# Invitation to Tender (ITT) and Statement of Requirement

# 2023 review of railway licence holders’ environmental arrangements

06 September 2023

* + - * + **CPV Code: 90713000**
        + **Tender Reference: ORR/CT/23-27**

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Purpose of the document

The purpose of this document is to invite proposals for **2023 review of railway licence holders’ environmental arrangements** 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

## Introduction to the Office of Rail and Road

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](https://www.orr.gov.uk/).

Small and Medium Enterprises

1. 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.

## Statement of Requirement

### 2.1 Background of the project

**Sustainability**

As highlighted in our [Sustainable Development Policy Statement](https://www.orr.gov.uk/sites/default/files/2022-09/sustainable-development-policy-statement.pdf), ORR is committed to supporting the sustainable development and environmental policy objectives of the UK and devolved governments. We also have statutory duties under the Railways Act 1993 to contribute to the achievement of sustainable development, and to have regard to the effect on the environment of activities connected with the provision of railway services.

There is also extensive activity within the industry around issues of sustainability and resilience. See, for example, the Rail Safety and Standards Board’s work on [sustainability](https://www.rssb.co.uk/sustainability). ORR does not seek to duplicate or replicate this activity.

**Licensing**

ORR is responsible for [railway licencing in Great Britain](https://www.orr.gov.uk/guidance-compliance/rail/operator-licences-exemptions/licensing-railway), which includes setting and issuing licences to a wide range of operators. Licensees include:

* + - * + passenger train operating companies (TOCs) – including public sector contract operators, charter operators and open access operators
        + freight operating companies (FOCs)
        + network operators and infrastructure managers (including Network Rail)
        + engineering, maintenance and rolling stock manufacturing companies

Licences, and Statements of National Regulatory Provisions (SNRPs) associated with them, help ensure operators are 'fit and proper' to run a railway and provide a means for ORR hold individual operators to account in the public interest.

There are approximately 65 active licence holders across seven different [licence or SNRP types](https://www.orr.gov.uk/guidance-compliance/rail/operator-licences-exemptions/model-licences-and-licence-exemptions) (passenger, passenger SNRP, Freight SNRP, non-passenger, station, light maintenance depot, and network). One licence holder may have more than one licence (e.g. both a passenger licence and a station licence). All current licences are [published on the ORR website](https://www.orr.gov.uk/guidance-compliance/rail/operator-licences-exemptions/current-licences).

**Environmental licence conditions**

Under the “Environmental Matters” obligations (usually licence condition 10 – see Annex A) licence holders are required to establish a written policy designed to protect the environment from the effect of licensed activities, together with operational objectives and management arrangements to give effect to that policy. Together these are referred to as “environmental arrangements” or “EAs”. Licence holders’ EAs must “take due account” of any relevant guidance issued by ORR and be reviewed periodically and otherwise as appropriate.

Following consultation, in September 2022 we updated our [guidance on environmental arrangements for railway licence holders](https://www.orr.gov.uk/sites/default/files/2022-09/environmental-arrangements-for-railway-licence-holders.pdf). This guidance applies to all licensed railway operators. It is intended to assist in fulfilling the environmental obligations of licence holders and to contribute to the objective of environmental protection and improvement.

ORR has not previously undertaken a structured review of this licence requirement. Our updated guidance stated that we may conduct and publish the conclusions of a wider review of industry adherence to our guidance, with the aim of promoting good practice across the industry and improved environmental performance. The purpose of this invitation to tender is to initiate such a review.

Each licence holder is likely to have just one set of EAs, even if they hold multiple licence types. However, we would expect a licence holders EAs to cover all of the activities for which they are licensed.

### 2.2 Project Objectives and Scope

#### Objectives

The project objective is to assess licence holders’ environmental arrangements with reference to (i) licence compliance, (ii) alignment with ORR guidance, and (iii) quality, in order to create a reputational incentive for licensees.

#### Scope

The project is to establish, in the following parts:

**1. All licence holders’ adherence to the environmental requirements of the licences,** in respect of:

* + 1. Adherence with all core licence requirements on environmental matters, including whether:
* the licence holders have EAs in place (a policy and a set of operational objectives and management arrangements) [LC14.1];
* there is evidence that the EAs are periodically reviewed, and when EAs were last updated [LC14.2];
* the EAs cover all of the activities which the holder is licensed to conduct [LC14.4] (we note we are not expecting an assessment of whether the licensee is operating in accordance with the EAs).
  + 1. How closely aligned the EAs are with ORR guidance, that licence holders are required to “take due account of”.

**2. The quality of the EAs of all or a subset of licence holders (no less than 20),** at minimum relating to:

* the environment policy;
* the management and governance arrangements around the policy; and
* the specific environmental objectives defined as part of the EAs.

**3. Any existing good practice or areas requiring improvement, either generally or in relation to specific licence holders with the aim of improving environmental practice and monitoring, or to ORR to improve our monitoring of adherence to the environmental matters licence condition.**

We have structured the three areas of work above so that a proportionate approach can be taken if necessary.

Parts 1(a) and 1(b) are mandatory and must cover all active licence holders.

Parts 2 is mandatory and it is desirable that it encompasses as wide a range of licence holders as possible, in as much detail as possible within the time and budget constraints. At minimum it must encompass 20 licence holders.

We recognise that it may not be possible to conduct a detailed review of all licence holders, as such bidders could involve a sample. If bidders are to propose to focus on a subset of licence holders, they should explain which licence holders, and why. Proposals will be assessed on which is likely to have the maximum impact.

Part 3 is mandatory.

The successful bidder will propose a methodology for reviewing the quality of the arrangements in place, such as well-structured systems and processes including appropriate oversight and reporting arrangements. Bidders are not expected to assess licence holders’ day-to-day compliance with the EAs.

Network Rail is a significant licence holder with a significant environmental impact, given the scale of its estate and activities. Although it is in scope of this work, since ORR already closely monitors Network Rail’s environmental performance, the successful bidder should not spend significantly more time and resources on Network Rail than on other licence holders.

#### Source material

All licence holders have been [informed of the review](https://www.orr.gov.uk/sites/default/files/2023-08/2023-07-28-letter-to-licence-holders-on-environmental-arrangements.pdf) and have been asked to submit their most up to date EAs to ORR. We will share these with the successful bidder following the award of contract (this will be a maximum of approximately 65 sets of EAs, but may be fewer).

The successful bidder is not expected to seek out licence holders’ EAs or contact them to obtain them if they have not been provided to ORR.

#### GDPR requirements

We do not envisage any personal data will need to be handled as part of this project. However, commercially sensitive information may form part of the EAs and the successful bidder will be required to sign a confidentiality agreement with ORR. Bidders should explain how they will ensure compliance with relevant GDPR requirements. Bidders should also confirm how any sensitive data will be kept secure.

#### Report

A full report on the review’s findings must be provided, which ORR may publish in full or in part on its website. The report should provide ORR with essential information on compliance, but should also be drafted in such a way that it engages the industry and encourages adoption of best practice. We will work with the successful bidder to agree an appropriate structure for the report, which may include an annex for more detailed information.

The report should deliver the project objectives 1(a), 1(b), 2 and 3 stated above. It must meet our accessibility requirements set out in 2.3 below.

### 2.3 Project Outputs, Deliverables and Contract Management

In delivering project requirements 1(a), 1(b), 2 and 3, the successful bidder must provide:

* + - * + a delivery plan agreed with ORR;
        + an interim presentation of emerging findings;
        + a draft report for ORR comment which details the findings, conclusions and any recommendations;
        + a final version of the report that addresses ORR’s feedback and comments; and
        + a presentation of the report’s final key findings and recommendations.

We may publish the consultant report in full or in part, as well as refer to results of the review and its recommendations in any of our publications. Therefore, ORR will own the intellectual property rights in any documentation/outputs produced under the contract.

As a public body we are legally required to comply with accessibility guidelines. Any report must be in a format that meets web accessibility regulations: [Guidelines for writing accessible reports for ORR - Guidance for external suppliers | Office of Rail and Road](https://www.orr.gov.uk/media/23638). This includes that any charts or tables must be produced in line with our guidance on accessibility.

#### Contract Management Requirements

The contract management requirements for this project are:

an initial kick off meeting;

a meeting to agree the plan for conducing the review;

weekly updates by e-mail and fortnightly update meetings between ORR and the successful bidder

a meeting to discuss emerging findings; and

a meeting to discuss ORR feedback on the draft report.

We will work flexibly with the consultant to discuss progress or any emerging issues, as necessary.

### 2.4 Project Timescales

We expect bidders to set out their proposed timescales for the work, but we have set out an indicative timeline below. Bidders should highlight any expected deviations from this.

Kick-off meeting and commencement w/c 30 October 2023

The final ORR approved report should be provided to ORR before the end of February 2024.

### 2.5 Budget and Payment Schedule

The maximum budget for this piece of work is £50,000 (inc. of expenses, exc. of VAT).

#### Payment Options

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.

## Tender Response and 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 2 “Statement of Requirement”. The following information should be included:

* 1. **Understanding of customer's requirements**

Demonstrate an understanding of the requirement and overall aims of the project.

* 1. **Approach to customer's requirements**

Set out a methodology and proposal for how the bidder is to approach the work including the scope of licence holders whose EAs the bidder proposes to review in detail and how this approach is likely to have most impact;

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;

* 1. **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 (e.g. case studies) and details of at least two relevant reference projects along with contact details of clients

* 1. **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.

* 1. **Conflicts of Interest**

Confirm whether you have any potential, actual or perceived conflicts of interest that may be relevant to this requirement and outline what safeguards would be put in place to mitigate the risk of actual or perceived conflicts arising during the delivery of these services.

### 3.2 Evaluation Criteria

Tenders will be assessed for compliance with procurement and contractual requirements which will include:

* + - * + Completeness of the tender information
        + Completed Declaration Form of Tender and Disclaimer
        + Tender submitted in accordance with the conditions and instructions for tendering
        + Tender submitted by the closing date and time
        + Compliance with contractual arrangements.

Tenders that are not compliant may be disqualified from the process. This includes non-compliance with the minimum number of licence holders to be subject to a detailed review specified in the project scope above. 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 (35%)

The proposal should set out the methodology by which the project requirement will be initiated, delivered and concluded. In particular, it must:

* 1. Explain the methodology and delivery mechanisms to ensure that the requirements of this specification are met in terms of quality;
  2. Explain how your organisation will work in partnership with ORR’s project manager to ensure that the requirement is met;
  3. Explain whether and how your organisation will engage with external stakeholders;

#### Delivery (25%)

The proposal should set out how and when the project requirement will be delivered. In particular, it must:

* 1. 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;
  2. Demonstrate an understanding of the risks, and project dependencies and explain how they would be mitigated to ensure project delivery;
  3. 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:

* 1. Provide CVs of the consultants who will be delivering the project;
  2. 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:

|  |  |  |
| --- | --- | --- |
| **Table of Evaluation Methodology and Marking Scheme for Quality Criteria** | | |
| **Score** | **Category** | **Definition (Explanation)** |
| 0 | Unacceptable | Unanswered or totally inadequate response to the requirement. Complete failure to understand/reflect the core issues. Fails to demonstrate an ability to meet the requirement. |
| 1 | Poor | Minimal or poor response to meeting the requirement, with little or no relevance. Limited understanding misses some aspects.  The response addresses few elements of the requirement and contains insufficient/limited detail or explanation to demonstrate how the requirement will be fulfilled. |
| 2 | Fair | Response is mostly relevant, but elements of the response are poor. The response addresses most elements of the requirement but contains limited detail or explanation to demonstrate how some of the requirement will be fulfilled. |
| 3 | Acceptable | Response is relevant and acceptable. The response addresses a broad understanding of the requirement but lacks details on how the requirement will be fulfilled in certain areas. |
| 4 | Good | Response is relevant and good. The response is sufficiently comprehensive to assure and demonstrate a good understanding, also providing much detail on how the requirements will be fulfilled. |
| 5 | Excellent | Excellent response fully addressing the requirement and providing significant additional evidence of how the criterion has been met and how value would be added  The response is comprehensive, unambiguous and demonstrates a thorough understanding of the requirement and provides details of how the requirement will be met in full. |

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.

## Procurement Procedures

### Tendering Timetable

The timescales for the procurement process are as follows:

| Element | Timescale |
| --- | --- |
| Invitation to tender issued | 06 September 2023 |
| Deadline for the submission of clarification questions | 27 September 2023 12 noon |
| Deadline for submission of proposals | 04 October 2023 12 noon |
| Award contract | w/c 23 October |
| Project Inception Meeting | w/c 30 October |

### 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: [Guidelines for writing accessible reports for ORR - Guidance for external suppliers | Office of Rail and Road.](https://www.orr.gov.uk/media/23638)

#### 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.

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.

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

1. ‘Environmental Matters’ Licence Condition
   1. Although there are a range of licences in the rail industry, all model licences currently carry an ‘environmental matters’ licence condition. In most cases, the environmental matters licence condition is worded as set out below. Exceptions are subject to only very minor variations, which do not substantially alter the requirements set out in the environmental matters condition.

**Condition 10: Environmental Matters**

1. The licence holder shall establish a written policy designed to protect the environment from the effect of licensed activities, together with operational objectives and management arrangements (together “the environmental arrangements”).

2. The environmental arrangements shall:

(a) take due account of any relevant guidance issued by ORR;

(b) be effective within six months beginning with the day on which this licence comes into force; and

(c) be reviewed by the licence holder periodically, and otherwise as appropriate.

3. Nothing contained in paragraph 1 shall oblige the licence holder to undertake any action that entails excessive cost taking into account all the circumstances, including the nature and scale of operations of the type carried out by the licence holder.

4. The licence holder shall, upon establishment and any material modification of the environmental arrangements, promptly send ORR a current copy of the policy together with a summary of the operational objectives and management arrangements.

5. The licence holder shall act with regard to the policy and operational objectives and use its reasonable endeavours to operate the management arrangements effectively.



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