



**National Highways Limited**

**National Highways Consumables Contract  
2023\_24**

**Scope**

**Defined Terms**

**Annex 01**

## CONTENTS AMENDMENT SHEET

Amend. No.	Revision No.	Amendments	Initials	Date
01	00	Tender Issue		March 23

Ref.	Defined Term	Definition	Comments
1	Accredited Scheme(s) or Standard(s) for Managing “Work-Related Road Risk” (WRRR) S429.20(DfBB)	<p>means any of the WRRR Standards and Accreditations currently available as set out on the list below (Jan 21) or any revision to this list. Each standard or accreditation is described separately below:</p> <p>ISO39001 - <a href="https://www.bsigroup.com/en-GB/iso-39001-road-traffic-safety/Introduction-to-BS-ISO-39001/">https://www.bsigroup.com/en-GB/iso-39001-road-traffic-safety/Introduction-to-BS-ISO-39001-/</a></p> <p>BS ISO 39001 sets out the requirements for road traffic safety management best practice, overcoming complacency and improving consistency within and across organizations. It provides guidance to help organisations design their own road traffic safety framework – allowing them to bring all relevant controls and processes into one management system. BS ISO 39001 can also be adapted to organisations of all sizes to help them identify threats to road traffic safety and minimize operational risks. The standard is designed to help implement a best practice framework in the organisations – helping them to meet legal, industry and stakeholder requirements and at the same time reducing its impact on communities and the environment.</p> <p>FORS - <a href="https://www.fors-online.org.uk/cms/">https://www.fors-online.org.uk/cms/</a></p> <p>The Fleet Operator Recognition Scheme (FORS) is a voluntary accreditation scheme for fleet operators which aims to raise the level of quality within fleet operations, and to demonstrate which operators are achieving exemplary levels of best practice in safety, efficiency, and environmental</p> <p>CLOCS - <a href="https://www.clocs.org.uk/page/clocs-standard">https://www.clocs.org.uk/page/clocs-standard</a></p>	

		<p>The CLOCS Standard is the direct result of collaboration between the construction and fleet sectors to address shared issues. It draws together evolving and applied best practice from a number of standards, policies and codes of practice to provide one industry standard that can be implemented by regulators, clients, principal contractors and fleet operators.</p> <p>Van Excellence - <a href="http://www.vanexcellence.co.uk/about/what-is-van-excellence.html">http://www.vanexcellence.co.uk/about/what-is-van-excellence.html</a></p> <p>Van Excellence is a scheme designed by some of the best van operators in the UK- facilitated and managed by FTA to recognise excellence and improve operational standards. At its heart is the Van Excellence Code which is a Code of Practice outlining 'what good looks like' in van operations.</p> <p>With "The Code" established, the scheme has been developed to allow operators to ensure their standards of operation meet the requirements as laid out in the Code, thus enabling them to be recognised as van operators that adhere to a best practice framework. The Client has now developed the support available not only to those seeking or who have gained certification, but to all van operators to ensure they are operating to nationally recognised best practice standards.</p> <p>Earned Recognition - <a href="https://www.gov.uk/government/collections/dvsa-earned-recognition-guidance-and-forms">https://www.gov.uk/government/collections/dvsa-earned-recognition-guidance-and-forms</a></p> <p>Driver and Vehicle Standards Agency (DVSA) earned recognition for vehicle operators is a new way to prove an organisation meets driver and vehicle standards.</p> <p>Organisations regularly share performance information with DVSA. In return, their vehicles are less likely to be stopped for inspections. It's a</p>	
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		voluntary scheme that's designed to work for operators of all sizes.	
2	Confidential Information	is any data or information which has been classified by National Highways as being confidential. However, National Highways uses the HMG Government Security Classification Scheme (GSC).	The Information Security Data Handling Requirements document provides further information. In addition, the Cabinet Office has produced a guidance document that sets out what it means and how to securely handle HMG GSC data/information.
3	Continual Improvement	is an ongoing effort to improve products, services or processes, both incrementally or all at once.	
4	Contracts Finder	is the government website for information about contracts worth over £25,000 with the government and its agencies	
5	Corrective Action	has the meaning given in ISO 9000.	
6	Data	Is all Personal Data collected, generated or otherwise processed by the <i>Supplier</i> in the course of Providing the Goods and Service.	Relates to Data Protection
7	Data Controller	is a legal person that determines the purposes and means of the processing of Personal Data.	
8	Data Protection Impact Assessment	is an assessment by the Controller of the impact of the envisaged processing on the protection of Personal Data on the rights of a Data Subject(s).	Relates to Data Protection
9	Data Protection Legislation	is <ul style="list-style-type: none"> <li>the General Data Protection Regulation (the retained EU law version of the General Data Protection Regulation (EU2016/679)),</li> </ul>	Relates to Data Protection

		<ul style="list-style-type: none"> <li>the LED (Law Enforcement Directive (Directive (EU) 2016/680),</li> <li>the Data Protection Act 2018,</li> <li>the Privacy and Electronic Communications (EC Directive) Regulations 2003 and</li> <li>any other data protection laws and regulations applicable in England and Wales.</li> </ul>	
10	Data Subject	is an individual who is the subject of Personal Data.	Relates to Data Protection
11	Data Subject Access Request	<p>is a request made by, or on behalf of, a Data Subject, for access to the personal data an organisation holds about them including provision of copies of that data.</p> <p>The Data Subject has the following rights:</p> <ul style="list-style-type: none"> <li>access to, and information relating to, Data,</li> <li>rectification of inaccurate Data,</li> <li>permanent erasure of Data,</li> <li>restriction of processing of Data pursuant to the Data Protection Legislation, and</li> <li>transfer of Data to a third party (data portability)</li> <li>automated individual decision-making including profiling. concerning their rights of access to, and information relating to, Data,</li> <li>rectification of inaccurate Data,</li> <li>permanent erasure of Data,</li> <li>objection to or restriction of processing of Data pursuant to the Data Protection Legislation, and</li> <li>transfer of Data to a third party.</li> </ul>	Relates to Data Protection
12	Disclosure Request	is a request for information relating to the contract pursuant to the Freedom of Information Act 2000 and Environmental Information Regulations 2004 or later revision.	

13	Discrimination Acts	are the Equality Act 2010 and any provisions of any earlier statutes that are expressly preserved in force by that Act.	Relates to People Strategy
14	EEA	is the European Economic Area.	Relates to Data Protection
15	Exit Information	has the meaning given to it within Paragraph S401.1 of the Scope	
16	Exit Plan	has the meaning given to it within Paragraph S401.1 of the Scope	
17	Exclusive Assets	Supplier Assets used exclusively by the <i>Supplier</i> in the provision of the Deliverables;	
18	Green Claims	refers to the <i>Client's</i> claims process where it seeks to recover monies from a third party in respect of damage caused to the strategic road network, as aligned to the provisions of the "Highways Act 1980".	
19	Information Systems	can be a combination of hardware, software, infrastructure and trained personnel organised to facilitate planning, control, coordination and decision making in an organisation.	
20	Information Technology Infrastructure Library	is a governance model for IT service management and best practices that defines an end-to-end life cycle and integrated set of practices and guidance in the areas of service strategy, service design, service transition, service operation, and continual service improvement.	
21	Intellectual Property Rights (IPR)	are copyright and related rights, database rights, design rights, patents, inventions, trademarks (and goodwill attaching to those trademarks), domain names, applications for and the right to apply	

		for any of the foregoing, moral rights, confidential information and any other intellectual or industrial property rights, whether or not registered or capable of registration, whether subsisting now or in future in any part of the world.	
22	Joint Data Controllers	means where two or more Data Controllers jointly determine the purposes and means of processing.	Relates to Data Protection
23	Lean	is a set of management practices to deliver a product(s) to a high quality, whilst improving efficiency and effectiveness by eliminating waste.	Relates to Lean
24	Lean Continuous Improvement (Lean CI)	are activities utilising Lean techniques and methodologies to continually refine a process and/or product.	
25	List X	List X contractors are companies operating in the UK who are working on UK government contracts which require them to hold classified information. This information is at 'Secret' level or above or international partners information classified 'Confidential' or above and is held in their own premises at a specific site. Classified information levels can be reviewed in the Gov link below ( <a href="https://www.gov.uk/government/publications/security-requirements-for-list-x-contractors">https://www.gov.uk/government/publications/security-requirements-for-list-x-contractors</a> ).	
26	Major Incident	<p>is an incident that has, or is likely to have, a major impact on the ability of the business to maintain services during agreed operational hours. An outage or complete loss of functionality of a critical or key application or service.</p> <p>The incident could result in:</p> <ul style="list-style-type: none"> <li>• An emergency situation</li> </ul>	<p>Further details can be found in the Major Incident Management document and the Incident Management and Major Incident Management process flow found here:</p> <p><b>Redacted</b></p>



		<ul style="list-style-type: none"> <li>• Security risks or threat</li> <li>• Highways England reputation (HSSE) could be adversely affected.</li> <li>• Multiple locations/businesses or significant user impacted.</li> </ul>	
27	National Security Vetting	has the meaning given to it in the “HMG Baseline Personnel Security Standard” (see link in <b>Annex 02</b> ).	Relates to Security and identification of people
28	Net Book Value	the current net book value of the relevant Supplier Asset(s) calculated in accordance with the of the Tender (if stated) or (if not stated) the depreciation policy of the Supplier (which the Supplier shall ensure is in accordance with Good Industry Practice);	
29	Non-Exclusive Assets	those Supplier Assets used by the Supplier in connection with the Deliverables but which are also used by the Supplier for other purposes;	
30	Nonconformity	has the meaning give in ISO 9000 (and includes defects)	Relates to Quality Management
31	Offshoring	is any arrangement where the performance of any part of the services or a solution under a contract may occur outside the UK for domestic (UK) consumption.	
32	Performance Level	is the performance level of the Collaborative Performance Framework stated in Scope section S 300.	
33	Personal Data	is any data relating to an identified or identifiable individual that is within the scope of protection as “personal data” under the Data Protection Legislation.	Relates to Data Protection

34	Processor	is a legal person which processes Personal Data on behalf of a Data Controller.	
35	Prohibited Substance	is any intoxicating substance, or alcohol, or drugs.	Relates to H, S &W
36	Protective Measures	<p>are appropriate, technical and organisational measures implemented, consistent with good industry practice, to ensure a level of security appropriate to the risk posed by Personal Data, taking into account the state of the art, the costs of implementing, the harm that might result from a Security Incident, and which may include.</p> <ul style="list-style-type: none"> <li>• pseudonymising and encrypting Personal Data,</li> <li>• ensuring confidentiality,</li> <li>• integrity,</li> <li>• availability and resilience of systems and services,</li> <li>• ensuring that availability of and access to Personal Data can be restored in a timely manner after an incident, and</li> </ul> <p>regularly assessing and evaluating the effectiveness of such measures adopted by it including those outlined in “Procurement Policy Note 02/18 Changes to Data Protection Legislation and General Data Protection Regulation” (see link in Annex 02).</p>	Relates to Data Protection
37	Quality Plan	<p>is the quality plan produced in accordance with</p> <ul style="list-style-type: none"> <li>• ISO 9001,</li> <li>• ISO 10005,</li> <li>• GG102,</li> <li>• clause 40 of the conditions of contract, and</li> <li>• the Scope.</li> </ul>	

38	Quality Submission	is the <i>quality submission</i> , unless later changed in accordance with the contract, detailing the commitments made by the <i>Supplier</i> as part of its tender in respect of how it is to perform its obligations under the contract.	
39	Registers	the register and configuration database referred to in Paragraph S401.1 of the Scope;	
40	Replacement Goods	any goods which are substantially similar to any of the <b>Goods</b> and which the <i>Purchaser</i> receives in substitution for any of the <b>Goods</b> following the <b>End Date</b> , whether those goods are provided by the <i>Purchaser</i> internally and/or by any third party;	
41	Replacement Services	any services which are substantially similar to any of the <b>Services</b> and which the <i>Purchaser</i> receives in substitution for any of the <b>Services</b> following the <b>End Date</b> , whether those goods are provided by the <i>Purchaser</i> internally and/or by any third party;	
42	Road Period	is in relation to a particular Road Investment Strategy, the period to which that strategy relates, as outlined in the contract.	
43	Security Incident	is a breach of security that leads, or may lead to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Data.	Relates to Data Protection S 238
44	SME	means an enterprise within the category of small, medium or micro enterprises defined by the European Commission Recommendation of 6 May 2003	

		(see link in Annex 02) concerning the definition of Small, Medium or Micro Enterprises. A SME is a subcontractor (at any stage of remoteness from the Client) and is autonomous and is a European Union enterprise not owned or controlled by a non-European Union parent company.	
45	Staff	are persons employed or engaged by the <i>Supplier</i> or an Associated Company or any Subcontractor to Provide the Goods and Services at any time.	
46	Sub-Processor	is a third party (including Associated Company) engaged by the <i>Supplier</i> to process Data.	Relates to Data Protection
47	Supervisory Authority	is any regulatory, supervisory, governmental or other competent authority with jurisdiction or oversight over the Data Protection Legislation.	Relates to Data Protection
48	<i>Supplier</i> Background IPR	IPR owned by the <i>Supplier</i> or a third party before the Contract Date or created by the <i>Supplier</i> or a third party independently of the contract, which in each case is or will be used. <ul style="list-style-type: none"> <li>• before the <i>defects date</i> to Provide the Goods and</li> </ul> for the maintenance, operation and modification of the service.	
49	The Public Interest Test	requires a public authority, or oversight body, to weigh the harm that disclosure would cause to the protected interest against the public interest saved by disclosure of the information.	
50	Termination Assistance	the activities to be performed by the <i>Supplier</i> pursuant to the Exit Plan, and other assistance required by the <i>Purchaser</i> pursuant to the Termination Assistance Notice;	

51	Termination Assistance Notice	has the meaning given to it within Paragraph S401.1 of the Scope.	
52	Termination Assistance Period	the period specified in a Termination Assistance Notice for which the <i>Supplier</i> is required to provide the Termination Assistance as such period may be extended pursuant to Paragraph S401.1 of the Scope;	
53	Transferable Assets	Exclusive Assets which are capable of legal transfer to the <i>Supplier</i> , has the meaning given to it within Paragraph S401.1 of the Scope;	
54	Transferable Contracts	Sub-Contracts, licences for Supplier's Software, licences for Third Party Software or other agreements which are necessary to enable the <i>Purchaser</i> or any <b>Replacement Supplier</b> to provide the <b>Deliverables</b> or the Replacement Goods and/or Replacement Services, including in relation to licences all relevant Documentation;	
55	VCSE	means Voluntary, Community and Social Enterprise, a non-governmental organisation that is value-driven which principally reinvests its surpluses to further social, environmental or cultural objectives. VCSEs include small local community and voluntary groups, registered charities, foundations, trusts and the growing number of social enterprises and co-operatives.	
56	Worklessness (or Workless)	is as defined by the Office of Public Statistics in the document entitled "Definitions, references and indicator sources for Work, Worklessness and Health: Local Infographic tool" (published June 2018) (including any revisions from time to time).	
57	Work Related Road Risk (WRRR)	also known as occupational road risk, is the term used to describe the dangers associated with driving or riding as part of a job.	

		<p>Driving/riding for work is any journey that is not to the usual place of work. The law applies to both company and grey fleet vehicles (those owned by workers). The law applies to employees and anyone engaged to work for a company including dependent contractors and the self-employed.</p> <p>The management of work-related road risk is covered under the Health &amp; Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999. The Health &amp; Safety Executive guidance can be found at <a href="https://www.hse.gov.uk/roadsafety/employer/index.htm">https://www.hse.gov.uk/roadsafety/employer/index.htm</a></p>	
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