

**INVITATION TO TENDER**

**&**

**STATEMENT OF REQUIREMENT**

**Development and documentation of the risk profiling lifecycle in the ORR Railway Safety Directorate’s Quality Management System**

**CPV Code: 72221000**

**Tender Reference: ORR/CT/21-51**

**Purpose of document**

The purpose of this document is to invite proposals for developing and documenting the risk profiling lifecycle in the Railway Safety Directorate’s (RSD) Quality Management System (QMS) 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**

The Office of Rail and Road is the independent safety and economic regulator of Britain’s railways who 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. 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](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** |
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| **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** |
| **ORR and its Railway Safety Directorate**ORR is the health and safety regulator for Great Britain’s Railways ([link](https://www.orr.gov.uk/about/how-we-work/strategy-duties) to details about who we are and what we do). Whilst ORR does not own or manage health and safety risk on Britain’s Railways, it is critical that ORR understands the risk profile of the industry to focus our resources to priority areas, in a proportionate approach to target non-compliance with legal obligations (which also reduces risk).The Rail Safety Directorate of ORR is the health and safety regulator for the rail industry as a whole – including mainline, metro, tramways and heritage railways across Britain. RSD comprises Her Majesty’s Rail Inspectorate, who regulate health and safety on the railways through a programme of proactive inspections and reactive investigations, and Strategy and Policy division, which provides the strategic direction, operational guidance and support to the Rail Inspectorate to plan their regulatory interventions with the industry. Ownership of the risk profiling process sits within Strategy and Policy division. RSD’s vision, strategy and purpose for Health and Safety is described on our website ([link](https://www.orr.gov.uk/guidance-compliance/rail/health-safety/strategy/health-safety-regulatory-approach) and [link](https://www.orr.gov.uk/monitoring-regulation/rail/promoting-health-safety)). The Strategy and Policy division of RSD is sponsoring the development and documentation of the risk profiling lifecycle in the “Strategic Processes” section of the RSD Quality Management System that will inform other processes. We are therefore seeking assistance through this invitation to tender from consultants to undertake this. We use a risk profiling process to help us assimilate various factors that inform our understanding of the risk profile/landscape of the rail industry and which risks are most important. The process is fed by data and intelligence collected throughout the year. This data and intelligence supports an annual series of facilitated workshops to help RSD understand the risks, how industry performance is changing and how much RSD can influence the risk. The outputs of the process feed in to our business planning and strategic prioritisation processes and ultimately support and underpin our regulatory decisions. For illustration, we have mapped the key elements of the risk profiling lifecycle below in **Figure 1**. However, contractors should feel free to develop further options/consider alternatives as part of their proposal to ORR in response to this tender invitation.**QMS and our current “Strategic Processes” in QMS** The purpose of the QMS is to clearly define our RSD processes and improve user accessibility and confidence in the currency and robustness of process information and documentation. Our QMS provides greater visibility and transparency enabling us to demonstrate clearly to ourselves and our stakeholders how we work and discharge our regulatory duties. We aim to ensure continuous improvement of our QMS and key processes so that we deliver our regulatory activities both in line with the regulatory framework and best practice.There are a number of components to RSD's QMS:* A **Quality Policy** for RSD: [confirming senior RSD commitment to quality](https://orr.app.box.com/file/653956386085) (this is a link to ORR internal document which can be made available from ORR upon request).
* A **Quality Manual** for RSD: [a detailed manual explaining the whole QMS](https://orr.app.box.com/file/656967122352)(this is a link to ORR internal document which can be made available from ORR upon request).
* An **RSD Process Map** including all of RSD's processes broken down into "strategic", "core" and "supporting" (see below).
* Core principles for managing documents within the QMS to ensure a consistent approach – these are outlined in the Quality Manual and provided through a link on the RSD Process Map.

RSD Process MapWe have mapped RSD's processes to show how they link together and to enable users to click through to the process/es they need. Our QMS ensures that when the user clicks through from the Process Map (as shown in **Figure 2** below) the user will always be taken to the most up to date version of that process.  Wherever possible, supporting documentation to that process is included in the process document itself or is accessible via a link within the document creating a "one stop shop" approach to finding and using RSD processes.  RSD's Process Map covers all processes specific to RSD; it does not cover corporate processes.RSD's processes have been brigaded into three categories: * **Strategic Processes** (shown in the light blue boxes), t**hese processes guide RSD's work providing strategic direction to the supervision and planning of our activities.**
* **Core Processes** (shown in the dark blue boxes), these processes enable RSD to undertake its core day to day operational activities, including delivering our statutory functions
* **Supporting Processes** (shown in the yellow boxes on the process map), these processes provide the practical support that RSD teams need to go about their work.

**Figure 2: RSD Process Map in QMS**Note – ORR has an interactive version of RSD Process map available internally. Any internal ORR documents which are listed or have links to in this document can be made available upon request. For the purposes of the risk profiling project, we currently have four processes which sit within the RSD “Strategic Processes” category. These are: * **Health and safety risk assessment ranking (RARR)** – previously knownas the RARR, the annual risk profiling exercises allows RSD to understandthe risk profile/landscape of the rail industry and which risks are most important or require our intervention the most.
* **Legislative and regulatory management** – our process for inputting to thedevelopment of new or improved legislation or new/improved areas of healthand safety regulation.
* [Development and review of our Strategic Risk Chapters](https://orr.app.box.com/file/618090819826) ([link](https://www.orr.gov.uk/guidance-compliance/rail/health-safety/strategy/our-strategic-risk-chapters)) – the suite ofStrategic Risk Chapters (SRCs) help prioritise our and industry's response to key risks.
* **Directorate and team planning** – how we plan to deliver our reactive, proactive and statutory work taking the outcomes and outputs from the above processes into account.

Although these processes are firmly in place and applied routinely, we are still working to capture them fully in the suite of QMS documentation; this project will assist with this. We are looking for the risk profiling processes to developed and implemented into the QMS as part of this project. We can provide further information about our existing processes upon request. |
| **2.2 Project Objectives & Scope** |
| **Project objective**The purpose of this project is to develop and document a robust process (‘lifecycle’) for risk profiling in the “Strategic Processes” section of the RSD QMS that feeds into and takes output from other processes which guide our work and help determine our priorities. These other processes include development and review of our published strategic risk chapters ([link](https://www.orr.gov.uk/guidance-compliance/rail/health-safety/strategy/our-strategic-risk-chapters)), directorate and team business planning (including the annual risk profiling workshops). Whilst in practice we have processes to help with our risk profiling exercise, we have identified some issues with the annual exercise this informs; for example, our development and updating of the SRCs, should feed into the following year’s risk profiling exercise, and wider directorate and team business planning, but currently do not in any meaningful or systemic fashion . We have also identified issues with the ownership of some SRCs (and what the role of an owner means in practice) and different perceptions across RSD (and potentially external users) in respect of their current and future purpose. None of these “Strategic Processes” are documented properly in our QMS, fourteen months post its launch. Ultimately, the aim is for a process in which data and intelligence, including from the previous year’s interventions and the SRCs, feeds into the risk profiling workshops, the outputs of which informs the following year’s interventions and future content of the SRCs, which will then inform the next iteration of the risk profile exercise. The project needs to make explicit link between the SRCs and the risk profiling process and wider ORR strategic objectives.**Key Tasks**There are three broad elements – scoping, development/documentation and implementation/embedding* **Scoping** – this would be to undertake a critique of the wider strategic landscape involving some relevant benchmarking (including against other UK regulators) and some relevant comparisons with how other industry bodies approach risk profiling. We also expect consideration from first principles around whether ORR’s current risk profiling and strategic risk practices (and the SRCs) are effective, relevant and current. It would be important to gather feedback from relevant ORR colleagues to inform this part of the project. It would also be important to have continuous communication with the relevant ORR colleagues throughout the project to promote ownership and ensure the end product meets their needs.

The ORR Data and Intelligence Project has already considered from first principles what data we collect and its use in the annual risk profiling exercise, so a list of current data sources will be shared to assist with the wider strategic landscape critique phase of this project. * **Development/Documentation** – of the resulting risk profiling lifecycle in the QMS that interfaces with the wider landscape and produce useful working level documentation with graphical presentation of the risk profiling lifecycle. This QMS documentation should be consistent with how other RSD processes are defined and presented in the QMS.
* **Implementation/embedding** – to drive implementation and embedding of the risk profiling process – including setting the right conditions for driving improved acceptance, confidence and ownership of that process – in order to successfully operationalise it in our day to day work including having KPIs to measure success, practical tips and guidance.

**Exclusions*** No legislative changes; no IT changes; no ongoing external contractual obligations on ORR.

**Timescales*** We anticipate the project should be complete in around 16 – 17 weeks.

**Security Requirements*** The supplier will not be processing personal data or accessing the ORR network in any capacity.
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| **2.3 Project Outputs, Deliverables and Contract Management**  |
| **Outputs and Deliverables**It should be noted that as part of this tender, ORR already has the basic building blocks in place so the supplier must develop tools and processes that we can drop into our existing QMS and other processes and implement without major organisational or technological changes. * **Proposal and project plan** – as part of the tender process, the supplier should prepare a proposal and project plan and present these to ORR. If a contract is awarded to the supplier, the project plan should be kept under review and up-to-date by the supplier.
* **Meetings with key industry stakeholders –** the supplier should plan and hold meetings with key industry stakeholders e.g. Rail Safety and Standards Board (RSSB), Light Rail Safety and Standards Board (LRSSB) to understand the wider strategic landscape, benchmarking (including against other UK regulators) and some relevant comparisons with how other industry bodies approach risk profiling and align our risk profiling lifecycle accordingly.
* **Workshops and training materials** – the supplier should plan and deliver a series of workshop(s) with for example ORR colleagues to gather feedback on existing ORR practices, test proposals and implement and embed a comprehensive strategic decision-making process.
* **Interim presentation of the proposed risk profiling lifecycle and documentation** – so that ORR has the opportunity to provide comments and direction before the process and documentation is finalised.
* **Risk profiling lifecycle documentation** – the supplier should outline the risk profiling lifecycle process including a visual diagram map/illustration of the process so that ORR can provide comments before the documentation is finalised.
* **Embedding the risk profiling lifecycle plan** – the supplier should develop practical tips and guidance that will help us to position ourselves for colleagues’ general acceptance and confidence in the new processes.
* **Milestones and checkpoints** – the supplier should develop these for ORR to consider to help with embedding the risk profiling lifecycle so that all its interfacing processes/parts run in a timely manner for the lifecycle to be completed annually.
* **Final risk profiling lifecycle process and documentation** – the supplier should share the finalised process and documentation which incorporates the amendments from ORR.
* **Training session** to ensure key staff are familiar with the new risk profiling lifecycle process and documentation.
* **End of project presentation and documentation** from the supplier to close the project.

**Contract Management Requirements*** This projects is being paid for from the Rail Safety Director’s (Ian Prosser) budget. The ORR Project Manager is the Investigations and Enforcement Manager (Garry Stimpson).
* The Consultant shall have a kick off meeting with the Rail Safety Deputy Chief Inspector, Deputy Director, RSD (Channel Tunnel) and Project Manager where the expectations will be described.
* Weekly check-ins throughout the project to report progress – we will have a flexible approach appropriate to the circumstances so these check-ins can be hybrid arrangements.
* It is expected there will be frequent, periodic progress updates from the supplier, which will be documented by the supplier (via email and/or conference call).
* There will also be periodic meetings (timings to be agreed) between the ORR Project Manager/Project Team and the supplier.
* Additional ad hoc meetings may be required for gathering information, testing and training of ORR staff and reviewing of outputs.
* At the end of the project, the supplier is to return and/or appropriately dispose of any relevant information created and provided by ORR during the course of the project.
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| **2.4 Project Timescales** |
| The provisional project timetable is as follows:* Start-up meeting and commencement w/c 22 – 26 November 2021.
* Weekly updates on progress and any issues (including via MS Teams).
* Presentation of interim findings on mid-January 2022 (or as agreed).
* Draft report by 11 February 2022.
* Final report by 1 March 2022.
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| **2.5 Budget and Payment Schedule** |
| The maximum budget for this piece of work is £40,000 (inc. of expenses, exc. of VAT).**Payment** Our preference is for the payment to be the total fee on the delivery and acceptance by ORR of all the required outputs and/or deliverables. However, bidders may submit a proposed milestone payment plan. Any milestones within the plan must be linked to tangible deliverables and not simply a monthly payment.  |
| **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 InterestAt 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.
* Compliance with any security requirements outlined in the SOR, including details of accreditation for systems (e.g. ISO27000, Cyber Essentials) etc.
* 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. |
| **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 met1. Explain how your organisation will engage with external stakeholders;
2. Outline how the proposed approach utilises **innovative** consultation methodologies to develop a diverse and comprehensive evidence-base

**Delivery (30%)**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 (20%)**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**For Methodology, Delivery and Experience the following shall apply:

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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 Cost/Value for Money evaluation the following shall apply: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 FeeYour 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 | 19 October 2021 |
| Deadline for the submission of clarification questions | 26 October 2021 |
| Deadline for submission of proposals | 08 November 2021 (10:00hrs) |
| Shortlisted suppliers notified | 11 November 2021 |
| Interviews and presentations\* | w/c 15 November 2021 |
| Award contract | 19 November 2021 |
| Project Inception Meeting | w/c 22 November 2021 |

\*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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