

Work Related Road Risk

12.3 For the purposes of Clauses 12.4 to 12.12 (inclusive) of this Contract, the following expressions shall have the following meanings:

“Alternative Scheme”	has the meaning given to it in Clause 12.4.1;
“Approved Progressive Driver Training”	an ongoing programme of Drivers’ training to ensure they have the appropriate knowledge, skills and attitude to operate safely on urban roads. This includes the training specific for the urban environment consistent with the FORS Standard accreditation level required by clause 12.4.3 for the value of the Contract;
“Category M Vehicle”	a power-driven vehicle having at least four wheels and designed for the carriage of passengers;
“Category N1 Vehicle”	a vehicle with an MAM not exceeding 3,500 kilograms but not including Category M Vehicles;
“Category N2 HGV”	a vehicle with an MAM exceeding 3,500 kilograms but not exceeding 12,000 kilograms and not including Category M Vehicles;
“Category N3 HGV”	a vehicle with an MAM exceeding 12,000 kilograms but not including Category M Vehicles;
“CLOCS Standard”	the Construction Logistics and Community Safety standard, which aims to eliminate risk of a collision between vehicles servicing the construction sector and vulnerable road users by ensuring effective practice in the management of operations, vehicles, drivers and construction sites; further information can be found at: www.clocs.org.uk ;
“Collision Report”	a report detailing all collisions during the previous 12 months involving injuries to persons or fatalities;
“Delivery and Servicing Vehicle”	an HGV or a Category N1 Vehicle;
“Driver”	any employee of the Service Provider (including an agency or contracted driver),

who operates Delivery and Servicing Vehicles on behalf of the Service Provider while delivering the Services;

“DVLA”

Driver and Vehicle Licensing Agency;

“Direct Vision Standard” or “DVS”

Direct Vision Standard, a performance based assessment and rating tool, as updated from time to time that measures how much direct vision a Driver has from a Category N3 HGV cab in relation to other road users. Further information can be found at: www.tfl.gov.uk;

“DVS Schedule”

the Heavy Goods Vehicle Direct Vision Standard Schedule attached to this Contract;

“FORS”

the Fleet Operator Recognition Scheme, which is an accreditation scheme for businesses operating commercial vehicles including vans, HGV, coaches and powered two wheelers. It offers impartial, independent advice and guidance to motivate companies to improve their compliance with relevant laws and their environmental, social and economic performance;

“FORS Standard”

the standard setting out the accreditation requirements for the Fleet Operator Recognition Scheme, a copy of which can be found at: www.fors-online.org.uk;

“Gold Accreditation”

the highest level of accreditation within the FORS Standard, the requirements of which are more particularly described at: www.fors-online.org.uk;

“HGV”

a vehicle with a MAM exceeding 3,500 kilograms but not including Category M Vehicles;

“MAM”

the maximum authorised mass of a vehicle or trailer including the maximum load that can be carried safely while the vehicle is used on the road;

“Silver Accreditation”

the second highest level of accreditation within the FORS Standard, the

requirements of which are more particularly described at: www.fors-online.org.uk;

“Supply Chain”

any sub-contractors or sub-consultants of whatever tier beneath the Service Provider and appointed in relation to the Services; and

“WRRR Self-Certification Report”

has the meaning given to it in Clause 12.10.

Fleet Operator Recognition Scheme Accreditation

12.4 Where the Service Provider operates Delivery and Servicing Vehicles to provide the Services, it shall within 90 days of the Contract Commencement Date:

12.4.1 (unless already registered) register for FORS or a scheme, which in the reasonable opinion of the Authority, is an acceptable substitute to FORS (the “**Alternative Scheme**”); and

12.4.2 (unless already accredited to the required accreditation within the FORS Standard for the value of the contract as set out in clause 12.4.3 below) have attained the accreditation in relation to the corresponding contract value shown at clause 12.4.3 below.

12.4.3 The required FORS Standard accreditation corresponding to the relevant contract value:

Value of contract with the Authority	Required standard	
One million pounds sterling or less (≤ £1,000,000)	For the Service Provider	Silver Accreditation (or higher) or the equivalent standard within the Alternative Scheme
	For the Supply Chain	Silver Accreditation (or higher) or the equivalent standard (or higher) within the Alternative Scheme
Over one million pounds sterling (>£1,000,000)	For the Service Provider	Gold Accreditation or the equivalent standard within the Alternative Scheme
	For the Supply Chain	Silver Accreditation (or higher) or the equivalent standard (or higher) within the Alternative Scheme

- 12.4.4 The Service Provider shall maintain the relevant standard set out at clause 12.4.3 above (or the equivalent standard within the Alternative Scheme) by way of an annual independent audit in accordance with the relevant accreditation within the FORS Standard or take such steps as may be required to maintain the equivalent standard within the Alternative Scheme.
- 12.4.5 The Service Provider shall procure that its Supply Chain maintain the relevant standard set out at clause 12.4.3 above (or the equivalent standard within the Alternative Scheme) by way of an annual independent audit in accordance with the relevant accreditation within the FORS Standard or take such steps as may be required to maintain the equivalent standard within the Alternative Scheme.

Safety Features on HGVs

- 12.5 The Service Provider shall ensure that every HGV, which it uses to provide the Services, shall be fitted with safety features consistent with the Silver Accreditation.

Construction Logistics and Community Safety (CLOCS)

- 12.6 Where applicable, for construction contracts exceeding a value of one million pounds sterling (>£1,000,000):
- 12.6.1 the Service Provider shall comply with the CLOCS Standard; and
 - 12.6.2 the Service Provider shall ensure that the conditions at all sites and locations where:
 - 12.6.2.1 the Services are being delivered; or
 - 12.6.2.2 in connection with the performance of the Services, any waste is being disposed of or supplies are being delivered to or from,
 - 12.6.3 are appropriate for each Delivery and Servicing Vehicle being used in the provision of the Services.

Direct Vision Standard (DVS)

- 12.7 Where applicable, for contracts exceeding a value of one million pounds sterling (>£1,000,000) where the duration will exceed 12 months and a significant amount of the work will be conducted within the GLA boundaries:
- 12.7.1 the Service Provider shall comply with the DVS Schedule; and
 - 12.7.2 the Service Provider shall ensure that all Category N3 HGVs used in the provision of the Services achieve a minimum of three (3) star Direct Vision Standard rating.

Driver Training

12.8 Where the Service Provider operates Delivery and Servicing Vehicles to provide the Services the Service Provider shall ensure that each of its Drivers attend the Approved Progressive Driver Training throughout the Term of the Contract .

Collision Reporting

12.9 Where the Service Provider operates Delivery and Servicing Vehicles to deliver the Contract, the Service Provider shall within 15 days of the Contract Commencement Date, provide to the Authority a Collision Report. The Service Provider shall provide to the Authority an updated Collision Report within five Business Days of a written request from the Authority at any time.

Self-Certification of Compliance

12.10 Where the Service Provider operates Delivery and Servicing Vehicles to provide the Services, within 90 days of the Contract Commencement Date, the Service Provider shall provide a written report to the Authority detailing its compliance with Clauses 12.4, 12.5, 12.6, 12.7, 12.8 and 12.9 (as applicable) of this Contract (the "**WRRR Self-Certification Report**"). The Service Provider shall provide updates of the WRRR Self-Certification Report to the Authority on each six month anniversary of its submission of the initial WRRR Self-Certification Report.

Obligations of the Service Provider Regarding Sub-contractors

12.11 The Service Provider shall procure that those members of the Supply Chain who operate Category N1 Vehicles, Category N2 HGVs and/or Category N3 HGVs to provide the Services comply with the corresponding provisions of this Contract:

12.11.1 Clauses 12.4, 12.6, 12.8, 12.9; and 12.10

12.11.2 for Category N2 HGVs – Clause 12.5; and

12.11.3 for Category N3 HGVs – Clauses 12.5 and, where applicable, 12.7;

as if those members of the Supply Chain were a party to this Contract.

Failure to Comply

12.12 Without limiting the effect of any other clause of this Contract relating to termination, if the Service Provider fails to comply with Clauses 12.4, 12.5 (where applicable), 12.6 (where applicable), 12.7 (where applicable), 12.8, 12.9, 12.100 and 12.11;

12.12.1 the Service Provider has committed a material breach of this Contract;
and

12.12.2 the Authority may refuse the Service Provider, its employees, its agents, its Supply Chain and its Delivery and Servicing Vehicles and its Supply Chain's Delivery and Servicing Vehicles entry onto any property that is owned, occupied or managed by the Authority for any purpose (including but not limited to deliveries).