



INVITATION TO TENDER & STATEMENT OF REQUIREMENT

Train company website accessibility review.

CPV Code: 71311200

Tender Reference: ORR/CT/21-64

Purpose of document

The purpose of this document is to invite proposals for **Train Company Website Accessibility Review** 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 (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, E14 4QZ.

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

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
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

2.1 Background to the project

This is a project to conduct a review of the accessibility of train operator websites.

ORR and accessibility

This work is being commissioned by ORR's Consumer Policy Team. The Team is responsible for approving policies and monitoring compliance under passenger-facing licence conditions.

Access to public transport is a necessity of everyday life for many. As the sector regulator, we recognise the importance of rail being accessible. One of our key roles is to ensure that train companies enable disabled passengers to make their journeys with ease and confidence. This involves physical access to infrastructure and services, and also includes accurate, useful and accessible information about services, ticketing, and the provision that the company can make for disabled passengers.

We do this by requiring train and station operators to establish and comply with an Accessible Travel Policy (ATP) as a condition of their operating licence. Each operator's ATP sets out their policies and practices to support disabled people using its services. ORR has published [guidance](#) for operators, setting out what they must include within their ATP. ORR is responsible for approving these ATPs, and then monitoring operator compliance.

Web accessibility – requirements and previous monitoring

Operators must, as a condition of approval for their ATP, provide a website source of relevant information about assisted travel, and work towards achieving the Website Content Accessibility Guidelines (as set by the W3C, the main international standards organisation of the internet). These obligations play an important role in ensuring that operators' websites communicate effectively to all passengers and that information provided is clear and accessible.

ORR undertook two separate reviews in 2020 to assess compliance with these ATP guidance requirements for 25 train operators. The outputs of these reviews were summarised in our April 2021 document, [Towards accessible assisted travel information](#).

- The first review assessed the provision and navigation of **assisted travel** information on operators' websites. Operators responded positively to the findings of this review. By April 2021, 18 operators were deemed to be 'fully compliant', with a further 7 on the 'path to compliance'.
- The second review was a snapshot of **technical compliance** of operators' websites with the Website Content Accessibility Guidelines (WCAG) 2.1 standard, level AA. This automated review was conducted by the Shaw Trust, using a computer program. It found a varying standard of compliance

with the WCAG standards, with all operators failing in some areas. ORR wrote to operators in November 2020, asking them to provide a workplan setting out how they were going to address the areas of noncompliance by the end of 2021.

Since these reviews ORR has continued to engage with operators on a regular basis, seeking updates on their progress. We are now approaching the 31 December 2021 deadline for operators to have made the necessary changes to achieve compliance.

2.2 Project Objectives & Scope

This project is primarily an assurance exercise, to verify that 25 operators have made the improvements in the necessary technical areas that were identified in November 2020 and are now compliant with the relevant WCAG standards. There is also one new operator, who will need to be assessed for the first time. Having previously made use of an automated method to assess against these criteria, we are interested in revisiting a form of website accessibility testing to understand whether the issues identified have been resolved, in addition to highlighting any remaining ones. On top of this we are also interested in additional proposals that place a greater emphasis upon user-experience for people with a range of disabilities, and that focus in particular on the most-used areas of operators' websites for disabled passengers.

Secondly, we also seek assurance that those operators previously assessed to be 'on the path to compliance' with regards to accessibility information have made the necessary improvements to ensure that they are compliant with the ATP guidance criteria (See ATP guidance section A2.5.2.a-g).

Lastly, we want to survey operator websites to identify any areas of outperformance or best practice. Some operators have sought to innovate in this area. If there are areas where website functionality for disabled passengers now goes above and beyond the requirements of WCAG and ATP then we want to identify and publicise these improvements.

The main tasks for the appointed supplier will be:

- To review the existing evidence base: to familiarise themselves with previous outputs (including summary reports, individual letters to operators, and working-level materials from the previous reviews). Relevant materials can be made available to potential bidders on request.
- To conduct a gap-analysis test between the previously-identified areas of technical non-compliance, recommendations and action-plans, and the current provision of operators' websites.
- To review the accessibility of operator websites using a methodology that places an emphasis on the user-experience (as distinct from automated algorithm).
- To draft a report for the technical test and user-experience review which includes comparable data across operators.
- The report should include both summary conclusions and detailed findings. The summary should provide a high-level snapshot of industry and operator performance, using RAG ratings, star-ratings, or other similar method. The detail should include a breakdown of performance per operator which can be used by them to understand the exact issue in relation to location and

component. It should include a breakdown of cross-industry performance by area, allowing ORR to identify cross-industry performance against the various criteria.

- The drafting process should include production of an interim report or presentation to allow ORR to make comments no later than 2 weeks before the final report is submitted.
- To engage proactively at the outset and, as appropriate, throughout the process with operator working-level accessibility experts to discuss progress, raise queries, etc. This will involve attending a cross-industry meeting of accessibility experts at or near the outset of the project.
- To communicate on a regular basis throughout the project with the ORR accessibility manager. To include: kick-off meeting; weekly updates via email or telephone; presentation of findings to managers within the consumer team.

We anticipate that the project will take approximately two and a half months, with the final report to be presented by 25th March. An initial draft report should be presented two weeks prior, to allow ORR to make comments.

2.3 Project Outputs, Deliverables and Contract Management

Outputs and Deliverables

- Project plan: at the outset, including resource allocation and milestones.
- Interim presentation of emerging findings, at the end of the 'fieldwork' phase.
- Draft report (so that ORR has the opportunity to provide comments before the report is finalised)
- Final report, incorporating ORR amendments. A detailed analysis of technical compliance by operator and area to be included within this report.
- A presentation of findings and recommendations to a team meeting within ORR.
- ORR will own the intellectual property rights in any documentation or outputs produced under the contract.

2.4 Project Timescales

The provisional project timetable is as follows:

- Start-up meeting and commencement w/c 10th January 2022
- Weekly updates on progress and any issues
- Presentation of interim findings w/c 21st February (or as agreed)
- Draft report by 11th March.
- Final report by 25th March

2.5 Budget and Payment Schedule

The maximum budget for this piece of work is £25, 000 (inc. of expenses, exc. of VAT).

Payment of the total fee will be on the delivery and acceptance by ORR of all required outputs and/or 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

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
- 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; and
- Project roles and responsibilities
- Confirmation that you have carried out the necessary employment checks (e.g. right to work in the UK)
- Some relevant examples of previous work that bidders have carried out (eg. case studies), **or**
- Details of at least two relevant reference projects along with contact details of clients.

d) Pricing

A fixed fee for the project inclusive of all expense. This should include a breakdown of the personnel who will be involved with the project, along with associated charge rates and anticipated time inputs that can be reconciled to the fixed fee.

e) Conflicts of Interest

Confirm whether you have any potential, actual or perceived conflicts of interest that may be 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 met
- c) Explain how your organisation will engage with external stakeholders;
- d) Outline how the proposed approach utilises innovative 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.

Name of consultant	Grade	Role	Day rate	Number of days	Total cost (ex VAT)

Please note that consultancy grades should align with the following definitions:

Grade	Requirement
Junior consultant	Demonstrable experience in a wide range of projects in their specialist field. Evidence of client facing experience and support services to wider consultancy projects.
Consultant	Notable experience and in-depth knowledge of their specialist field. Evidence of a wide range of consultancy projects and client facing experience. Support work in process and organisational design and leading workshops and events.
Senior Consultant	Substantial experience in their specialist field and in a consultancy/training role. Previous experience in project management and working in a wide range of high quality and relevant projects. Familiarity of the issues/problems facing public sector organisations.
Principal Consultant	Substantial experience in their specialist field and in a consultancy/training role. Sound knowledge of the public sector and current policy and political issues affecting it. Previous experience in project management on at least three major projects, preferably in the public sector and using the PRINCE2 or equivalent method.

Managing Consultant	Substantial experience in their specialist field and in a consultancy role. In depth knowledge of the public sector and of current policy and political issues affecting it. Previous experience in project management on at least 5 major projects, preferably in the public sector and using PRINCE2 or equivalent methods.
Director / Partner	Extensive experience in their specialist field, in which they are nationally or internationally renowned as an expert. Extensive experience of leading or directing major, complex and business critical projects; bringing genuine strategic insight. In depth knowledge of the public sector and of current policy and political issues affecting it.

Marking Scheme

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

4. Procurement procedures

Tendering Timetable

The timescales for the procurement process are as follows:

Element	Timescale
Invitation to tender issued	3 rd December
Deadline for the submission of clarification questions	21 st December
Deadline for submission of proposals	4 th January
Award contract	7 th January
Project Inception Meeting	w/c 10 th January

*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:

<i>Clause Number</i>	<i>Existing Wording</i>	<i>Proposed Wording</i>	<i>Rational for amendment</i>

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

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

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

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

Typically the following information will be published:

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

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

In addition, as a public authority, ORR is subject to the provisions of the Freedom of Information Act 2000. All information submitted to a public authority may need to be disclosed by the public authority in response to a request under the Act. ORR may also decide to include certain information in the publication scheme which it maintains under the Act. If a bidder considers

that any of the information included in its proposal is commercially sensitive, it should identify it and explain (in broad terms) what harm may result from disclosure if a request is received and the time period applicable to that sensitivity. Bidders should be aware that even where they have indicated that information is commercially sensitive ORR may be required to disclose it under the Act if a request is received. Bidders should also note that the receipt of any material marked “confidential” or equivalent by the public authority should not be taken to mean that the public authority accepts any duty of confidence by virtue of that marking. If a request is received ORR may also be required to disclose details of unsuccessful bids

Please use the following matrix: to list such information:

Para. No.	Description	Applicable exemption under FOIA 2000