**APPENDIX 9 – FORM OF TENDER**

**DECLARATION BY THE TENDERER**

I hereby offer to enter into an agreement with the Council upon the conditions in the proposed contract documents set out.

I understand that the Council is not bound to accept the lowest or any Submission. I also understand that the Council has the right to accept only part of a Submission unless I have expressly stipulated otherwise. This Submission shall remain open for acceptance by the Council for a period of 180 days after the Application Return Deadline for return of Submissions.

**CERTIFICATE OF BONA FIDE SUBMISSION**

1. I confirm that I have read and understood the draft terms and conditions included within the procurement documents, and accept that these will be substantially the form of contract that will govern the service requirement.

2. As a reasonably diligent Applicant I have taken into account potential increases in National Minimum Wage, National Insurance, Pensions and other external factors, as far as I can at this point.

3. I declare that this is a bona fide Submission, intended to be competitive and that I have not fixed or adjusted the amount of the Submission by or under or in accordance with any agreement or arrangement with any other person (‘person’ includes any persons anybody or association, corporate or incorporate) except as disclosed below.

4. I declare that we (the Applicant) are not aware of any connection with a member of the Council's staff which could affect the outcome of the procurement process.

5. I declare that I have not done and I undertake that I will not do at any time any of the following:

a) communicate to any person, other than those permitted by the ITP, the amount or approximate amount of the proposed Submission;

b) enter into any agreement or arrangement with any other person or body that he or it shall refrain from participating in the procurement process or as to the amount of any Submission to be entered;

c) enter into any agreement or arrangement with any other person or body that we will refrain from participating in a procurement process or entering a Submission on a future occasion;

d) offer or pay or agree to pay any sum of money or valuable consideration directly or indirectly to any person for doing or causing to be done in relation to any other Submission for the said work any act of the kind described above;

e) canvas or solicit the Council staff.

6. I understand that any instances of illegal cartels or market sharing arrangements suspected by the Council will be referred to the Competition and Markets Council and may be subject to action under the Competition Act 1998.

7. I understand that any misrepresentations may also be the subject of criminal investigation or used as a basis for civil action.

8. I understand that the successful Applicant(s) shall be expected to sign and return the relevant agreement within 10 Business Days from when the Council send them (or such other reasonable period as the Council may agree, acting entirely at its own discretion) failing which the offer of any contract may be withdrawn and the Council reserves it's right to approach the next placed Applicant(s) in turn to enter into a contract for the supply/services based upon their own response or alternatively to abandon the procurement entirely.

1. In this Certificate “agreement” or “arrangement” includes any transaction private or open, or collusion, formal or informal, and whether or not legally binding.

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| Please confirm that you have read and accept the above declaration.  Name:  Position:  Acting on behalf of (organisation):  Date: |