



Best-practice guidance note on safely using and buying freight, taxi and coach services



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Foreword



People in the public sector regularly use a wide range of transport services including freight, taxis and coaches.

This is a complex and heavily regulated sector which requires significant care in developing strategies for buying services, tendering (bidding for contracts), awarding and managing contracts. We have written this best-practice guidance in response to representations from the industry and in consultation with the industry and the relevant organisations in the public sector.

We have designed the guidance to be easy for a wide range of readers to use and it has gained Plain English Campaign's Crystal Mark to show that the text is easy to understand.

I welcome this guidance note and I am confident that it will help all public-sector users with hiring transport services, helping to make sure standards of service are safe, legal and consistent.

A handwritten signature in black ink that reads "Sammy Wilson". The signature is written in a cursive, flowing style.

Sammy Wilson, MP, MLA.
Minister for Finance and Personnel

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Introduction

- 1.1** The purpose of this guidance note is to help people in the public sector to buy and safely manage their arrangements for providing freight and passenger services, including taxis and coaches, to public-sector organisations.

Within the transport sector in Northern Ireland there are currently commercially licensed 32,000 freight vehicles (over 3.5 tonne gross vehicle weight), 10,000 taxis and 3,500 coaches ranging from single operators to large fleet providers.

This is a complex and heavily regulated sector which requires considerable care in developing strategies for buying services, tendering (bidding for contracts), awarding and managing contracts. It is essential that there is a consistent long-term approach to managing these arrangements to make sure the standard of service provided is legal and safe for all public-sector users.

This guidance note is designed for people in the public sector who are responsible for buying services or managing contracts for these services. We recommend that you get technical advice when preparing all tender documents for these services (if this applies) to improve the quality of service and performance and reduce any possible risks.

The guidance note is not designed for the providers of regulated bus services, which are currently supplied by Translink. There are separate arrangements for controlling these, as set out by the Department of the Environment (DoE).

1.2 Legal requirements

Freight and passenger transport services are regulated with regular reviews, updates and amendments. Public-sector contracts should refer to all current relevant legislation and allow for changes to this legislation. Section C2 has a summary of all current legislation at the time this guidance was published. We recommend that contracting authorities should check at the time of tendering that the legislation is correctly defined and up to date.

All users who hire transport services need to be aware of their duty-of-care responsibilities. Duty-of-care responsibilities are set out in common law and are concerned with negligence or wrongdoings carried out against another person. The general principle is that the actions of anyone who has responsibility for hiring transport services should not harm the people they owe a duty of care to. If you fail to meet your duty of care when placing an order for these services, you could be liable. It is essential that you consider your duty of care both when buying and managing these services.



Section A

Simply safe guides

1.3 Structure of guidance

The guidance is split into three sections as follows.

A. Simply safe guides: This section is designed to support people who have responsibility within an organisation for hiring a range of transport services. The guidance provides the basic information you should consider and will help to make sure you provide a safe service with minimum risks to both the operator and the clients. The five sections within the 'simply safe' section are as follows:

- A1 General users' checklist
- A2 Organising a coach service checklist
- A3 Organising a taxi service checklist
- A4 Organising a freight service checklist
- A5 Transporting children and vulnerable adults checklist

B. Buying transport services: This section is designed for public-sector staff responsible for buying transport services. The section covers developing a strategy for buying and selecting services, and assessing, awarding and managing contracts.

C. Further information and guidance: A set of appendices providing details of relevant transport legislation, useful websites, supplementary contract terms and conditions along with a glossary of common transport terms.

We hope that all users of this best-practice guidance note will find it useful when buying services and managing contracts relating to these services, helping to make sure they provide a safe service that is good value for money and meets all relevant legislation with the minimum risk to the people using it.



A1 General users

The attached checklist sets out the common areas that you should check before hiring any form of transport from an external organisation. The general users' sections are subdivided as follows.

Contract: To make sure there is a legal written contract in place with appropriate terms and conditions which everyone involved strictly keeps to over the life of the contract. If there is no legal written contract in place, you should contact your Centre of Procurement Expertise (CoPE) for advice on keeping to the Public Contract Regulations (2006 as amended) and the Northern Ireland Public Procurement Policy.

Operator licence: By law, all private operators who hire out their services must hold an operator licence which is issued in Northern Ireland by the Driver and Vehicle Agency (DVA) for bus and taxi operators and by the DoE Transport Regulation Unit (TRU) for freight operators. It is important to check that operators can provide a copy of their current operator licence. All goods vehicle operators are listed on a website and you can check whether an operator has a valid licence by searching the website at the following link.

www.tan.gov.uk/tanen/VOSA_AnonymousOperatorSearch_New.asp

Vehicle: You should make sure that you carry out a visual check of vehicles you are hiring, make sure that all the documents the operator must have by law are available for inspection and that all vehicles are listed on their commercial operator's licence. Also, you should inspect both the outside and inside of the vehicle if passengers are to be carried and check that it is suitable for the required service.

Driver: You should only use designated drivers, and any other drivers should be agreed beforehand with the contracting authority's representative. The driver should have a valid, appropriate and up-to-date driving licence and, if required, should have had the appropriate security and child-protection checks.

It is the legal duty of any person organising transport services to take all reasonable action to keep risks to a minimum and make sure everyone involved meets in full both the legal requirements and terms and conditions of contract.



Simply safe - general users' checklist

Contract

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1. Is there a written contract in place for the transport service? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. If Yes , take a copy and strictly keep to the terms and conditions. | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. If No , call your Centre of Procurement Expertise for advice (see C4). | <input type="checkbox"/> | <input type="checkbox"/> |

Operator licence

Contractors must provide the following.

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1. Proof of a valid up-to-date commercial operator licence (OL). | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Proof that all proposed vehicles are listed on the OL. | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Proof that there are no current OL offences. | <input type="checkbox"/> | <input type="checkbox"/> |

Vehicle

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1. Is the vehicle listed on the contract schedule? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Have you seen proof of maintenance arrangements for the vehicle? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Is the vehicle listed within the commercial operator licence? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Does the vehicle have a valid PSV or GV disc? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Is the vehicle insured? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the vehicle clean and, as far as you can see, in good condition? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. If appropriate, does the vehicle have a valid and up-to-date engineering certificate (for any wheelchair lift, tail lift, crane, compressor, pump)? | <input type="checkbox"/> | <input type="checkbox"/> |

Driver

- | | Yes | No |
|--|--------------------------|--------------------------|
| 1. Is the driver listed as a designated driver within the contract? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Does the driver have the appropriate and valid licences?
(You should check both parts of the licence.) | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Does the driver have proof of Certificate of Professional Competence (CPC) training? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Does the driver have the appropriate level of security clearance, if this applies? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Does the driver have appropriate child-protection clearance, if this applies? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Have you checked the driver's log to make sure they have not gone over the 'Drivers' Hours Regulations'? | <input type="checkbox"/> | <input type="checkbox"/> |

A2 Organising a coach service

When organising a coach journey from a contracted supplier, safety must be your main objective. You must plan carefully, considering the many possible risks and what action you have taken to reduce these risks over the whole trip.

You should be fully aware of the general principles of 'duty of care' which mean that, in particular circumstances, people must meet a certain standard of behaviour. Everyone involved in hiring coaches has a legal duty to take reasonable care not to cause harm or do wrong to others. You should always make sure that the contractor fully meets their legal obligations along with the terms and conditions of the contract. This is particularly important if you are hiring the coach for children or vulnerable adults (section A5).

You should always use the simply safe – general users' checklist (A1) with this checklist to confirm that both the vehicle and the driver have the correct legal documents for the journey.



Simply safe - organising a coach service checklist

As well as the simply safe – general users’ checklist (A1), you should carry out the following checks, if these apply.

	Yes	No
1. Do you know the purpose (the aims and objectives) of the trip or visit?	<input type="checkbox"/>	<input type="checkbox"/>
2. Do you know where you are going and for how long?	<input type="checkbox"/>	<input type="checkbox"/>
3. If you need any written permission, have you got this?	<input type="checkbox"/>	<input type="checkbox"/>
4. Does the coach have enough seats for the number of passengers?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the contractor need any special equipment to meet the special needs of any of the passengers?	<input type="checkbox"/>	<input type="checkbox"/>
6. Does the person with overall responsibility for managing the trip have the appropriate knowledge and skills?	<input type="checkbox"/>	<input type="checkbox"/>
7. Do you need to visit the proposed destination before the trip?	<input type="checkbox"/>	<input type="checkbox"/>
8. Have you been to the destination before?	<input type="checkbox"/>	<input type="checkbox"/>
9. Do you know anyone else who has been to the same place?	<input type="checkbox"/>	<input type="checkbox"/>
10. Is there suitable access?	<input type="checkbox"/>	<input type="checkbox"/>
11. Do you know what the significant hazards and risks are?	<input type="checkbox"/>	<input type="checkbox"/>
12. Have you planned to reduce these risks?	<input type="checkbox"/>	<input type="checkbox"/>
13. Can you avoid the risks?	<input type="checkbox"/>	<input type="checkbox"/>
14. Do you need professional advice?	<input type="checkbox"/>	<input type="checkbox"/>
15. Is there a risk assessment for the trip?	<input type="checkbox"/>	<input type="checkbox"/>
16. Have you asked all those travelling on the trip for details of any medical condition which could affect their safety or other people’s safety?	<input type="checkbox"/>	<input type="checkbox"/>
17. Have you made any special arrangements or taken any special precautions as a result of a medical condition a passenger has told you about?	<input type="checkbox"/>	<input type="checkbox"/>

	Yes	No
18. Have you planned food and rest stops?	<input type="checkbox"/>	<input type="checkbox"/>
19. Have you assessed what level of supervision you need and why?	<input type="checkbox"/>	<input type="checkbox"/>
20. Have you recorded all the details of your decision regarding supervision?	<input type="checkbox"/>	<input type="checkbox"/>
21. Is there a communication network in place (both for now and during the trip)?	<input type="checkbox"/>	<input type="checkbox"/>
22. Is someone responsible for keeping copies of all the details and do you know where the details will be kept?	<input type="checkbox"/>	<input type="checkbox"/>
23. Do you have adequate insurance to cover the trip?	<input type="checkbox"/>	<input type="checkbox"/>
24. Are the payment arrangements clear?	<input type="checkbox"/>	<input type="checkbox"/>
25. Is the first-aid kit in good working order?	<input type="checkbox"/>	<input type="checkbox"/>
26. Is there an adult who is trained in first aid going on the trip?	<input type="checkbox"/>	<input type="checkbox"/>
27. Do you have emergency procedures in place in case anything goes wrong?	<input type="checkbox"/>	<input type="checkbox"/>
28. Does everyone know the emergency procedures?	<input type="checkbox"/>	<input type="checkbox"/>
29. Is the programme for the trip now agreed by everyone involved?	<input type="checkbox"/>	<input type="checkbox"/>
30. How will you evaluate the trip?		
31. What is the follow-up work?		
32. Does the contractor have a back-up plan in place in case of a breakdown?	<input type="checkbox"/>	<input type="checkbox"/>
33. Is the coach fitted with seat belts?	<input type="checkbox"/>	<input type="checkbox"/>
34. If No , can the coach operate legally without seat belts?	<input type="checkbox"/>	<input type="checkbox"/>



A3 Organising a taxi service

When organising the hire of a taxi, you must put the safety of the passengers first. While the journeys can be relatively short in terms of time and distance, there should be a written record which shows start and finish times and places, driver details and so on. You should always consider any risks involved (such as access to the vehicle) and what actions have been taken to reduce these risks.

You should be fully aware of the general principles of ‘duty of care’ which mean that, in particular circumstances, people must meet a certain standard of behaviour. Everyone involved in hiring taxis has a legal duty to take reasonable care not to cause harm or do wrong to others. This is particularly important if you are hiring the taxi for children or vulnerable adults.

It is essential that taxi operators phone or text their contracted clients to confirm pick-up times and arrangements and to tell them when they arrive at the agreed pick-up point, providing clear vehicle and driver details. Taxi drivers should always carry ID so the contracted client knows they are getting into the correct vehicle.

You should always use the Simply safe – general users’ checklist (A1) with this checklist (A3) to confirm that both the vehicle and the driver have the correct legal documents for the journey.

Simply safe - organising a taxi service checklist

As well as the Simply safe – general users’ checklist (A1), you should carry out the following checks, if these apply.

	Yes	No
1. Have you checked the taxi driver has been approved under the contract?	<input type="checkbox"/>	<input type="checkbox"/>
2. Does the driver have an up-to-date logbook of the hours they have worked?	<input type="checkbox"/>	<input type="checkbox"/>
3. Have you checked the log of driver hours to make sure the driver is fit to drive?	<input type="checkbox"/>	<input type="checkbox"/>
4. Does the passenger have special needs?	<input type="checkbox"/>	<input type="checkbox"/>
5. If Yes , has the vehicle been adapted to meet those special needs?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will someone have to supervise the passengers during the journey?	<input type="checkbox"/>	<input type="checkbox"/>
7. Does the taxi operator have suitable arrangements for communicating with the passengers?	<input type="checkbox"/>	<input type="checkbox"/>
8. Do you need to arrange extra insurance for the trip?	<input type="checkbox"/>	<input type="checkbox"/>
9. Do you have another plan in case the taxi doesn’t turn up or is not suitable?	<input type="checkbox"/>	<input type="checkbox"/>
10. Has the taxi company told their passengers where and when it will pick them up?	<input type="checkbox"/>	<input type="checkbox"/>
11. Has the taxi company phoned or texted the passengers when the driver arrived at the pick-up location?	<input type="checkbox"/>	<input type="checkbox"/>



A4 Organising a freight service

Organising a contracted freight service requires a certain level of planning to make sure that the vehicle and driver supplied are fit for the purpose required and will not introduce any working risks during the hired period.

There is a varied range of freight services across the public sector, from hiring a tipping lorry through to using specialist vehicles such as low-loaders and crane-mounted lorries. It is essential that the people ordering these vehicles have the necessary technical knowledge, or work with someone who does, at the planning stage to make sure that they order a vehicle that is to the correct specification and is fit for purpose.

It is also important to consider the types of site these vehicles will be visiting in terms of general access, ground conditions, turning circle, overhead cables and so on.

If a vehicle needs to have extra services such as a crane, compressors, tail lifts and so on, users should make sure they correctly state the minimum requirements in advance to the provider.

If you are responsible for organising freight services, you should be fully aware of the general principles of 'duty of care' which mean that, in particular circumstances, people must meet a certain standard of behaviour. Everyone involved in hiring freight services has a legal duty to take reasonable care not to cause harm or do wrong to others.

You should always use the Simply safe – general users' checklist (A1) with this checklist (A4) to confirm that both the vehicle and the driver have the correct legal documents for the journey.

Simply safe - organising a freight service checklist

As well as the Simply safe – general users' checklist (A1), you should carry out the following checks, if these apply.

	Yes	No
1. Is the site access suitable for the proposed vehicle?	<input type="checkbox"/>	<input type="checkbox"/>
2. Is there enough space to turn and is the turning space suitable for the type of vehicle?	<input type="checkbox"/>	<input type="checkbox"/>
3. Is the hired vehicle capable of carrying the proposed payload?	<input type="checkbox"/>	<input type="checkbox"/>
4. Is there a valid engineering insurance for equipment mounted on the lorry, such as cranes, pumps and compressors, if this applies?	<input type="checkbox"/>	<input type="checkbox"/>
5. Has the driver been trained to use the equipment that is mounted on the lorry, such as cranes, pumps and compressors, if this applies?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the vehicle be towing a trailer?	<input type="checkbox"/>	<input type="checkbox"/>
7. If you answered Yes to question 6, does the vehicle have the appropriate licence plates?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the vehicle need hazard lights on the roof?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the vehicle carry hazardous goods?	<input type="checkbox"/>	<input type="checkbox"/>
10. If you answered Yes to question 9, has the driver received appropriate training?	<input type="checkbox"/>	<input type="checkbox"/>
11. If you answered Yes to question 9, does the vehicle have the appropriate hazard warning signs?	<input type="checkbox"/>	<input type="checkbox"/>
12. Will the supplier need 'goods in transit' insurance?	<input type="checkbox"/>	<input type="checkbox"/>
13. Do you need the operator to have unloading equipment such as a forklift or will you provide this?	<input type="checkbox"/>	<input type="checkbox"/>



A5 Transporting children or vulnerable adults

Transporting children and vulnerable adults requires a significant level of care and detailed planning to make sure you can identify all potential risks and make suitable alternative arrangements to deal with any unexpected events.

Although it may not always be necessary to have permission from a guardian for short trips which are part of a normal work pattern, it is very important to tell guardians and carers when children or vulnerable adults will not be at their normal home. It is essential to check that the proposed arrangements meet the individual policies of the contracting authority.

For longer trips, you will need written permission from all guardians and carers. You will need to give guardians and carers all the available information so that they are able to give their permission. You should also give guardians and carers full details of the insurance cover you have in place to protect the children or vulnerable adults they are responsible for.

Transporting children and vulnerable adults presents a range of risks that require more detailed planning and management to make sure that you can reduce these risks and make appropriate alternative arrangements in case any difficulties arise during the period of hire.

If you are responsible for organising transport for children or vulnerable adults, you should be fully aware of the general principles of 'duty of care' which mean that, in particular circumstances, people must meet a certain standard of behaviour. Everyone involved in hiring transport services for children or vulnerable adults has a legal duty to take reasonable care not to cause harm or do wrong to others.

You should always use the Simply safe – general users' checklist (A1) with this checklist (A5) to confirm that both the vehicle and driver have the correct legal documents for the journey.

Simply safe - transporting children and vulnerable adults checklist

As well as the Simply safe – general users' checklist (A1), you should carry out the following checks, if these apply.

	Yes	No
1. Have you fully considered passenger safety and do you have documents to confirm this?	<input type="checkbox"/>	<input type="checkbox"/>
2. Have you got appropriate permission from the guardian or supervisor for each child or vulnerable adult?	<input type="checkbox"/>	<input type="checkbox"/>
Have you given guardians all the information they need to be able to give permission?	<input type="checkbox"/>	<input type="checkbox"/>
What, if anything, do you need to know from these guardians?	<input type="checkbox"/>	<input type="checkbox"/>

Please give details:

3. Do any of the children or vulnerable adults need medication?	<input type="checkbox"/>	<input type="checkbox"/>
Who will look after it? Who will give it? Get advice if you need it.		

Please give details:



Section B

Buying transport services

- | | Yes | No |
|--|--------------------------|--------------------------|
| 4. Does the driver meet the appropriate security and child-protection standards? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Is the vehicle to the correct specification for carrying children or vulnerable adults? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Will the visit take place locally? Will the agreed route involve long-distance driving, for example, motorways? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Have you considered traffic conditions and unexpected delays? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Do you have alternative arrangements in place in case of a breakdown or emergency? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Do you have appropriate insurance cover? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Have you planned the journey time and distance? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Are there planned stopping points for toilet and refreshment breaks? | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Do the passengers require supervision?
If Yes , how many passengers?
What is their sex?
Please give details: | <input type="checkbox"/> | <input type="checkbox"/> |
| <div style="border: 1px solid black; height: 150px; width: 100%;"></div> | | |
| 13. Has the vehicle been fitted with seat belts?
If the answer to any of the above questions is No , you should get advice from the responsible officer within your contracting authority. | <input type="checkbox"/> | <input type="checkbox"/> |



This section of the guidance focuses on the main things you need to consider, and the risks involved, when developing a new contract for transport services. It is essential that technical specialists are fully involved in this process to make sure that all the possible risks are fully addressed within the terms and conditions of a contract and full consideration is given to how the contract will be managed over the whole term of the contract.

The section will cover the following.

- B1 Northern Ireland Public Procurement Board
- B2 Strategy for buying transport services
- B3 Selection criteria
- B4 The Cleaner Road Transport Vehicles Regulations 2011
- B5 Supplementary terms and conditions
- B6 Insurance requirements
- B7 Contract management



B1 Northern Ireland Public Procurement Board

The Northern Ireland Procurement Board has issued a wide range of policies and best practice that apply to central government contracting authorities. There is a range of guidance notes that you must consider when developing a strategy for buying freight and transport services. You can find these at:

<http://www.dfpni.gov.uk/cpd>

B2 Strategy for buying transport services

Developing a written strategy for buying transport services (a procurement strategy) is vital to making sure that any future arrangements for transport services fully meet the needs of everyone using those services and provide a safe, high-quality, value-for-money service in line with your business objectives. You should not start a competitive tendering process until you have in place an agreed strategy for buying services.

We have designed the attached checklist to help guide you through some of the main things to consider when developing a strategy for buying services. The strategy needs to reflect the value, complexities and risks of the contract. And, along with the approved business case, the strategy should give you and the people using the service a clear guide to what will happen through the whole life of the contract.

At the end of any contract it is important to review these strategies and make sure that future arrangements do not repeat any performance or safety problems of the current arrangements.

B2 Strategy for buying transport services checklist

		Yes	No
1.	Have you identified who the main users of the proposed transport services will be?	<input type="checkbox"/>	<input type="checkbox"/>
2.	Have you confirmed that your stakeholders are committed to using any future arrangements?	<input type="checkbox"/>	<input type="checkbox"/>
3.	Have you agreed with your stakeholders the high-level objective of the new arrangement?	<input type="checkbox"/>	<input type="checkbox"/>
4.	Have you identified all potential sources where you could get information about previous services?	<input type="checkbox"/>	<input type="checkbox"/>
5.	Have you involved stakeholders in reviewing the information?	<input type="checkbox"/>	<input type="checkbox"/>
6.	Have you brought all the information together and analysed it?	<input type="checkbox"/>	<input type="checkbox"/>
7.	Can you be sure that the information is accurate?	<input type="checkbox"/>	<input type="checkbox"/>
8.	Have you reviewed with your stakeholders their future demands?	<input type="checkbox"/>	<input type="checkbox"/>
9.	Have you reviewed with your stakeholders opportunities to transform demand to provide safer services which provide better value for money?	<input type="checkbox"/>	<input type="checkbox"/>
10.	Have you assessed the current market position and future trends?	<input type="checkbox"/>	<input type="checkbox"/>
11.	Have you measured your proposed service against other public-sector bodies who use similar services?	<input type="checkbox"/>	<input type="checkbox"/>
12.	Have you identified target outcomes or objectives and agreed these with your stakeholders?	<input type="checkbox"/>	<input type="checkbox"/>
13.	Is there is a business case in place?	<input type="checkbox"/>	<input type="checkbox"/>



	Yes	No
14. Have you reviewed the current market in terms of capacity, capability and competitiveness to meet your business needs and all potential risks, including market failure?	<input type="checkbox"/>	<input type="checkbox"/>
15. Have you considered the Cleaner Road Transport Vehicles Regulations 2011 when developing your strategy?	<input type="checkbox"/>	<input type="checkbox"/>
16. Are your strategies based on your knowledge of the market?	<input type="checkbox"/>	<input type="checkbox"/>
17. If appropriate, have you involved potential suppliers when developing your strategy, and have you tested your proposals?	<input type="checkbox"/>	<input type="checkbox"/>
18. Have you reviewed the potential risks and amended the policy as necessary?	<input type="checkbox"/>	<input type="checkbox"/>
19. Have your main stakeholders agreed and signed off the procurement strategy before you start the tendering process?	<input type="checkbox"/>	<input type="checkbox"/>

B3 Selection criteria

The aim of including selection criteria within a tendering competition for transport services is to make sure that all potential suppliers are able to provide the required levels of service. This can be either as part of a process to create a restricted list of suppliers invited to tender or included within an open competition as the minimum compulsory requirements.

Given the nature of the transport sector, contractors can range from single owner operators through to larger fleet providers. So it is essential that any selection criteria within a tendering competition do not make it unnecessarily difficult for these types of companies to compete. When assessing a contractor's technical capacity, you could include the following example criteria.

Good practice

The contractor should make sure that all their fleet maintenance arrangements are in line with the DoE - Driver Vehicle Agency and Transport Regulations Unit best-practice guidance.

<http://www.dvtani.gov.uk/uploads/publications/general/AGuideToMaintainingRoadworthiness.pdf>

<http://www.dvtani.gov.uk/uploads/publications/general/TheSafeOperatorsGuide.pdf>

System for checking a vehicle and reporting any faults

Please provide details of how you make sure vehicle equipment is checked regularly, any faults are reported and all vehicles are serviced to the relevant manufacturer's guidelines and current legislation. Refer again to the DVA or TRU guidance notes.

Driver management systems

Please provide details of driver management systems and records to make sure that all drivers and employees meet their legal requirements. The records must include:

- the number of drivers;
- the types of licences the drivers hold;
- the checks that are carried out (at least once a year); and
- the number of hours each driver has driven for.

Legal offences

Operators must have a current operator licence with no legal offences in the last 12 months. They must provide evidence that all vehicles and drivers they propose to use to provide these services must not have had any court fines in the last 12 months.



Number of vehicles in the fleet

Provide details of all the vehicles listed on your operator licence which will be used under this contract. The details must include the:

- makes;
- models;
- registrations;
- PSVs;
- licences;
- design capacity (GVM);
- number of seats; (if this applies); and
- insurance details of each vehicle.

The above are suggested selection criteria that you could use within a tendering competition for transport services. You should develop other criteria if there are other things to consider, for example because you will be transporting children or vulnerable adults. We recommend that you get advice from a fleet adviser with the relevant technical knowledge when preparing the selection stage of any tendering competition for these services.

B4 The Cleaner Road Transport Vehicles Regulations 2011

The Cleaner Road Transport Vehicles Regulations 2011 promote clean and energy-efficient vehicles and allow the tender process to take account of the energy and environmental effects of vehicles. You can include this in one of three ways.

- 1 Set technical specifications for energy and environmental performance in the documents relating to buying transport services.
- 2 Include energy and environmental effects in your award criteria as part of a procedure for buying services. This will make sure that you consider energy and environmental effects when deciding which services to buy.
- 3 Include energy and environment effects in your decision about which services to buy by giving them a monetary value in line with the methods set out in the regulations.

The regulations apply to anyone buying vehicles and also to companies which must carry out public service duties under a public-service contract. This group will mainly be bus operators buying vehicles to provide a service under contract with the Government, and could also include some other private transport companies working under a contract with a contracting authority.

B5 Supplementary terms and conditions

Most contracting authorities have standard terms and conditions for providing service contracts. These standards would not cover all the specific conditions needed for freight and passenger services. In section C1 there is a summary of further supplementary terms and conditions that you could consider when developing a contract for these services. The general supplementary conditions are split into the following sections.

- Contractor's undertakings
- Legal requirements
- Contractor's responsibility
- Contractor's drivers and employees
- Contractor's vehicles
- Sustainability
- Confidentiality

As well as the general supplementary conditions there will be two further subsections covering the following specific conditions.

- Coaches and taxis
- Freight and road haulage

It may be necessary to develop further conditions to cover specific business needs and risk.



B6 Insurance requirements

The following are the minimum legal requirements for service providers. We recommend that you carry out your own risk assessments for specific requirements and get advice if needed from a professional insurance broker. You should consider smaller operators to make sure that the insurance requirements do not prevent them from competing for business.

Employer's liability insurance

This should be set out within your normal general conditions of contract.

Public liability insurance

Suggested minimum insurance for normal routine services is as follows.

Coaches - £1million

Taxis - £0.5million

Freight - £5million

You should carry out risk assessments to make sure that there is an appropriate level of insurance that reflects all potential risks of the transport service to be provided. For example, if you are hiring a coach to take children to Europe on a skiing trip, there would be a high level of risk. We recommend that you get advice from an insurance broker about the appropriate level of insurance cover that is needed for non-routine trips.

Motor fleet insurance

The contractor's fleet insurance must include a full schedule of all the vehicles listed for hire and reward on the company's operator licence and must be updated each time a new vehicle is introduced into the fleet.

As well as the above, you may need other types of insurance, for example, if a vehicle is fitted with a tail lift or crane, you will need engineering insurance cover. You should get independent advice from someone with the necessary technical knowledge before finalising the tender documents.

Other insurance

For specific requirements you may need extra insurance to cover specialist equipment that is mounted on the vehicle or linked to the services provided. Here are some of the more common types of extra insurance that you may need.

Engineering insurance

You will need separate engineering insurance for all engineering equipment that is mounted on the vehicle, such as hydraulic platforms, lifts, cranes, pumps and compressors. The engineering insurance should include the need for regular testing and inspection. Given the variety of the different types of equipment, you should get independent technical advice before the tendering competition and over the life of the arrangement.

Goods in transit insurance

If goods belonging to your organisation need to be transported, the contractor or supplier should provide 'goods in transit' insurance. The value of the insurance should reflect the full financial effect if these goods were lost or damaged while being transported.

B7 Contract management

It is essential to have effective contract management in place from the time you award the contract. Contract managers should make sure they are familiar with Central Procurement Directorate (CPD) guidance notes and strictly keep to the terms and conditions of any contracts they are responsible for managing. Contract managers should also make sure they are familiar with appropriate laws that apply to these services and should put the following minimum controls in place.

Basic principles

The basic principle of effective contract management is set out within CPD's Guidance Note: 05/10 Contract Management – Procedures and Principles. We recommend that you appoint a contract manager for each contract for transport services early in the process of buying services. This will help to make sure that the contract manager has a detailed understanding of the contractual arrangements and performance required from suppliers.

Legal requirements

Given the regulated nature of the service it is essential that the contract manager has up-to-date copies of all the legal documents (including insurance documents and passenger or freight operator licences) in relation to the fleet operators, vehicles and drivers. Contract managers should make sure that contractors do not swap any vehicle or driver without first getting the contract manager's approval and then updating the legal documents.

Notification of pending offences

The contractor should tell the contract manager within one working day of any pending operator, vehicle or driver offences (those where a final decision has not yet been made). The contract manager has the right to reject the operator, vehicle or driver as a result of any such pending offence.



Section C

Further information and guidance

Other requirements

For some contracting authorities it may be necessary to include extra conditions in the contract (for example, conditions relating to security clearance, child protection or carrying dangerous goods). Contract managers should have in place appropriate controls to make sure that everyone involved meets any supplementary conditions over the life of the contract.

Order and invoicing process

No work should be carried out by a contractor without an official purchase order that clearly states their requirements in line with the contract schedules. The contractor's invoice must contain and match the same details as those on the official order for the work and the driver's log which must, along with the appropriate authority, confirm the exact times when passengers will be picked up and dropped off or when goods will be collected and delivered.

Providing management information

Contractors must provide management information that is relevant to providing their services within five working days of being asked for it. The information can be in either electronic or paper format.

As a minimum, this information should include the following details.

- Company name
- Vehicle details and registration
- Driver details
- Client's details
- Start date and time
- Finish date and time
- Details of any passengers or load, if this applies

Over the life of a contract, the contract manager must maintain the appropriate levels of management controls. The contract manager should not agree with a contractor any changes to a contract without consulting their Centre of Procurement Expertise. They must act quickly to deal with any specific issues of poor performance and make sure that there is a written record of an agreed action to correct this problem. At the end of a contract, a contract manager should carry out a review (called a post-contract review) to make sure that all the benefits under the contract have been achieved and to make sure that all future tendering competitions take account of any lessons learnt.



C1 Supplementary terms and conditions

The following supplementary conditions Part 1 cover both types of services. Part 2 applies to coaches and taxis and (Part 3) applies to freight services. These conditions would apply as well as to a contracting authority's standard terms and conditions of contract when buying these types of services.

General supplementary terms and conditions

1. Contractor's responsibilities

- 1.1 The contractor must play an active part in the process of meeting all their legal requirements by maintaining close contact with you, and providing new or amended documents as soon as necessary to make sure that the contract remains legally enforceable.
- 1.2 If appropriate, the contract manager must arrange a post-award meeting with the contractor. At this meeting the contract manager must inspect all relevant legal documents, including the operator licence, insurance certificates, enhanced disclosure certification from AccessNI, driver and vehicle PSV licences and drivers' training certificates, where this applies. The contract manager should keep an agreed record of each meeting.
- 1.3 For all journeys, the contract manager may make both announced and unannounced inspections.
- 1.4 The contractor must provide management information, free of charge, and in electronic spreadsheet format such as Microsoft Excel. The contract manager will agree with the contractor the type of information to be provided, and when and how often it is needed. As a minimum, the contractor should provide the following for each journey.
 - Vehicle details and registration
 - Driver details
 - Client's details
 - Start date and time
 - Finish date and time
 - Details of any passengers or load if this applies.



2. Legal requirements

2.1 Contractors must meet, in full, all their legal obligations. The authority has provided this list of the current legislation, requirements, regulations and standards which they believe may apply to this contract. The contractor must make sure that all activity meets the relevant current legislation, requirements, regulations and standards listed, and any amendments to these. The contractor should allow within the contract for any changes or additions to legislation over the proposed life of the contract.

- Public Service Vehicles Regulations (Northern Ireland) 1985, SR 1985 and all amendments
- Motor Vehicle (Taxi Drivers Licences) Regulations (Northern Ireland) 1991, SR 1991 No 454 and all amendments
- PSV (Conditions of Fitness, Equipment and Use) Regulations (Northern Ireland) 1995, SR 1995 No 447 and all amendments
- Taxi Operator's Licence
- The Cleaner Road Transport Vehicles Regulations (2011)
- Northern Ireland Bus Operator's Licence, if this applies
- Properly taxed and insured vehicles
- Protection of Children and Vulnerable Adults (NI) Order 2003
- Safeguarding Vulnerable Groups (Northern Ireland) Order 2007
- Disability Discrimination (Transport Vehicles) Regulations (Northern Ireland) 2009
- Road Traffic Act 1988
- The Road Traffic (Northern Ireland) Order 1995
- Road Traffic Offender Act 1988
- The Highway Code for Northern Ireland
- Health and Safety at Work (Amendment) (Northern Ireland) Order 1998
- Management of Health and Safety at Work Regulations (NI) 2000
- Data Protection Act 1998
- Directive 2003/59/EC
- Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010
- Bribery Act 2010
- Rehabilitation of Offenders (Northern Ireland) Order 1978
- Rehabilitation of Offenders (Exceptions) Order 1979
- Mental Health Act (Northern Ireland) 1986

3. Contractor's responsibilities

- 3.1 The contractor must make sure that they have enough staff to fully and properly meet the requirements of this contract before the contract start date.
- 3.2 The contractor must make sure that all their staff are suitably trained and instructed to carry out their duties properly throughout the contract.
- 3.3 The contractor must tell you of any changes in the staff employed to deliver this service, including training and vetting updates which may affect or improve the contractor's performance during the contract period.
- 3.4 The contractor is responsible for making sure that they do not use anyone unsuitable to carry out the contract. The contractor must make sure all their staff involved in carrying out the contract have the levels of care and expertise needed to carry out the contract properly. If, during the life of this contract, any driver comes under investigation by an official organisation, that driver should not be used in connection with this contract.
- 3.5 The contractor must be responsible for the behaviour and acts of all their employees.
- 3.6 The contractor is responsible for making sure that they don't use anyone inappropriate to carry out this contract. If, during the life of the contract, any driver comes under Police Service of Northern Ireland investigation, that driver should not be used in connection with the contract.
- 3.7 The contractor's staff employed in delivering the service must wear, at all times, a secured name badge identifying them as a member of the contractor's staff. The name badge must show the following information.
 - a. The company's name and address
 - b. The company logo
 - c. Their photograph
 - d. Their name
 - e. Their signature
 - f. A contact phone number for confirming their identity
- 3.8 The contractor must make sure that all relevant staff have proof of their identity ready when carrying out the services of the contract.



4. Contractor's drivers

- 4.1 The contractor must make sure that, at all times, drivers display the plates and badges that they must display by law (for example, PSV or taxi plates).
- 4.2 The contractor should never change the route or pick-up or drop-off times without first getting permission from the person requesting the journey.

5. Contractor's vehicles

- 5.1 Before the contract start date, the contractor must make sure that they have enough vehicles to meet the requirements of this contract.
- 5.2 The contractor must meet the demands of the authority with a combination of vehicles, depending on who will be using the service and whether they have problems with their mobility, where they are going, any special instructions and which vehicles are available.
- 5.3 The authority will choose the type of transport and vehicle.
- 5.4 The contractor must also provide and maintain vehicles which are safe, clean and suitable for service users and staff, and make sure that they follow all legal requirements, policies and recommended practices. They must provide up-to-date first-aid equipment and there must be an adequate heating system in each vehicle.
- 5.5 If the contractor is unable to meet any of their responsibilities under this contract, they must tell the authority immediately and work out a reasonable programme to deal with the problem within an agreed timeframe.
- 5.6 Vehicles must not carry more than the number of passengers they are licensed to carry.
- 5.7 Vehicles must be used only for the authority for the whole journey, and should take a direct route. No unauthorised passengers should be on board while the passengers authorised by the authority are travelling.
- 5.8 The authority's officer may carry out announced and unannounced inspections for all journeys. If they are not satisfied with what they find during an inspection, the authority has the right to end the contract and award it to another company.

5.9 Tail lifts and ramps

The contractor must make sure that all tail lifts have a current approval under the Lifting Operators and Lifting Equipment Regulations 1998 (LOLER), a thorough examination report and a current annual weight test certificate. They must thoroughly inspect and service tail lifts each year. The authority has the right to inspect all certificates and reports at any time during the period of contract. The contractor should make sure that they do not carry anything heavier than the weight recommended by the manufacturer on any tail lifts or ramps.

5.10 Fuel

All fuel used in connection with this contract must be genuine and the contractor must have paid all taxes and duties that apply. If the authority becomes aware that the contractor has not met this condition, it has the right to report this to the relevant authorities for further investigation and end the contract.

5.11 Fire extinguishers

Under PSV licence legislation, every vehicle must carry a fire extinguisher (AAAF-foam). Buses with wheelchair lifts must have two extinguishers fitted (one at the front and one at the back).

5.12 Service and maintenance

All vehicles must have regular safety inspections, must be serviced and maintained regularly following each manufacturer's guidelines and must meet all requirements relating to public service vehicles and passenger carrying vehicles. Vehicle equipment, including wheelchair restraints, must be checked regularly and, if necessary, serviced following the manufacturer's guidelines and current legislation. During the period of the contract, the authority may inspect vehicles to make sure they are suitable. These inspections may be announced or unannounced.

6. Confidentiality

Any information that any driver is given in connection to their role in providing transport services or any related duty is strictly confidential. They should not reveal or discuss it outside the official channels. Any contractor who breaks this condition will have the contract or the relevant part of the contract ended.

The following are extra clauses that could be added to cover specific requirements of the freight and road haulage, coach and taxi sectors.



Freight and road haulage

1. The contractor's drivers will be expected to carry the authority's documents and to collect a signature from the person receiving each load, if this applies. During offloading, the driver will be responsible for offloading the goods to ground level and delivering them to the agreed locations within the authority's sites or premises.
2. After offloading goods, the contractor's drivers must reload any empty containers or pallets and return these to the designated centre. They must fill in and sign the appropriate documents to confirm they have done this.
3. The contractor will be responsible for the client's property from the point of collection until they have safely handed over the load and the client has issued a goods receipt note.

Coaches and taxis

1. Contracted drivers and employees

- 1.1 All contracted drivers must have the appropriate PSV licence or badge and insurance. All contracted drivers, guides and escorts must be checked, if necessary, for Enhanced Disclosure Level by AccessNI under the Protection of Children and Vulnerable Adults (NI) Order 2003 and as amended. The contractor must give the authority evidence to confirm that all relevant drivers and guides have a valid current Enhanced Disclosure Certificate (EDC) in place before the contract and at all times throughout the contract period. The authority will need proof from the contractor that all the necessary checks have been carried out and that they only employ drivers with the relevant PSV licence to provide services under the contract. If the authority does not receive this information within five working days of asking for it, or if it is not satisfied with the information it receives, the authority has the right to end the contract and award it to another company.
- 1.2 From 1 April 2014, all buses and minibuses with more than nine seats which are used for home-to-school transport must be fitted with lights and signs in line with The Road Vehicle Lighting (Amendment) Regulations (NI) 2011. Vehicles should have these fitted by 31 March 2014 and the contracting authority must inspect these before the vehicle is used on the contract.
- 1.3 The taxi operator must have in place an appropriate method of communicating with their contracted clients to make sure there is confirmation that a taxi has been ordered, confirmation that the taxi has arrived at the pick-up point and so that, before the taxi arrives, the client knows who the driver will be and what type of vehicle will be used.
- 1.4 The driver must help the passengers to and from the vehicles (if the passengers want help) and must provide all necessary support to keep them safe, as set out by the authority's officer who requested the journey.

2. Contractor's vehicles

- 2.1 Under PSV licence legislation, all vehicles must carry a fire extinguisher (yellow-foam). Buses with wheelchair lifts must have two fire extinguishers fitted (one at the front and one at the back).
- 2.2 Under sections 14 to 15B of the Road Traffic Act and The Motor Vehicles (Wearing of Seatbelts) Regulations 1993, as amended, the contractor must provide seat belts or restraints for every passenger. Drivers must make sure that children and vulnerable adults wear a seat belt, or are sitting in a suitable seat. If a child or vulnerable adult refuses to wear a seat belt, or continually removes the seat belt, the driver should report this to the relevant supervisor and the authority's contract manager to protect the passenger's safety.

	Front seat	Rear seat	Who is responsible?
Driver	Seat belt must be worn if available		Driver
Child up to three years	Correct child restraint must be used	Correct child restraint must be used If a child restraint is not available in a taxi, the child may travel unrestrained in the back of the vehicle	Driver
Child from their third birthday up to either 1.35 metres in height or 12 years old	Correct child restraint must be used	If seat belts are fitted, the correct child restraint must be used Adult belt must be used if the correct child restraint is not available in the following three situations: - in a licensed taxi or private-hire vehicle; - for a short distance if it is necessary to make an unexpected journey; or - two child restraints are already being used and this leaves no space for a third.	Driver
Child over 1.35m or 12 to 13 years	Seat belt must be worn if available	Seat belt must be worn if available	Driver
Adult passengers (14 years and over)	Seat belt must be worn if available	Seat belt must be worn if available	Passenger



- 2.3 All vehicles must be serviced and maintained regularly in line with the manufacturer's guidelines and must meet all requirements relating to public service vehicles and passenger carrying vehicles. Vehicle equipment, including wheelchair restraints, must be checked regularly and, if necessary, serviced following the manufacturer's guidelines and current legislation. During the period of the contract, the authority may inspect vehicles to make sure they are suitable. These inspections may be announced or unannounced.
- 2.4 Vehicles must be used only for the authority for the whole journey, and should take a direct route. The contractor should strictly follow the instructions of the authority's contract manager and should not vary from these instructions without first getting approval from the contract manager. No unauthorised passengers should be on board while the passengers authorised by the authority are travelling.
- 2.5. Vehicles must not carry more than the number of passengers they are licensed to carry.
- 2.6 Wheelchair restraints
In the case of wheelchair passengers, the wheelchair must be restrained within the vehicle with four-point webbing. A shoulder and lap restraint suitable for the wheelchair user must be provided. The contractor must make sure wheelchairs are facing forward in vehicles, minibuses and buses with wheelchair access. Vehicles must meet MDA DB2001 (03) 'Guidance on the Safe Transportation of Wheelchairs' (June 2001). The authority has the right to inspect the contractor's vehicles at any time during the period of the contract. If the authority's officer is not satisfied with the result of any inspection, they have the right to end the contract.
- 2.7 Seat belts and restraints
Under sections 14 to 15B of the Road Traffic Act and The Motor Vehicles (Wearing of Seatbelts) Regulations 1993, as amended, the contractor must provide seat belts or restraints for every passenger. Drivers must make sure that children always travel in the back of the vehicle, and that they wear a seat belt or sit in a suitable child seat. If a child refuses to wear a seat belt, or continually removes the seat belt, the driver should report this to the authority's officer to protect the passenger's safety.
- 2.8 If the child, a member of the child's family, or the child's guide or escort asks the contractor to take them somewhere different, the contractor must ignore this. If this happens, the contractor must tell the authority's officer.

C2 Summary of current transport legislation

- Transport Act (NI) 1967
- Goods Vehicles Licensing of Operators Act 2010
- Road Traffic (NI) Order 1981
- Road Traffic (NI) Order 1995
- Road Traffic (NI) Order 2007
- The Cleaner Road Transport Vehicles Regulations 2011
- Goods Vehicles (Testing) Regulations (NI) 2003
- Motor Vehicles Testing Regulations (NI) 2003
- Taxis Act (NI) 2008
- The Road Vehicles Lighting Regulations
- Community Drivers Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (NI) 1987
- The Taxi Operators Licensing Regulations (NI) 2012

Transport legislation is constantly being updated. You should check before starting the tendering competition that the above acts are current and that there are no extra laws that might apply.

C3 Useful contacts and links

1. Driver and Vehicle Licensing Agency
www.dvni.gov.uk
2. Transport Regulation Unit
www.doeni.gov.uk/tru
3. Guidance on the Taxi Operators Licence:
http://www.doeni.gov.uk/taxi_operating_licence_information_leaflet.pdf
4. Guidance on Cross-Border Coach Operations
<http://www.dvlni.gov.uk/commercial/index.htm>
5. DVA Best Practice Guidance Notes
<http://www.dvtani.gov.uk/uploads/publications/general/DriversHoursandTachographRulesforRoadPassengerVehiclesNorthernIrelandandEurope.pdf>
<http://www.dvtani.gov.uk/uploads/publications/general/DrivershoursandTachographRulesforGoodsVehiclesNorthernIrelandandEurope.pdf>
6. CPD Guidance Notes: www.dfpni.gov.uk/cpd

Please note: The above links and attached documents are not covered by the **Crystal Mark**.



C4 Contact details of the Northern Ireland Centres of Procurement Expertise (CoPEs)

CoPE	Contact
Translink	William Moore, Purchasing Manager 028 9035 4026 William.moore@translink.co.uk
NI Water	Bill Gowdy, Director of Engineering and Procurement 028 9035 4026 Bill.gowdy@niwater.com
NI Housing Executive	Declan Allen, Head of Procurement 028 9031 8889 Declan.allen@nihe.gov.uk
Business Services Organisation - Procurement and Logistics - NI Health and Social Care	Peter Wilson, Assistant Director 028 9066 7799 Peter.wilson@hscni.net
Education and Library Boards	
Belfast	Catherine Burnett 028 9056 4212 Catherine.burnett@belb.co.uk
North Eastern	Francine Scullion 028 2566 2330 Francine.scullion@neelb.org.uk
Southern	Ron McMurray 028 3751 2286 Ron.mcmurray@selb.org
Western	J J Cavanagh 028 8241 1422 Jj.cavanagh@welbni.org
South Eastern	David Gilmore 028 9056 6508 David.gilmore@seelb.org.uk

C5 Glossary of abbreviations

CoPE	Centre of Procurement Expertise
CPC	Certificate of Professional Competence
CPD	Central Procurement Directorate
DVA	Driver Vehicle Agency (Northern Ireland)
DVLA	Driver Vehicle Licence Agency (UK)
GV	Goods vehicle
LOLER	Lifting Operations and Lift Equipment (Regulation)
OL	Operator's Licence
PGN	Procurement guidance note
PSV	Public service vehicle
TRU	Transport Regulations Unit (DoE)



Acknowledgements

We would like to thank the following organisations for their help and support in developing this best-practice guidance note.

- Federation of Passenger Transport NI Ltd
- Road Haulage Association
- Freight Transport Association

We would also like to thank the following government bodies for their help.

- Department of the Environment – Transport Legislation
- Driver Vehicle Agency

The following Centres of Procurement Expertise also helped with this best-practice guide.

- Education and Libraries Board
- Business Services Organisation - Procurement and Logistics Service (PALS) for NI Health and Social Care

We would like to thank Plain English Campaign for their help in drafting this document to make sure that the text is clear.

