

**INVITATION TO TENDER**

**&**

**STATEMENT OF REQUIREMENT**

**Preparing for Road Investment Strategy 3: Renewals Planning**

**CPV Code: 79313000**

**Tender Reference: ORR/CT/21-11**

**Purpose of document**

The purpose of this document is to invite proposals for **Preparing for Road Investment Strategy 3: Renewals Planning** 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:

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| --- | --- | --- | --- | --- |
| **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** |
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| **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** |
| The Office of Rail and Road (ORR) independently monitors Highways England’s management of the Strategic Road Network (SRN) – the motorways and main A roads in England. We monitor how Highways England delivers performance, including efficiency, safety and sustainability, for the benefit of road users and the public. This can include investigating, publishing reports and giving advice to the Secretary of State (SoS) on whether and at what cost it is meeting the objectives of the second Road Investment Strategy (RIS2) and providing advice to the SoS on the development of future RISs. We also monitor Highways England to ensure compliance with its licence[[1]](#footnote-1).The third Road Investment Strategy (RIS3) will set out the requirements to be delivered by Highways England during the period 2025 to 2030 (road period 3 or RP3). The process of setting and varying the RIS is set out in Highways England’s licence. A key part of our role in the RIS3 development process is to provide advice to the Secretary of State on whether the Draft Road Investment Strategy (DRIS) and Draft Strategic Business Plan (DSBP) are challenging and deliverable with the financial resources available. This includes assessing the level of efficiency proposed by Highways England. Further information on our role can be found on our website[[2]](#footnote-2). This commission forms part of our preparations for the RIS3 development process. It relates to our assessment of Highways England’s plans for maintaining and renewing the SRN during RP3. The commission has been sub-divided into two tasks. Task 1 is concerned with Highways England’s approach to renewals planning and the evidence upon which its plans for RP3 are likely to be based. Tasks 2 is concerned with the way in which Highways England’s performance and efficiency is monitored and assessed and whether this creates the right incentives for Highways England to adopt a whole-life cost approach to maintaining the SRN. |
| **2.2 Project Objectives & Scope** |
| **Task 1 – Highways England’s Renewals Investment Planning Approach and Implications for the RIS3 Planning Process****Context**A major theme of the RIS2 SBP is the requirement for increased investment in large-scale renewals in response to historic underinvestment and an ageing stock of assets. In response, during RP2 (2020 to 2025), Highways England is delivering a ‘life extension’ renewals programme for some of its key assets (pavement, vehicle restraint systems [VRS] and major structures). The nature of these programmes and life of the assets involved suggests that higher renewals funding levels may need to be sustained, or even further increased, during RP3. Along with enhancements, renewals are likely to make up the majority of the overall funding for RP3, against a backdrop of substantial fiscal uncertainty. In this context, during the RIS3 development process, it will be important to ensure that we are able to properly and robustly assess the evidence upon which Highways England renewals delivery and cost plans are based. In undertaking our assessment of Highways England’s plans, we intend to place significant emphasis on:* the long-term implications of Highways England’s approach to asset management;
* the maturity of Highways England’s approach to asset management and the quality of the evidence base that underpins Highways England’s plans; and
* the extent to which Highways England’s approach minimises whole life costs within the boundaries of affordability and deliverability challenges placed upon them.

Our recent review of the implications of the Life Extension Renewals programme has highlighted that asset management maturity within Highways England varies across different asset types. The review concluded that the sustainability of a large increase in funding for life extension renewals needs to be tested – both in terms of its impact on efficiency, and how traffic impacts could be managed. It also highlights the challenges Highways England faces when balancing whole life cost considerations against affordability considerations when deciding on its approach to renewals (for example when choosing between life extension and replacement of assets).**Objectives**The purpose of this review is to provide the ORR with an improved understanding of Highways England’s approach to renewals investment planning and the evidence that will underpin the company’s plans for RP3. **Requirements**This review will focus on a selection of asset types to be agreed following an initial workshop with Highways England (and likely to focus on the “higher materiality” assets in the figure below). For each of the asset types, the consultants should evaluate the maturity of Highways England’s approach to renewals planning. Highways England is at an interim stage in developing its renewals plans for road period 3. Therefore, the consultants should engage with Highways England to identify improvements that it expects to implement during the RIS3 development process. Highways England has developed a roadmap for the way it intends to evolve its strategic investment planning capability which provides a possible framework within which to assess the maturity of Highways England’s approach. The roadmap will be shared with the consultants at the outset of the commission. Highways England is developing its RIS3 renewals plans through a series of investment cycles. The company expects to complete its next cycle in the autumn, to inform the development of the SRN Initial Report. The consultants should assess the quality of the investment case for each of the selected asset classes at that point in time, and the company's plans for further improvement through subsequent cycles.Fulfilling each of the requirements set out above is likely to require consideration of:* the quality and coverage of asset condition, serviceability and resilience data;
* the application of deterioration data/modelling;
* the extent to which whole life cost considerations and/or modelling informs Highways England’s approach;
* the extent to which relationships between renewals investment and asset condition and residual asset life are understood and modelled;
* relationships between renewals investment and broader performance outcomes;
* the extent to which other feasibility considerations – such as traffic management impacts and asset obsolescence (in the case of technology) – are built into Highways England’s long-term planning;
* the extent to which the plans are informed by customers and stakeholders;
* the extent to which the plans are deliverable in RP3 and beyond.

The final selection of asset classes will be agreed through discussion with the consultants and Highways England during the scoping stage of the study. Our initial view is that the study will include consideration of pavements, structures, VRS, Geotech, drainage and roadside technology.Bidders should set out how they intend to deliver this task although we envisage that it will involve a high level of engagement with Highways England’s Operations Directorate. Engagement with, or case studies of, Highways England’s regional or area level teams may be beneficial. **Task 2 – Review of the effectiveness of the current performance and efficiency monitoring framework with respect to whole life cost minimisation****Context** As set out in its licence, Highways England must adopt a whole-life cost approach to managing its assets. We want to ensure that the way in which we monitor Highways England’s performance and efficiency is aligned to this goal. The Efficiency and Inflation Monitoring Manual (EIMM) sets out the current approach Highways England uses to define, demonstrate, and provide evidence of its delivery of efficiency. During road period 2, the approach to efficiency monitoring draws heavily on the concept of ‘embedded efficiency’. Under this method, efficiency improvements are assumed to be built into Highways England’s business plans and the costs attached to them. Successful delivery of the required outputs and outcomes provides the primary evidence to demonstrate that improved efficiency has been achieved. We are mindful that this approach could incentivise Highways England to deliver high volumes of ‘outputs’ (i.e., renewals activity) whilst placing less emphasis on ensuring that Highways England delivers the interventions that are most needed or the type of interventions that minimise whole-life cost. These concerns are tempered by the fact that Highways England is held to account for its performance against a broader range of metrics which includes measures relating to the condition of the network as well as broader outcomes for users and the environment. **Objectives**The purpose of this task is to assess the degree to which the current performance measures and efficiency monitoring framework supports or conflicts with the objective of whole life cost minimisation within the funding envelope and other constraints. The output from the study should inform the development of the performance and monitoring frameworks for renewals in future road periods. **Requirement**We would expect the consultants to use a combination of desk-based assessment and interviews to inform their assessment but would also be able to draw upon their own knowledge and professional judgment. The consultants should review the current monitoring and performance framework including the EIMM and performance specification. Through interviews with key staff at the ORR and Highways England, the consultants should also consider how this framework is being implemented in practice. Useful insights may also be gained from talking to other industry stakeholders and the supply chain. Based on this evidence, the consultants should set out the benefits and risks in relation to the current approach.Where applicable, the consultants should also provide recommendations to the ORR to inform our approach to RIS3. Recommendations should suggest how the monitoring approach could be strengthened in future road periods in ways that would incentivise a long-term perspective to asset management decisions. In developing their recommendations, we would expect the consultants to draw upon good practise examples in other regulated utilities or similar sectors.**Engagement/collaboration with Highways England**Highways England is supportive of this review and will facilitate access to its staff and other information as appropriate. Highways England’s involvement will be co-ordinated through its Strategy and Planning Division who are responsible for managing the relationship with ORR. The Strategy and Planning Division will assist in scheduling meetings and dealing with data requests. Engagement with Highways England should be proportionate and sensitive of Highways England resource pressures. Highways England will be involved in the evaluation of proposals against the stated criteria except for the proposed cost of the work, which will remain confidential and be evaluated solely by ORR. The consultancy should note that Highways England will require a confidentiality agreement in relation to any of its confidential information that is disclosed to the consultancy and the outputs this generates. The onward disclosure of such information by the consultancy (other than to DfT or ORR) will usually require approval in writing from Highways England. The fact that the consultancy has been engaged by ORR on this contract is not of itself confidential information although the content of any information, findings, data, analysis or reports prepared for ORR by the consultancy, and which includes any of the confidential information, is.The appointed consultancy will have access to available information necessary to carry out the project and to deliver the objectives and requirements identified above. The appointed consultancy should work with ORR and Highways England to ensure that findings and opportunities are understood and agreed as appropriate. Any conclusions drawn should be backed up by material and balanced evidence, and recommendations should primarily be aimed at ORR. The consultancy is expected to manage its own inputs and ensure the impacts of its work are conducted in a manner which is cognisant of the wider licence and monitoring framework principles – i.e. the approach should be proportionate, seek to avoid duplication, and use existing management information where available. |
| **2.3 Project Outputs, Deliverables and Contract Management**  |
| **Outputs and Deliverables**The consultant is to deliver dedicated reports for each of the two tasks. The required deliverables are:* a focussed inception report setting out the programme to which the consultants will deliver as well as any changes to the approach set out in the consultants proposal;
* an interim presentation and report of emerging findings;
* a draft report for comment which details the findings, conclusions and recommendations;
* a second draft report which incorporates the amendments from the ORR; and
* a final report which incorporates amendments from Highways England.

**Contract Management Requirements**We would expect to hold progress meetings on a fortnightly basis via MS Teams. Consultants should provide a brief emailed progress report in advance. Should there be periods when the tasks are running concurrently, we would expect that the progress meetings would cover both tasks. If it should suit the consultants to arrange separate progress meetings for each task, then this can also be accommodated. If circumstances allow, face-to-face meetings will be scheduled to discuss key deliverables. |
| **2.4 Project Timescales** |
| A provisional timetable for each of the tasks has been defined. The provisional timetable has been developed considering the availability of Highways England staff and the milestones attached to Highways England’s RIS3 renewals planning (which informs Task 1). A project timetable should be refined by the consultants at the outset of the commission in consultation with both ORR and Highways England. * Project Inception Meeting: **w/c 16th August 2021**
* Initial Workshop with Highways England (Overview of Highways England’s Approach to Renewals Planning): **w/c 23rd August 2021**

**Task 1*** Task 1 start-up meeting and commencement: **mid November 2021**
* Fortnightly updates on progress and any issues
* Presentation of interim findings by **late January** **2022** (or as agreed)
* Draft report by **late February 2022**
* Final report by the **end March 2022**

**Task 2** * Task 2 start-up meeting and commencement: **mid August 2021**
* Fortnightly updates on progress and any issues
* Presentation of interim findings by **late September 2021** (or as agreed)
* Draft report by **late October 2021**
* Final report by **mid November 2021**
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| **2.5 Budget and Payment Schedule** |
| The maximum budget for this piece of work is **£120,000 (inc. of expenses, exc. of VAT).** This amount covers both Tasks 1 and 2 in aggregate. We envisage that resources will be weighted more heavily towards Task 1 than Task 2 although this should be determined by the consultants. Bids will be assessed based on their total cost, but we would expect bidders to show how their cost has been built up according to the resources allocated to each task. The successful consultant will be paid according to their progress against each task based on the following payment schedule:10% on delivery of an inception report30% on delivery of interim presentation/report60% on delivery and acceptance by ORR of the final report |
| **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*** Provide an explanation of the proposed approach and any methodologies bidders will work to.
* 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.

**c) Proposed delivery team*** Key personnel including details of how their key skills, experience and qualifications align to the delivery of the project.
* 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).

**d) Pricing**A fixed fee for the project inclusive of all expense. This should includea 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.**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.**f) Page Limit**A strict page limit for bidders’ proposals will not be enforced, although we would not normally expect responses to (a – understanding) and (b - approach) extending beyond 5 sides of A4 for either of Task 1 or Task 2 (i.e. 10 sides in aggregate).  |
| **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 (30%)**The proposal should set out the methodology by which the project requirement will be initiated, delivered and concluded. In particular, it must:a) Explain the methodology and delivery mechanisms to ensure that the requirements of this specification are met in terms of quality;b) Explain how your organisation will work in partnership with ORR’s project manager to ensure that the requirement is metc) Explain how your organisation will engage with external stakeholders (including Highways England).**Delivery (20%)**The proposal should set out how and when the project requirement will be delivered. In particular, it must:a) 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; b) Demonstrate an understanding of the risks, and project dependencies and explain how they would be mitigated to ensure project delivery; c) Explain the resources that will be allocated to delivering the required outcomes/output, and what other resources can be called upon if required.**Experience (30%)**The proposal should set out any experience relevant to the project requirement. In particular, it must:a) Provide CVs of the consultants who will be delivering the project; b) Highlight the organisation’s relevant experience for this project, submitting examples of similar projects.**Cost / Value for money (20%)**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.

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| --- | --- | --- | --- | --- | --- |
| Name of consultant | Grade | Role  | Day rate | Number of days | Total cost (ex VAT) |
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Please note that consultancy grades should align with the following definitions:

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| **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**

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| 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 |

For the Price evaluation the following shall apply:Fixed feeThe 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. |

**4. Procurement procedures**

Tendering Timetable

The timescales for the procurement process are as follows:

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| **Element** | **Timescale** |
| Invitation to tender issued | 18/06/2021 |
| Deadline for the submission of clarification questions | 09/07/2021 12pm |
| Deadline for submission of proposals | 16/07/2021 12pm  |
| Shortlisted suppliers notified | 30/07/2021 |
| Interviews and presentations\* \*\* | 09/08/2021 |
| Award contract | 13/08/2021 |
| Project Inception Meeting | Week commencing 16/08/2021 |

\*If required.

\*\*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.

**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:

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

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| Para. No. | Description | Applicable exemption under FOIA 2000 |
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1. <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/431389/strategic-highways-licence.pdf> [↑](#footnote-ref-1)
2. [ORR’s role in the second Road Investment Strategy | Office of Rail and Road](https://www.orr.gov.uk/monitoring-regulation/road/investment-strategy) [↑](#footnote-ref-2)