

**INVITATION TO TENDER**

**&**

**STATEMENT OF REQUIREMENT**

**Highways Monitor: escalation and regulatory work package**

**CPV Code: 79411100**

**Tender Reference: ORR/CT/21-43**

**Purpose of document**

The purpose of this document is to invite proposals for the escalation and regulatory work package 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 Highways England to account for its day-to-day efficiency and performance, running the strategic road network, and for delivering the five year road investment strategy set by the Department for Transport (DfT).

ORR currently employs approximately 300 personnel and operates from 6 locations nationwide. The majority of personnel are located at ORR’s headquarters, 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:**  
Highways England 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** |
| The Office of Rail and Road’s (ORR) independent highways monitoring role is defined in [Part 1 of the Infrastructure Act 2015](https://www.legislation.gov.uk/ukpga/2015/7/contents). It requires us to monitor how National Highways (formerly Highways England) is carrying out its functions. As such, our monitoring relates to the Strategic Road Network (SRN) in England – motorways and major A roads.  National Highways operates under a [Licence](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/431389/strategic-highways-licence.pdf) (issued in the form of statutory directions and guidance) that sets out how it must act in carrying out its functions. It is also required to deliver outputs for levels of funding that are set out in the Government’s Road Investment Strategy (RIS).  Our monitoring and enforcement activity focuses on National Highways’ delivery of the RIS and its compliance with the Licence. The Act gives us the power to require National Highways to provide the information we need to carry out our role. It also gives us the power to undertake enforcement action where National Highways has failed to or is failing to comply with the RIS or its Licence. Our monitoring and enforcement activities are set out in more detail in our [Holding National Highways to Account policy](https://www.orr.gov.uk/sites/default/files/om/holding-highways-england-to-account-policy.pdf), published in March 2020.  Following a review into how we hold National Highways (then Highways England) to account in 2020 ORR requires support to take forward a package of work to inform and improve our escalatory and regulatory processes. |
| **2.2 Project Objectives & Scope** |
| There are five projects in this package of work.  **2.2.1 – Self-reporting and assurance of Licence compliance in regulated industries**  We want to understand how companies in regulated industries (e.g. rail, water, telecoms, energy) that operate under a Licence provide internal assurance of their compliance with that Licence. We want to know what processes these companies follow (e.g. do they sample Licence clauses or take another approach, over what period does this take place, which internal bodies are involved?) and how effective they are and how their regulators (e.g. ORR, OFWAT, OFCOM, OFGEM) satisfy themselves as to the robustness of these processes.  This is to enhance our understanding of National Highways’ internal Licence compliance self-assurance processes and allow us to take informed decisions about whether their processes are adequate.  The winning bidder will be expected to:   * familiarise themselves with National Highways’ Licence compliance and assurance processes; * review relevant literature on Licence compliance and assurance in regulated UK-based utilities; * obtain first-hand information from those utilities of the details of these processes and from their regulators how effective they are perceived to be; * conduct their own independent analysis of how effective these processes are when benchmarked against one another and draw good practice conclusions; and * examine whether effective Licence assurance processes are different for publicly-owned, monopoly providers like Network Rail compared to privately-owned, often competitive providers like the water companies.   The winning bidder is expected to produce a report along the following lines:   * What work it has done; * What it has concluded about the relative merits of different Licence compliance and assurance processes; * Furnish advice to ORR about what good Licence compliance and assurance should look like for a publicly-owned monopoly like National Highways; and * Make recommendations to ORR about the most effective means of monitoring National Highways’ internal Licence compliance self-assurance, including whether we should issue advice or guidance to National Highways on their processes.   **2.2.2 – Benchmarking the regulatory relationship and reporting standards**  We want to understand what good practice across regulated sectors (e.g. rail, water, telecoms, energy) looks like for reporting standards and requirements. Specifically, what the levels are of administrative ‘burden’ on regulated entities due to reporting requirements and whether there is any agreement on what ‘excessive’ reporting requirements looks like. We are interested in the level of internal sign off for regulated activities (e.g. do the Boards of regulated entities generally sign off all documentation related to regulated activity or is this dealt with at a lower level?). We also want to understand the issue of proportionality, i.e. is good practice in this area sector-specific and dependent on the maturity of the regulated entity, whether it is privately or publicly owned and whether it faces competition.  This is to satisfy us that the metrics and sub-metrics we ask of National Highways are appropriate to satisfy ourselves that we are fulfilling our regulatory role as set out in legislation and guidance while being proportionate and not imposing an unnecessary administrative burden on the regulated entity.  The winning bidder will be expected to:   * familiarise themselves with the metrics we require National Highways to provide to us; * review relevant literature on regulatory burdens and reporting standards in regulated UK-based utilities; * obtain first-hand information from other regulators (e.g. ORR, OFWAT, OFCOM, OFGEM) of the metrics they require their regulated entities to provide to them in both quantitative and qualitative aspects (i.e. absolute numbers and level of detail); * based on the evidence they have obtained, conduct an independent analysis to determine good practice for the most appropriate level of administrative and reporting duties for regulated utilities; * examine whether effective reporting standards are different for publicly-owned, monopoly providers like Network Rail compared to privately-owned, often competitive providers like the water companies; and * consider periodic reporting requirements over the five-year road period and more ad hoc requests we make of National Highways so we can understand, within the context of our unique one to one relationship what these standards look like in other regulated sectors.   The winning bidder is expected to produce a report along the following lines:   * What work it has done; * What it has concluded about the relative merits of different approaches to regulatory requirements and reporting; and * Make recommendations to ORR about what an appropriate level of regulatory requirement setting and reporting standards should look like for a publicly-owned monopoly like National Highways.   **2.2.3 – Assurance of our regulatory role: Highways Monitoring Handbook**  We want to rationalise and improve our internal processes by producing a Highways Monitoring Handbook, where we can collect information pertinent to the structures and processes by which we hold National Highways to account. The Handbook would be an internal document and would sit underneath the public [Holding to Account](https://www.orr.gov.uk/sites/default/files/om/holding-highways-england-to-account-policy.pdf) policy. It could be informed by similar documents in other sectors.  This is to help us get in good shape for any future organisation-wide strategic review and audits and to provide a sound evidence base for any future changes to our [Memorandum of Understanding](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/411801/mou-orr.pdf) [with the Department for Transport] or other key policy documents.  The winning bidder will be expected to:   * familiarise themselves with the ORR Rail Monitoring Handbook; * investigate whether other UK utility regulators have similar documents and if so how they are structured; how frequently they are updated and how effective they are in supporting the regulator’s escalatory and enforcement functions; * gather information and evidence from the Highways Team about the information we already hold and the information we require to effectively perform our monitoring role; and * gather information from the Highways Team about who currently collects data from National Highways, where and how it is stored and the purposes for which it is used   The winning bidder is expected to produce a report summarising work done and giving advice as to good practice for the drafting and maintenance of a new Highways Monitoring Handbook, including a skeleton list of suggested contents and a recommendation as to our data collection and management processes, including who should be responsible for the collection of data from NH.  To be clear, this project will not include drafting the actual handbook  **2.2.4 – Regulators’ publication policies, project charters and driving positive behaviours in regulated entities**  We want to understand what information other utility regulators (e.g. ORR for rail, OFWAT, OFCOM and OFGEM) publish about their regulated entity/ies, why they publish that information, if and how their publication policy affects their relationship with their regulated entity and how effective their publication policy is at driving or incentivising positive behaviour in the regulated entity.  This is intended to help us understand what good practice looks like in this area, to enable us to benchmark our own policies against it and inform future decision making about policy changes. It will complement a piece of internal work about the extent and limits of our legal publication powers.  We also want to understand how other regulators work with their regulated entities on external consultancy projects (i.e. where the regulator procures consultants to produce a piece of work that involves close working with one or more of their regulated entities). We have a Project Charter with National Highways for this sort of work and we would like to know how this might best be improved to incentivise positive behaviour and improve our processes.  The winning bidder will be expected to:   * review relevant literature on the publication policies of regulators UK-based utilities and documentation elated to external consultancy project management; * obtain first-hand information from those regulators of the details of these policies and how effective they are perceived to be; * conduct their own independent benchmarking of how effective these policies are in driving positive behaviours in regulated entities and draw good practice conclusions; and * examine whether effective regulator publication policies and consultancy processes are different for publicly-owned, monopoly providers like Network Rail compared to privately-owned, often competitive providers like the water companies.   The winning bidder is expected to produce a report along the following lines:   * What work it has done; * What it has concluded about the relative merits of the publication policies of UK utility regulators and external consultancy project management in developing and maintaining beneficial relationships with their regulated entities; * What it has concluded about the relative merits of the publication policies and external consultancy project management of UK utility regulators in driving positive behaviours in their regulated entities; and * Make recommendations to ORR about what a good publication policy and external consultancy project management should look like for a publicly-owned monopoly like National Highways.   **2.2.5 – Learning lessons from the Highways Monitor’s 2020-21 escalation refresh and driving continuous improvement**  We want to understand how our regulated entity (National Highways) has experienced the changes we have made to our escalation process over 2020-21, what it thinks of those changes and how they have been implemented and what impact those changes have had on their working practices.  This is to help us drive continuous improvement in our escalatory work and learn lessons for any future reviews or reforms of our escalatory role.  The winning bidder will be expected to:   * familiarise themselves with our escalatory role and processes; * familiarise themselves with the commissioning, execution and implementation of the external review of those processes that was reported to us in March 2020 and how we have implemented the recommendations of that report; and   conduct individual meetings or group workshops with staff at National Highways at all levels of the organisation to explore in depth their experiences and views of the changes to the escalation process that we have implemented over 2020-21. These meetings or workshops must include as a minimum senior director of National Highways, the Licencing and Monitoring team, and staff at working level.  The winning bidder is expected to produce a report along the following lines:   * What work it has done, including the methodology for conducting any meetings or facilitating any workshops with National Highways and analysing the outcomes; * Summarising how staff at National Highways have experienced and perceive the changes we have made to escalatory processes and work over 2020-21, drawing out differences between those views and providing analysis as to why they exist; * Making recommendations to ORR as to whether (i) the project that resulted in the March 2020 escalatory refresh report achieved what it was supposed to achieve (ii) whether we implemented it in a timely and appropriate way and (iii) whether we should think about further change over the remainder of RP2 (i.e. to 2025) and if so to what purpose.   We would expect the winning bidder to propose a strategy for its approach to obtaining views from National Highways staff involving interviews and/or workshops.  **Working practices**  All the projects are expected to be largely desk-based, with some need for meetings, interviews, workshops etc. with ORR and National Highways staff to gather information. An understanding of or access to a network of contacts who can provide understanding of best practice across multiple regulated industries is required across the projects. While this is likely to require wider engagement, we do not anticipate large-scale primary data gathering as part of the project. Given the current guidelines around coronavirus, much of this engagement is likely to be undertaken virtually.  The consultancy should work with ORR [and with National Highways where required] to ensure that findings and opportunities are understood and agreed as appropriate. Any conclusions drawn should be backed up by material and balanced evidence, and recommendations should be aimed at ORR.  The consultancy is expected to manage its own inputs and ensure the impacts of its work are conducted in a manner which is cognisant of the wider Licence and monitoring framework principles – i.e. the approach should be proportionate, seek to avoid duplication, and use existing management information where available.  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 appointed consultancy will have access to available information necessary to carry out the projects and to deliver the objectives and scopes identified above. |
| **2.3 Project Outputs, Deliverables and Contract Management** |
| **Outputs and Deliverables for each project**   * A draft report for comment, detailing the findings, conclusions and recommendations; * A final report incorporating comments from ORR; and * A presentation of the findings and recommendations to ORR with an accompanying slide pack.   **Contract Management Requirements**  We are open to proposals for how best to sequence the projects within the overall timetable we have provided. Given the timescales for each and the contract as a whole, it is highly likely that the different projects will overlap.  We would expect to have progress reporting for individual projects at least fortnightly, and monthly progress meetings for the contract as a whole. Single meetings could be used for both purposes. Meetings will be held remotely (via video conference) initially and potentially face-to-face if circumstances allow later in the project. Note that the ORR Contract Representative is based in Scotland. |
| **2.4 Project Timescales** |
| The table below sets out a provisional timetable for the five projects.   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | |  | Scoping | Inception | Interim findings | Draft report | Final report | | **2.2.1 – Licence compliance in regulated industries** | Nov 21 | Nov 21 | End Dec 21 | End Jan 22 | End Feb 22 | | **2.2.2 – Benchmarking regulatory relationship and reporting standards** | Dec 21 | Dec 21 | End Jan 22 | Feb 22 | End Feb 22 | | **2.2.3 –Highways Monitoring handbook** | Nov 21 | Nov 21 | End Dec 21 | End Jan 22 | End Feb 22 | | **2.2.4 –Publication, project charters and driving positive behaviours** | Jan 22 | Jan 22 | End Feb 22 | Mid March 22 | End March 22 | | **2.2.5 – Learning lessons from the escalation refresh** | Jan 22 | Feb 22 | End Feb 22 | Mid March 22 | End March 22 | |
| **2.5 Budget and Payment Schedule** |
| The maximum overall budget for all five projects is £70,000 (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; * 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;   **c) Proposed delivery team**   * Key personnel including details of how their key skills, experience and qualifications align to the delivery of the project; and * Project roles and responsibilities * Confirmation that you have carried out the necessary employment checks (e.g. right to work in the UK) * Some relevant examples of previous work that bidders have carried out (eg. case studies) **AND/ OR** details of at least two relevant reference projects along with contact details of clients   **d) Pricing**  A fixed fee for the project inclusive of all expense. This should include  a breakdown of the personnel who will be involved with the project, along with associated charge rates and anticipated time inputs that can be reconciled to the fixed fee.  **e) Conflicts of Interest**  Confirm whether you have any potential, actual or perceived conflicts of interest that may by relevant to this requirement and outline what safeguards would be put in place to mitigate the risk of actual or perceived conflicts arising during the delivery of these services. |
| **3.2 Evaluation Criteria** |
| Tenders will be assessed for compliance with procurement and contractual requirements which will include:   * Completeness of the tender information * Completed Declaration Form of Tender and Disclaimer * Tender submitted in accordance with the conditions and instructions for tendering * Tender submitted by the closing date and time * Compliance with contractual arrangements.   Tenders that are not compliant may be disqualified from the process. We reserve the right to clarify any issues regarding a Bidder’s compliance. It will be at ORR's sole discretion whether to include the relevant Bidder’s response in the next stage of the process.  The contract will be awarded to the Bidder(s) submitting the **‘most economically advantageous tender’**. Tenders will be evaluated according to weighted criteria as follows:  **Methodology (30%)**  The proposal should set out the methodology by which the project requirement will be initiated, delivered and concluded. In particular, it must:  a) Explain the methodology and delivery mechanisms to ensure that the requirements of this specification are met in terms of quality;  b) Explain how your organisation will work in partnership with ORR’s project manager to ensure that the requirement is met   1. Explain how your organisation will engage with external stakeholders; 2. Outline how the proposed approach utilises **innovative** consultation methodologies to develop a diverse and comprehensive evidence-base   **Delivery (20%)**  The proposal should set out how and when the project requirement will be delivered. In particular, it must:  a) Explain how this work will be delivered to timescale and how milestones will be met, detailing the resources that will be allocated to each stage;  b) Demonstrate an understanding of the risks, and project dependencies and explain how they would be mitigated to ensure project delivery;  c) Explain the resources that will be allocated to delivering the required outcomes/output, and what other resources can be called upon if required.  **Experience (30%)**  The proposal should set out any experience relevant to the project requirement. In particular, it must:  a) Provide CVs of the consultants who will be delivering the project;  b) Highlight the organisation’s relevant experience for this project, submitting examples of similar projects.  **Cost / Value for money (20%)**  A **fixed fee** for delivery of the project requirement (inclusive of all expenses), including a full price breakdown for each stage of the project and details of the day rates that will apply for the lifetime of this project.   |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | | Name of consultant | Grade | Role | Day rate | Number of days | Total cost (ex VAT) | |  |  |  |  |  |  | |  |  |  |  |  |  | |  |  |  |  |  |  |   Please note that consultancy grades should align with the following definitions:   |  |  | | --- | --- | | **Grade** | **Requirement** | | Junior consultant | Demonstrable experience in a wide range of projects in their specialist field. Evidence of client facing experience and support services to wider consultancy projects. | | Consultant | Notable experience and in-depth knowledge of their specialist field. Evidence of a wide range of consultancy projects and client facing experience. Support work in process and organisational design and leading workshops and events. | | Senior Consultant | Substantial experience in their specialist field and in a consultancy/training role. Previous experience in project management and working in a wide range of high quality and relevant projects. Familiarity of the issues/problems facing public sector organisations. | | Principal Consultant | Substantial experience in their specialist field and in a consultancy/training role. Sound knowledge of the public sector and current policy and political issues affecting it. Previous experience in project management on at least three major projects, preferably in the public sector and using the PRINCE2 or equivalent method. | | Managing Consultant | Substantial experience in their specialist field and in a consultancy role. In depth knowledge of the public sector and of current policy and political issues affecting it. Previous experience in project management on at least 5 major projects, preferably in the public sector and using PRINCE2 or equivalent methods. | | Director / Partner | Extensive experience in their specialist field, in which they are nationally or internationally renowned as an expert. Extensive experience of leading or directing major, complex and business critical projects; bringing genuine strategic insight. In depth knowledge of the public sector and of current policy and political issues affecting it. |   **Marking Scheme**   |  |  | | --- | --- | | 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 | |

**4. Procurement procedures**

Tendering Timetable

The timescales for the procurement process are as follows:

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| **Element** | **Timescale** |
| Invitation to tender issued | 18 October 2021 |
| Deadline for the submission of clarification questions | 01 November 2021 14:00 |
| Deadline for submission of proposals | 05 November 2021 14:00 |
| Shortlisted suppliers notified | 12 November 2021 |
| Interviews and presentations\* | 22/23 November 2021 |
| Award contract | 25 November 2021 |
| Project Inception Meeting | w/c 29 November 2021 |

\*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*** |
|  |  |  |  |
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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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|  |  |  |