

SCHEDULE 9

Regulation 27

EVENTS OF DISQUALIFICATION

1. The events in this Schedule in relation to a developer, bidder, qualifying bidder, preferred bidder, reserve bidder or successful bidder, as the case may be, are—
 - (a) causing or inducing any person to enter into an agreement to collude or to inform a developer, bidder, qualifying bidder, preferred bidder, reserve bidder or successful bidder of the amount of any rival tender;
 - (b) a material breach of any rules particular to the pre-qualification, qualification to tender, invitation to tender and best and final offer stages of a tender exercise or any requirements specified in these Regulations;
 - (c) submitting any information to the Authority which is false or misleading unless the provision of further information is acceptable to the Authority;
 - (d) engaging in, attempting to engage in, allowing or encouraging any anti-competitive behaviour by or between any developer, bidder, qualifying bidder, preferred bidder, reserve bidder or successful bidder;
 - (e) doing anything which would constitute the commission of an offence under section 1, 2 or 6 of the Bribery Act 2010(1).
2. The events in this Schedule in relation to a developer are—
 - (a) offering to pay or give any sum of money, inducement or valuable consideration directly or indirectly to any officer of the Authority, bidder, qualifying bidder, preferred bidder, reserve bidder or successful bidder who is involved in a tender exercise (or any related party of these) in relation to any actions or omissions;
 - (b) contacting a bidder or qualifying bidder who is subject to a tender exercise (or any related party of these) outside any requirements specified in these Regulations, including without limitation contact for the purposes of discussing the possible transfer of an employee of a bidder or qualifying bidder to the employment of the developer for the purpose of a tender exercise;
 - (c) a breach of any warranty or undertaking (other than an undertaking pursuant to paragraph 3 of Schedule 1) provided to the Authority in accordance with these Regulations, unless the Authority permits that breach to be remedied within a period specified by the Authority by notice to the developer;
 - (d) failure to provide information to the Authority in accordance with regulation 4(3) or 6(5);
 - (e) failure to comply with the obligations specified in regulation 22.
3. The events in this Schedule in relation to a bidder, qualifying bidder, preferred bidder, reserve bidder or successful bidder are—
 - (a) failure to make any payment as required in accordance with these Regulations, unless that failure has been remedied within a period not exceeding ten days in accordance with regulation 31(2);
 - (b) fixing or adjusting the amount of its tender by or in accordance with any agreement or arrangement with any other bidder, qualifying bidder, preferred bidder, reserve bidder or successful bidder or by improperly using insider information;
 - (c) entering into any agreement or arrangement with any other bidder, qualifying bidder, preferred bidder, reserve bidder or successful bidder to refrain from submitting a tender or as to the amount of the tender submitted;

(1) 2010 c.23.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (d) communicating to any person other than the Authority the details of its proposed tender in respect of a qualifying project, except where this disclosure is made in confidence in order to obtain quotations necessary for the preparation of that tender;
- (e) where the bidding entity is a bidder group, any change to the membership of that bidder group other than a change which has been permitted by the Authority;
- (f) offering to pay or give any sum of money, inducement or valuable consideration directly or indirectly to any officer of the Authority, the holder of a co-ordination licence or a developer, who is subject to a tender exercise in relation to any actions or omissions;
- (g) contacting—
 - (i) any officer of the Authority or the holder of a co-ordination licence; or
 - (ii) in relation to a bidder or qualifying bidder only, contacting any officer of a developer who is subject to a tender exercise,

outside any rules particular to the pre-qualification, qualification to tender, invitation to tender and best and final offer stages of a tender exercise or any requirements specified in these Regulations, including without limitation contact for the purposes of discussing the possible transfer of such officer to the employment of the bidder, qualifying bidder, preferred bidder, reserve bidder or successful bidder for the purpose of a tender exercise.