# Tenderer Declarations in relation to Request for Proposals (RFP) for the service provision of:

**Videography Support for the Police and Crime Commissioner August – October 2021**

Ref: 2021/071

Issue Date: 28 July 2021

Schedule 1: Form of Tender

*TO BE COMPLETED BY THE TENDERER – All sections in green*

To: the Police and Crime Commissioner for Nottinghamshire

Date: *[Tenderer to insert date]*

**From: *[Tenderer to insert name of organisation submitting Tender]***

Having examined the Request for Proposals (RFP), Terms and Conditions of Contract and all other Schedules, and being fully satisfied in all respects with the requirements of the RFP. I/We hereby offer to provide services as per the RFP at the prices shown in my/our Tender Response. If this offer is accepted I/we will execute documents in the form of the Contract within 30 days of being called upon to do so.

**PART A**

**Important Notice:**

**In some circumstances the PCC is required by law to exclude you from participating further in procurement. If you cannot answer ‘no’ to every question in this section it is very unlikely that your Tender response will be accepted; in the event of any doubt you should contact us for advice before completing this part of the RFP.**

Please state ‘Yes’ or ‘No’ to each question.

|  |  |
| --- | --- |
| **Has your organisation or any directors or partner or any other person who has powers of representation, decision or control been convicted of any of the following offences?** | **Answer** |
| 1. conspiracy within the meaning of section 1 or 1A of the Criminal Law Act 1977 or article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 where that conspiracy relates to participation in a criminal organisation as defined in Article 3 of Council Framework Decision 2008/841/JHA on the fight against organised crime;
 |  |
| 1. corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 1889 or section 1 of the Prevention of Corruption Act 1906;
 |  |
| 1. the common law offence of bribery;
 |  |
| 1. bribery within the meaning of section 1, 2 or 6 of the Bribery Act 2010 or section 113 of the Representation of the People Act 1983;
 |  |
| 1. any of the following offences, where the offence related to fraud affecting the European Communities’ financial interests as defined by Article 1 of the Convention on the protection of the financial interests of the European Communities;
 |  |
| * 1. the offence of cheating the Revenue;
 |  |
| * 1. the offence of conspiracy to defraud;
 |  |
| * 1. fraud or theft within the meaning of the Theft Act 1968, the Theft Act (Northern Ireland) 1969, the Theft Act 1978 or the Theft (Northern Ireland) Order 1978
 |  |
| * 1. fraudulent trading within the meaning of section 458 of the Companies Act 1985, article 451 of the Companies (Northern Ireland) Order 1986 or section 993 of the Companies Act 2006;
 |  |
| * 1. fraudulent evasion within the meaning of section 170 of the Customs and Excise Management Act 1979 or section 72 of the Value Added Tax Act 1994;
 |  |
| * 1. an offence in connection with taxation in the European Union within the meaning of section 71 of the Criminal Justice Act 1993; or
 |  |
| * 1. destroying, defacing or concealing of documents or procuring the execution of a valuable security within the meaning of section 20 of the Theft Act 1968 or section 19 of the Theft Act (Northern Ireland) 1969
 |  |
| * 1. fraud within the meaning of section 2, 3 or 4 of the Fraud Act 2006
 |  |
| * 1. the possession of articles for us in frauds within the meaning of section 6 of the Fraud Act 2006, or the making, adapting, supplying or offering to supply articles for use in frauds within the meaning of section 7 of that Act;
 |  |
| 1. any offence listed:
 |  |
| 1. in section 41 of the Counter Terrorism Act 2006; or
 |  |
| 1. in Schedule 2 to that Act where the court has determined that there is a terrorist connection;
 |  |
| 1. any offence under sections 44 to 46 of the Serious Crime Act 2007 which related to an offence covered by subparagraph (f);
 |  |
| 1. money laundering within the meaning of section 340(11) and 415 of the Proceeds of Crime Act 2002; or
 |  |
| 1. an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 1988 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 1996;
 |  |
| 1. an offence under section 4 of Asylum and Immigration (Treatment of Claimants etc.) Act 2004;
 |  |
| 1. any other offence under section 59A of the Sexual Offences Act 2003;
 |  |
| 1. an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Coroners and Justice Act 2009;
 |  |
| 1. an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994;
 |  |
| 1. any other offence within the meaning of Article 57(1) of the Public Contracts Directive:
 |  |
| 1. as defined by the national law of any jurisdiction outside England and Wales and Northern Ireland; or
 |  |
| 1. created, after the day on which the Regulations were made, in the law of England and Wales or Northern Ireland.
 |  |

**PART B**

**The PCC may exclude you from consideration if you answer “yes” to any of the following situations.**

Please state ‘Yes’ or ‘No’ to each question.

|  |  |
| --- | --- |
| **Do, or within the past three years has, any of the following situations apply/applied to Your organisation?** |  |
| 1. Your organisation has violated applicable obligations referred to in Regulation 56(2) of the Regulations in the fields of environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X to the Public Contracts Directive as amended from time to time;
 |  |
| 1. Your organisation is bankrupt or is the subject of insolvency or winding up proceedings, where Your 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;
 |  |
| 1. Your organisation is guilty of grave professional misconduct which renders its integrity questionable;
 |  |
| 1. Your organisation has entered into agreements with other economic operators aimed at distorting competition;
 |  |
| 1. Your organisation has a conflict of interest within the meaning of Regulation 24 of the Regulations that cannot be effectively remedied by other, less intrusive, measures;
 |  |
| 1. the prior involvement of Your organisation in the preparation of the procurement procedure has resulted in a distortion of competition, as referred to in Regulation 41 of the Regulations, that cannot be remedied by other, less intrusive, measures;
 |  |
| 1. Your organisation has 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;
 |  |
| 1. Your organisation:
	1. has been 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; or
	2. has withheld such information or it not able to submit supporting documents required under Regulation 59 of the Regulations; or
 |  |
| 1. Your organisation has undertaken to:
	1. unduly influence the decision-making process of the PCC or another contracting authority (as defined in the Regulations), or
	2. obtain confidential information that may confer upon Your organisation undue advantages in the procurement procedure; or
 |  |
| 1. Your organisation has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.
 |  |

PART C: Collusive Tendering, Canvassing, Conflicts of interest, Gifts and Hospitality, Safeguarding Vulnerable Groups

**Collusive Tendering**

I/we warrant this is a bona fide Tender Response, intended to be competitive and that I/we have not fixed or adjusted the amount of the Tender Response or the rates and prices quoted by or under or in accordance with any agreement or arrangement with any other party.

I/We also confirm that I/we have not done and undertake that I/we will not do at any time any of the following acts:

* Communicate to a party other than the PCC the amount or approximate amount of my/our proposed Tender Response (other than in confidence in order to obtain quotations necessary for the preparation of the Tender Response and/or insurance), enter into any agreement or arrangement with any other party that he shall refrain from tendering or as to the amount of any Tender Response to be submitted, or offer or agree to pay or give or pay or give any sum of money inducement or valuable consideration directly or indirectly to any person for doing or having done or causing or having caused any act or omission to be done in relation to any other tender or the proposed Tender Response.

In this compliance statement,

* the word “person” includes any person, body or association, corporate or incorporate
* the phrase “any agreement or arrangement” includes any transaction, formal or informal whether legally binding or not.

**Canvassing**

I/We hereby confirm that I/we have not canvassed any member, officer, employee, or agent of the PCC in connection with the award of the Contract for the servicesand that no person employed by me/us or acting on my/our behalf has done any such act.

I/We further hereby undertake that I/we will not prior to the conclusion of the Provider selection process canvass or solicit any member, employee, agent or provider of the PCC in connection with the award of the Contract for the Servicesand that no person employed by me/us or acting on my/our behalf will do any such act.

**Conflicts of Interest**

The PCC may exclude a Bidder/quote where there is a conflict of interest which cannot be effectively remedied. The concept of a conflict of interest includes any situation where relevant staff members have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.

Provided that it has been carried out in a transparent manner, routine pre-market engagement carried out by the PCC should not represent a conflict of interest for the Tenderer.

Any changes to interests declared either during the procurement process or during the term of any contract subsequently entered into by the Tenderer and the PCC must notified to the PCC by way of completion of a new declarations form.

Tenderers completing this declaration form must provide sufficient detail of each interest so that the PCC and also a member of the public would be able to understand clearly the sort of financial or other interest the person concerned has and the circumstances in which a conflict of interest with the business or running of the PCC (including the award of a contract) might arise.

If in doubt as to whether a conflict of interests could arise, a declaration of the interest should be made.

Interests that must be declared (whether such interests are those of the Relevant Person (see first bullet point below for definition) themselves or of a family member, close friend or other acquaintance of the Relevant Person), include the following:

* the Tenderer or any person employed or engaged by or otherwise connected with the Tenderer (Relevant Person) has provided or is providing services or other work for the PCC or Nottinghamshire Police;
* the Tenderer or Relevant Person is providing services or other work for any other potential bidder in respect of this project or procurement process;
* the Tenderer or any Relevant Person has any other connection with the PCC or Nottinghamshire Police, whether personal or professional, which the public could perceive may impair or otherwise influence the PCC’s or any of its members’ or employees’ judgements, decisions or actions.

\* Please tick

[ ]  I/We hereby confirm that no conflicts of interest exist between the Tenderer or Relevant Person and the PCC (or any of its officers or members and its advisors). I/we acknowledge that failure to comply with this requirement may result in disqualification from the procurement at the discretion of the PCC.

Or

[ ]  I declare that the Tenderer or Relevant person **does** havea conflict of interest that may prevent our full and unprejudiced participation in this procurement process. The nature of this conflict of interest is described below:

|  |  |
| --- | --- |
| **Name of Relevant Organisation**  |  |
| **Type of Interest**  | **Details**  |
| Provision of services or other work for the PCC or Nottinghamshire Police |  |
| Provision of services or other work for any other potential bidder in respect of this project or procurement process |  |
| Any other connection with the PCC or Nottinghamshire Police, whether personal or professional, which the public could perceive may impair or otherwise influence the PCC’s or any of its members’ or employees’ judgements, decisions or actions  |  |

|  |  |
| --- | --- |
| **Name of Relevant Person**  | [complete for all Relevant Persons]  |
| **Type of Interest**  | **Details**  | **Personal interest or that of a family member, close friend or other acquaintance?**  |
| Provision of services or other work for the PCC or Nottinghamshire Police |  |  |
| Provision of services or other work for any other potential bidder in respect of this project or procurement process  |  |  |
| Any other connection with the PCC or Nottinghamshire Police, whether personal or professional, which the public could perceive may impair or otherwise influence the PCC’s or any of its members’ or employees’ judgements, decisions or actions  |  |  |

**Gifts and Hospitality**

I/we hereby confirm that no individual or anyone associated with the tenderer has not and will not:

Offer/offered or give/given, or agreed to give, to the PCC or any person employed by or on behalf of the PCC any gift or consideration of any kind as an inducement or reward for doing, refraining from doing, or for having done or refrained from doing, any act in relation to the obtaining or execution of the Contract opportunity or any other contract with the PCC, or for showing or refraining from showing favour or disfavour to any person in relation to the Contract opportunity or any such contract.

**Declaration**

**To the best of my knowledge and belief, the above information is complete and correct. I undertake throughout the term of the procurement process to update (as necessary) the information and promptly inform the PCC of such.**

I warrant that I have all the requisite corporate authority to sign this Declaration and confirm that I have complied with all the requirements set out in PARTS A-C.

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| Name: | ............................................................................................... |
| Signature: | ............................................................................................... |
| Position: | ............................................................................................... |
| On behalf of: | ............................................................................................... |
| Date: | ............................................................................................... |