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**TRANSPORT for LONDON – SURFACE TRANSPORT**

**INVITATION TO APPLY**

REF: tfl\_scp\_001552

**TfL Approved Assessment Centre Scheme**

## INSTRUCTIONS TO APPLICANTS

TfL\_scp\_001552

**PROJECT TITLE: TFL APPROVED ASSESSMENT CENTRE SCHEME**

### DISCLAIMER

Neither Transport for London ("TfL"), its agents, or its servants or advisors warrant the accuracy of this Invitation, or its completeness or relevance. Any asset lists, current costs, staff numbers and other related information provided as part of the Invitation may not be totally representative of the current environment because of the complex and dynamic nature of the operational environment and ongoing information collection process. Any resulting assumptions should be clearly stated by the applicant in its application.

Nothing in the Invitation is, or should be relied upon as, a promise or representation as to TfL's or any of its subsidiaries' ultimate decision in relation to the Approved Centres which shall depend in part on the outcome of the selection process. TfL also reserves the right to terminate all or any part of the application process at any time without approving any applications or to reject any or all applications for any reason without prior notice to applicants, and under no circumstances shall TfL incur any liability (including, without limitation, any liability in respect of any costs or expenses of the applicant) in respect thereof. The applicant will be solely responsible for their costs incurred in relation to the application process and in developing, preparing and submitting any response to the Invitation.

TfL is not bound to accept any application and reserves the right to accept all or part of an application.

I/We have read this disclaimer and acknowledge the points outlined above.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name \_\_\_\_\_ Company \_\_\_\_\_

## INVITATION TO APPLY

This document provides instructions on applications, but does not form a part of the terms and conditions. Applicants should note however that failure to return information in the correct format at the correct time will invalidate the application. They are, therefore, advised to take care and note which documents need to be returned by which time.

All definitions for the defined terms found throughout this suite of documents can be found in the Deed of Appointment terms and conditions.

The full suite of documents, issued with this Invitation contains the following elements:-

- i. **Invitation to Apply** - provides full instructions on how the application process shall be organised, how TfL shall decide which applications are successful and how and when applicants should submit their responses to the questions contained within the Schedule 2 – Application Form and associated Appendix;
- ii. **Deed of Appointment terms and conditions** – provides the full terms and conditions which successful Applicants will be required to sign up to prior to being authorised to host Assessments;
- iii. **Schedule 1 - Statement of Requirements (including associated Appendix)** - provides full details on the scope of work;
- iv. **Schedule 2 – Application Form (including associated Appendix)** – provides applicants with details of the information that they will need to provide to TfL as part of their application. This Schedule also provides details on how the information applicants provide will be evaluated.

Applicants are advised to carefully read all documentation and where appropriate, seek independent legal advice, to ensure that they have a full understanding of the contractual terms and obligations associated with the TfL Approved Assessment Centre Scheme.

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## 1.0 BACKGROUND

### 1.1 Introduction

This section provides Applicants with background information on the TfL Approved Assessment Centre Scheme proposal, which is being led by Transport for London (TfL).

Due to a review of the Taxi and Private Hire regulations it has been necessary for TfL to revise the current assessments that Candidates take as part of the licensing process. Due to the review of these regulations TfL are now required to ensure that there is greater consistency for Candidates across the assessment process, wherever they take their assessments.

### 1.2 Transport for London- Overview

TfL was created in 2000 as the integrated body responsible for London's transport system. TfL is a functional body of the Greater London Authority. Its primary role is to implement the Mayor of London's Transport Strategy and manage transport services to, from and within London.

To this end, TfL manages London's transport network and is responsible for London's buses, the Underground, the Docklands Light Railway, the Santander Cycle Hire scheme, the management of Croydon Tramlink and certain services and piers on the River Thames. TfL also runs Victoria Coach Station and the London Transport Museum.

The London Taxi and Private Hire directorate (LTPH) is responsible for licensing taxi drivers private hire operators and private hire drivers and vehicles. In addition, it is also responsible for licensing Private Hire Vehicles (PHVs) and Taxis.

### 1.3 Information about the TfL Approved Assessment Centre Scheme proposal

TfL is committed to providing its Candidates with an efficient, effective service. This includes setting a standard level of service that Candidates receive which requires all organisations working with TfL to commit to a similar quality of service.

Currently there are a large number of centres which host topographical assessments in various locations around London. Each of these centres perform the existing topographical assessments in different formats, with variable assessment conditions and multiple ways of marking the assessments. Each assessment centre uses different methods for booking assessments and the fees charged to candidates are also inconsistent.

Going forward, TfL would like to introduce a significant enhancement in the content, management and delivery of the Pre Licensing Assessments ('the Assessment'). The newly packaged Assessment may include modules such as topographical skills, driver responsibilities, disability awareness, safeguarding and safer urban driving. TfL shall also take on the responsibility for creating and marking the Assessment as well as providing invigilators to ensure that Candidates sit the Assessment in appropriate conditions.

The Assessment will be hosted electronically via a web based format and it will be the responsibility of the Service Provider to ensure that appropriate IT provisions have been arranged for each Candidate to take the Assessment. TfL are currently in the process of developing the web based Assessment which all Approved Centres must have the ability to host. To mitigate for any IT issues, TfL will also require Service Providers to be able to host written versions of the Assessment at the Approved Centre.

Whilst TfL shall take control of the management of the Assessment itself, TfL do require a network of Approved Centres around London to provide appropriate venues in which candidates can sit the Assessment, each one approved by TfL to provide this service. The appointing of these Service Providers to provide Approved Centres is the basis of this application process. The Service Provider will agree to deliver a set of requirements provided as part of the application process so that a consistent level of quality service is provided to candidates across all Approved Centres. Adherence to these requirements will need to be demonstrated before a Service Provider is issued with a TfL Approval Notice and is authorized to host Assessments. The Service Provider will then be able to host Assessments at their Approved Centre until October 2019, pending continued compliance with the Terms and Conditions.

Any Service Provider that submits an application to host an Approved Centre and is compliant with the requirements and agrees to sign up to the associated terms and conditions will be able to host Assessments at their designated Approved Centre.

TfL are seeking to appoint a number of Approved Centres to meet the maximum predicted demand of roughly 1,000 Assessments per week. Assessment sessions shall last from 9am – 5pm, and shall be held 5 days a week, Monday to Friday. In order to achieve this aim and to ensure the management and delivery of the Assessment process is as efficient and optimal as possible, certain restrictions related to the hosting of Assessments will apply. Full details of these can be found within the Terms and Conditions, Statement of Requirements and this Invitation. A summary of some of the key restrictions, which TfL reserve the right to amend at any time, are detailed below:

- TfL shall not permit an Assessment session to take place unless a minimum of five (5) Candidates are booked on to attend that individual Assessment session.
- Approved Centres will not be able to hold more than 40 Candidates in one individual Assessment session.
- A Service Provider may only host one Approved Centre at any one time. This Approved Centre must be located within the Greater London Authority area (the area comprising of the London boroughs and the City of London). Multiple Approved Centres, managed or owned by the same Service Provider, will not be permitted.

- Each Service Provider shall be limited to holding no more than three (3) Assessment sessions per week. Applicants are able to specify the days on which they wish to host Assessment sessions in the Application Form.
- It should be noted that TfL may in exceptional circumstances host Assessments on TfL premises at no charge to Candidates.

The accreditation of the existing topographical centres to host topographical assessments shall cease from 26th September 2016. Applicants are advised to submit their applications in good time so as to allow a smooth transition from Candidates taking the topographical assessments in the current accredited topographical centres, to Candidates taking their Assessments in the Approved Centres. It should be noted that TfL require up to 21 days to fully review and verify an application.

#### 1.4 High level Assessment process

For the avoidance of doubt, a high level process, outlining the responsibilities of each Party in relation to the provision of the Assessments, is outlined below:

1. TfL will appoint Service Providers following their submission of a successful application.
2. Once a TfL Approval Notice has been issued to a Service Provider, TfL will publish details of that Service Provider's Approved Centre on the TfL website, alongside the details of all other Approved Centres, for Candidates to view. TfL are committed to ensuring that all Approved Centres are advertised equally on the TfL website.
3. Candidates contact TfL requesting an Assessment at an Approved Centre of their choice at a time and date of their choosing (pending availability). It will be the sole decision of the Candidate which Approved Centre they choose in which to sit their Assessment.
4. Once the agreed level of Candidates required to sit an Assessment has been reached for a particular Assessment, TfL will confirm to the Service Provider that an Assessment shall take place at their Approved Centre on the specific date and time.
5. TfL shall provide the final list of Candidates expected at that Assessment to the relevant Service Provider 24 hours prior to that Assessment taking place.
6. At the agreed date and time of the Assessment, Service Providers shall welcome Candidates to the Approved Centre.
7. The Service Provider shall be responsible for taking the payment from the Candidate.

8. TfL Assessors shall manage all aspects of the Assessment.
9. At the conclusion of the Assessment and the departure from the Approved Centre of the Candidates, the Service Provider shall be responsible for ensuring the security of the Approved Centre.

The full requirements, which the Service Provider shall be required to deliver, are listed in Schedule 1 – Statement of Requirements.

Reference Only

## 2.0 THE APPLICATION PROCESS

### 2.1 The Indicative Application Timetable

The application process is being run to the following proposed estimated timetable. These dates are indicative, provided for Applicants' guidance only, and are subject to change.

**Table 1 - Application Process Timetable**

Activity	Date
Application window opens	25/08/2016
Deadline for TfL's receipt of clarification questions	Ongoing
Deadline for receipt of applications	Ongoing until October 2019
TfL's evaluation of applications ends	21 days from receipt of each application
Site visits to shortlisted Centres	Within the 21 days from receipt of each application that passes the pass/fail questions
Results of Selection communicated	Within 21 days from application
First assessments in new approved centres	October 2016 onwards

### 2.2 Clarifications

Applicants must submit any questions relating to this ITA via email at [topoenquiries@tfl.gov.uk](mailto:topoenquiries@tfl.gov.uk).

TfL will endeavour to respond within five (5) working days to clarification questions.

Applicants should be aware that:

- if, in TfL's view, questions are of a general nature, TfL may provide copies of questions in a suitably anonymous form, together with answers, to all Applicants;
- if, in TfL's view, questions are of a specific nature, TfL will provide copies of questions, together with answers, only to the applicant seeking clarification; and
- the clarification process will be conducted on the basis of the equal, transparent and non-discriminatory treatment of Applicants.

Applicants are encouraged to review the requirements and to inform TfL, using the clarification process, if they believe that they will have difficulty in meeting individual

requirements but that they are able to offer an alternative solution to that requirement that will not have a materially negative effect on the quality of the outcome intended by that requirement. It will then be at TfL's sole discretion to decide whether or not a requirement may be amended to accommodate the suggested variation.

### 2.3 Applicants' Costs

Applicants are reminded that they are solely responsible for the costs which they incur as a result of their participation in this application. This includes where TfL change the application process or discontinues the application process without awarding Approval for any reason; in such circumstances, TfL will not reimburse any expenses incurred by any person in consideration of and/or response to this document. Applicants make all applications, proposals and submissions relating to this Invitation entirely at their own risk.

### 2.4 Submission Arrangements and Administrative Instructions

In order to partake in this application process, Applicants must email their full application to [topoenquiries@tfl.gov.uk](mailto:topoenquiries@tfl.gov.uk)

Reference only

### 3.0 APPLICATION SUBMISSION POINTS OF NOTE

#### 3.1 Application Administrator

TfL point of contact for the application process, to whom all queries shall be sent electronically via email, shall be as follows:

Name: Luke Giles / Gerard Doherty

E-mail: [topoenquiries@tfl.gov.uk](mailto:topoenquiries@tfl.gov.uk)

#### 3.2 Application documents

Although all efforts have been made to ensure that all electronic files are virus free, it shall be the Applicants responsibility to protect its own IT systems from any infection of the electronic files.

#### 3.3 Corrupt Gifts and Payment of Commission

Direct or indirect canvassing of the Mayor of London, any members of the Greater London Authority, any employees, directors, board members, agents or advisors of TfL or any of its subsidiaries, by any applicant concerning this application process, and any attempt to procure confidential information regarding the other applications from any of the foregoing shall result in the disqualification of the applicant from the application process.

#### 3.4 Publicity and Marketing

Applicants are not permitted to:

- Make any public statement or communicate in any form with the media in connection with this application process;
- Use any trademarks, logos or any other Intellectual Property Rights associated with TfL;
- Represent that the Applicant is directly or indirectly associated in any way with the TfL or this Application Process;
- Engage in any form of marketing which creates, implies or refers to an association between the Applicant and the TfL and/or this Application Process;
- Do anything or refrain from doing anything in relation to the Application Process that would have an adverse effect on TfL; and
- Applicants must direct any queries from the media to the TfL Press Office on 0845 604 4141 or [pressoffice@TfL.gov.uk](mailto:pressoffice@TfL.gov.uk). If required, Applicants must seek further guidance from TfL from the Application Administrator.

### 3.5 Data Transparency

The UK government is committed to greater transparency in the public sector. Accordingly TfL reserves the right to publish any documentation associated with the application process.

TfL may at its absolute discretion redact all or part of the documentation associated with the application process and may take account of exemptions that would be available under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

TfL may at its absolute discretion consult with the Service Provider regarding any such redactions. However, TfL will make the final decision regarding publication and/or redaction.

### 3.6 Insurance

Applicants are required to have Public Liability Insurance cover of at least £10m. If the Assessment Centre provided by a Service Provider is intending to host only 5 Candidates at one time TfL will accept Public Liability Insurance of at least £5m. Applicants are also required to hold professional indemnity insurance cover of at least £5m.

Applicants are advised to review Clause 10 of the Deed of Appointment to ensure that they are aware of all the insurance cover required to deliver this service.

## 4.0 APPLICATION RESPONSES & SELECTION

### 4.1 Introduction

The purpose of this section is to provide Applicants with instructions on how to structure and present their application to enable TfL to carry out its selection of the successful Service Providers. The selection process will be conducted in a fair, equal and transparent manner.

Applicants must place emphasis on brevity and clarity in all aspects of their application which contain only relevant information in a structured format.

Please note that:

- all documents and materials must be written in English;
- any specified page limits must be adhered to;
- all additional information, which is outside the scope of the information specifically requested in the modules, must be in clearly referenced annexes. TfL reserves the right not to take the additional information into account, when it evaluates the Application;
- all Applications become the property of TfL upon submission and will be subject to the Freedom of Information Act 2000 (see Paragraph A1-A3 for further details);
- failure to disclose all material information (facts that we regard as likely to affect our selection process), or disclosure of false information at any stage of this application process may result in the disqualification of the Applicant from this process. Applicants must provide all information requested and not assume that TfL has prior knowledge of any of their information; and

We actively seek to avoid conflicts of interest and reserve the right to reject Applications as ineligible where we perceive an actual or potential conflict of interest. Applicants must advise and discuss all potential conflicts of interest with TfL prior to submission of their completed Application. Applicants must return the following documents, fully completed, to be deemed to have submitted a full application:

- Completed Schedule 2\_Application Form;
- Completed Schedule 2\_Application Form – Appendix 1;
- Signed Annex 1A – Application Declaration of this Invitation to Apply; and
- Signed Disclaimer, located on page 2 of this Invitation to Apply.

### 4.2 Selection

All applicants are required to respond to the questions in the Application Form. The questions include both pass/fail questions and questions for TfL's information only.

Pass/fail questions shall be used to evaluate areas such as health and safety, conflict or interest, compliance with the Statement of Requirements and Terms and

Conditions. Any Applicant replying with a 'fail' to any of the pass/fail questions will not be successful in their application.

If an Applicant's Application Form indicates that they have passed the minimum quality threshold set in the Application Form, their proposed Approved Centre shall be visited by a TfL Assessor to verify the information provided in the Application Form.

Should the responses in the Application Form be verified by the TfL Assessor, then TfL shall be able to publish details of that Service Provider's Approved Centre on the TfL website and allow Candidates to book Assessments at that Approved Centre, immediately, following the signing of the Deed Agreement.

Should however, during the visit to the proposed Approved Centre, the TfL Assessor identify any concerns in relation to the ability of the Applicant to meet the requirements, or any materially false information contained within the Application form, the application shall be rejected and feedback provided to the Applicant.

TfL will at its discretion provisionally issue TfL Approval Notices to Service Providers that can not immediately implement the IT requirements if they commit to delivering these requirements by a date agreed with TfL. This provisional approval may be used in instances where; IT arrangements have been made and can be evidenced, but the lead time to deliver it will unnecessarily prevent Service Providers from hosting paper based assessments; or if TfL does not have the on-line based assessment ready to use immediately. The provisional nature of this approval shall be detailed in the TfL Approval Notice issued.

## **ANNEX 1 A APPLICATION DECLARATION**

I/We having read the Invitation to Apply, Deed of Appointment, Statement of Requirements and Application Form, (“The Application Documents”) and having inspected and made all necessary enquiries regarding the scope and terms of the TfL Approved Assessment Centre Scheme do hereby offer to execute and complete the whole of the services described by or referred to in the foregoing documentation.

I/We declare that information in connection with the Application has not been disclosed by me/us to any other party (including any other company or part of a company forming part of a group of companies of which I/we are a part) nor to any sub-contractor (whether nominated or domestic) nor supplier (whether nominated or domestic) or any other person to whom such disclosure could have the effect of preventing or restricting the application exercise and that I/we have not otherwise colluded with any person with such intent nor have I/we any knowledge of any other particulars of any other Application by any other party.

I/We further acknowledge that any breach of the foregoing provisions shall lead automatically to this Application being disqualified and may lead to criminal or civil proceedings.

TfL shall treat any application received in confidence but reserves the right to make the same available to Trading Standards Departments, the Greater London Authority Assembly, and/or any other statutory regulatory authority either having jurisdiction over the services or who may now or at any future time have statutory power to require disclosure of this application.

I/We agree that should obvious errors be discovered before the acceptance of this offer in the Application Documents submitted by me/us, these errors shall be dealt with in accordance with TfL’s prescribed procedures.

I/We further acknowledge that this application is submitted at my/our own expense and that TfL will not necessarily accept any applications.

I/We undertake that in the event of acceptance by TfL of this application I/we will execute this Deed of appointment embodying or incorporating all the conditions and terms referred to in the Application Documents above referred to and forming part of the Invitation.

Signed: .....

Name: .....

For and on behalf of: .....

Position or status within Company: .....

Address: .....

.....

Phone: .....

Email: .....

Dated: .....

Reference Only

## FREEDOM OF INFORMATION ACT

### GUIDANCE TO APPLICANTS AND CONTRACTORS ON TFL'S POLICY FOR ACCESS TO INFORMATION

#### A.1 BACKGROUND

**A.1.1** The Freedom of Information Act 2000 (FOIA) gives the public a legal right of access to information held by public authorities. The public now has a right to know about our work and it is our duty to operate with openness and transparency.

**A.1.2** A person making a FOIA request is entitled to two things, unless an exemption applies. These are:

- a) To be informed whether we hold information of the description requested; and
- b) If so, to have that information communicated to him or her.

**A.1.3** How does this affect you?

**A.1.4** All information held by TfL is caught by the FOIA. The rules about disclosure apply regardless of where the information originated. This means that all the following types of information may be subject to disclosure:

- Information in any Application submitted to us;
- Information in any contract to which we are a party (including information generated under a contract or in the course of its performance);
- Information about costs, including invoices submitted to us;
- Correspondence and other papers generated in any dealing with the private sector whether before or after contract award; and
- This means TfL will be obliged by law to disclose such information unless an exemption applies.

**A.1.5** The legal obligation to respond to requests from the public under the FOIA rests with TfL. TfL must therefore respond to requests as we see fit in our sole discretion. This Guidance explains our policy on the disclosure to the public of information about our private sector suppliers.

#### A.2 GENERAL RULES ON DISCLOSURE

**A.2.1** In the absence of special circumstances:

- a) All Invitations published by TfL will be available to the public on request;
- b) Applications will be held in confidence until the successful Service Providers are appointed;

**A.2.2** Any person tendering for or contracting with TfL must notify TfL during the tendering or negotiating process of information that they consider being

eligible for exemption from disclosure under the FOIA. Such notification must be made in the form of the Appendix to this Guidance Note. Such information must be referred to as reserved information.

- A.2.3** Information not identified as reserved information in the way described above will be made available by TfL on request.

### **A.3 OTHER GUIDANCE**

- A.3.1** Although TfL is not under any obligation to consult you in relation to requests for information made under the FOIA, we will endeavour to inform you of requests wherever it is reasonably practicable to do so.

- A.3.2** Contracts with TfL may require you to supply information to us, or provide other assistance, pursuant to any FOIA request received by TfL.

- A.3.3** You should be aware that TfL's decision on applying an exemption and, therefore, refusing a request for information by a member of the public may be challenged by way of appeal to the Information Commissioner. The Information Commissioner has the statutory power to direct that the information be disclosed.