Acceptance of Terms and Conditions Form – RECCo Code Manger Digital Services

I confirm and accept that:

1. The information provided in the Request for Proposal (RfP) Pack for Code Manager Digital Services was prepared by the Retail Energy Code Company (‘RECCo’) in good faith. It does not purport to be comprehensive or to have been independently verified. Neither RECCo nor any member of the organisation has any liability or responsibility for the adequacy, accuracy, or completeness of, and makes no representation or warranty, express or implied, with respect to, the information contained in the RfP pack or on which such documents are based or with respect to any written or oral information made or to be made available to any interested supplier or its professional advisers, and any liability therefore is excluded.
2. Nothing in the RfP Pack or provided subsequently has been relied on as a promise or representation as to the future. RECCo has the right, without prior notice, to change the procedure for the competition or to terminate discussions and the delivery of information at any time before the signing of any agreement.
3. We undertake that we shall, if successful at BAFO Stage and required by RECCo, execute a formal agreement in the appropriate form incorporating the Contract and its Schedules as set out in Schedule 2 of this RfP pack and as summarised in Annex 1 of this Acceptance Form together with such future terms and conditions, if any, agreed upon between RECCo and us within [ten] days of being called on to do so.
4. We further undertake, and it shall be a condition of any Contract, that we have not canvassed and will not, before the evaluation process, canvass or solicit any officer, employee or agent of RECCo in connection with the award of the Contract and that no person employed by us has done or will do any such act.
5. We agree that RECCo may disclose the Tender/ BAFO information/ documentation (submitted to RECCo during this Procurement) more widely with organisations which have a confidentiality agreement in place in substantially the same form as that signed between RECCo and the Bidder for the purpose of ensuring effective procurement and operational processes.
6. We confirm that the undersigned is authorised to submit this Bid in accordance with and on the terms of the RfP and that we have complied with all of the requirements of the RfP/BAFO.

|  |
| --- |
| SIGNED by [insert company name] acting by: |
| Signature: |
| Name: [insert name]  Position: [insert position] |
| Date: [insert date] |

Acceptance of Terms and Conditions Form – RECCo Code Manger Digital Services [To be used if you are not accepting all RECCo’s Terms and Conditions as drafted and are proposing changes]

I confirm and accept that:

1. The information provided in the Request for Proposal (RfP) Pack for Code Manager Digital Services was prepared by the Retail Energy Code Company (‘RECCo’) in good faith. It does not purport to be comprehensive or to have been independently verified. Neither RECCo nor any member of the organisation has any liability or responsibility for the adequacy, accuracy, or completeness of, and makes no representation or warranty, express or implied, with respect to, the information contained in the RfP pack or on which such documents are based or with respect to any written or oral information made or to be made available to any interested supplier or its professional advisers, and any liability therefore is excluded.
2. Nothing in the RfP Pack or provided subsequently has been relied on as a promise or representation as to the future. RECCo has the right, without prior notice, to change the procedure for the competition or to terminate discussions and the delivery of information at any time before the signing of any agreement.
3. We undertake that we shall, if successful at the BAFO Stage, execute a formal agreement in the appropriate form incorporating the Contract and its Schedules as set out in Schedule 2 of this RfP pack, and as summarised in Annex 1 of this Acceptance Form. We acknowledge that our acceptance of the Contract is subject to our comments on specific elements as indicated in our response. We further undertake to negotiate in good faith any terms and conditions not initially acceptable to us, with the understanding that final agreement must be reached between RECCo and us on or before 1st September 2025.
4. We recognise that any comments or proposed amendments that materially alter the risk profile or key terms of the draft contract may be considered grounds for exclusion from further consideration in this RfP process. RECCo reserves the right to assess the impact of such proposed changes and make determinations accordingly.
5. We further undertake, and it shall be a condition of any Contract, that we have not canvassed and will not, before the evaluation process, canvass or solicit any officer, employee or agent of RECCo in connection with the award of the Contract and that no person employed by us has done or will do any such act.
6. We agree that RECCo may disclose the Tender/ BAFO information/documentation (submitted to RECCo during this Procurement) more widely with organisations which have a confidentiality agreement in place in substantially the same form as that signed between RECCo and the Bidder for the purpose of ensuring effective procurement and operational processes.
7. We confirm that the undersigned is authorised to submit this Bid in accordance with and on the terms of the RfP and that we have complied with all of the requirements of the RfP/BAFO.

|  |
| --- |
| SIGNED by [insert company name] acting by: |
| Signature: |
| Name: [insert name]  Position: [insert position] |
| Date: [insert date] |

**Comments on RECCo’s Standard Terms and Conditions**

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| **Page**  **number** | **Clause**  **#** | **Comments** | **Proposed alternative** |
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**Annex 1 – Summary of Contract for Acceptance**

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| **Document** | **Status** |
| Contract | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 1 - Definitions | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 2 – Services Description | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 3 – Performance Levels | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 4 – Standards | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 5 – Security Management | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 6 – Insurance Requirements | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 7 – RECCO Responsibilities | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 8 – Supplier Solution | This will be comprised of the relevant sections of the successful tenderer’s, tender submission. |
| Schedule 9 – Commercially Sensitive Information | This will be comprised of the relevant sections of the successful tenderer’s, tender submission. |
| Schedule 10 – Notified Key Sub-contractors | This will be comprised of the relevant sections of the successful tenderer’s, tender submission. |
| Schedule 11 – Third Party Contracts | This will be comprised of the relevant sections of the successful tenderer’s, tender submission. |
| Schedule 12 – Software and Data | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 13 – Implementation Plan | This will be agreed with successful tenderer and included at point of contract. |
| Schedule 14 – Testing Procedure | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 15 – Charges and Invoicing | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 16 – Payments on Termination | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 17 | Not used |
| Schedule 18 | Not used |
| Schedule 19 – Financial Reports and Audit Rights | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 20 | Not used |
| Schedule 21 – Governance | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 22 – Change Control Procedure | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 23 – Dispute Resolution Procedure | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 24 – Reports and Record Provisions | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 25 – Exit Management | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 26 – Service Continuity Plan | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 27 – Conduct of Claims | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 28 – Staff Transfer | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 29 – Key Personnel | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 30 | Not Used |
| Schedule 31 – Processing Personal Data | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |
| Schedule 32 – Intellectual Property Rights | Included in the RfP Pack for Potential Suppliers to review and confirm acceptance. |