

Invitation to Tender (ITT) and Statement of Requirement

## Comparative Review of Product Approval Processes in European Rail Infrastructure Organisations

##### 04 August 2025

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# Purpose of the document

The purpose of this document is to invite proposals for Comparative Review of Product Approval Processes in European Rail Infrastructure Organisations for the Office of Rail and Road.

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.

#### 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.

#### 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.

#### 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

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 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

### Background of the project

This project is led by the Railway Engineering and Investment department, part of the Railway Planning and Performance Directorate. This department consists of Civil Engineering, Control, Signalling, Power Systems, Asset Management and Rail Vehicle Engineering.

The department ensures that Network Rail complies with its network licence.

The Network Licence is a legal document that sets out the obligations Network Rail must meet in operating the UK’s rail infrastructure. It was granted under the Railways Act 1993 and is designed to ensure that Network Rail acts in the public interest.

PR23 refers to the Periodic Review 2023 conducted by the ORR. It is a regulatory process that determines what Network Rail is expected to deliver and how much funding it will receive for Control Period 7 (CP7), which runs from 1 April 2024 to 31 March 2029.

The PR23 review sets out:

* Outputs Network Rail must achieve (like safety, performance, and asset sustainability)
* Funding levels for operations, maintenance, and renewals
* Efficiency targets and performance incentives

The department holds Network Rail to account for asset management issues, against its final determination (PR23).

Bidders should familiarise themselves with the following to help understand the context in which the project outcomes will be used.

* [Network Rail's network licence | Office of Rail and Road](https://www.orr.gov.uk/monitoring-regulation/rail/networks/network-rail/network-licence)
* [Periodic review 2023 of Network Rail: final determination | Office of Rail](https://www.orr.gov.uk/monitoring-regulation/rail/networks/network-rail/price-controls/pr23/final-determination) [and Road](https://www.orr.gov.uk/monitoring-regulation/rail/networks/network-rail/price-controls/pr23/final-determination)

In holding Network Rail to account the department undertakes Targeted Assurance Reviews, commissions Independent Reporter and consultancy projects. Examples can be found in the links below.

* [Targeted assurance review reports: engineering and asset management](https://www.orr.gov.uk/monitoring-regulation/rail/networks/network-rail/monitoring-performance/targeted-assurance-review-reports) [assurance work | Office of Rail and Road](https://www.orr.gov.uk/monitoring-regulation/rail/networks/network-rail/monitoring-performance/targeted-assurance-review-reports)
* [Asset management independent reports | Office of Rail and Road](https://www.orr.gov.uk/monitoring-regulation/rail/networks/network-rail/monitoring-performance/independent-reporters/asset-management)

PR28 refers to the Periodic Review 2028, which will be conducted by the ORR to determine the funding, outputs, and regulatory framework for the rail infrastructure manager for Control Period 8 (CP8). CP8 is expected to run from 1 April 2029 to 31 March 2034.

While PR28 is still in its early stages, the ORR has already begun preparatory work. This project is part of our PR28 preparations.

The consultant’s report will play a critical role in informing the ORR’s PR28 by providing independent, evidence-based analysis. The insights and recommendations from the report will help the ORR assess whether Network Rail’s plans for CP8 are robust, deliverable, and aligned with long-term strategic objectives. Furthermore, the report will support the ORR in holding Network Rail to account under the terms of its Network Licence.

### Project Objectives and Scope

The objective of this project is to review and compare how selected European rail infrastructure managers manage the approval of new products, components, and technologies for use on their networks. The project will assess the governance, efficiency, safety assurance, responsiveness to innovation, and overall burden on suppliers, with the aim of identifying best practices and lessons that the ORR can use to inform oversight of Network Rail’s product approval regime and regulatory expectations.

The outcomes will directly support ORR’s preparation for PR28 by informing its ability to assess Network Rail’s CP8 plans, scrutinise claimed innovation pathways, and assess how barriers to supplier entry are being addressed.

##### Key Tasks

* + - The consultant shall choose, review and document the product approval processes used by up to 3 European railways: e.g.
      * DB Netz (Germany)
      * Infrabel (Belgium)
      * SNCF Réseau (France)
    - Identify and compare relevant factors across each comparator e.g.:
      * Entry points for suppliers
      * Approval gates and testing requirements or process
      * Governance and decision-making structures
      * Integration with procurement, safety, and asset management
      * Agility and responsiveness to innovation
      * Alignment with or extension beyond EU Technical Specifications for Interoperability (TSIs)
    - Conduct online interviews (or alternatives) with relevant stakeholders such as rail authorities and suppliers.
    - Identify how safety risks are balanced with cost and efficiency.
    - Highlight governance mechanisms that mitigate risk aversion and “gold plating.”

##### Scope Includes:

* + - Analysis of publicly available documents, regulations, and published procedures.
    - Stakeholder engagement including European rail infrastructure managers and suppliers.
    - Comparison matrix and identification of best practices.
    - Evidence-based recommendations for how ORR can assess Network Rail’s

process in PR28.

##### Scope Excludes:

* + - Direct analysis of Network Rail’s internal product approval processes (beyond what is available publicly and within the consultants knowledge and experience).
    - Collection of primary operational data from Network Rail.

##### Anticipated Timeline:

* + - The project is expected to take approximately 10–12 weeks, including time for interim reporting and ORR review.

##### Constraints:

* + - Time availability of European stakeholders for interviews may impact the research schedule.
    - The project demands and assumes minimal direct input or data from Network Rail.
    - All outputs must be evidence-based.

##### Security Requirements:

* + - The project will not involve the processing of personal data or access to ORR’s internal networks. Standard data protection practices and confidentiality agreements will apply for interviews and stakeholder inputs.

### Project Outputs, Deliverables and Contract Management

#### Outputs and Deliverables

The consultant is to deliver the following:

* + - Project plan with timelines and milestones
    - Interim presentation of emerging findings to ORR for review and feedback
    - Draft report for comment detailing findings, conclusions, and initial recommendations
    - Final report incorporating ORR feedback
    - Summary matrix (or alternative) comparing the product approval processes across the three infrastructure managers
    - Recommendations for ORR’s regulatory consideration in the remainder of CP7 and in PR28
    - Presentation of final findings and implications for CP8 oversight

##### Contract Management Requirements:

* + - Weekly MSteams informal 15 to 20 minute “pulse calls” with ORR’s project lead

for progress tracking and support

* + - Monthly written progress updates, including milestone status and risks/issues
    - One formal mid-point review (virtual or in-person) to discuss draft findings
    - Defined roles and responsibilities, including a named consultant project lead and ORR liaison
    - Clear milestone-based reporting structure with dates for interim deliverables KPI indicators for contract performance may include:
    - Delivery of draft report on time and within scope
    - Quality and clarity of comparative analysis
    - Evidence of engagement with international stakeholders
    - Adherence to project plan
    - The supplier should prepare a project plan and present it with the proposal. If a contract is awarded to the supplier, the plan should be maintained.

### Project Timescales

The provisional project timetable based on 10 to 12 weeks from contract award is as follows:

* + - Start up meeting and commencement w/c 01/09/2025.
    - Presentation of interim findings on 07/11/2025 (or as agreed)
    - Draft report by 28/11/2025.
    - Final report by the 12/12/2025

### Budget and Payment Schedule

The maximum budget for this piece of work is £55,000 (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.

### 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

£25,000 (excluding VAT) is published on Central Digital Platform, 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

### 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:

##### Understanding of customer's requirements

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

##### 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
  + Details of your approach to our security requirements as outlined in the SOR.
  + What support bidders will require from ORR;

##### 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)

##### 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.

##### 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.

### 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
    - Submission of Cyber Essentials

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 advantageous tender’**. Tenders will be evaluated according to weighted criteria as follows:

#### Methodology 20%

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 has the capability to engage with international stakeholders;

#### Delivery 30%

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;

#### Experience 30%

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.

1. Demonstrate the project teams understanding of the Network Licence and Periodic Review process and the relevance of these to this commission.

#### 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 | 04/08/2025 |
| Deadline for the submission of clarification questions | 15/08/2025 midday |
| Deadline for submission of proposals | 21/08/2025 midday |
| Award contract | 01/09/2025 |
| Project Inception Meeting | w/c 08/09/2025 |

### 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.

The tender shall consist of two envelopes and bidders must submit the correct documents to the correct envelope as set out below:

* **Technical Envelope**: Quality response (Methodology, Delivery, Experience), Disclaimer and Cyber Essentials or ISO27000 certification (or equivalent)
* **Commercial Envelope:** Price and Form of Tender

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

#### Debrief

The debrief material shall contain comments and scores relevant to your tender. Bidders may seek clarification of the content, however no additional debriefs shall be offered. We shall not disclose comments and scores relevant to other tenders other than the total score of the winning bidder.

#### 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](https://www.orr.gov.uk/media/23638) [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

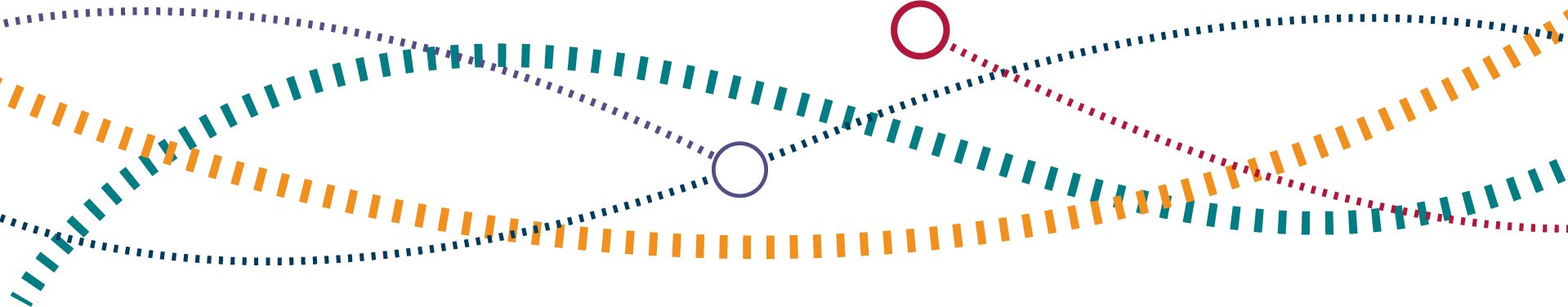
Where appropriate to do so information will be updated as required during the life of the contract so it remains current;

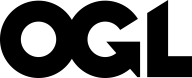
In addition, as a public authority, ORR is subject to the provisions of the Freedom of Information Act 2000. All information submitted to a public authority may need to be disclosed by the public authority in response to a request under the Act. ORR may also decide to include certain information in the 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** |
|  |  |  |
|  |  |  |





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