

**INVITATION TO TENDER**

**&**

**STATEMENT OF REQUIREMENT**

**PR23 Policy, Economics and Project Management support**

**CPV Code: 72224000**

**Supplementary Code:79311400, 66171000**

**Tender Reference: ORR/CT/21-50**

**Purpose of document**

The purpose of this document is to invite proposals for policy, economics and project management support for the Office of Rail and Road (ORR) in respect of our current Periodic Review of Network Rail (PR23).

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

**Selection Questionnaire**

This procurement is subject to the Public Contracts Regulations (PCR) 2015. This document is supported by a separate Selection Questionnaire that must be completed and submitted with your tender proposal as per the instructions within this document.

**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 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:

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

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

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| **2.1 Background to the project** |
| PR23 is a collaborative, cross-industry process which sets three things:   * the funding for Network Rail’s operating, maintenance and renewals expenditure, and what it must deliver for that funding for Control Period 7 (CP7, the five year period from 1 April 2024); * how Network Rail will be held to account for those outputs during CP7; and * the framework for the incentives, charges and the contractual performance and possessions regime that will apply for CP7.   Our focus is currently on Network Rail. However, the Williams Shapps Plan for Rail, published on 20 May, sets out the UK Government’s vision for wide reforms to the structure and operation of the railway. This includes the creation of a new body – Great British Railways – that will both own the railway infrastructure and let and manage the passenger rail contracts currently awarded by the UK government. The role of the ORR will be different in respect of Great British Railways compared with our role over Network Rail. The importance of the PR23 was acknowledged in the Williams Shapps Plan for Rail, and the UK Government has indicated that Great British Railways will adopt and be held to account for delivering the commitments that Network Rail have entered into for CP7.  We need to align our processes with changes to legislation and other changes to industry frameworks that could arise as Great British Railways is established. We do not currently know what this will look like and will therefore have to take decisions on fundamental aspects of the review with a degree of uncertainty.  We formally launched PR23 in June 2021. This document explains the context for our work, as well as the proposed framework for CP7 and the key themes by which we will approach PR23. This is available [here](https://www.orr.gov.uk/monitoring-regulation/rail/networks/network-rail/price-controls/pr23#:~:text=PR23%20will%20determine%20what%20Network%20Rail%20must%20deliver,and%20efficiency.%20PR23%20timeline%20Collapse%20accordion%20Open%20accordion).  We also have published initial, technical consultations on our early policy thinking on our proposed way forward on the contractual performance and possessions regimes. These can be found [here](https://www.orr.gov.uk/monitoring-regulation/rail/networks/network-rail/price-controls/pr23/charges-and-incentives). |
| **2.2 Project Objectives & Scope** |
| ***Required support***  We are looking for support on a range of work across PR23. This is intended to provide ORR with some additional expertise and resources, where we require, it in a flexible and agile manner.  The support we are seeking could include, for example:   * preparing or helping to prepare internal papers on certain policy, economic and financial issues. This could also include input into papers for our Executive; * producing material for industry workshops; * supporting to produce external deliverables, such as drafting consultation documents; * participating in discussions with stakeholders; * summarising stakeholder views from consultation responses; * developing workstream-specific project plans and/or stakeholder engagement plans; * coordinating and/or directing internal (ORR) and external resources to produce specific outputs; * financial analysis to support our approach to monitoring Network Rail’s efficiency and wider financial performance in CP7; * project management; and * produce other discrete pieces of work.   We envisage that the consultants would, in practice, work to one of our project leads for the commissioning of specific pieces of work.  ***Experience and skills***  We are seeking policy, economic, financial analysis and project management/coordination support from a team that ideally has experience in regulation and/or has knowledge of GB railways.  Reflecting the work involved, we think that there could be benefit in the consultants having availability from individuals with a range of different levels of experience and seniority. But, as a minimum, we are seeking availability from consultants with at least a few years of relevant experience.  Importantly, we see the consultants as supporting the work of the ORR team, and would be expected to work collaboratively with us. This also means that the consultants can expect to discuss and debate issues with policy experts from across the organisation (including our economics, finance, engineering, safety and statistics teams).  ***Working arrangements***  We are open to suggestions about how we work together and are reasonably flexible in this regard.  For some deliverables, we may require the relevant individuals to work with us on a full-time, or nearly full-time, basis. However, for other projects, and as a general standard, we would anticipate that each consultant would typically work a minimum of two days per week with ORR to enable him/her to familiarise him/herself with the content and collaborate with other members of the PR23 team.  Consultants would be welcome to work from our London office (25 Cabot Square) or one of our regional office (subject to having an appropriate ORR colleague working there also) but we would not expect to require them to be there on a regular basis.  We are open to the possibility of using staff from more than one consultancy firm, but would prefer to do this by the lead consultant using appropriate sub-contractors.  ***Examples of areas where support is likely to be required***  As noted above, we are looking for policy, economic, financial analysis, and project management/coordination support on a range of work across PR23.  We note below some illustrative examples of work that is likely to be needed through this consultancy support:   * developing our approach to how we will hold to account for delivery in CP7; * developing detailed proposals for reform of the charges and incentives regime. This could involve addressing unresolved issues from our consultations; engaging with stakeholders to seek further input and share emerging views; and producing impact assessments; * supporting ORR’s input to the calibration of Network Rail’s charges and performance regime, including by undertaking projects to update specific parameters (e.g. freight payment rates); * supporting our work to develop our PR23 approach to monitoring efficiency and wider financial performance; and * our approach to assessing certain areas of Network Rail’s plans relating to, for example, improving accessibility or R&D.   It is worth noting that the precise form of this work and the allocation between ORR staff and external consultants would vary.  We do not necessarily expect consultants to have proven experience in all of these areas; rather, that they would bring skills and experience that complements that which is available within ORR and can be applied to at least some of these areas of work.  ***Project timescales***  We expect the contract to run until March 2024, which should take us to our final determination (or the equivalent thereof). |
| **2.3 Project Outputs, Deliverables and Contract Management** |
| The precise outputs will be agreed by the project lead over the course of the contract. Reflecting the areas of support we are seeking, these are likely to include the following:   * internal papers; * material for industry workshops; * sections of consultation documents; * participation in discussions with stakeholders; * notes summarising consultation responses; * workstream-specific project plans and/or stakeholder engagement plans; and * internal, including team-level, discussions.   In each case, the material would be presented as ORR material. We would expect to retain all Intellectual Property Rights and ultimate editorial control and accountability for the outputs, though we may seek to agree alternative arrangements to this, where necessary.  ***Contract Management Arrangements***  We would propose the following arrangements but are open to discussion and suggestions on these points:   * ORR would nominate an overall project contact and the consultants would do the same. These individuals would:   + discuss progress on a fortnightly basis;   + act as a first level of escalation if there are any issues that need to be resolved; and   + discuss the forward look for work over the subsequent month. * For a given piece of work, the consultants would be given a project lead, from whom they would receive a commissioning note. This would cover the objective of the work; the proposed approach; the suggested ways-of-working; and the suggested timelines. The consultants would also receive a briefing to meet the ORR colleagues involved and to discuss the context and background for the work and the commissioning note. * ORR and the consultants would agree suitable project control documents, likely to include a log of requested and commissioned work and deadlines. (We are open to suggestions from the consultants on how best to manage this process; please reflect this in your bid). * The consultants would provide fortnightly updates of time spent and overall contract spend to the ORR.   At the commencement of the contract, we would expect to host a briefing session with the relevant consultants and likely internal project leads to discuss the PR23 programme, including how we have structured the work and our internal and external governance. |
| **2.4 Project Timescales** |
| We would expect to have the consultants in place by early January 2022. |
| **2.5 Budget and Payment Schedule** |
| ***Budget***  The maximum budget for this piece of work is as follows:   * 2021/22: £100,000; * 2022/23: £150,000; and * 2023/24: £150,000.   The above is inclusive of expenses but exclusive of VAT.  ORR is seeking bids based on agreed day rates for the committed individuals, and so spend could be significantly below this threshold on the basis of daily rates and the total days spent over the contract duration. ORR will commit to a minimum contract spend of £50,000 (exc. of VAT) at the contracted daily rates within the first contract year.  Where a fixed fee has not been agreed between the parties for individual work packages payment of the fees will be based on time spent over the preceding month, on the basis of acceptable delivery of the agreed outputs over that period. Where a fixed fee has been agreed for a specific work package payment will be based on the achievement of agreed milestones or percentage of deliverables achieved.  ***Payment schedule***  We would expect each task would be subject to its own payment schedule based on the specific outputs/deliverables. |
| **2.6 Further project related information for bidders** |
| ***Intellectual Property Rights***  ORR will own the Intellectual Property Rights for all project related documentation and artefacts.  ***Transparency requirements***  Please note ORR is required to ensure that any new procurement opportunity above £10,000 (excluding VAT) is published on Contracts Finder, unless the ORR is satisfied it is lawful not to. Once a contract has been awarded as a result of a procurement process, ORR is required to publish details of who won the contract, the contract value and indicate whether the winning supplier is a SME or voluntary sector organisation.  ***Confidentiality***  All consultants working on the project may be required to sign a confidentiality agreement and abide by the Cabinet Office’s protective marking guidelines, which ORR uses to protectively mark a proportion of its information. In addition, the consultant may be required to sign additional confidentiality agreements as required by external stakeholders.  ***Sub-Contractors***  Contractors may use sub-contractors subject to the following:   * That the Contractor assumes unconditional responsibility for the overall work and its quality; * That individual sub-contractors are clearly identified, with fee rates and grades made explicit to the same level of detail as for the members of the lead consulting team.   Internal relationships between the Contractor and its sub-contractors shall be the entire responsibility of the Contractor. Failure to meet deadlines or to deliver work packages by a subcontractor will be attributed by ORR entirely to the Contractor.  ***Conflict of Interest***  At the date of submitting the tender and prior to entering into any contract, the tenderer warrants that no conflict of interest exists or is likely to arise in the performance of its obligations under this contract; or  Where any potential, actual or perceived conflicts of interest in respect of this contract exist, tenderers need to outline what mitigation/safeguards would be put in place to mitigate the risk of actual or perceived conflicts arising during the delivery of these services.  The ORR will review the mitigation/safeguards in line with the perceived conflict of interest, to determine what level of risk this poses to them. Therefore, if tenderers cannot or are unwilling to suitably demonstrate that they have suitable safeguards to mitigate any risk then their tender will be deemed non-compliant and may be rejected. |

**3. Tender Response & Evaluation criteria**

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| **3.1 The Tender Response** |
| In addition to the completion of the selection questionnaire, 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 skills and experience that the proposed project team would bring to ORR, and how these complement each other in light of the range of issues that will be addressed as part of PR23. One part of this will be the ability to demonstrate resources at a range of different levels, reflecting that ORR may need support from consultants at different levels of seniority; * Proposals for how to manage work amongst the individuals in the project team; * Proposed reporting arrangements; * An understanding of the risks and an explanation explain of how the consultants would mitigate these to ensure delivery; * What support bidders will require from ORR.   ***c) Proposed delivery team***   * Name of proposed personnel including details of how their key skills, experience and qualifications align to the delivery of the project. This could include examples of similar, previous work that bidders have carried out; * Project roles and responsibilities; * The availability of individuals in the project team and any significant periods where individuals are unlikely to be available over the remainder of the contract term. * Any likely maximum days per week that the individuals will be available under the contract.   ***d) Pricing***  We are seeking fixed daily rates for a small number of named individuals.  ***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 Selection Questionnaire * 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:  **SELECTION QUESTIONNAIRE (Pass/fail)**  The bidder must supply a completed the Selection Questionnaire alongside the tender proposal.  **QUALITY**  **Delivery (15%)**  The proposal should set out how and when the project requirement will be delivered. In particular, it must:  a) explain the delivery mechanisms to ensure that the requirements of this specification are met in terms of quality and timeliness;  b) explain the overall availability of the project team members over the duration of the contract, and what other resources can be called upon if required;  c) explain how your organisation will work in partnership with ORR’s project manager to ensure that the requirement is met;  d) demonstrate an understanding of the risks, and project dependencies and explain how they would be mitigated to ensure project delivery.  **Experience (65%)**  The proposal should set out the nominated delivery team’s experience relevant to the project requirement. In particular, it must:  a) Provide CVs of the consultants who will be delivering the project;  b) Highlight relevant experience of the delivery team for this project, submitting examples of similar projects; and  c) Explain how the mix of individuals will provide a complementary set of skills and experience that are likely to meet the policy challenges set out above.  **Price (20%)**  A set of **fixed day rates** for delivery of the project requirement (inclusive of all expenses) that will apply for the lifetime of this project using the following matrix.   |  |  |  |  | | --- | --- | --- | --- | | Name of Consultant | Grade | Role | Day Rate  £ (max) | |  |  |  |  | |  |  |  |  |   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. |   **Interviews and Presentations (0%)**  Subject to the outcome of the scoring below, the ORR may invite the top scoring suppliers to present their solution.  **Marking Scheme**  The Selection Questionnaire is a self-declaration and not scored. Evidence will only be called upon when the winning bidder has been identified. If evidence is not provided upon request and without delay, we reserve the right to amend the contract award decision and award to the next compliant bidder  For Delivery and Experience the following shall apply:   |  |  | | --- | --- | | 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 |   Your scores will be multiplied by the relevant weighting to provide a total Quality score.  For the Price 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 Fee  A dummy scenario using a set number of days per grade will be applied to the day rates supplied by the bidder. This will produce a ‘fee’ which shall then have to above price calculation applied.  The dummy scenario shall be:   |  |  | | --- | --- | | **Grade** | **Days** | | Junior consultant | 2 | | Consultant | 5 | | Senior Consultant | 10 | | Principal Consultant | 10 | | Managing Consultant | 10 | | Director / Partner | 2 |   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 price.  **Total Score:**  The total score shall be calculated by adding the Quality and Price scores to provide a total score.  For the Presentations and Interviews the following shall apply:  The ORR may invite the top scoring 3 bidders (or 2 if there is a clear distinction between the total score of bids 2&3) to present their bids. The presentation shall not be scored but shall be used as a validation of the score applied during the Quality evaluation.  **Award:**  Following completion of the presentations including any validation of scores, the award shall be to the highest total scoring bid, subject to any evidence required from the selection questionnaire and subject to contract. The award decision shall also be subject to Standstill and all bidders shall be notified of the intended outcome. |

**4. Procurement procedures**

Tendering Timetable

The timescales for the procurement process are as follows:

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| **Element** | **Timescale** |
| Invitation to tender issued | 01 November 2021 |
| Deadline for the submission of clarification questions | 19 November 2021 at 1700hrs |
| Deadline for submission of proposals | 01 December 2021 at 1000hrs |
| Shortlisted suppliers notified | 06 December 2021 |
| Interviews and presentations\* | 14 December 2021 |
| Intention to Award contract | 20 December 2021 |
| Standstill (finish) | 07 January 2022 |
| Project Inception Meeting | w/c 10 January 2022 |

\*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.

Tenders should be uploaded as follows:

Qualification Envelope:

Completed Selection Questionnaire

Quality/Technical Envelope:

Completed tender response (less Price)

Price/Commercial Envelope:

Completed pricing document of day rates

Form of Tender

Disclaimer

Any proposed minor changes to the contract T&Cs

If you are already registered on our eTendering portal but have forgotten your login details, please contact the portal administrator.

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

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

**Cost & Pricing Information**

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

Tender prices must be in Sterling.

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

**References**

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

**Contractual Information**

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

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

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

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

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

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

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

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

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

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

Typically the following information will be published:

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

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

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

Please use the following matrix: to list such information:

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| --- | --- | --- |
| Para. No. | Description | Applicable exemption under FOIA 2000 |
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