**Attachment 2b – Evidence of Contract Example**

Please complete the certificate below as part of your bid for **RM6204 Rail Legal Services**

procurement.

You must provide **two (2)** examples using Attachment 2b as a template.

**Instructions**

You (the Supplier) are required to complete Table A below.

Your Customer Referee must verify that the information you have provided is true and accurate by completing and signing Table B below.

For the avoidance of doubt, if a Customer Referee selects OPTION B when completing Table B of this certificate, your bid will be awarded a FAIL and you will be excluded from this competition.

Each certificate must meet all of the mandatory criteria, if one or both certificates fail to meet all of the mandatory criteria your bid will be awarded a FAIL and you will be excluded from this competition.

Failure to provide the information we have asked for in this certificate, or if the information provided does not clearly and unambiguously fall within the scope of the requirements set out in Framework Schedule 1 (Specification), your bid will be deemed not compliant and you will be excluded from this competition.

You (the Supplier) must not:

* complete Table B on behalf of your Customer Referee; or
* state that the details of your Customer Referee are confidential; or
* submit an incomplete certificate.

**Mandatory Criteria**

* each certificate of performance must have been delivered for a public sector client or be on a project delivered for the public sector
* must relate to contracts performed during the past 5 years, prior to publication of the contract notice to be valid or where a project is still on-going have reached one or more significant milestones and the case study relates to those phases of the project
* must clearly and unambiguously fall within the scope of the requirements set out in Framework Schedule 1 (Specification)
* relate to the railway as defined in Section 67(1) of the Transport and Works Act 1992 and for the avoidance of doubt this does not include a tramway
* contract examples must:

1. involve two of the following Core Specialisms:

* Rail Commercial Law
* Public Procurement Law
* Subsidy Law

1. across the two contract examples you must cover all of the following Core Specialisms:

* Rail Commercial Law
* Public Procurement Law
* Subsidy Law

1. **both contract examples must** involve Regulatory Law

Contract examples may cover situations where your organisation was acting as prime contractor, key subcontractor or part of a consortium.

**Please note:**

* examples of contracts awarded under other frameworks via call-off contracts will be considered valid, but framework contracts themselves will NOT be considered valid; and
* the Customer Referee provided must not have been employed or appointed by your organisation (or your associated group of companies), within the past 3 years prior to the publication of the contract notice.

**Table A**

This contract example certificate will be assessed in accordance with the mandatory criteria provided in this certificate and Attachment 2 – How to Bid.

Where you relied on other entities (including key subcontractors or consortium members) to perform the contract, please set out the function that each entity performed in the contract example description below.

|  |  |
| --- | --- |
| Name of Entity Providing Certificate  (Supplier Name): | *[insert your organisation name]* |
|  | |
| **Performance Certificate – Contract Header Information (details of the contract to be certified)** | |
| Name of Customer Referee ("Customer"): | *[Registered Name]* |
| Name of Contracted Supplier ("Supplier"): | *[Registered Name]* |
| Contract Title ("Contract"): | *[Agreed Contract Name for Contract]* |
| Contract Value: | *[Value of the Contract,]* |
| For Public Sector Contracts - Award Notice Reference (if applicable): | *[OJEU/FTS reference]* |
|  | |
| **Contact Details for the Customer**  **(with whom further queries, if any, can be raised to verify)** | |
| Customer Name: | *[Name of referee authorised by Customer providing Certificate]* |
| Customer Referee Contact Address: | *[Authorised referee business address]* |
| Customer Referee Contact Direct Line: | *[Authorised referee direct telephone line]* |
| Customer Referee Contact Email: | *[Authorised referee email]* |
|  | |
| **Further Contract Detail** | |
| Confirm project completed or the significant milestones achieved: |  |
| Core Specialisms: |  |
| Regulatory Law (relevant legislation): |  |
| Confirm role in delivery of the project: | *Prime contractor / key subcontractor / member of consortium   Details of delivery model if not prime contractor* |
| Contract Example description: | *INSERT YOUR CONTRACT DESCRIPTION HERE: Description max 2,000 words. You must not exceed the word count. Responses must include spaces between words. The response must utilise Font Type Arial and Font Size 10.* |
| Consideration received: | *[Monetary value or equivalent]* |
| Deliverables start date: | *[dd/mm/yyyy]* |
| Deliverables end date: | *[dd/mm/yyyy]* |

**Table B**

Please verify as the Customer Referee, that the information provided by the Supplier in Table A above is true and accurate, by completing and signing the table below.

|  |  |  |
| --- | --- | --- |
| **Performance (Please submit either Option A or B)** | | |
| **OPTION A:** | | |
| We hereby certify that, to the best of our knowledge and belief, the Supplier has satisfactorily supplied the goods and/or services described in the table above in accordance with the Contract, and that all of the requirements of this form have been satisfied. | | |
| Signature of Contract Referee: | *[Customer Referee signature]* |
| **OR** | | |
| **OPTION B:** | | |
| We are unable to certify that the Supplier has satisfactorily supplied the deliverables described in the table above in accordance with the Contract for the following reasons:  \**please see guidance below* | *[Insert Reason 1; 2; 3; 4; or other etc.]* | |
| Signature of Customer Referee: | *[Customer Referee signature]* | |
| **Liability of any Customer certifying:** | | |
| *Whilst the information in this Certificate has been provided in good faith in the belief that it is truthful and accurate, the Customer does not assume any responsibility or any liability nor make any guarantee, representation or warranty as to the contents of this Certificate. The Customer shall not be liable for and hereby excludes liability for any loss, damage (including any special, exemplary, indirect, incidental, consequential damages, costs or associated legal fees) that may be suffered as a result of use of the Certificate and its content, to the fullest extent permitted by law.*  *Nothing in this Certificate shall affect, or constitute a waiver of, the Customer's rights or remedies in relation to the Contract.* | | |

|  |
| --- |
| **Guidance for Entities providing Certificates** |
| *If you are unable to certify that the Supplier has satisfactorily supplied the goods and/or services in accordance with the Contract, please provide the reason or reasons why performance was not in accordance with the Contract. These may include the following or other reasons:*   1. *delays in supplying the deliverables;* 2. *failures to supply all the deliverables in accordance with the scope set out in the Contract;* 3. *failures to meet any service levels and/or supply the deliverables in accordance with quality standards;* 4. *4. any other failure by the Supplier to comply with its obligations under the Contract.* |