obtain quotations necessary for the preparation of the Tender or obtain any necessary security.
- 2.7 We warrant that we have supplied a copy of the Invitation to Tender and the Terms of Participation to all members of our Group of Economic Operators (if bidding as a Lead Contact) and/or Sub-Contractors (if we have named any Sub-Contractors in our Tender).
- 2.8 We warrant that we have all the requisite corporate authority to sign our Tender and this Declaration of Compliance.