

**INVITATION TO TENDER**

**&**

**STATEMENT OF REQUIREMENT**

**Procurement of a supplier of specialist Railway Safety resource into the Office of Rail and Road**

**CPV Code:79600000**

**Tender Reference: ORR/CT/18-02**

**Purpose of document**

The purpose of this document is to invite proposals for the supply of specialist Railway Safety resources into the Office of Rail and Road.

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 now 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, One Kemble Street, London.

Our strategic objectives

**1. A safer railway:** Protecting passengers, the workforce and the travelling public is at the heart of what we do. We will continue to hold industry to account to deliver safety improvements, focusing especially on level crossings, the train-to-platform gap, and through overseeing better design at the outset.

**2. Better customer service:** Our response to the recent ‘super-complaint’ highlights more which can be done to deliver a better deal for passengers in respect of compensation for delays.  We shall, as promised, monitor operators’ progress closely here, as indeed we shall on complaints handling, on provision for disabled passengers, and on information provided during disruptions.

**3. Value for money from the railway:** The rail network is in the middle of a challenging, multi-billion pound investment programme. We want to see the infrastructure owner, train operator and freight company working together to improve efficiency and boost value for money for taxpayers, fare payers and funders. We will continue to monitor and report on Network Rail’s performance to help ensure that it operates as a world-class, efficient asset management company.

**4. Better highways:** Highways England now has a £15bn, five-year plan with eight specific targets. Our role is to monitor its progress on this. These targets include a 40% reduction in the number of people killed or seriously injured by 2020; a road user satisfaction score of 90% by March 2017; clearing 85% of incidents within an hour; and making £1.2 billion of savings on capital expenditure.

**5. Promoting a dynamic and commercially sustainable rail sector:** Our vision for the future will be set out in our first core document outlining the next Periodic Review, “PR18”, which we will consult on from later in the Spring.

Building on the recommendations of the Shaw review, PR18 will consider options for route based regulation, underpinned by a strong system operator and for an effective charging and incentives regime for Network Rail as the network monopoly.

**6. High performing regulation:** Structural and funding changes shaping both the rail and road networks mean that a high performing regulator is more vital than ever. We are continually developing our professional expertise to ensure maximum, positive impact. Working across rail and road in a joined up manner is also supporting us in developing and applying proportionate, risk-based regulation.

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** |
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| **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** |
| It's ORR’s responsibility to ensure that those responsible make Britain's railways safe for passengers and provide a safe place for staff to work.Britain now has one of the safest railways in Europe – for passengers and for workers, but we cannot be complacent. There is always more the industry can do to improve this country's health and safety record even further. We regulate health and safety for the entire mainline rail network in Britain, as well as London Underground, light rail, trams and the heritage sector.A team of HM Inspectors of Railways covers the UK. In support of these the ORR has a number of Railway specialists, and we are now looking to recruit into two of these roles.**HM Inspector of Railways (Electrical Safety and Signalling Specialist)** We are looking for an enthusiastic experienced Electrical Engineer to lead ORR’s Railway Safety Directorate’s work on electrical safety and to provide direction to the Network Rail Division’s interventions on signalling.Within the Network Rail Division of ORR’s Railway Safety Directorate is a small number of Project Teams, who lead our specialist safety and asset functional topics. This role will provide our Electrical Safety expertise. The role involves scrutiny of Network Rail’s current and future electrical infrastructure: how it is designed, maintained and operated to ensure the safety of staff and members of the public. The topic is a high priority for ORR to achieve strategic improvements in the industry’s control of risk. It has also been a high-profile area as we have challenged Network Rail to secure better legal compliance at both new and legacy electrical infrastructure.**HM Principal Inspector of Railways (Track Project Team Manager)** The Track Project Team is a small team within the Railway Safety Directorate (RSD) working closely with front line route teams and Directorate of Railway Planning and Performance (RPP) engineers to secure excellence in health and safety culture and risk control in Network Rail’s management of their track and lineside asset.This role as a specialist manager leads a team of inspectors in delivering a programme of work focusing on Network Rail’s management of safety risk arising from their track and lineside asset; providing assurance that risks arising from the track asset’s full life cycle are being managed as low as reasonably practicable. The role will involve maintaining our strategy, identifying key areas for intervention, leading and mentoring colleagues, and managing staff. Working closely with colleagues from RPP, the post holder will manage RSD’s relationship with Network Rail on track and lineside matters.More details on the Office of Rail and Road can be found [here](http://orr.gov.uk/). |
| **2.2 Project Objectives & Scope** |
| The purpose of the procurement is to select a recruitment partner who is able to conduct a successful recruitment campaign for two Railway specialists.There is an immediate need for these resources so we will be looking for a quick response from the market, and will be looking to appoint a recruitment partner ideally by the start of May. |
| **2.3 Project Outputs, Deliverables and Contract Management**  |
| **Outputs and Deliverables**The selected partner consultant will deliver:* A proposed approach to finding the Railway specialist roles
* A well-managed and effective campaign
* Ongoing progress reports
* End-to-end candidate management
* High quality candidates to interview

**Contract Management Requirements**During the campaign to recruit the Specialists, the selected partner will keep HR and the two Team Leaders updated on progress, at least twice-weekly.At all stages the partner is responsible for keeping the Team Leaders and the applicants updated with progress, and with managing all aspects – turndowns, interview details, references, etc.All Civil Service standards in respect of fair and open principles are to be followed closely.Full diversity statistics will be expected after the campaign. |
| **2.4 Project Timescales** |
| The provisional campaign timetable is as follows:* Partner selected by 1st May
* Campaign runs so interviews are held by the end of May
* Offers made during early June and acceptances secured by mid-June

The contract is deemed to be in place until such time as the successful candidates commence with ORR. |
| **2.5 Budget and Payment Schedule** |
| Bidders should set out their proposed payment schedule which should be weighted in terms of payment on the successful appointment of each post.Bidders should provide costs for optional services they consider relevant.As the searches will be run concurrently ORR expects efficiency saving to be made by the chosen supplier and these to be passed on to us in the form of reduced fees. 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** |
| **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. |
| **2.7 Terms and Conditions** |
| **Terms & Conditions**Noting the paragraph below, please forward your standard terms and conditions. Please note that, at our absolute discretion, we reserve the right to negotiate the terms and conditions or reject bids if we believe the proposed terms and conditions do not adequately protect our contractual interests or have not taken in to account the requirements of the next paragraph. Regulation 113 of the Public Contracts Regulations 2015 requires the ORR to ensure that every public contract it awards contains suitable provisions requiring us to pay invoices submitted by the contractor under the contract no later than the end of a period of 30 days from the date on which the invoice is regarded as valid and undisputed. In addition, any subcontract awarded by the contractor for the provision of the subject matter of this ITT must also contain suitable provisions to impose, as between the parties to the subcontract the same payment requirement. Also, any subcontractor who in turn awards a further subcontract in relation to the subject matter of this ITT must include provisions to impose, as between the parties to that subcontract, requirements to the same effect. |

**3. Tender Response & Evaluation criteria**

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| **3.1 The Tender Response** |
| Your proposal should include an outline of how you will meet the requirements outlined in section (2) “Statement of Requirement”. The following information should be submitted: **a) Understanding of our requirements** * You should demonstrate an understanding of the requirement and overall aims of the project.

**b) Approach to our requirements*** An explanation of your proposed approach to undertaking the searches and any methodologies you will use, including the publicity strategy you propose to deliver a diverse field of candidates;
* Your views on the deliverability of our outline recruitment timetable, suggestions for reducing the recruitment timescale and any consequential risks that this may cause;
* Examples of the ‘testing’ methodologies that you believe are appropriate for the roles, setting out the costs, benefits and shortfalls;
* The types of advertising you believe are most appropriate for the roles;
* Details of your assumptions and/or constraints/dependencies made in relation to the searches;
* A project plan to show how deliverables will be produced within the required timescales, detailing the resources that will be allocated;
* Your understanding of the risks, and explain how they would be mitigated to ensure delivery
* What support you will require from us and any additional stakeholders;

**c) Proposed delivery team and Experience of the Organisation*** C.Vs of the key personnel including details of how their key skills, experience and qualifications align to the delivery of the project; and
* Project roles and responsibilities
* Up to three relevant examples of previous searches you have carried out (eg. case studies).

**d) Pricing**An itemised fee including the base search fee, which should include all administration costs, all costs associated with the provision of long and short lists, preparation for and participation in candidate interviews etc. In addition, please provide costs for any additional services such as psychometric assessment of candidates. Please note any advertising fees will be required to be invoiced separately and charged at cost. |
| **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

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 our 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: **Tender Qualification**Do the proposed terms and conditions adequately protect ORR’s contractual position **Yes / No**If ‘Yes’ tenders will be evaluated using the following criteria **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, highlighting how well your organisation understands the leadership capability requirements of senior executives working in a policy development and delivery environment;b) Explain how your organisation will work in partnership with the ORR, and other stakeholders; c) Explain how your organisation will engage with prospective candidates, including how your organisation has acted to promote diversity;1. Explanation of how risks will be managed and mitigated

*Optional,if proposed*1. With regards to the provision of psychometric assessment of candidates please:
* Provide evidence of the professional qualifications of each of the proposed assessors,
* Describe the depth and breadth of the experience and expertise in psychometric test interpretation of each proposed assessor
* Describe and provide evidence of how well your organisation understands the context and requirements of public sector assessment at senior executive level, and its experience in this sector. Evidence should include the organisation’s reflections on the current key drivers for change in the senior leadership skill-set. Include evidence of the breadth and depth of that understanding, across talent profiling and assessment for selection and development

**Delivery (15%)**The proposal should set out how and when the project requirement will be delivered. In particular, it must:a) Explain how this project will be delivered to timescale, (including the delivery of MI and candidate reports), and how milestones will be met, detailing the resources that will be allocated to each stage; b) Demonstrate your 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 (25%)**The proposal should set out the organisation’s and the delivery team’s experience relevant to the project requirements. In particular, it must:a) Provide CVs of the consultants who will be delivering the searches; b) Highlight relevant experience of the proposed team for this project, submitting examples of similar projects – see above.c) up to three case studies **Cost / Value for money (30%)**An itemised fee including the base search fee, which should include all administration costs, all costs associated with the provision of long and short lists, preparation for and participation in candidate interviews etc. In addition, please provide costs for any additional services such as psychometric assessment of candidates. Please note any advertising fees will be required to be invoiced separately and charged at cost.**Marking Scheme**

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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 |

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**4. Procurement procedures**

Tendering Timetable

The timescales for the procurement process are as follows:

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| **Element** | **Timescale** |
| Invitation to tender issued | Tuesday 10th April |
| Deadline for the submission of clarification questions | Mid-day Tuesday 17th April |
| Deadline for submission of proposals | Mid-day Tuesday 24th April |
| ORR panel discussion / short list | Wednesday 25th April |
| If required – telephone clarification | Friday 27th April |
| Award contract | Tuesday 1st May |
| Project Inception Meeting | Thursday 3rd May |

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:

|  |  |  |  |
| --- | --- | --- | --- |
| ***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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