**Declaration for Due Diligence Providers**

**In this declaration form:**

**“BIS” refers to the Secretary of State for Business, Innovation and Skills, the body that is proposing to provide Regional Growth Funding to the Applicant.**

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| **NAME OF PROVIDER** |  |
| **Name of RGF Applicant** |  |
| **RGF Reference Number** |  |

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|  | **Common Provisions** | **Y/N** |
| 1. | Are you willing to have your Due Diligence report made available to share with Her Majesty’s Government Departments and the EU in cases where BIS has a legal duty to disclose it? For the avoidance of doubt, the provision of your report to any organisation external to BIS can be made on a hold harmless basis (save where dictated by law); but BIS will have no requirement to notify you or seek clearance from you each time BIS provides a copy of your report to the aforementioned organisations. |  |
| 2. | You confirm that you are able to provide Professional Indemnity Insurance cover directly to BIS with a minimum value of £2m for any one claim? This is not to be confused to a joint indemnity exposure with the RGF Applicant. |  |
| 3. | You confirm that you are able to provide an aggregate Liability Cap for damages whether in contract, tort (including negligence) or otherwise directly to BIS with a minimum base of at least £1m for any one claim? This is not to be confused with a joint liability exposure with the RGF Applicant. Your liability cap should remain in place for the duration of the Monitoring Period (defined in Para 2 of Schedule 3 of the Conditional Grant Offer Letter and the subsequent Final Grant Offer Letter issued to the RGF Applicant). |  |
| 4. | You confirm you are able to meet the timetable for BIS contracting purposes as defined in paragraph 5 of the Conditional Grant Offer Letter? |  |
| 5. | Do you acknowledge that any fees resulting from the Due Diligence are the sole responsibility of the Applicant and that BIS will not under any circumstances be held responsible for the fees?  |  |
| 6. | You confirm that you have reviewed the terms of the Due Diligence scope set out in the Conditional Grant Offer Letter issued to the RGF Applicant [insert date] and that you are content and able to provide a Due Diligence report using this as the minimum scope?  |  |
| 7. | Are you able to contract under the jurisdiction of English law? |  |
| 8 | Do you confirm that you are willing to enter into a tri-partite arrangement on Terms of Engagement with both the Applicant and the Secretary of State, BIS, and that you have read both the Conditional Grant Offer letter and the BIS engagement terms in the guidance document on: https://www.gov.uk/regional-growth-fund-a-guide-for-selected-bidders and would be willing to agree terms substantially on their basis.  |  |

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|  | **Due Diligence Experience** | **Y/N** |
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| 9. | Did your firm assist the Applicant with their RGF Application either directly or in an advisory capacity? If yes, you cannot perform Due Diligence work for the same bid. |  |
| 10. | Are you currently the applicant’s auditor or actively seeking to become their auditor?If yes, confirm that you enclose details of the measures you have in place to ensure that the team working on the RGF due diligence is independent of the Audit function. |  |
| 11. | Is your firm able to provide an objective and independent standpoint for this assignment? |  |
| 12. | Will you visit the Applicant’s relevant site during the execution of the Due Diligence exercise? |  |
| 13. | In relation to this assignment, I confirm that it will be executed by a minimum of 3 key officers with relevant expertise and that the Senior Responsible Officer has a relevant track record in conducting confirmatory due diligence over a minimum of 8 years. |  |
| 14. | Confirm your Team have State Aid knowledge, or access to others with this expertise, to cover the key aspects of the assignment and that, where you choose to subcontract for this expertise, you agree you are content to retain sole responsibility for the advice given. |  |
| 15. | Have you previously carried out RGF due diligence work that has been approved by BIS? If **Yes**, please state applicant(s) name(s) and reference number(s), and return this form. You do not need to complete questions 16-17.If **No**, please complete questions 16-17. |  |

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| **For due diligence providers that have not previously carried out BIS RGF due diligence work only.** |
| 16. | I confirm that we enclose a list of the individuals who will perform the confirmatory due diligence exercise (including any subcontractors) and enclose a team CV showing that these individuals, including any subcontractors, possess the necessary skills/ competence. This team CV refers to the items specified on the BIS website (RGF confirmatory due diligence guidance) and gives an indication of the number of years of experience for each item. |  |
| 17. | Will the individuals referred to in 16 above be present during site visits and the preparation of the report, as well as being available for follow up discussions with the RGF applicant and/ or BIS officials? |  |

I confirm that the information given above is, to the best of my knowledge and having carried out all reasonable checks, correct. Furthermore, I confirm that should any of this information change during the execution of the assignment, we will let BIS know immediately.

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| **Signature and Date** |  |
| **Name (please print)** |  |
| **Position within the Firm** |  |

Please return by email to robert.don@bis.gsi.gov.uk and growthfund@bis.gsi.gov.uk quoting the RGF reference number in the subject heading



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