**RSSB2705 - Legal support services to the RDO**

Tender Question and Answer Document

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| **Supplier Question 1**  Can you please confirm when RSSB will respond to CQs. |
| **RSSB Answer 1**    RSSB will endeavour to answer all clarification questions as soon as possible. |
| **Supplier Question 2**  Is this tender process open to firms who are firms already appointed to the Network Rail Legal  Advisors’ Panel? |
| **RSSB Answer 2**  RSSB would not see an issue with this. |
| **Supplier Question 3**  The pricing schedule includes an unusually high level of granularity (including referring to a number of previous years from 2014 onwards and subsequent years through until 2023 - a total period of 9 years). How is pricing to be marked? Will the 40% all be applied to the total – or is it broken down into more detail, and if so what is that detail? |
| **RSSB Answer 3**  This is an error in terms of the total number of years. The pricing is for the financial year 2018/19.  Regarding the weighting, please refer to the I.T.T which outlines the elements of the commercial pricing. |
| **Supplier Question 4**  We note that this work package is due to end by 30 November 2018, i.e. within 18/19.  Please confirm whether it is necessary to complete information in the pricing schedule in respect of  other years (i.e. 14/15 – 22/23, other than 18/19). |
| **RSSB Answer 4**  This is an error and the only years to be filled in are 18/19. |
| **Supplier Question 5**  We note that you identify the Estimated Value of the Requirement as £40,000-£50,000 (**EVR**), and that a fixed price is requested in respect of a scope of work that is potentially open-ended i]n terms of hours required and the time period involved. The variables including the approach taken by NR are outside the control of tenderers. Is your intention that bidders will bid a fixed scope of work against a fixed price within the EVR range? |
| **RSSB Answer 5**  RSSB has a budget of between £40,000 to £50,000 for this project. Given the specification as outlined in the I.T.T it is down to tenderers to decide what their proposed cost for the delivery of the specification is |
| **Supplier Question 6**  Please confirm the maximum amount of support required (in terms of number of hours) with negotiation with Network Rail. |
| **RSSB Answer 6**  RSSB is unable to advise on this. |
| **Supplier Question 7**  Please confirm the maximum number of redrafts of the Contract (and Heads) required. |
| **RSSB Answer 7** |
| **Supplier Question 8**  If the answer to CQ2.2 above is ‘**no’**, please explain the purpose of the EVR. For example, is this intended as a cap on the price that can be bid, or only an indicative prediction as to the amount of support which will be required? |
| **RSSB Answer 8**  Please see the answer given. |
| **Supplier Question 9**  We note that the RFP refers to the *“provision of this legal advice is critical to RSSB securing this programme of work”* (p21 ITT). Please confirm whether (a) RSSB has already secured this programme of work and requires advice on the resulting contract with Network Rail; or (b) the winning tenderer will be advising on RSSB's negotiations or bid to secure this programme of work; or (c) otherwise (if so, please describe). |
| **RSSB Answer 9**  RSSB has not secured this programme of work as of yet.  RSSB is seeking advice on the potential form of contract or otherwise between RSSB & Network Rail in the event that RSSB is successful. |
| **Supplier Question 10**  What is the nature of the legal relationship between Network Rail and RSSB that is to be documented in the Heads and subsequently Contract? For example, is Network Rail funding RSSB to set up the RDO, or will Network Rail have a more material role (and, if so, what)? |
| **RSSB Answer 10**  RSSB is a membership organisation with Network Rail as one of its members.  Network Rail has a relationship has relationship with the Department for Transport as part of Central Government, sit the latter acting as a the Accounting Officer and thus the relationship is more material. |
| **Supplier Question 11**  You refer to *“initial work that has developed a draft Memorandum setting out key elements of the contractual structure and roles of participants from a legal and contractual viewpoint".* Is this Memorandum available for tenderers to see? If so, please provide. |
| **RSSB Answer 11**  No.  However it will be made available to the winning tenderer. |
| **Supplier Question 12**  What is envisaged by the *“setting up of ancillary arrangements as may have been agreed as part of the above process”*. For example, is this further agreements between Network Rail and RSSB (and if so what is envisaged?), or setting up wider compliance with the Contract (which may involve establishing the RDO and its contractual framework)? |
| **RSSB Answer 12**  RSSB may require further legal advice on legal issues that arise as a result of the contract with NR.  For example, sharing of data and intellectual property. |
| **Supplier Question 13**  You also indicate that *“further advice may be required in the areas of the commercial contracts and procurement of research, development and technology including the treatment of Intellectual Property”*. We assume this uncertain scope is not intended to be included within the fixed price: please confirm. |
| **RSSB Answer 13**  The assertion given is correct. |
| **Supplier Question 14**  Can you please clarify 6.4 of the ITT:  *“The documents as enclosed are to be accepted in their entirety. No alteration Representatives before the date stated for the receipt of tenders. If any alteration is made or these instructions to Suppliers are not fully complied with the tender may be invalidated”* |
| **RSSB Answer 14**  We are unsure as to what clarification is needed in the above. |
| **Supplier Question 15**  Selection criteria  S1 Experience of the supplier in delivering similar services  S2 Understanding of the requirement  Can you please advise if there will be any other scoring criteria other than pass / fail for these two questions? |
| **RSSB Answer 15**  For question “S1” and “S2” the evaluation criteria is stated next to the questions. |
| **Supplier Question 16**  A2 Project Delivery Resources  Can you please confirm if CVs for the proposed team are within the 5 pages limit or we need to include them as a separate Appendix? |
| **RSSB Answer 16**  For question “A2” CV’s may be included outside of the 5 page limit. |
| **Supplier Question 17**  You have asked us to identify risks, but can you please confirm whether those risks are in respect of: (i) the contract we are to draft between RSSB and Network Rail (and which RSSB is to perform), or (ii) the contract between RSSB and us (ie in respect of the provisions of our legal services to RSSB)?  Can you advise if there is a page limit for this question? |
| **RSSB Answer 17**  It is the responsibility of tenderers to identify what risks are to be included.  There is no page limit for this question. |