

**INVITATION TO TENDER**

**&**

**STATEMENT OF REQUIREMENT**

**Road Investment Strategy 3: Procurement and Project Management Capability Review**

**CPV Code: 79411100**

**Tender Reference: ORR/CT/21-113**

**Purpose of document**

The purpose of this document is to invite proposals for **Preparing for Road Investment Strategy 3: Renewals Planning** 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**

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| **2.1 Background to the project** |
| **This review is being jointly commissioned, overseen and funded by National Highways and ORR.**National Highways operates, maintains and improves the strategic road network – the motorways and main 'A' roads in England. The Office of Road and Rail (ORR) – through its Highways Monitor function – is responsible for monitoring and enforcing the performance and efficiency of National Highways. The Government sets out its strategic vision for the SRN, objectives for National Highways, and the funding it will make available for their delivery in periodic road investment strategies. The third Road Investment Strategy (RIS3) will set out the requirements to be delivered by National Highways during road period 3 (April 2025 to March 2030). The development of RIS3 requires the coordinated efforts of the DfT, National Highways and ORR with each organisation having responsibility for leading relevant work streams. National Highways is responsible for developing a strategic business plan (SBP) detailing its plans for delivering the performance requirements set out in the Government’s draft RIS. ORR is responsible for leading the RIS3 efficiency review, an assessment of the level of efficiency that National Highways proposes to achieve in the SBP. A core part of the work to develop National Highways’ SBP and ORR’s efficiency review is the assessment of National Highways’ ability to make efficiency savings from improvements to its core business processes during road period 3. To inform this assessment, National Highways and ORR have agreed to jointly commission ‘RIS3 Capability Reviews’ focussed on two key business areas: Asset Management and Procurement and Project Management. **This scope relates to National Highways’ Procurement and Project Management** capability. Capability reviews were also undertaken as part of the RIS2 process.(The process of setting and varying a RIS is described in National Highways’ [licence](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/431389/strategic-highways-licence.pdf). Further information on RIS3 can be found on the DfT’s [website](https://www.gov.uk/government/publications/preparing-the-third-road-investment-strategy). The ORR has set out its intended approach to RIS3 [here](https://www.orr.gov.uk/monitoring-and-regulation/roads-monitoring/our-role-development-road-investment-strategies).)  |
| **2.2 Project Objectives & Scope** |
| **Objectives**The overarching objective of this commission is to determine the efficiencies that National Highways should be capable of achieving through improvements to the way that the company procures and manages its capital investments in the Strategic Road Network. The review should:* *(drawing on recent reviews undertaken by ORR and National Highways)* provide a comparative assessment of National Highways current procurement and project management capability and maturity mid-way through road period 2;
* document National Highways improvement plans and assess the Company’s ability to make improvements to its procurement and project management capability during the remainder of road period 2 and during road period 3;
* determine the scope for efficiencies that could be reasonably expected from improvements in the Company’s procurement and project management capability.

This review is focussed on, but not limited to, major road improvement projects delivered by National Highways. The asset management capability review will address National Highways’ capabilities in respect of the procurement and management of its maintenance and renewals projects. Nevertheless, it is expected that the review will identify procurement and project management initiatives that have implications for the efficiency of other aspects of National Highway’s delivery, particularly major renewals projects. In this respect there may be some overlap between the two reviews. Regular communication between the two project teams will be arranged to avoid duplication in this respect. The review is intended to provide a resource for both ORR and National Highways as they discharge their responsibilities to the RIS process.**Requirements***National Highways’ current capability and maturity (phase 1)*National Highways’ approach to procuring and managing major projects has been the focus of several reviews and audits undertaken in recent years. This review should build on rather than duplicate this work. The consultants should provide an assessment of National Highways’ current capabilities in the areas of procurement and project management. This should be placed in the context of changes implemented by the company since 2015. Emphasis should be placed on benchmarking National Highways’ against ‘best practice’ and, where possible, drawing comparisons with similar organisations. Bidders should note that National Highways employs the Portfolio, Programme and Project Management Maturity Model (P3M3) to review its own progress. These reviews will provide a key input to the study, but consultants are not required to employ this framework for their assessment. Bidders should set out the framework they intend to use, their approach to the use of comparators, and how they would go about defining ‘best practice’. The review should consider procurement and project management in their broad sense. For example, it should address the National Highways capabilities in contract management as well as the form of the procurement models themselves. Attention should also be placed on the way in which National Highways works with, and builds capacity within, its supply chain. The review should consider National Highways’ approach throughout the project lifecycle as good practice at early stages of project development can affect the overall construction cost of projects. We would expect this stage of the review to include consideration of the following:* Supply chain engagement, readiness and capacity
* National Highways resources, capacity, and skills
* Contractual models and commercial arrangements
* Commercial intelligence and cost estimation
* Contract management and financial controls
* Risk assessment and risk management
* Project management
* Programme and portfolio management

As noted, much of the evidence to inform the assessment of National Highways’ current capabilities can be drawn from relevant existing reports and studies, as well as evidence from ongoing National Highways reporting and ORR monitoring. Recent studies with relevance to this commission are as follows:* RIS2 Capability Reviews, particularly those related to Procurement (2017) and Project and Portfolio Management (2017);
* Longer term implications of Highways England’s Road period 2 delivery: Routes to Market;
* Review of Highways England’s supply chain management framework (2020)
* Review of HE’s capability to plan and deliver its RIS2 enhancement capital programme (2021)
* Preparing for RIS3 enhancements: cost and efficiency review (2022) *Awaiting publication*
* Review the deliverability and affordability of RIS2 Enhancement projects (ongoing – complete by autumn 2022)

*Anticipated improvements in procurement and project management capability (phase 2)*This stage of the review is intended to help National Highways and ORR identify potential ‘efficiency levers’ for RIS3. The consultants should engage with key individuals within National Highways to identify current and planned initiatives to improve capabilities and performance. Furthermore, drawing on their knowledge of what works well in other sectors, consultants should consider the strengths and weaknesses of National Highways’ plans and contribute their own ideas for how National Highways capability could be enhanced. Consultants should seek the views of National Highways on any such proposals. Focus should be placed on the evolution of National Highways three primary road enhancement programmes: Regional Investment Programme (RIP), the Smart Motorway Programme and Alliance (SMP and SMA), and Complex Infrastructure Projects (CIP). More generally, there will be a range of cross-cutting supply chain, procurement, and project management initiatives. We do not expect wholesale changes to National Highways’ procurement models and therefore much of the emphasis is likely to be placed on improvements in implementation and factors such as the capability of the supply chain. Based on this evidence, the consultants should assess National Highways’ ability to deliver further improvements in its capability and establish an improvement trajectory to the end of road period 3. Risks to the achievement of National Highways’ objectives should be identified. *Scope for efficiencies to the end of road period 3 (phase 3)*Given anticipated improvements in National Highways’ capability, consultants should provide a view on the level of efficiencies that might be achieved during the remaining years of road period 2 and during road period 3. To achieve this, the consultants should seek evidence from comparator organisations that have achieved efficiencies in the delivery of major infrastructure projects. Due regard should be given to the quality of comparator evidence and the relevance of such comparators to National Highways. Consultants should be mindful of the context to this review. The current (RIS2) programme has been subject to change due to factors such as the Government’s decision to pause the roll-out of Smart Motorways. The uncertainty caused by such developments makes it more challenging for National Highways to plan its future delivery. Moreover, at this stage in the RIS setting process, it is unclear what projects National Highways will be required to deliver during road period 3. The type of projects included in the portfolio and the balance of ‘new’ projects versus the completion of existing, RIS2, projects will have important implications for efficiency. As such, we don’t expect consultants to provide a definitive view on future efficiencies, but to provide National Highways and ORR with the evidence and tools they need to discharge their duties to the RIS3 process. The successful consultants should consider how their conclusions apply to early and late-stage enhancement projects, different project types, and delivery of programmes of interventions (as opposed to stand-alone major projects). To avoid spurious accuracy, we would expect that the capability review to provide ranged estimates of National Highways efficiency potential. Key risks or dependencies to the achievement of further efficiencies should be identified.**Engagement/collaboration with National Highways**The appointed consultancy will have access to available information necessary to carry out the project and to deliver the objectives and requirements identified above. National Highways will facilitate access to its staff and other information as appropriate. National Highways’ involvement will be co-ordinated through its Strategy and Planning Division who are responsible for managing the relationship with ORR. The Strategy and Planning Division will assist in scheduling meetings and dealing with data requests. Engagement with National Highways staff should be proportionate and sensitive of resource pressures. The consultancy should note that National Highways will require a confidentiality agreement in relation to any of its confidential information that is disclosed to the consultancy and the outputs this generates. The onward disclosure of such information by the consultancy (other than to DfT or ORR) will usually require approval in writing from National Highways. The fact that the consultancy has been engaged by ORR on this contract is not of itself confidential information although the content of any information, findings, data, analysis or reports prepared for ORR by the consultancy, and which includes any of the confidential information, is. |
| **2.3 Project Outputs, Deliverables and Contract Management**  |
| **Outputs and Deliverables**The required deliverables are:* a focussed inception report setting out the programme to which the consultants will deliver as well as any changes to the approach set out in the consultant’s proposal. The report should identify agreed areas of focus for the assessment of National Highways’ capability;
* summaries and presentations of emerging or interim findings at the conclusion of each of the three project phases;
* a draft report for comment which details the findings, conclusions and recommendations;
* a final report which incorporates amendments from ORR and National Highways.
* a final presentation to be made to representatives of ORR, National Highways and other stakeholders as required (e.g. DfT)

**Contract Management Requirements**Our preference is for ‘key’ project meetings to be held in person. Bidders should assume that the inception meeting, presentations of interim findings and the final presentation will be held at an ORR or National Highways office. We would expect to hold progress meetings on a fortnightly basis via MS Teams. Consultants should provide a brief emailed progress report in advance.  |
| **2.4 Project Timescales** |
| A provisional timetable for each of the tasks has been defined. A project timetable should be refined by the consultants at the outset of the commission in consultation with both ORR and National Highways. * Project Inception Meeting: w/c 11 July 2022
* Presentation of interim findings (to be agreed)
* Draft report by end November 2022
* Final report by end December 2022
 |
| **2.5 Budget and Payment Schedule** |
| This work will be jointly funded by ORR and National Highways.The maximum budget is £200,000 (inc. of expenses, exc. of VAT). However, we expect bids to be below this threshold. The successful consultant will be paid according to their progress. The default payment schedule is set out below, although we would be willing to discuss additional interim payment milestones provided these are linked to key deliverables:10% on delivery of an inception report60% on delivery and acceptance by ORR and National Highways of the draft report30% on delivery and acceptance by ORR and National Highways of the final report |
| **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**

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| **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 and National Highways.

**c) Proposed delivery team*** Key personnel including details of how their key skills, experience and qualifications align to the delivery of the project.
* 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 (e.g. case studies).

**d) Pricing**A fixed fee for the project inclusive of all expense. This should includea 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.**f) Page Limit**Concise bids would be welcome. Bids should not extend beyond 20 sides of A4 (excluding project team CVs).  |
| **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 (40%)**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 metc) Explain how your organisation will engage with National Highways staff and external stakeholders if appropriate.**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 (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.

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| --- | --- | --- | --- | --- | --- |
| Name of consultant | Grade | Role  | Day rate | Number of days | Total cost (ex VAT) |
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Please note that consultancy grades should align with the following definitions:

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| **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**

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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 |

For the Price evaluation the following shall apply:Fixed feeThe 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:

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| --- | --- |
| **Element** | **Timescale** |
| Invitation to tender issued | 13/05/2022 |
| Deadline for the submission of clarification questions | 10/06/2022 12pm |
| Deadline for submission of proposals | 17/06/2022 12pm  |
| Shortlisted suppliers notified | 01/07/2022 |
| Interviews and presentations\* \*\* | 07/07/2022 |
| Award contract | w/c 11/07/2022 |
| Project Inception Meeting | w/c 11/07/2022 |

\*If required.

\*\*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:

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