# Invitation to Tender (ITT) and Statement of Requirement

# Obtaining Stakeholder Views on the Quality of Network Rail’s Stakeholder Engagement, for Year 4 of Control Period 6

06 January 2023

* + - * + **CPV Code:**[**79311000**](https://www.bipsolutions.com/news-and-resources/cpv-codes/)
        + **Tender Reference: ORR/CT/22-60**

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Purpose of the document

The purpose of this document is to invite proposals for Obtaining Stakeholder Views on the Quality of Network Rail’s Stakeholder Engagement, for Year 4 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

## Introduction to the Office of Rail and Road

The Office of Rail and Road is the independent safety and economic regulator of Britain’s railways who also hold National Highways 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 360 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. 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. Better rail customer service:

Improve the rail passenger experience in the consumer areas for which we have regulatory responsibility and take prompt and effective action to improve the service that passengers receive where it is required.

#### 3. Value for money from the railway:

Support the delivery of an efficient, high-performing rail service that provides value for money for passengers, freight customers, governments, and taxpayers.

#### 4. Better Highways:

National Highways operates the strategic road network, managing motorways and major roads in England. Our role is to monitor and hold it to account for its performance and delivery, so that its customers enjoy predictable journeys on England’s roads.

### 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](https://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.

## Statement of Requirement

### 2.1 Background of the project

The Office of Rail and Road is the independent economic regulator for Britain’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.

In Control Period 6 (2019-2024), we have placed significant emphasis on the importance of **good stakeholder engagement** between Network Rail and its customers (i.e. train operators) and other stakeholders (e.g. funders, freight and open access operators, suppliers, etc). This reflects Network Rail’s network licence with respect to stakeholder engagement – see pages 19-20 of Network Rail’s [Network Licence.](https://www.orr.gov.uk/sites/default/files/om/netwrk_licence.pdf) 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. This is also reflected in Annex A of our [Holding to Account policy.](https://www.orr.gov.uk/monitoring-regulation/rail/networks/network-rail/holding-network-rail-account)

While we have not prescribed exactly how Network Rail should engage with stakeholders, we have set out high-level principles of good engagement which we expect it to comply with:

**Effectiveness**: the engagement should support delivery of a safer, more efficient and better used rail network, including by ensuring that stakeholders’ views are taken into account;

**Inclusivity**: the engagement should seek to involve all relevant stakeholders in a fair and proportionate manner;

**Governance**: the engagement is underpinned by effective processes and governance arrangements that encourage meaningful engagement and accountability; and

**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.

As part of our monitoring of Network Rail’s compliance with these obligations we undertake an annual assessment of the quality of Network Rail’s stakeholder engagement. The purpose of the assessment is to provide an incentive for Network Rail to improve its compliance year-on-year, including by publicly comparing performance across its key business units (the five geographic regions, System Operator (SO) function including its Freight and National Operator team). Our assessments also highlight and promote the adoption of best practice across the units. We publish a report on the findings from our assessment in autumn of each year.

ORR’s assessments are based on two primary sources of evidence – a stakeholder survey conducted on behalf of ORR and self-assessments produced by Network Rail and its business units. This ITT relates to the stakeholder survey only.

### 2.2 Project Objectives and Scope

We are currently preparing for our fourth assessment of the quality of Network Rail’s stakeholder engagement, which looks back on year 4 of CP6 (April 2022 to March 2023).

We are seeking a consultant to design and create an online survey, analyse the results and provide ORR with a publishable report as well as the underlying data and analysis.

The survey results and report will form a key input to ORR’s overall assessment. We expect to publish our assessment report in September 2023. However, we will need the results of the survey to inform our decision making by the end of May 2023 (see next section for project timescales).

We require the successful bidder to design (within the parameters below) and conduct the survey, in liaison with ORR:

#### Survey questions:

The successful bidder will advise ORR to refine the existing survey questions while enabling year-on-year comparisons and maximising completion of the survey. ORR has a baseline of 26 survey questions from Year 3. The questions will need to be updated slightly e.g. to reflect ‘hot topic’ issues.

The questionnaire must be scripted in a way which ensures we obtain feedback specifically on the *quality of engagement*, not on stakeholders’ *general satisfaction* with Network Rail. We expect the successful bidder to advise on how best to achieve this.

#### Structure of survey and routing:

ORR must be able to ***compare*** the performance of different business units in relation to how they manage their stakeholders.

The survey must therefore be structured to enable stakeholders to respond in relation to one, some, or all of the six business units – as stakeholders may engage with more than one business unit and have different views on how different business units are performing. Stakeholders must also be able to give responses in relation to Network Rail’s overall performance.

We expect the successful bidder 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.

#### Method of issuing the survey:

ORR expects to issue the invite to participate in the survey by email (we do not consider it appropriate to text stakeholders). ORR will source the list of stakeholders and their contact details.

The consultant will provide a link to the online survey for ORR to include in the email. This will allow stakeholders to click on the link and complete the survey.

We welcome innovative proposals from bidders on this particularly which support maximising the number and quality of responses.

#### Size of survey group:

In Year 3 the survey was sent to c3000 stakeholders. We are asking Network Rail to improve the coverage of stakeholders in different groups and so this is likely to increase.

#### Response rate:

Response rates have been low in past years (c9-12%). We would like bidders to identify any ways to maximise the response and completion rates of the survey, which preserve ORR’s policy principles and recognise the nature of ORR as a regulator (e.g. use of ‘prizes’ would not be appropriate).

#### Survey sample:

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 (as defined in Network Rail’s network licence). The survey will cover the following key stakeholder groups:

Passenger train operators (i.e. those with franchise or concession agreements; open-access operators);

freight operators;

funders / regulatory bodies; (but not Department for Transport or Transport Scotland, who ORR will canvass separately);

passengers (via passenger representative groups / bodies), rail communities;

supply chain partners;

local transport authorities;

elected representatives;

public sector bodies;

other infrastructure owners / developers (besides Network Rail).

Network Rail will provide the list of stakeholders, their contact details and their categorization, to ORR.

Respondents will self-identify their stakeholder group which will enable the consultants to analyse responses by stakeholder category. The consultants will not receive the stakeholder contact details.

#### Timescales:

Public officials will be included in the survey population. The survey cannot be run during any pre-election period (e.g. for local elections), and so the survey must be complete before this begins.

In order to support our Periodic Review 2023 (PR23), the results from a small sub-set of questions will be needed earlier in the process than the full report. These results need to be available w/c 15 May 2023.

#### GDPR requirements:

Bidders should explain how they will ensure compliance with relevant GDPR requirements. Bidders should also confirm how survey data will be kept secure. ORR will hold the contact details of stakeholders and send an email with the link to the survey.

#### Data requirements:

As an independent, evidence-based regulator who will be using this information to hold a regulated entity to account, ORR will need to be satisfied the results are accurate. Bidders should explain how they will quality assure their data analysis processes.

The consultant must provide a break-down (count) of the number of respondents (including by business unit and stakeholder group) for each question and its component options as appropriate. This should be in Excel. We would also expect to receive the raw online survey data for the full survey, and analysis and charts used for the full report. This should also be in Excel format.

#### Survey Accessibility and Branding:

The platform used for the online survey must meet ORR accessibility and branding requirements. At a minimum, the platform must be capable of:

adding the ORR logo and brand colours;

using plain English (as clarity of language is 50% of accessibility);

being responsive to different screen formats/devices; and

complying with Web Content Accessibility Guidelines (WCAG) AA international standard.

#### Report:

A report showing analysis and charts must be provided which ORR may publish on its website.

As a public body we are legally required to comply with accessibility guidelines. Please ensure any commissioned report is in a format that meets web accessibility regulations: [Guidelines for writing accessible reports for ORR - Guidance for external suppliers | Office of Rail and Road](https://www.orr.gov.uk/media/23638)

### 2.3 Project Outputs, Deliverables and Contract Management

#### Outputs and Deliverables

Key activities the successful bidder will be required to do include:

**Produce a detailed plan** for the design and implementation of the stakeholder survey. The plan should be produced in liaison with ORR and approved by ORR.

**Design an online survey** (i.e. methodology, sample, and questions), with a view to maximise response rate. We are looking to use similar questions to our year 3 survey (which totalled 26 questions) with a view to include additional questions where appropriate.

**Conduct an online survey** – the survey must be delivered as agreed with ORR and comply with ORR’s accessibility requirements.

**Analyse and report** on online survey findings – a report must be provided which ORR will publish on its website.

From the evidence gathered from stakeholders, the successful bidder will produce:

an initial summary of key results and emerging findings – this will contribute to shaping our early analysis and conclusions;

a draft report for ORR comments;

a final version of the report that addresses ORR’s feedback and comments. The report should include a breakdown of responses by stakeholder group including analysis detailing comparisons between each business units’ stakeholders; and

an Excel file or files of disaggregated survey data (as specified in the previous section).

We may publish the consultant report, and well as refer to results of the survey and analysis in our assessment report. Therefore, ORR will own the intellectual property rights in any documentation/outputs produced under the contract.

#### Contract Management Requirements

The contract management requirements for this project are:

an initial kick off meeting;

a meeting to agree final design and implementation of the survey;

weekly updates by e-mail on the response rate when the survey is live and what steps are being taken if the response rate is too low;

if necessary, a meeting to discuss how to boost response rate;

a meeting to discuss emerging findings; and

a meeting to discuss ORR feedback on the draft report.

We will work flexibly with the consultant to discuss progress or any emerging issues, as necessary. We expect to work closely with the appointed consultant on designing the sample and questionnaire, before the survey is launched, and on increasing the response rate.

### 2.4 Project Timescales

The key milestones for this project are:

The survey closes prior to any pre-election period for local elections at the start of May 2023

The survey must run for approximately six weeks (but may be extended)

The final report is submitted to ORR before the end of May 2023

We expect bidders to set out their proposed timescales for the work, but we have set out an indicative timeline below. Bidders should highlight any expected deviations from this.

Kick-off meeting and commencement w/c 27 February 2023

Results for a specific subset (to be specified at kick-off meeting) of questions to be provided by w/c 15 May 2023.

Discussion of all emerging findings and provision of draft in time for a final report to be provided by w/c 22 May 2023.

We envisage discussing and agreeing the sample and the questionnaire with the appointed consultant between the kick-off meeting in mid-February, and the beginning of the survey mid-March. This timescale is important to allow us to close the survey prior to any pre-election period for local elections at the start of May 2023.

### 2.5 Budget and Payment Schedule

The maximum budget is £33,000 (inc. of expenses, exc. of VAT).

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.

## Tender Response and Evaluation Criteria

### 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:

* 1. **Understanding of customer's requirements**

Demonstrate an understanding of the requirement and overall aims of the project.

* 1. **Approach to customer's requirements**

Provide an explanation of the proposed approach and any methodologies bidders will work to. This should include suggestions on the method of surveying and strategies to increase the response rate; suggestions on survey questions (noting that we will work closely with the successful bidder to draft the questionnaire itself), and details on internal data quality assurance processes to ensure survey findings are robust;

Details of your assumptions and/or constraints/dependencies made in relation to the project

A project plan to show how outputs and deliverables will be produced within the required timescales, detailing the resources that will be allocated;

An understanding of the risks, and explain how they would be mitigated to ensure delivery

What support bidders will require from ORR;

* 1. **Proposed delivery team**

Key personnel including details of how their key skills, experience and qualifications align to the delivery of the project; and

Project roles and responsibilities

Confirmation that you have carried out the necessary employment checks (e.g. right to work in the UK)

Some relevant examples of previous work that bidders have carried out (e.g. case studies) and details of at least two relevant reference projects along with contact details of clients

* 1. **Pricing**

A fixed fee for the project inclusive of all expense. 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.

* 1. **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 (25%)

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 and delivery mechanisms to ensure that the requirements of this specification are met in terms of quality;
  2. Explain how your organisation will work in partnership with ORR’s project manager to ensure that the requirement is met;
  3. Outline how the proposed approach utilises innovative consultation methodologies to develop a diverse and comprehensive evidence-base;
  4. Explain the methodology your organisation will use to implement the stakeholder survey and to maximise response rate;
  5. Explain how your organisation will develop and produce the report.

#### Delivery (25%)

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. Demonstrate an understanding of the risks, and project dependencies and explain how they would be mitigated to ensure project delivery;
  3. Explain the resources that will be allocated to delivering the required outcomes/output, and what other resources can be called upon if required.

#### Experience (25%)

The proposal should set out any experience relevant to the project requirement. In particular, it must:

* 1. Provide CVs of the consultants who will be delivering the project;
  2. Highlight the organisation’s relevant experience for this project, submitting examples of similar projects.

#### Cost / Value for money (25%)

A **fixed fee** for delivery of the project requirement (inclusive of all expenses), including a **full price breakdown for each stage of the project** and details of the **day rates** that will apply for the lifetime of this project.

| 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

For the Methodology, Delivery and Experience shall be scored using the following:

|  |  |  |
| --- | --- | --- |
| **Table of Evaluation Methodology and Marking Scheme for Quality Criteria** | | |
| **Score** | **Category** | **Definition (Explanation)** |
| 0 | Unacceptable | Unanswered or totally inadequate response to the requirement. Complete failure to understand/reflect the core issues. Fails to demonstrate an ability to meet the requirement. |
| 1 | Poor | Minimal or poor response to meeting the requirement, with little or no relevance. Limited understanding misses some aspects.  The response addresses few elements of the requirement and contains insufficient/limited detail or explanation to demonstrate how the requirement will be fulfilled. |
| 2 | Fair | Response is mostly relevant, but elements of the response are poor. The response addresses most elements of the requirement but contains limited detail or explanation to demonstrate how some of the requirement will be fulfilled. |
| 3 | Acceptable | Response is relevant and acceptable. The response addresses a broad understanding of the requirement but lacks details on how the requirement will be fulfilled in certain areas. |
| 4 | Good | Response is relevant and good. The response is sufficiently comprehensive to assure and demonstrate a good understanding, also providing much detail on how the requirements will be fulfilled. |
| 5 | Excellent | Excellent response fully addressing the requirement and providing significant additional evidence of how the criterion has been met and how value would be added  The response is comprehensive, unambiguous and demonstrates a thorough understanding of the requirement and provides details of how the requirement will be met in full. |

For the Price evaluation the following shall apply:

* + - * + Fixed fee
        + The lowest fixed fee will be awarded the maximum price score of 100.
        + All other bidders will get a price score relative to the lowest fee tendered.
        + The calculation we will use to calculate your score is as follows:

Price Score = Lowest Total Fee x 100

Bidder’s Total Fee

Your score will then be multiplied by the weighting we have applied to this aspect of the price evaluation to provide a weighted score for the fee.

## Procurement Procedures

### Tendering Timetable

The timescales for the procurement process are as follows:

| Element | Timescale |
| --- | --- |
| Invitation to tender issued | 06 January 2023 |
| Deadline for the submission of clarification questions | 20 January 2023 12:00pm |
| Deadline for submission of proposals | 27 January 2023 12:00pm |
| Award contract | w/c 13 February 2023 |
| Project Inception Meeting | w/c 27 February 2023 |

Please ensure that the Project Manager and other key consultants who will be delivering this work are available to give presentations on the interview date

### 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

#### Accessibility Guidelines

As a public body we are legally required to comply with accessibility guidelines. Please ensure any commissioned report is in a format that meets web accessibility regulations: [Guidelines for writing accessible reports for ORR - Guidance for external suppliers | Office of Rail and Road.](https://www.orr.gov.uk/media/23638)

#### 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.

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.

**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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