

**INVITATION TO TENDER**

**&**

**STATEMENT OF REQUIREMENT**

**Network availability/possession management – Periodic Review 23, stakeholder engagement and additional assurance for ORR**

**CPV Code: 79400000**

**Supplementary Code: 71311200**

**Tender Reference: ORR/CT/22-35**

**Purpose of document**

The purpose of this document is to invite proposals for **Network availability/possession management – Periodic Review 23, stakeholder engagement and additional assurance** **for ORR** 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 National Highways 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 360 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** | |
|
| **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** |
| Periodic Review 2023  The Office of Rail and Road’s (ORR’s) current periodic review process (PR23) will conclude in 2023. PR23 will determine funding and output requirements for the infrastructure manager of the national rail network (currently Network Rail) for control period 7 (CP7). CP7 is the five year period from April 2024 to March 2029. Further information on PR23 can be found on the [PR23 pages on ORR’s website](https://www.orr.gov.uk/monitoring-regulation/rail/networks/network-rail/price-controls/pr23).  The ORR has recently published consultations on [outcomes, infrastructure performance and managing change](https://www.orr.gov.uk/sites/default/files/2022-07/2022-07-28-pr23-overall-framework-consultation-document.pdf) and the [measures and approach we will take to monitoring network availability and possession management in CP7 (chapter 12)](https://www.orr.gov.uk/sites/default/files/2022-07/2022-07-28-pr23-policy-framework-technical-consultation-document.pdf). As set out in these consultations, as part of our Outcome Framework for control period 7 (CP7), we plan to use tiered measures of performance and monitoring for a number of different outcomes areas related to the rail infrastructure manager’s performance.  Network availability and possession management  Planned engineering works on the railway cause disruption to both train operators and end-users. However, the infrastructure manager needs sufficient access to the infrastructure to efficiently maintain, renew and enhance the infrastructure. The aim of a network availability measure(s) is to provide sufficient incentives for the infrastructure manager to plan efficiently, considering these competing demands.  If the infrastructure manager seeks more disruptive access to undertake its engineering works, it must demonstrate that the possession is well planned and is being used efficiently. It is also important that the infrastructure manager plans these possessions within an appropriate timeframe to enable customers and end-users to plan ahead.  Network Rail’s Schedule 4 possession regime currently provides a financial incentive for Network Rail to effectively plan possessions. Schedule 4 of track access contracts provides financial compensation to train operators for the impact of planned disruption linked to engineering possessions. It also incentivises Network Rail to minimise disruption and to provide timely advance notice to users of the network about the possessions it plans to take.  There have recently been dramatic changes in the rail industry’s commercial dynamics and the role of Schedule 4. Among other things, governments have replaced franchises with concession-style agreements and have brought services under greater direct public sector control or are in the process of doing so. These changes have had the effect for private operators of removing some of the revenue and cost risk associated with planned disruption. In addition, the [Williams-Shapps plan for Rail](https://www.gov.uk/government/publications/great-british-railways-williams-shapps-plan-for-rail) states that Great British Railways (GBR) will take the revenue risk for operators that it will contract with through Passenger Service Contracts (PSCs). This means that, for these operators, the financial protection function offered by the Schedule 4 regime may no longer be needed.  As a result of these recent and potential future changes (as a result of rail reform), we have consulted on proposals ([consultation regarding our review of the Schedule 4 possessions regime and Schedule 8 train performance regime](https://www.orr.gov.uk/search-consultations/review-schedule-4-possessions-regime-and-schedule-8-train-performance-regime)) to introduce an opt-out mechanism to Schedule 4, whereby train operators could completely or partially opt out of Schedule 4. We also proposed to monitor and report on network availability and late possession changes / cancellations on a more granular level.  We reflected this position in our technical consultation on the measures we will use to hold the infrastructure manager to account in CP7. In this consultation we outlined that we would continue to develop options for how we monitor network availability and engage with funders and stakeholders, such as passenger train and freight/open access operators, throughout PR23 to gauge if this approach is effective and to consider any changes required as a result of rail reform.  This research and policy development project will form part of that continued engagement.  As described above, this is a complex area reaching across different areas of policy, economics, incentives, operations, asset management, engineering, business planning and timetabling. It is important that partners in the project can get up to speed quickly with these complexities and/or have good existing understanding of the rail industry and this outcome area. Specialist staff within ORR will help to mitigate any risk by providing information, support and guidance. |
| **2.2 Project Objectives & Scope** |
| As described in the previous section, the proposal for operators to opt-out of the Schedule 4 regime has the potential to reduce the financial incentives on the infrastructure manager to plan possessions efficiently and minimise disruption to end users. We are therefore considering additional levels of reporting on possession trends and variances, notifications as well as late possession changes and cancellations. The results of this regime would be reported publicly to provide a strong reputational incentive.  There are a number of options on the package of measures we can use to monitor and publicly report:   * availability of the rail network for train operators to run services; and * the infrastructure manager’s effective and timely planning of possessions.   These options range from a ‘do nothing’ approach, where the financial levers (GBR taking the revenue risk related to PSC operators) provide the incentive to reduce disruption to passengers, to a suite of measures where we report against targets/trajectories. We also expect stakeholders, such as train operators and funders, will have a keen interest in our proposals on this subject.  **Objective**  We are looking for a consultant to engage with stakeholders and provide its expert opinion, to help ORR to reach a robust evidence-based policy position on its new approach to monitoring network availability and possession management in CP7. This will help us build a robust proposal, informed by the views of operators, the infrastructure manager and other stakeholders impacted by both the change in incentive regime and our monitoring approach.  In terms of wider outcomes, this study should provide evidence for a robust approach for monitoring network availability and possession management in CP7 to be outlined in our Final Determination, published in October 2023. This should be based on a suite of measures and qualitative information we can use to monitor Network Rail. We do not expect this work to propose the development of new metrics to monitor Network Rail’s management of possessions and network availability, ahead of implementation of rail reform. Instead, this work should highlight the strengths and weaknesses of current measures, so GBR can consider these in the development of any future measures post rail reform.  **Scope**  The scope is made up of three key parts:   * **development and assessment of options** for a package of network availability and possession management measures to be publicly reported; * **survey work with stakeholders** to understand their views on the options; and * **proposal of a recommended option via engagement with ORR specialists,** with clear rationale.   We expect the consultant to develop around three to five options for packages of measures that we will use to monitor, and publicly report, the infrastructure manager’s performance in this area. These options should first be developed with ORR and updated iteratively, based on the further survey work with stakeholders.  In this regard the consultant should complete some survey work with stakeholders such as NR, Great British Railways Transition Team (GRBTT), operators and funders. This will help us gain a more granular insight above and beyond our responses to our PR23 consultation. The consultant should consider the following key areas when shaping the survey design:   * the options developed in the earlier stages of the study; * whether there is still a case for monitoring data from the Access Disputes Committee (ADC) and a late notice changes surveys, as in control period 6 (CP6); * how to monitor ‘fairness’ with respect to this outcome area, particularly given the diverging compensation arrangements between PSC passenger operators, open access operators and freight operators (and in the context of the non-discrimination requirements within industry legal/governance frameworks); * the potential to highlight positive case studies in terms of decision-making, planning; communication, engagement; sharing of good practice and efficient possession; * the maturity of the infrastructure manager’s ability to make balanced decisions on renewals and network availability with concomitant revenue risk during a period of significant cost pressures within the industry; * the risk of unintended consequences of any new approach and mitigating actions needed e.g. with reputational incentives for Network Rail to reduce possessions, it might not be clear whether this represented efficient behaviour (rather than, for example, a failure to adequately maintain the network); * expectations with respect to network availability and possession management for Network Rail’s Strategic Business Plan (SBP). This is due to be published in February 2023 and could potentially set expectations for a certain amount of ‘unavailability’ at the outset of the control period.   When the consultant has completed its engagement with stakeholders, it should revisit the options developed:   * determine any changes to each option; * set out the pros and cons of each option (including clear reference to feedback from stakeholder engagement); and * propose a recommended option, with a clear rationale.   We anticipate the work to run from October 2022 through to the end of January 2023. |
| **2.3 Project Outputs, Deliverables and Contract Management** |
| **Outputs and Deliverables**  The consultant is to deliver:   * Survey appropriate for the task at hand, designed in collaboration with ORR contacts; * Face-to-face interviews (video calls if appropriate) with around 12 key stakeholders: 2 x train operators under DfT contracts, ScotRail, 2 x open access operators; 2 x freight operators; rail freight group; DfT; Transport Scotland; 2 x Network Rail and GBRTT. ORR will help with introductions to the relevant contacts. * Development of early options; * Interim presentation of emerging findings; * Workshop with ORR experts to present/discuss recommendations; * Draft report for comment which details the findings, conclusions and recommendations; * Final report which incorporates the amendments from the ORR; and * A presentation of the findings and recommendations to the ORR.   **Contract Management Requirements**  We propose to manage the contract by weekly meetings, and other ad-hoc meetings and communication as required. We will consider interim milestones in collaboration with the successful bidder i.e. final survey, interim findings, draft report etc.  **Intellectual Property Rights**  We will establish who will own the intellectual property rights in any documentation/outputs produced under the contract once we have a successful bidder. |
| **2.4 Project Timescales** |
| The provisional project timetable is as follows:   * Start-up meeting and commencement w/c 10 October; * Weekly updates on progress and any issues; * Early options/findings in early December; (or as agreed); * Presentation of interim findings by end of December 2022 (or as agreed); * Draft report early January 2023 (or as agreed); and * Final report by end of January 2023. |
| **2.5 Budget and Payment Schedule** |
| The maximum budget for this piece of work is £40,000 (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.  As the project is reliant on information supplied by third parties such as TOCs and Network Rail we will agree with the successful bidder suitably worded confidentiality agreements; As a general rule, the confidentiality agreement will be between the provider of the third party data and the chosen supplier.    **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; * Compliance with any security requirements outlined in the SOR, including details of accreditation for systems (e.g. ISO27000, Cyber Essentials) etc; and * 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) and 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 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 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   1. Explain how your organisation will engage with external stakeholders; 2. Outline how the proposed approach utilises **innovative** consultation methodologies to develop a diverse and comprehensive evidence-base   **Delivery (20%)**  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 (30%)**  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**  For the Methodology, Delivery and Experience shall be scored using the following:   |  |  | | --- | --- | | 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 |   For the Price evaluation the following shall apply:  Fixed fee  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  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 fee. |

**4. Procurement procedures**

Tendering Timetable

The timescales for the procurement process are as follows:

|  |  |
| --- | --- |
| **Element** | **Timescale** |
| Invitation to tender issued | 07 September 2022 |
| Deadline for the submission of clarification questions | 16 September 2022 10:00hrs |
| Deadline for submission of proposals | 23 September 2022 10:00hrs |
| Shortlisted suppliers notified | 28 September 2022 |
| Interviews and presentations\* | w/c 03 October 2022 |
| Award contract | 07 October 2022 |
| Project Inception Meeting | w/c 10 October 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.

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

**Accessibility Guidelines**

As a public body we are legally required to comply with accessibility guidelines. Please ensure any commissioned report is in a format that meets web accessibility regulations. [**Document accessibility guidance for consultants**](file:///C:\Users\BAugusto\AppData\Local\Box\Box%20Edit\Documents\ccf3VgqfXkaV5GQ1YEEwTA==\Document%20accessibility%20guidance%20for%20consultants)

**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:

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