

**INVITATION TO TENDER**

**&**

**STATEMENT OF REQUIREMENT**

**Assessment of Applications for Track Access on the West Coast Mainline**

**CPV Code: 79410000**

**Supplementary Code: 71311200**

**Tender Reference: ORR/CT/22-45**

**Purpose of document**

The purpose of this document is to invite proposals for **consultancy work****to provide a full independent assessment of the available capacity and performance implications of the two applications**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 400 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:

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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** | |
|
| **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** |
| *ORR’s statutory duties with respect to track access*  The Office of Rail and Road (ORR) is responsible for overseeing the fair and efficient allocation of the capacity of the railway network and other railway facilities through our approval of access contracts. ORR has an important role in acting as impartial referee, independent of the Government, in addressing competing claims for access to the network. We can also determine the terms on which a train operator can use the network, where we must act in the public interest, taking account of considerations that may be of little or no concern to individual train operators and Network Rail.  In considering track access applications, we must ensure that our decisions are consistent with our statutory duties. Section 4 of the Railways Act 1993 (the Act) sets out a number of considerations and objectives to which we must have regard when exercising our functions under the Act. In some cases, the different duties will not all point towards the same conclusion and ORR will have to balance all of the relevant duties in coming to a decision.  *Track access on the West Coast Mainline*  In 2019, Avanti West Coast (AWC) and Grand Union Trains (GUT) submitted applications for services on the West Coast Mainline (WCML) under Section 17 of the Railways Act 1993:   * 1. The franchisee, First Trenitalia West Coast Rail Limited, trading as Avanti West Coast (AWC) applied to us for rights for additional London Euston - Liverpool Lime St services to increase its service from 1 to 2 per hour, from December 2022; and   2. Prospective Open Access Operator Grand Union Trains (GUT) applied to us for rights for 4 return services per day between London Euston and Stirling, calling at Milton Keynes Central, Nuneaton, Crewe, Preston, Carlisle, Lockerbie, Motherwell, Whifflet, Greenfaulds and Larbert, from May 2021.   Since these applications were initially submitted Network Rail (NR) has declared the West Coast Mainline South as congested infrastructure, conducted an Industry Planning Group (IPG) and an Event Steering Group (ESG). The ESG remit was to recast the timetable for December 2022 which could accommodate the above services.  The ESG process concluded in March 2022 and has identified infrastructure risks which directly impact the Concept Train Plan for the remitted timetable recast. These issues are significant but timebound and are related to certainty of power supply and changes to platform capacity, which impact performance and service recovery.  NR has chosen to mitigate this impact with a limit on services at peak times. ORR needs expert input on whether this limit is correct and whether the evidence available supports this. NR has committed to undertaking further performance analysis which will consider incoming restrictions on the infrastructure and service perturbation. NR has committed to completing this work in December 2022.  Over the passage of time, the aspirations of both operators have evolved, and they will soon submit revised applications. AWC will be applying for their additional Liverpool right to be phased in from December 2023 and GUT will be applying to commence their services in the latter part of 2024. Meanwhile in late 2022, West Midlands Trains (WMT) made a timebound application for rights which are in competition with those sought by AWC and GUT.  Throughout the process we have sought representations from NR and have available the following within our bank of evidence:   * 09/21: Appendix A Bushey Modelling Report P03.pdf. NETWORK RAIL/NAVITAS ENGINEERING * 05/10/21: Appendix B Bushey Traction Power Results.pptx. NETWORK RAIL * 17/03/22: Appendix C Rolling Programme of Decarbonisation - Scotland.pdf. NETWORK RAIL * 24/03/22: Appendix 3 Tracsis NW&C RailSys Performance Modelling. TRACSIS * 06/04/22: Simulation Modelling for the Dec 22 WCML ESG - Report 1.2.pdf. NETWORK RAIL * 03/05/22: NWC Dec 22 Timetable Restructuring ESG CTP Report v0.4.pdf. NETWORK RAIL * 03/05/22: Simulation Modelling for Dec 22 WCML Timetable Re-write, Carlisle to Stirling 1.0 FINAL.pdf. NETWORK RAIL * 20/05/22: NR May 22 Formal Response ORR AWC TAC final 230522.docx. NETWORK RAIL * 27/05/22 \_EXTERNAL\_ Network Rail Written Representations - GUT EUS-STG S17 Application.msg. NR TO ORR * 27/05/22: Network Rail Written Representations - GUT EUS-STG S17 Application, Documentation Pt 2.msg 27/5. NETWORK RAIL * 27/05/22: GUT EUS-STG S17 Application, Appendices - Part 2.zip. NETWORK RAIL * June 2022: London Euston - HS2 ONW B1 - 14-platform Capacity Study -- DRAFT v1.0.pdf. NETWORK RAIL * 08/06/22: Appendix 1 WCML Sth Dec 22 FL Quantum. Jun 22.pdf. NETWORK RAIL * 28/06/22: Appendix 4 Harker (power) modelling. NETWORK RAIL * 07/07/22: Appendix 2 Dec 22 TAC Tables - NR supported.docx. NETWORK RAIL * 15/07/22: 2022 07 15 Response to ORR. NETWORK RAIL TO ORR   Further evidence to be provided by NR   * 12/22: Perturbation performance analysis of platform constraints at Euston * 13/09/22: NR response to request from ORR for further clarification   The above representations have not provided ORR sufficient clarity to determine access. We are keen to conclude these applications in a timely fashion to provide certainty to the industry. To do so, we require external, independent support to draw together and analyse all the relevant evidence and provide us with recommendations that enable us to reach our determinations. |
| **2.2 Project Objectives & Scope** |
| The project objective is to assess existing and/or collect new evidence and produce a report which will make recommendations on determining access rights contained in the applications referenced. Regarding any new evidence we would expect the consultant to discuss the scope the ORR project lead. The first part of the project will focus on the operational capacity and performance evidence needed, which will rely heavily on Network Rail and the applicant’s input and expertise. Depending on the results of the operational capacity analysis the consultant may be asked to conduct economic analysis on the applications.  The report produced and the assessment undertaken will help inform ORR’s decision on which access rights should be approved within the track access applications. ORR is likely to cite this analysis in explaining the reasons for its final decisions. Therefore, the assessment must follow best practice, to ensure it is robust, impartial, consistent, and transparent in its treatment of each of the service options. The assessment must also differentiate between existing and additional services and provide a response on each category as to if and when they can be accommodated. For clarity, we define additional services as those that are additional to the services operating from December 2022 (and included in the current AWC Section 18 application). This will include consideration of the application from WMT for a timebound service and any extension beyond its planned expiry date.  This review and analysis of evidence already provided, planned perturbation analysis and any further analysis should not duplicate Network Rail or applicant work (unless necessary). The consultants will be expected to work constructively with both infrastructure manager and operators.  The scope of the study will provide answers to the following questions:   1. Is capacity available for the proposed services by GUT, AWC and WMT? This should explain the impact of all relevant capacity considerations, including but not necessarily limited to:    1. End to end track capacity;    2. Platforming capacity, particularly at Euston and incorporating perturbation analysis;    3. Power supply constraints, particularly involving Bushey feeder station;    4. Any relevant planned future infrastructure enhancements/constraints; and    5. All considered alongside all existing service levels and future freight growth identified through the WCML ESG. 2. If not, what subset options would be available to be accommodated? 3. What are the modelled performance impacts of the potential options? 4. If capacity is not immediately available for all the proposed services, is there a point in where capacity will become available? What capacity will be available at timetable intervention points in 2023, 2024 and 2025? 5. Which services are recommended for approval as the best use of available capacity and at what points should they be implemented between 2022 and 2025 (or an alternative end date)?   As explained, the scope of this contract may be extended to include a potential secondary objective. This would be to complete the required economic analysis if the capacity analysis shows these applications are competing for limited capacity and Cost Benefit Analysis is required.  This study will provide:   1. Cost-Benefit Analysis of both AWC and GUT proposals based on overall Net Present Value and Net Present Value per path. 2. NPA test results for GUT proposals 3. Absolute level of abstraction for GUT proposals   These outputs should be provided in the form of a draft report to be shared for comment with applicants and key stakeholders which objectively confirms the impacts or otherwise of both applications and provides options for the best allocation of access rights.  We require tender pricing for operational analysis only and operational analysis with economic analysis. |
| **2.3 Project Outputs, Deliverables and Contract Management** |
| Project Outputs The timescales for the project are set out below. Consultants will be expected to clearly demonstrate, within their tenders, that they have the available resources to meet these timescales.  We expect work to commence within one week of being awarded the contract.  The key outputs from the project will be:   * Two weeks after commencing the project, an inception report that confirms the evidence and analysis approach is fit for purpose and the updates needed to make it so. It will also include an updated project plan; * A draft report, by 13th January 2023, summarising the methodology used, and the rationale for using it, key assumptions and their associated evidence base; * A draft final report by 31st January 2023, updating the interim report to describe, the methodology used, and the rationale for using it, key assumptions and their associated evidence base, and results; * Full evidence set by 31st January 2023, recording key assumptions, model outputs, calculations and results; it should record sources and use formulae, rather than hard coding, wherever reasonably practical to do so. All inputs and analytical approaches need to be referenced to existing guidance and / or data sources. * A final report one week after provision of comments by ORR; and * Final evidence set one week after provision of comments by ORR. We require full and redacted versions, where the latter may be shared with industry stakeholders and published.   Consultants should assume that the final report will need to be published (in a redacted form where appropriate) and a corresponding standard of presentation is necessary. The consultant will prepare the versions of the report needed. Contract Management *Progress and Meetings*  In addition to the inception meeting, the Consultant will be required to meet with representatives of the client case team following submission of the interim report and the draft final report.  In addition, the consultant is to report on progress against the project plan, meeting with the ORR case leads on a weekly basis. The progress note should list key activities, tasks completed, and decisions made regarding the methodology. Meetings may also be needed with Network Rail and track access applicants.  **Purpose of the deliverables**  To enable ORR to reach an evidence based decision on track access applications on the WCML. |
| **2.4 Project Timescales** |
| The provisional project timetable is as follows:   * Start-up meeting and commencement w/c 28th November 2022 * Information gathering, review and analysis phase December 2022 – January 2023 * Updates on progress and any issues weekly * Draft report by 13th January 2023 * Draft final report by 31st January 2023 * Full evidence set by 31st January 2023 * Final report and presentation by w/c 13th February 2023 |
| **2.5 Budget and Payment Schedule** |
| The maximum budget for this piece of work is £50,000 (inc. of expenses, exc. of VAT).  Payment of the total fee will be on the delivery and acceptance by ORR of all required outputs and/or deliverables. |
| **2.6 Further project related information for bidders** |
| **Intellectual Property Rights**  ORR will own the Intellectual Property Rights for all project related documentation and artefacts.  **Transparency requirements**  Please note ORR is required to ensure that any new procurement opportunity above £10,000 (excluding VAT) is published on Contracts Finder, unless the ORR is satisfied it is lawful not to. Once a contract has been awarded as a result of a procurement process, ORR is required to publish details of who won the contract, the contract value and indicate whether the winning supplier is a SME or voluntary sector organisation.  **Confidentiality**  All consultants working on the project may be required to sign a confidentiality agreement and abide by the Cabinet Office’s protective marking guidelines, which ORR uses to protectively mark a proportion of its information. In addition, the consultant may be required to sign additional confidentiality agreements as required by external stakeholders.  **Sub-Contractors**  Contractors may use sub-contractors subject to the following:   * That the Contractor assumes unconditional responsibility for the overall work and its quality; * That individual sub-contractors are clearly identified, with fee rates and grades made explicit to the same level of detail as for the members of the lead consulting team.   Internal relationships between the Contractor and its sub-contractors shall be the entire responsibility of the Contractor. Failure to meet deadlines or to deliver work packages by a subcontractor will be attributed by ORR entirely to the Contractor. Conflict of Interest At the date of submitting the tender and prior to entering into any contract, the tenderer warrants that no conflict of interest exists or is likely to arise in the performance of its obligations under this contract; or  Where any potential, actual or perceived conflicts of interest in respect of this contract exist, tenderers need to outline what mitigation/safeguards would be put in place to mitigate the risk of actual or perceived conflicts arising during the delivery of these services.  The ORR will review the mitigation/safeguards in line with the perceived conflict of interest, to determine what level of risk this poses to them. Therefore, if tenderers cannot or are unwilling to suitably demonstrate that they have suitable safeguards to mitigate any risk then their tender will be deemed non-compliant and may be rejected. |

**3. Tender Response & Evaluation criteria**

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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 * A project plan to show how outputs and deliverables will be produced within the required timescales, detailing the resources that will be allocated * An understanding of the risks, and explain how they would be mitigated to ensure delivery * What support bidders will require from ORR   **c) Proposed delivery team**   * Key personnel including details of how their key skills, experience and qualifications align to the delivery of the project; and * Project roles and responsibilities * Confirmation that you have carried out the necessary employment checks (e.g. right to work in the UK) * Some relevant examples of previous work that bidders have carried out (eg. case studies)   **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 (30%)**  The proposal should set out how and when the project requirement will be delivered. In particular, it must:  a) Explain how this work will be delivered to timescale and how milestones will be met, detailing the resources that will be allocated to each stage;  b) Demonstrate an understanding of the risks, and project dependencies and explain how they would be mitigated to ensure project delivery;  c) Explain the resources that will be allocated to delivering the required outcomes/output, and what other resources can be called upon if required.  **Experience (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 (10%)**  A **fixed fee** for delivery of the project requirement (inclusive of all expenses), including a full price breakdown for each stage of the project and details of the day rates that will apply for the lifetime of this project.   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | Name of consultant | Grade | Role | Day rate | Number of days | Total cost (ex VAT) | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  |   Please note that consultancy grades should align with the following definitions:   |  |  | | --- | --- | | **Grade** | **Requirement** | | Junior consultant | Demonstrable experience in a wide range of projects in their specialist field. Evidence of client facing experience and support services to wider consultancy projects. | | Consultant | Notable experience and in-depth knowledge of their specialist field. Evidence of a wide range of consultancy projects and client facing experience. Support work in process and organisational design and leading workshops and events. | | Senior Consultant | Substantial experience in their specialist field and in a consultancy/training role. Previous experience in project management and working in a wide range of high quality and relevant projects. Familiarity of the issues/problems facing public sector organisations. | | Principal Consultant | Substantial experience in their specialist field and in a consultancy/training role. Sound knowledge of the public sector and current policy and political issues affecting it. Previous experience in project management on at least three major projects, preferably in the public sector and using the PRINCE2 or equivalent method. | | Managing Consultant | Substantial experience in their specialist field and in a consultancy role. In depth knowledge of the public sector and of current policy and political issues affecting it. Previous experience in project management on at least 5 major projects, preferably in the public sector and using PRINCE2 or equivalent methods. | | Director / Partner | Extensive experience in their specialist field, in which they are nationally or internationally renowned as an expert. Extensive experience of leading or directing major, complex and business critical projects; bringing genuine strategic insight. In depth knowledge of the public sector and of current policy and political issues affecting it. |   **Marking Scheme**   |  |  | | --- | --- | | Score 0 | Unanswered or totally inadequate response to the requirement. Complete failure to grasp/reflect the core issues | | 1 | Minimal or poor response to meeting the requirement. Limited understanding, misses some aspects | | 3 | Good understanding and interpretation of requirements, providing clear evidence of how the criterion has been met | | 5 | Excellent response fully addressing the requirement and providing significant additional evidence of how the criterion has been met and how value would be added |   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:

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| **Element** | **Timescale** |
| Invitation to tender issued | 25 October 2022 |
| Deadline for the submission of clarification questions | 7 November 2022 10:00hrs |
| Deadline for submission of proposals | 14 November 2022 10:00hrs |
| Shortlisted suppliers notified | 21 November 2022 |
| Interviews and presentations\* | 23 November 2022 |
| Award contract | 25 November 2022 |
| Project Inception Meeting | w/c 28 November 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

**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:

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