# Invitation to Tender (ITT) and Statement of Requirement

# Revenue abstraction project

27 August 2025

* + - * + **CPV Code: 79400000**
        + **Tender Reference: ORR/CT/25-57**

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Purpose of the document

The purpose of this document is to invite proposals for the Revenue Abstraction project for the Office of Rail and Road (ORR).

This document contains the following sections:

* + - * + Introduction to the Office of Rail and Road
        + Statement of Requirement
        + Tender Proposal & Evaluation Criteria
        + 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 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

#### ORR review of abstraction in decision making

On [20 June 2025](https://www.orr.gov.uk/sites/default/files/2025-06/2025-06-20-Richard-Goodman-letter-to-ORR_Redacted.pdf) the Department for Transport (DfT) wrote to ORR regarding its approach to making decisions on open access applications. Most of the content of the public letter reiterated the existing Secretary of State guidance position and/or reemphasised points DfT had provided to ORR when commenting on individual applications since 2017. However, the letter also explained DfT’s understanding of ORR’s economic approach and the DfT concern over “cumulative abstraction”.

“We … believe it is critical that the ORR immediately takes steps to fully understand and consider the cumulative scale and impacts of abstraction when it assesses Open Access applications.”

DfT then explicitly requested that ORR’s review:

“should be undertaken in respect of all live applications as well as existing services in order for the ORR to fully discharge its duty to consider impacts to the Secretary of State’s funds. I would be grateful for your views on how ORR can strengthen its assessment methodology to ensure that this is the case, and request that this consideration of cumulative impacts be enacted immediately and factored into all future decision-making.”

In a letter dated [3 July 2025](https://www.orr.gov.uk/sites/default/files/2025-07/2025-07-03-open-access-letter-to-dft.pdf), we then said that:

“…ORR will continue carefully to consider the impact of open access decisions on the funds available to the Secretary of State. I would be happy to develop options for further strengthening or clarifying that approach, in consultation with DfT and other stakeholders, to support our consideration of applications to introduce new open access services during 2026 and subsequently…”

By commissioning and using the findings from this report ORR will fulfil its commitment to consider the request by DfT while working within the existing legislative framework and applying its current duties.

##### The ORR intends to use the report as part of the evidence base for its understanding of absolute levels abstraction. The purpose of this project is for consultants to produce a report, having engaged with stakeholders, which can be used by ORR officials to brief the ORR Board on cumulative abstraction levels (and their derivation) (‘Board briefing’). Following publication of the report, we will write out to stakeholders on what this means for new open access applications.

##### In this ITT the winning bidder is referred to as ‘the abstraction consultants’.

#### Track Access

ORR determines track access contracts for Network Rail, Core Valley Lines and the Crossrail Central Operating Section in accordance with the Railways Act 1993. This requires ORR approval for all track access contacts and gives ORR the power to direct parties to enter into access agreements where applicants and the infrastructure manager are unable to agree. The Railways Act sets out our Section 4 statutory duties, which we must have regard to, and we weigh the relevant Section 4 duties when making track access decisions.

There are two types of passenger Train Operating Companies (TOCs) in Great Britain; those who operate public service contracts, i.e. those owned or operated on behalf of - for example - the Department for Transport, Scottish Government or Welsh Government, and open access operators, which are owned and operated independently of Government and who often compete against public service operators.

When we consider track access applications, we do so in accordance with our statutory duties. These include our duties to:

* + - * + Protect the interests of users of railway services;
        + Promote the use of the network for passengers and freight; and
        + Promote improvements in railway service performance.

To do this, we determine what is fair and efficient use of network capacity and what impact any additional services could have on the performance of existing services. Where there are competing applications for limited capacity, we assess the costs and benefits of the available options.

For open access applications, it is also relevant to consider our statutory duties to:

* + - * + Promote competition for the benefit of rail users; and
        + Have regard to funds available to the Secretary of State

In our consideration of applications, we weigh the benefits that open access operators can bring through increased competition (e.g. through lower fares or innovation) against the potential costs to incumbent operators and to the Secretary of State through revenue impacts on publicly operated services. This, in addition to our duty to protect the interests of users of railway services, both passenger and freight customers, requires us to consider the impact of new open access services not just on the passengers benefitting directly from those services but on all users of railway services.

#### Not Primarily Abstractive Test

We use the ‘Not Primarily Abstractive’ (NPA) test to assist us in weighing the duties summarised in the previous subsection. The NPA test aims to help us weigh our duties to promote competition for the benefit of users (represented by generation) and to have regard to the funds available to the Secretary of State (represented by abstraction). The extent to which we value the potential benefits competition can bring is reflected in the threshold for the test that we expect new services to reach – we would only expect to approve applications that generate at least 30p of new revenue for every £1 abstracted from existing operators (i.e. achieve a ratio of 0.3:1).

We would expect to apply the ‘not primarily abstractive’ test to:

* + - * + a new open access service which would compete with public service contract services and so impact on the public sector funder’s budget;
        + a new public service contract which would compete with existing public service contract services, where we would expect to focus the test on areas where the competing services are operated on behalf of different funders or where for some other reason there are particular concerns over the impact on a funder’s budget; and
        + a new service, which might be open access or public service, which would compete with an existing open access service and which, if it caused the existing open access operator to withdraw from the market, could reduce overall competition on the network.

We also believe that there could be circumstances where we would apply the test when one franchisee (or other type of publicly funded operator) proposes to increase the level of competition against another franchisee (or other type of publicly funded operator). This might include, for example, an increase in the number of services or station calls, in order to help inform us whether it would be likely to be wasteful competition.

Under our current approach, once a service has been established, an application to approve an extension of the duration of access rights does not amount to a new competing service. We would not therefore expect to reassess such services against the ‘not primarily abstractive’ test. Changes to existing services, for example adding additional stops, will require the NPA test.

#### Absolute level of abstraction

In addition to the NPA test, we may also take account of the absolute level of abstraction (the total annual figure abstracted from publicly controlled operators), and we may decide to reject a track access application should we deem the absolute level of revenue abstraction to be too great. This gives us the ability to give greater weight to the impact on Secretary of State’s funds than is implicit in the NPA test when balancing our Section 4 duties.

Past and existing abstraction represented by previous ORR decisions is an input into the ORR Board consideration of the Secretary of State’s finances. The ORR Board takes into account the current position of the Secretary of State’s finances when taking decisions on open access proposals. As the organisation responsible for publishing accredited official statistics on UK Rail Industry Finances, ORR regularly reviews and publishes data on industry finances.

ORR has no pre-set limit on an acceptable level of absolute abstraction. Past decisions have been made on a case-by-case basis, taking account of the circumstances surrounding each application.

### 2.2 Project Objectives and Scope

#### Objectives and scope

The project objective is for the abstraction consultants to produce a report providing estimates of the cumulative abstraction that is caused annually by open access operators.

This report must include the following:

Estimates of cumulative abstraction:

* + - * + Estimates of the annual level of revenue abstraction caused by open access operators in operation and the future annual level of abstraction caused operators whose rights have been approved by ORR (but whose services have not yet been launched). The final list will be confirmed at award. We welcome consultants’ proposed approaches but given the time permitted for this exercise, we envisage that consultants would produce these estimates with reference to a combination of:

Abstraction and NPA ratios generated by recent existing services:

[Open access: research on historic generation and abstraction (2024)](https://www.orr.gov.uk/media/26395), Systra (for ORR)

[Three research reports](https://www.lumo.co.uk/who-we-are) prepared on behalf of First Group earlier in 2025

[Analysis carried out by Jacobs on behalf of LNER](https://www.railmagazine.com/news/2025/05/09/open-access-operators-to-cost-lner-11bn-over-next-decade-report-claims#:~:text=It%20calculates%20that%20approximate%20open,on%20%C2%A3562m%20of%20revenue.) earlier in 2025, conditional on this being published or being given permission to publish its contents

Analysis completed by ORR

Up-to-date revenue data (or, in the case of future services, forecasts) for open access operators.

* + - * + Estimates (with commentary on the robustness) of the revenue abstraction of specific active short-distance open access operators. For example, Heathrow Express. The final list will be confirmed at award.

Supporting analysis:

* + - * + Proposals for relevant contextual benchmarks (in light of ORR’s duties) that the estimates of abstraction could be presented alongside when considering its significance.
        + Advice on how ORR could forecast abstraction when it is considering more than one application at a time, which we consider would be particularly important when they are interacting applications. ORR will provide examples for the consultants to consider.

The report should include an annex explaining how all outputs and benchmarks could be updated by ORR in the future on a proportionate basis as, for example, a new year’s revenue data became available and/or new open access services had been approved.

We anticipate that the project will take no more than eight weeks to complete.

#### Note regarding unexpected increases in scope

If the scope of the project unexpectedly increases beyond that specified in this ITT, we would expect the abstraction consultants to quote a fixed fee for any additional deliverables, based on the day rates specified in section 3.2 (this would be dealt with in accordance with the Change Control Procedure, which will be contained in clause F3 of the contract).

### 2.3 Project Outputs, Deliverables and Contract Management

#### Stakeholder engagement (industry and funders)

Good engagement with industry is vital in this project. We expect the abstraction consultants to conduct conversations with industry during the project, including ahead of production of the interim report. This should include interviews with representatives of known existing and aspirant open access operators, as well as incumbent operators (and if available their economic advisors). These interviews must ensure that the abstraction consultants have captured industry views in order to develop the outputs listed in the final report.

Given the project relates to abstraction from publicly controlled operators we expect the abstraction consultants to discuss the outputs with funders. This should include the Department for Transport, Transport Scotland and Welsh Government.

We expect all engagement to be remotely via Teams (or equivalent).

#### Outputs and Deliverables

Project deliverables

* + - * + An interim report which provides ORR with an opportunity to understand and steer the consultant’s findings and presentation thereof, as well as conduct accuracy checks. This report should be provided to ORR no later than 4 weeks after the contract starts. After ORR review, this report should be shared with stakeholders for review.
        + A final report which contains the following outputs:

A review and calculation of the current level of abstraction by open access services, including clear supporting information to show the methodology employed and detailing the calculations. This should be accompanied by a guide on how this evidence base can be maintained proportionately by ORR.

A proposal for presenting a holistic, industry-wide approach to abstraction by open access services (based on the calculations contained in the output above) in a format which can be provided to the ORR board for review.

A review of how these outputs compare with information in the public domain and/or provided to ORR Board when it makes open access decisions. This should include proposals for relevant contextual benchmarks (in light of ORR’s duties) that the estimates of abstraction should be presented alongside. For example, the duty to have regard to the total funds available to the Secretary of State.

An account of the views of stakeholders (list defined by ORR) in relation to the existing industry level abstraction and the proposed calculation and its links to ORR duties

* + - * + Any data-sets and models used in the calculations of the abstraction levels, to allow for external audit and for use in future exercises. The models should be readily updateable and should be accompanied by a user guide to aid future calculations. Any code used to carry out the analysis should also be provided, with annotation.

Any analysis carried out by the abstraction consultant in support of the contract deliverables must be supported by analytical assurance. This must be documented and an analytical assurance statement submitted to summarise the assurance that has been carried out together with the risk of error, scope for challenge and any uncertainties associated with the analysis.

Given the confidential basis on which ORR obtains industry data, the abstraction consultants must prepare a version of the report for publication respecting any commercially sensitive requirements. We expect ORR to have access to an unredacted version of the abstraction consultants’ analysis and report which identifies any commercially sensitive information.

#### Contract Management Requirements

The abstraction consultants’ key point of contact will be the assigned ORR project manager.

The abstraction consultants must hold weekly online update meetings with ORR (or more frequently as required), including members of the core project team, followed up by email with a summary of action points. These meetings should set out progress of the deliverables and highlight any key risks or issues.

The abstraction consultants will be expected to create and maintain a record of stakeholder engagement they carry out, including the name of each contact, their organisation, role, information on engagement and the views expressed. This must be shared with ORR at the outset and conclusion of the project and on request throughout the project.

### 2.4 Project Timescales

The provisional project timetable is as follows:

* + - * + Kick off meeting and project commencement w/c 29 September 2025.
        + Weekly updates on progress, key risks and issues
        + Presentation of interim report and findings on or before 27 October 2025 (or as agreed), followed by a three-week period of review and accuracy checking of interim report through engagement with ORR and stakeholders
        + Final report by 21 November 2025

### 2.5 Budget and Payment Schedule

Payment of the total fee for this work 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 £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

### 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:

* + - * + **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 (including detail of the analytical approach and information sources) 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, check in points with ORR and identification of how and when stakeholders will be engaged with (at a minimum this should include Network Rail, Operators, DfT, HMT and ORR);

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 (e.g. 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.

### 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
        + Submission of Cyber Essentials certification (or equivalent).
        + 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 (25%)

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

* + - * + Explain the methodology and delivery mechanisms to ensure that the requirements of this specification are met in terms of quality;
        + Explain how your organisation will work in partnership with ORR’s project manager to ensure that the requirement is met
        + Explain how your organisation will engage with external stakeholders;
        + Outline how the proposed approach utilises innovative consultation methodologies to develop a diverse and comprehensive evidence-base

#### Delivery (30%)

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

* + - * + 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;
        + Demonstrate an understanding of the risks, and project dependencies and explain how they would be mitigated to ensure project delivery;
        + 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:

* + - * + Provide CVs of the consultants who will be delivering the project;
        + Highlight the organisation’s relevant experience for this project, submitting examples of similar projects.

#### Cost / Value for money (15%)

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. |

#### Price Evaluation

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 | 27 August 2025 |
| Deadline for the submission of clarification questions | 9 September 2025 |
| Deadline for submission of proposals | 15 September 2025 |
| Award contract | 26 September 2025 |
| Project Inception Meeting | w/c 29 September 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 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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