# Invitation to Tender (ITT) and Statement of Requirement

# Advice on evaluating and regulating rail strategic planning

15 November 2022

* + - * + **CPV Code: 79400000**
        + **Tender Reference: ORR/CT/22-50**

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Drafting note

The purpose of this template is to assist you to produce a comprehensive and effective Invitation to Tender document that will

* + - * + Clearly define the requirement;
        + Inform bidders what information they should provide in their proposal;
        + Inform bidders of the relevant deadlines and procedures they should follow.

This document consists of 4 sections.

### Section 1 – Introduction to ORR

Standard wording and **does not** need to be amended.

### Section 2 – Statement of Requirement

In this section the **project manager** should define the:

* + - * + Project background
        + Project objectives
        + Project output and deliverables
        + Project timescales
        + Budget

### Section 3 – Tender Response & Evaluation Criteria

In this section the **project manager** should set out:

* + - * + What information we require the bidders to include in order for their proposal to be evaluated
        + The weighted criteria by which all proposals will be evaluated

Purpose of the document

The purpose of this document is to invite proposals for **Advice on evaluating and regulating rail strategic 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

## 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

1. 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

**Strategic planning**

Strategic planning (also known as Long Term planning) is the process used by the rail industry to understand what the railway needs to deliver and developing options and proposals for funders. Strategic planning considers rail contributions to economic and social wellbeing, what the network is capable of, likely changes in demand and what kind of changes should be made in the future. The Long Term Planning Objective and Long Term Plans are defined in the [network licence](https://www.orr.gov.uk/sites/default/files/om/netwrk_licence.pdf). Further information is also available on Network Rail’s [website](https://www.networkrail.co.uk/running-the-railway/long-term-planning/#:~:text=Strategic%20Network%20Planning%20work%20at%20a%20local%20level%2C,the%20railway%20and%20to%20make%20informed%20investment%20decisions.).

**Rail Reform**

The government announced their intention to create Great British Railways (GBR) in the [Williams-Shapps Plan for Rail](https://www.gov.uk/government/publications/great-british-railways-williams-shapps-plan-for-rail). GBR will be an integrated rail body which will be responsible for managing infrastructure and specifying those train services previously specified by DfT. In June 2022, DfT set out their more detailed proposals in the [legislative consultation](https://www.gov.uk/government/consultations/williams-shapps-plan-for-rail-legislative-changes-to-implement-rail-reform).

The Secretary of State additionally commissioned the GBR Transition Team (GBRTT) to undertake work on simplifying and improving industry processes, and asked that ORR support this work. Copies of the letter setting out the scope of this work is available [here](https://www.orr.gov.uk/sites/default/files/2022-08/delivering-simpler-efficient-more-integrated-railway.pdf). ORR’s work on the commission is being led by our Access Reform team. The Access Reform Team has recently been established within ORR and seeks to support GBRTT in fulfilling DfT’s policy objectives.

The GBRTT commission team have developed four workstreams – access & use of the railway, performance & operations, stations & depots and cross-cutting issues. The workstream on access & use of the railway is developing proposals on strategic planning, service specification, timetable development and the sale of access to the network. Long term or strategic planning is a crucial element in these proposals, and ORR is therefore seeking advice on how to evaluate and regulate strategic planning undertaken by GBR on behalf of funders and the wider rail industry. These proposals will be shared more fully with the successful bidder and members of the project team will have access to ORR and GBRTT team members who are involved in the access & use of the railway workstream.

**Strategic planning is already a requirement of the Network Rail network licence. As there are some uncertainties around rail reform and timescales, we are seeking advice which is robust to a continuation of current industry structures as well as the creation of GBR.**

### 2.2 Project Objectives and Scope

ORR is seeking advice on its approach to understanding and regulating the Infrastructure Manager’s (IM) delivery of strategic planning.

ORR has previously more directly involved with strategic planning, but during CP6 our engagement with NR’s System Operator has focused more strongly on other issues such as timetabling. We consider that strategic planning is likely to need a stronger regulatory focus during CP7 and would therefore like to consider our capabilities and approach.

We are seeking **advice and recommendations** on the following:

* What characteristics and qualities the IM’s strategic planning processes will need to support the public interest and private sector use of the network (freight and open access).
* Evaluative commentary on Network Rail’s previous approaches to strategic planning, including:
  + An assessment of what characteristics/qualities worked particularly well, or conversely were problematic
  + What fostered good engagement and confidence in the outcomes
  + Whether there are lessons to be drawn from previous approaches.
* What types of behaviours need to be encouraged through our regulatory approach, both within IM and by stakeholders; and how these behaviours can be a) assessed and b) supported/incentivised.
* How the strategic planning function of NR and/or GBR can be held to account through Control Period 7. This should include consideration of:
  + How and when in strategic planning process ORR can most effectively evaluate (and if necessary, intervene in) strategic planning to ensure that it delivers government priorities and stakeholder requirements.
  + What elements of the strategic planning process ORR could most effectively seek to evaluate (for example, consideration of “input” issues such as stakeholder engagement; process and capability issues; and output quality.)
  + Whether there are lessons to be drawn for ORR’s approach to holding to account on strategic planning, potentially drawing on previous approaches or the approach taken by other regulators.
* Updating ORR’s guidelines on strategic planning. Our current guidance is available here: [Long term planning process | Office of Rail and Road (orr.gov.uk)](https://www.orr.gov.uk/monitoring-regulation/rail/networks/network-rail/network-licence/long-term-planning-process)
* What capabilities ORR may need to develop or source to support our future capability in holding the IM to account.

Advice and recommendations should be robust to the particular circumstances of GBR as an integrated rail body (responsible for both infrastructure and large proportion of train service specification) and the current position of NR as IM but not franchise authority. It will be critical that all funders, specifiers, all types of train operator and freight operators have confidence in the strategic planning process whatever wider industry structure is in place.

**We are not seeking advice on what GBR’s strategic planning process should be, or how it is resourced or delivered.** This is a matter for GBR.

We anticipate that this project should be completed within a maximum of 7 weeks from the inception meeting. We may require flexibility with timescales to reflect the dynamic nature of the policy development process.

#### Project Outputs and Deliverables

The following outputs and deliverables are required:

* Interim report with emerging findings and recommendations and presentation (at project midpoint, to ensure that ORR has the opportunity to provide comments before the report is finalised).
* Presentation of the draft report, at least one week prior to the project deadline, to ensure time for the incorporation of amendments.
* Delivery of the final report with findings and recommendations.

ORR will share the report with GBRTT, Network Rail and other stakeholders for their review and use. We also expect to publish it on our website. The report must adhere to our accessibility guidelines.

#### Contract Management Requirements

* A short weekly (which may be conducted face to face or via teams) update meeting is required each week for the project duration, which will include interim findings at the end of week three or four.
* At the end of week six a draft report is expected, with a final report to the agreed specification, including any required amendments being submitted by the end of week seven.

### 2.4 Project Timescales

The provisional project timetable is as follows:

* Start-up meeting and commencement w/c 09 January 2023
* Monthly updates on progress and any issues
* Presentation of interim findings on w/c 30 January 2023
* Draft report by w/c 06 February 2023
* Final report by the Friday 25 February 2023

### 2.5 Budget and Payment Schedule

The maximum budget for this is £40,000 (inclusive of expenses, excluding VAT). Interested parties are invited to submit their best offers for consideration.

Payment of the total fee will be on the delivery and acceptance by ORR of all required outputs and/or deliverables. This is a short duration contract so interim payments will not be considered on this occasion.

### 2.6 Further project related information for bidders

#### Clarification session within procurement team

We will host an online session with the procuring team to allow potential bidders to ask clarification questions. It is not compulsory to attend and attendance will not impact on scoring. A summary will be added to the procurement portal.

#### 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;

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 AND GBRTT;

* 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 (eg. case studies)

* 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 (30%)

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. Explain how your organisation will engage with external stakeholders;
  4. Outline how the proposed approach utilises innovative consultation methodologies to develop a diverse and comprehensive evidence-base

#### 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. 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 (20%)

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 (30%)

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 | 15 November 2022 |
| Online clarification session with procurement team to answer any questions – this will be open to all potential bidders | 24 November 2022 10:00hrs |
| Deadline for the submission of clarification questions | 28 November 2022 |
| Deadline for submission of proposals | 05 December 2022 10:00hrs |
| Shortlisted suppliers notified | 09 December 2022 |
| Award contract | w/c 19 December 2022 |
| Project inception meeting | 09 January 2023 |

### 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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|  |  |  |



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