

**INVITATION TO TENDER**

**&**

**STATEMENT OF REQUIREMENT**

**Obtaining stakeholder views on the quality of Network Rail’s stakeholder engagement, for year 1 of Control Period 6**

**CPV Code: 79311000**

**Tender Reference: ORR/CT/19-94**

**Purpose of document**

The purpose of this document is to invite proposals for consultancy support to obtain stakeholder views on the quality of Network Rail’s stakeholder engagement for year 1 of Control Period 6, for the Office of Rail and Road (ORR).

This document contains the following sections:

1. Introduction to the Office of Rail and Road

2. Statement of Requirement

3. Tender Proposal & Evaluation Criteria

4. Procurement Procedures

**1. Introduction to the Office of Rail and Road (ORR)**

The Office of Rail and Road is the independent safety and economic regulator of Britain’s railways who now also hold Highways England to account for its day-to-day efficiency and performance, running the strategic road network, and for delivering the five year road investment strategy set by the Department for Transport (DfT).

ORR currently employs approximately 300 personnel and operates from 6 locations nationwide. The majority of personnel are located at ORR’s headquarters, 25 Cabot Square, London.

Our strategic objectives

**1. Drive for a safer railway:**  
Enforce the law and ensure that the industry delivers continuous improvement in the health and safety of passengers, the workforce and public, by achieving excellence in health and safety culture, management and risk control.

**2. Support a better service for customers:**  
Use our powers to hold the industry to account for performance and standards of service across the railway network, for passengers and freight. Promote on-going improvement in the experience of passengers by encouraging the industry to work together, including to provide greater transparency of information.

**3. Secure value for money from the railway, for users and funders:**  
Strengthen incentives for the whole industry, including through competition and contestability in the supply chain, to drive greater efficiency from the use and maintenance of existing railway capacity and more cost-effective investment in the network.

**4. Secure improved performance and value for money from the strategic road network:**  
Secure improved performance, including efficiency, safety and sustainability, from the strategic road network, for the benefit of road users and the public, through proportionate, risk-based monitoring, increased transparency, enforcement and robust advice on future performance requirements.

Supplying ORR

The ORR procurement unit is responsible for purchasing the goods and services necessary for ORR to achieve its role as the economic and health & safety regulator of the rail industry.

The ORR Procurement unit subscribes to the following values:

* to provide a modern, efficient, transparent and responsible procurement service;
* to achieve value for money by balancing quality and cost;
* to ensure contracts are managed effectively and outputs are delivered;
* to ensure that processes have regard for equality and diversity; and
* to ensure that procurement is undertaken with regard to Law and best practice.

For further information on ORR please visit our website: [www.orr.gov.uk](http://www.orr.gov.uk)

Small and Medium Enterprises

ORR considers that this contract may be suitable for economic operators that are small or medium enterprises (SMEs) and voluntary organisations. However, any selection of tenderers will be based on the criteria set out for the procurement, and the contract will be awarded on the basis of the most economically advantageous tender.

Small and Medium Enterprises and Voluntary Organisations:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Enterprise Category** | **Headcount** | **Turnover** | **Or** | | **Balance Sheet Total** |
| **Micro** | **<10** | **≤ € 2 million** | | **≤ € 2 million** | |
|
| **Small** | **<50** | **≤ € 10 million** | | **≤ € 10 million** | |
|
| **Medium** | **<250** | **≤ € 50 million** | | **≤ € 43 million** | |
|
| **Large** | **>251** | **> € 50 million** | | **> € 43 million** | |

Please ensure that you indicate how your organisation is categorised on the Form of Tender document which should be submitted along with your proposal.**2. Statement of Requirement**

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| **2.1 Background to the project** |
| 1. The Office of Rail and Road is the economic regular for the UK’s railway infrastructure. A key element of this role is holding Network Rail to account for delivering what it promised – at the amount it agreed to do it for – and ensuring it meets its obligation to provide a safe, high-performing, and efficient railway. We do this by enforcing compliance with its licences and by conducting five-yearly reviews (known as “periodic reviews”) that set its funding and what it must achieve within the relevant control period. 2. The 2018 periodic review (PR18) is the process through which we have determined what Network Rail should deliver in the current control period (control period 6, or CP6, which runs from April 1 2019 to 31 March 2024). As part of PR18, we have also set out how we intend to hold Network Rail to account for the delivery of its commitments in our PR18 final determination, over the course CP6. 3. For PR18, we have placed significant emphasis on the importance of good stakeholder engagement between Network Rail and its customers and other stakeholders. This reflects our view that Network Rail’s customers and stakeholders should play an effective role in influencing how Network Rail delivers on its commitments, as well as being able to effectively challenge them where performance falls below what is expected. 4. To do this, we established new obligations in Network Rail’s network licence with respect to stakeholder engagement.[[1]](#footnote-1) In line with those obligations, we also set out in our PR18 final determination some more detailed expectations for how Network Rail should act to achieve the full benefits of good stakeholder engagement for the railway. While we have not prescribed exactly how it should engage with stakeholders, we have set out high-level principles with which we expect it to comply. 5. We are monitoring Network Rail’s compliance with its obligations and expectations in respect of stakeholder engagement, throughout CP6. In addition to this ongoing monitoring, we have also committed to undertaking an annual assessment of the quality of Network Rail’s stakeholder engagement in particular areas.[[2]](#footnote-2) The purpose of these assessments is to provide an incentive for Network Rail’s geographic regions, as well as its System Operator (SO) function and Freight and National Passenger Operator (FNPO) route, to improve the way they engage with their stakeholders over the course of CP6. Our assessments can also highlight and promote the adoption of best practice across the regions / SO / FNPO. 6. We set out our high-level approach to carrying out these assessments in March 2019.[[3]](#footnote-3) For our first assessment, we said we will:    1. Focus on how well Network Rail has engaged with stakeholders on **(1) annual business planning** and on **(2) developing and agreeing scorecards[[4]](#footnote-4).**    2. Assess how far this engagement complies with our four principles of good engagement. These are:       1. **Effectiveness**: the engagement should supports delivery of a safer, more efficient and better used rail network, including by ensuring that stakeholders’ views are taken into account;       2. **Inclusivity**: the engagement should seek to involve all relevant stakeholders in a fair and proportionate manner;       3. **Governance**: the engagement is underpinned by effective processes and governance arrangements that encourage meaningful engagement and accountability; and       4. **Transparency**: Network Rail provides sufficient information to stakeholders to enable them to engage properly, and can demonstrate how it has engaged with its stakeholders and how this has influenced its actions and delivery.    3. Publish a report which sets out our assessment of the quality of engagement (against the principles set out above) for each individual Network Rail business unit, and compares the quality of engagement across business units.[[5]](#footnote-5) This assessment will primarily be qualitative, but will likely be supplemented by a numerical grade. 7. To inform our assessments, we will draw upon information produced by Network Rail. In addition, an important element of our assessment will be understanding what stakeholders themselves think about how Network Rail has engaged with them. As such, we will incorporate stakeholders’ views in our assessment, while taking steps to ensure that these views are a fair reflection of the activities that took place. |
| * 1. **Project Objectives & Scope** |
| 1. We are currently preparing for our first assessment of the quality of Network Rail’s stakeholder engagement, for year 1 of CP6 (April 2019 to March 2020). As set out above, to inform this assessment, we have committed to gathering and incorporating stakeholders’ views about the quality of engagement. 2. To facilitate this, we are commissioning a consultancy with the appropriate skills to carry out the collection of these views through a stakeholder survey / other methods on our behalf. The appointed consultancy would undertake the following key activities:    1. **Produce a detailed plan setting out how to approach the survey, in liaison with the ORR.** This should include recommendations on the appropriate sample, supported by statistical methodology; the method of surveying; and possible survey questions to ask stakeholders.    2. **Conduct the fieldwork as outlined in the plan approved by the ORR,** maximising return rates by offering stakeholders different methods of response.    3. **Produce a detailed final report on the findings**, including an assessment of the overall quality of engagement by each of Network Rail’s seven business units (based on the evidence gathered from stakeholders). 3. The final report will form a key input to the ORR’s overall assessment of the quality of business units’ stakeholder engagement for year 1 of CP6 (which will also draw upon information provided by Network Rail). We will begin our assessment in parallel with this project, and we expect to publish our assessment in summer 2020.   **Key considerations**   1. We require the consultant to create a plan for the approach to the stakeholder survey, in liaison with ORR. This plan should include proposals in respect of the following aspects of the survey, set out in some detail so that we can assess its overall robustness.   Survey sample   1. Network Rail’s network licence defines “stakeholder” broadly, as any person with which Network Rail has (now or in the future) a significant   relationship; any person who may be impacted by the activities of Network Rail; and any person who has expressed a serious interest in providing railway services, facilities or networks.[[6]](#footnote-6)   1. We recognise that we cannot obtain views from the entirety of Network Rail’s stakeholder community, and that we must gather views from a sample of stakeholders. The sampling and research approach should seek to avoid bias and produce as statistically robust an evidence base as is possible (taking account of likely response rates), both nationally and regionally. This is because **we will be undertaking separate assessments for each of Network Rail’s seven business units,** rather than a single assessment for Network Rail as a whole. As such, we require a rounded set of stakeholder views for each of the individual business units. 2. By way of comparison, we commissioned a similar project in 2018 to understand the quality of Network Rail’s stakeholder engagement in developing route strategic business plans for CP6.[[7]](#footnote-7) The agency contacted around 100 stakeholders and obtained 40 responses. For this survey, we expect the appointed consultant to contact enough stakeholders to be able to produce a robust assessment and comparison for each of the seven business units. We expect this will require contacting more than 100 stakeholders, and achieving a similar (40 per cent) or superior response rate to our previous assessment. 3. The sample should also be representative of the breadth of Network Rail’s stakeholder community, and include views from:[[8]](#footnote-8)    1. passenger and freight operators;    2. funders;    3. passenger and other representative groups;    4. local authorities and transport authorities;    5. other infrastructure owners / developers (besides Network Rail);    6. freight customers; and    7. the rail supply chain. 4. Many of these stakeholder groups will interact with more than one business unit (e.g. national passenger operators or freight operators, which operate trains nationwide), while others (e.g. local authorities) will most likely engage with just a single geographic region. We expect bidders to consider giving particular emphasis to stakeholders who have engaged with multiple business units (for instance by seeking their feedback via an interview – as discussed in more detail below). 5. We will support the consultant when contacting the relevant stakeholders, and where possible by securing access to other sources of information.   Survey methods   1. To maximise response rates, and provide stakeholders with the widest opportunity to submit their feedback, we would expect the consultant to use three methods of gathering stakeholder feedback: (i) face-to-face interviews; (ii) telephone interviews; (iii) completing an online survey. We will work with the consultant to agree the most appropriate mix of survey methods, given the resources available, and ensure they are suitably targeted for different stakeholders. 2. We are open to other methods of contact that consultants consider would be an effective way of obtaining views. We are also interested in other ways in which agencies would seek to bolster response rates, to ensure we obtain a representative sample of views.   Question design   1. We are seeking stakeholders’ views on the quality of business units’ engagement for (1) annual business planning and (2) developing / agreeing scorecards during year 1 of CP6. We consider that asking stakeholders a mix of qualitative and quantitative questions on these topics would be appropriate. This will provide a sufficiently detailed picture of the nature and quality of business units’ engagement, as well as some high-level metrics which we can use to compare across business units (and also against future assessments over the course of CP6). 2. We will work with the consultant to develop an appropriate set of questions to ask stakeholders.[[9]](#footnote-9) However, as this is an area requiring consumer / stakeholder research expertise, we are interested in consultants’ views and advice on issues such as the most appropriate questionnaire length (which allows us to cover the range of issues without unduly fatiguing respondents) and the appropriate mix of qualitative and quantitative questions for an exercise of this nature. 3. We note that the questionnaire will need to be tailored to different stakeholder groups. For example, not all stakeholders will have engaged with Network Rail on scorecards. We expect the consultant to produce a reliable routing procedure to ensure that stakeholders are asked the relevant set of questions, and only in respect of business units with whom they have engaged. 4. It is also particularly important that the questionnaire is scripted in a way which ensures we obtain feedback specifically on the *quality of engagement*, not on stakeholders’ *general satisfaction* with Network Rail. We welcome consultants’ views on how best to achieve this.   Verifying evidence and data protection   1. Where possible, we plan to share the feedback gathered from stakeholders with Network Rail in advance of publication, to give them an opportunity to comment on the factual accuracy of this evidence. We welcome consultants’ views on how best to manage this process so that we can improve the reliability of the evidence. Proposals should also explain how the consultant will ensure respondent data is kept secure and anonymity preserved, if requested by respondents. |
| **2.3 Project Outputs, Deliverables and Contract Management** |
| **Outputs and Deliverables**   1. As set out in paragraph 9, we require the consultant to create a plan for the implementation of the stakeholder survey, in liaison with the team at ORR. The plan will need to set out a proposed approach in respect of all the key considerations discussed in paragraphs 11-24 above, and demonstrate an understanding of Network Rail’s stakeholder community and the wider rail industry. 2. The consultant would then be required to undertake the necessary survey fieldwork to gather stakeholders’ views on Network Rail’s stakeholder engagement, as per the agreed plan. 3. From the evidence gathered from stakeholders, the consultant will produce:    1. An initial summary of emerging findings for discussion;    2. A full draft of a report, for comment by ORR;    3. A final version of the report that addresses ORR’s feedback and comments. 4. We will incorporate the final report into our overall assessment of Network Rail’s stakeholder engagement for year 1 of CP6. We may also decide to publish this report separately, as supporting material for our overall assessment. As such, we envisage that it should:    1. Summarise the sample, the survey methodology followed and the questions that survey respondents were asked;    2. Summarise the feedback provided by stakeholders on each of Network Rail’s seven business units, for each topic of engagement (i.e. business planning and scorecards);    3. Provide a concise assessment of the overall quality of engagement by each of the business units (where relevant highlighting key areas of good practice and areas for improvement), based on the consultants’ view on how well business units have engaged;    4. Set out as supporting information the verbatim responses from respondents to the survey / interviews (subject to any confidentiality restrictions); and    5. Be written to a publishable standard, be legible, and free from grammatical errors.   **Contract Management Requirements**   1. Given the timescales of the project, we acknowledge a fixed schedule of progress meetings needs to be minimised. The consultant should include in its proposal: 2. an initial kick off meeting; 3. at least one check-in to discuss early progress with data collection; 4. a meeting to discuss emerging findings; and 5. a meeting to discuss ORR feedback on the draft report. 6. Between these meetings, ORR are happy to work flexibly with the consultant to discuss progress or any emerging issues as necessary[[10]](#footnote-10). In particular, we expect to work closely with the appointed consultant on designing the questionnaire script, before fieldwork commences. |
| **2.4 Project Timescales** |
| 1. We expect the consultants to set out their proposed timescales for the work, but we have set out an indicative timeline below. The consultant’s bids should highlight any expected deviations from this. The proposed project timetable is as follows:  * Kick-off meeting and commencement w/c 16/03/2020 * Overall plan agreed w/c 23/03/2020 * Stakeholders contacted w/c 30/03/2020 * Surveys and interviews begin w/c 06/04/2020 * Discussion of emerging findings w/c 04/05/2020 * Survey and interviews completed. Draft report available w/c 01/06/2020 * Final report available w/c 29/06/2020  1. We envisage discussing and agreeing the questionnaire script with the appointed consultant between the kick-off meeting in mid-March, and the beginning of the surveys / interviews in early April. The timescales then envisage roughly 7 weeks for the completion of the fieldwork. |
| **2.5 Budget and Payment Schedule** |
| 1. The maximum budget for this piece of work is £55,000 (inc. of all expenses, exc. of VAT).      1. Payment of the total fee will be on the delivery and acceptance by ORR of all required deliverables. |
| **2.6 Further project related information for bidders** |
| **Intellectual Property Rights**  ORR will own the Intellectual Property Rights for all project related documentation and artefacts.  **Transparency requirements**  Please note ORR is required to ensure that any new procurement opportunity above £10,000 (excluding VAT) is published on Contracts Finder, unless the ORR is satisfied it is lawful not to. Once a contract has been awarded as a result of a procurement process, ORR is required to publish details of who won the contract, the contract value and indicate whether the winning supplier is a SME or voluntary sector organisation.  **Confidentiality**  All consultants working on the project may be required to sign a confidentiality agreement and abide by the Cabinet Office’s protective marking guidelines, which ORR uses to protectively mark a proportion of its information. In addition, the consultant may be required to sign additional confidentiality agreements as required by external stakeholders.  **Sub-Contractors**  Contractors may use sub-contractors subject to the following:   * That the Contractor assumes unconditional responsibility for the overall work and its quality; * That individual sub-contractors are clearly identified, with fee rates and grades made explicit to the same level of detail as for the members of the lead consulting team.   Internal relationships between the Contractor and its sub-contractors shall be the entire responsibility of the Contractor. Failure to meet deadlines or to deliver work packages by a subcontractor will be attributed by ORR entirely to the Contractor. Conflict of Interest At the date of submitting the tender and prior to entering into any contract, the tenderer warrants that no conflict of interest exists or is likely to arise in the performance of its obligations under this contract; or  Where any potential, actual or perceived conflicts of interest in respect of this contract exist, tenderers need to outline what mitigation/safeguards would be put in place to mitigate the risk of actual or perceived conflicts arising during the delivery of these services.  The ORR will review the mitigation/safeguards in line with the perceived conflict of interest, to determine what level of risk this poses to them. Therefore, if tenderers cannot or are unwilling to suitably demonstrate that they have suitable safeguards to mitigate any risk then their tender will be deemed non-compliant and may be rejected. |

**3. Tender Response & Evaluation criteria**

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| **3.1 The Tender Response** |
| The proposals for this project should include an outline of how bidders will meet the requirement outlined in section (ii) “Statement of Requirement”. The following information should be included:  **a) Understanding of customer's requirements**   * Demonstrate an understanding of the requirement and overall aims of the project.   **b) Approach to customer's requirements**:   * The bidder must outline a proposed methodology to gather stakeholders’ views on how well they were engaged by Network Rail. This should include suggestions on: the required survey sample; method of surveying; type of questions to ask respondents (noting that we will work closely with the consultant to draft the questionnaire itself); and a discussion of any necessary assumptions and/or constraints; * A high-level project plan explaining how the required outputs will be delivered within the required timescales, detailing the resources that will be allocated; * Any relevant risks, and explain how they would be mitigated to ensure delivery; and * What support bidders will require from ORR.   **c)** **Proposed delivery team:**   * Key personnel including details of how their key skills, experience and qualifications align to the delivery of the project (CVs to be provided as an annex); * Project roles and responsibilities; * Confirmation that you have carried out the necessary employment checks (e.g. right to work in the UK); and * Some relevant examples of previous work that bidders have carried out (e.g. case studies).   **d) Pricing**   * The consultant should price a fixed fee for the project inclusive of all expenses. This should include a breakdown of the personnel who will be involved with the project, along with associated charge rates and anticipated time inputs that can be reconciled to the fixed fee. * The consultant should use this template to demonstrate how they have priced their bid:  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | Name of consultant | Grade | Role | Day rate | Number of days | Total cost (ex VAT) | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  |  * The consultant should also set out how they expect the cost to break down by each of the different stages of the project. For the fieldwork stage, as far as possible, this should be presented by way of reference to the anticipated number of stakeholders from which they expect to obtain feedback, through each survey method. A suggested template for this is provided below.  |  |  |  |  | | --- | --- | --- | --- | | Project stage | | Total Cost (ex VAT) | Expected number of stakeholders | | Plan, questionnaire development, survey preparation | |  | N/A | | Fieldwork | Face to face interviews |  |  | | Telephone interviews |  |  | | Online survey responses |  |  | | Production of report | |  | N/A |     **e) Conflicts of Interest**  Confirm whether you have any potential, actual or perceived conflicts of interest that may by relevant to this requirement and outline what safeguards would be put in place to mitigate the risk of actual or perceived conflicts arising during the delivery of these services. |
| **3.2 Evaluation Criteria** |
| Tenders will be assessed for compliance with procurement and contractual requirements which will include:   * Completeness of the tender information * Completed Declaration Form of Tender and Disclaimer * Tender submitted in accordance with the conditions and instructions for tendering * Tender submitted by the closing date and time * Compliance with contractual arrangements.   Tenders that are not compliant may be disqualified from the process. We reserve the right to clarify any issues regarding a Bidder’s compliance. It will be at ORR's sole discretion whether to include the relevant Bidder’s response in the next stage of the process.  The contract will be awarded to the Bidder(s) submitting the **‘most economically advantageous tender’**. Tenders will be evaluated according to weighted criteria as follows:  **Methodology (35%)**  The proposal should set out the methodology by which the project requirement will be initiated, delivered and concluded. In particular, it must:   1. Explain the methodology the consultant will use to implement the stakeholder survey; 2. explain how the consultant will develop and produce their report; and 3. explain how the consultant will engage with external stakeholders.   **Delivery (20%)**  The proposal should set out how and when the project requirement will be delivered. In particular, it must:   1. Explain how this work will be delivered to timescale and how milestones will be met, detailing the resources that will be allocated to each stage; 2. Explain how the consultant will ensure that the requirements of this specification are met in terms of quality.   **Experience (25%)**  The consultant should set out what experience they have that will be relevant to the project requirements. In particular, the consultant must:   1. Provide CVs of the resources who will be delivering the project; 2. Highlight the organisation’s relevant experience for this project, providing examples of similar projects;   **Cost / Value for money (20%)**   1. The consultant must provide a **fixed fee** for the delivery of all outputs (inclusive of all expenses), including details of the day rates that will apply for the lifetime of this project. We will weight the fixed fee at 20% for evaluation purposes.  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | Name of consultant | Grade | Role | Day rate | Number of days | Total cost (ex VAT) | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  |   Please note that consultancy grades should align with the following definitions:   |  |  | | --- | --- | | **Grade** | **Requirement** | | Junior consultant | Demonstrable experience in a wide range of projects in their specialist field. Evidence of client facing experience and support services to wider consultancy projects. | | Consultant | Notable experience and in-depth knowledge of their specialist field. Evidence of a wide range of consultancy projects and client facing experience. Support work in process and organisational design and leading workshops and events. | | Senior Consultant | Substantial experience in their specialist field and in a consultancy/training role. Previous experience in project management and working in a wide range of high quality and relevant projects. Familiarity of the issues/problems facing public sector organisations. | | Principal Consultant | Substantial experience in their specialist field and in a consultancy/training role. Sound knowledge of the public sector and current policy and political issues affecting it. Previous experience in project management on at least three major projects, preferably in the public sector and using the PRINCE2 or equivalent method. | | Managing Consultant | Substantial experience in their specialist field and in a consultancy role. In depth knowledge of the public sector and of current policy and political issues affecting it. Previous experience in project management on at least 5 major projects, preferably in the public sector and using PRINCE2 or equivalent methods. | | Director / Partner | Extensive experience in their specialist field, in which they are nationally or internationally renowned as an expert. Extensive experience of leading or directing major, complex and business critical projects; bringing genuine strategic insight. In depth knowledge of the public sector and of current policy and political issues affecting it. |   **Marking Scheme**   |  |  | | --- | --- | | Score 0 | Unanswered or totally inadequate response to the requirement. Complete failure to grasp/reflect the core issues | | 1 | Minimal or poor response to meeting the requirement. Limited understanding, misses some aspects | | 3 | Good understanding and interpretation of requirements, providing clear evidence of how the criterion has been met | | 5 | Excellent response fully addressing the requirement and providing significant additional evidence of how the criterion has been met and how value would be added | |

**4. Procurement procedures**

Tendering Timetable

The timescales for the procurement process are as follows:

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| **Element** | **Timescale** |
| Invitation to tender issued | 14 February 2020 |
| Deadline for the submission of clarification questions | 28 February 2020 10:00 |
| Deadline for submission of proposals | 04 March 2020 10:00 |
| Award contract | 13 March 2020 |
| Project Inception Meeting | w/c 16 March 2020 |

Tendering Instructions and Guidance

**Amendments to ITT document**

Any advice of a modification to the Invitation to Tender will be issued as soon as possible before the Tender submission date and shall be issued as an addendum to, and shall be deemed to constitute part of, the Invitation to Tender. If necessary, ORR shall revise the Tender Date in order to comply with this requirement.

**Clarifications & Queries**

Please note that, for audit purposes, any query in connection with the tender should be submitted via the ORR eTendering portal.The response, as well as the nature of the query, will be notified to all suppliers without disclosing the name of the Supplier who initiated the query.

**Submission Process**

Tenders must be uploaded to the ORR eTendering portal **no later** than the submission date and time shown above. Tenders uploaded after the closing date and time may not be accepted. Bidders have the facility to upload later versions of tenders until the closing date/time.

Please submit the Form of Tender and Disclaimer certificate along with your proposal. If you are already registered on our eTendering portal but have forgotten your login details, please contact the portal administrator.

An evaluation team will evaluate all tenders correctly submitted against the stated evaluation criteria.

By issuing this Invitation to Tender ORR does not undertake to accept the lowest tender, or part or all of any tender. No part of the tender submitted will be returned to the supplier

**Cost & Pricing Information**

Tender costs remain the responsibility of those tendering. This includes any costs or expenses incurred by the supplier in connection with the preparation or delivery or in the evaluation of the tender. All details of the tender, including prices and rates, are to remain valid for acceptance for a period of 90 days from the tender closing date.

Tender prices must be in Sterling.

Once the contract has been awarded, any additional costs incurred which are not reflected in the tender submission will not be accepted for payment.

**References**

References provided as part of the tender may be approached during the tender stage

**Contractual Information**

Following the evaluation of submitted tenders, in accordance with the evaluation criteria stated in this document, a contractor may be selected to perform the services and subsequently issued with an order.

Any contract awarded, as a result of this procurement will be placed with a prime contractor who will take full contractual responsibility for the performance of all obligations under the contract. Any sub-contractors you intend to use to fulfil any aspect of the services must be identified in the tender along with details of their relationship, responsibilities and proposed management arrangements.

The proposal should be submitted in the form of an unconditional offer that is capable of being accepted by the ORR without the need for further negotiation. Any contract arising from this procurement will be based upon ORR’s standard Terms & Conditions (see Form of Agreement attached). You should state in your proposal that you are willing to accept these Terms & Conditions.

The ORR does not expect to negotiate individual terms and expects to contract on the basis of those terms alone. If you do not agree to the Conditions of Contract then your tender may be deselected on that basis alone and not considered further.

The ORR may be prepared to consider non-fundamental changes to the standard terms and conditions in exceptional circumstances. If there are any areas where you feel you are not able to comply with the standard ORR terms and conditions, then details should be submitted as a separate annex to the proposal using the following format:

|  |  |  |  |
| --- | --- | --- | --- |
| ***Clause Number*** | ***Existing Wording*** | ***Proposed Wording*** | ***Rational for amendment*** |
|  |  |  |  |
|  |  |  |  |

Any services arising from this ITT will be carried out pursuant to the contract which comprises of:

* ORR Terms & Conditions;
* Service Schedules;
* this Invite to Tender & Statement of Requirement document; and
* the chosen supplier’s successful tender.

## ORR’s Transparency Obligations and the Freedom of Information Act 2000 (the Act)

The ORR is a central Government department and as such complies with the Government’s transparency agenda. As a result, there is a presumption that contract documentation will be made available to the public via electronic means. The ORR will work with the chosen supplier to establish if any information within the contract should be withheld and the reasons for withholding it from publication.

Typically the following information will be published:

* contract price and any incentivisation mechanisms
* performance metrics and management of them
* plans for management of underperformance and its financial impact
* governance arrangements including through supply chains where significant contract value rests with subcontractors
* resource plans
* service improvement plans

Where appropriate to do so information will be updated as required during the life of the contract so it remains current;

In addition, as a public authority, ORR is subject to the provisions of the Freedom of Information Act 2000. All information submitted to a public authority may need to be disclosed by the public authority in response to a request under the Act. ORR may also decide to include certain information in the publication scheme which it maintains under the Act. If a bidder considers that any of the information included in its proposal is commercially sensitive, it should identify it and explain (in broad terms) what harm may result from disclosure if a request is received and the time period applicable to that sensitivity. Bidders should be aware that even where they have indicated that information is commercially sensitive ORR may be required to disclose it under the Act if a request is received. Bidders should also note that the receipt of any material marked “confidential” or equivalent by the public authority should not be taken to mean that the public authority accepts any duty of confidence by virtue of that marking. If a request is received ORR may also be required to disclose details of unsuccessful bids

Please use the following matrix: to list such information:

|  |  |  |
| --- | --- | --- |
| Para. No. | Description | Applicable exemption under FOIA 2000 |
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|  |  |  |
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1. See pages 19-20 of Network Rail’s Network Licence, available [here](https://orr.gov.uk/__data/assets/pdf_file/0012/3063/netwrk_licence.pdf). [↑](#footnote-ref-1)
2. See paragraphs 3.23 to 3.39 of our PR18 Final Determination, Overview of approach and decisions, October 2018, available [here](https://orr.gov.uk/__data/assets/pdf_file/0019/39304/pr18-final-determination-overview-and-decisions.pdf). [↑](#footnote-ref-2)
3. How the Office of Rail and Road will facilitate improvements in the quality of Network Rail’s stakeholder engagement in CP6, ORR, March 2019. This is available on our website [here](https://orr.gov.uk/__data/assets/pdf_file/0015/40740/consultation-conclusions-on-orrs-approach-to-assessing-the-quality-of-network-rails-stakeholder-engagement-in-cp6.pdf). [↑](#footnote-ref-3)
4. Network Rail uses scorecards to measure its performance throughout the year across a range of measures such as safety, train performance, and efficiency. It is required to work with its stakeholders to agree the range of measures on its scorecards, as well as the targets for each measure. [↑](#footnote-ref-4)
5. Since the publication of this guidance, Network Rail has undergone an internal reorganisation and is now formed of five regions (with the establishment within these regions of 14 routes), along with the SO and a Freight & National Passenger Operator route (FNPO). We refer to these seven entities hereafter as Network Rail’s “business units”. More information about this reorganisation – called *Putting Passengers First* – is available [here](https://www.networkrail.co.uk/putting-passengers-first/). [↑](#footnote-ref-5)
6. See the relevant section of Network Rail’s Network Licence. [↑](#footnote-ref-6)
7. This exercise was run by Steer Davies Gleave. The report is available [here](https://orr.gov.uk/__data/assets/pdf_file/0006/27897/assessing-the-quality-of-nr-routes-and-system-operator-sbp-stakeholder-engagement.pdf). We can share some lessons learned from this survey, with the appointed consultant. [↑](#footnote-ref-7)
8. We may consider whether the survey should also cover Network Rail’s business units, recognising that Network Rail is separately providing information about business units’ engagement directly to us, to inform our overall assessment. [↑](#footnote-ref-8)
9. We have drafted an initial set of questions that we can share with the appointed consultant. [↑](#footnote-ref-9)
10. ORR will provide an introductory letter to the appointed consultant that clearly sets out the principles and frameworks that ORR use. [↑](#footnote-ref-10)