

Template Agreements for Customers undertaking Railway Projects

A suite of template agreements used to contract with customers for their schemes has been established for customers to contract with Network Rail for scheme to enhance the railway network.

A brief summary of the purpose of each of the template agreements is given below. These template agreements, set out the obligations of both parties in respect of the services provided, are based on the principles in “The Policy Framework for Investments: Conclusions” published by ORR in October 2005, and subsequent ORR publications.⁽¹⁾ The ORR has approved these templates, and expects Network Rail and its customers to adhere to the template agreements when engaging in enhancement schemes.

1. Basic Services Agreement (BSA)

A simple agreement, aimed at quickly putting in place a contractual relationship following initial Customer approach to cover pre-feasibility works to scope the scheme and develop the business case. The tasks it covers can include the provision of asset information to the Customer, attendance at meetings and workshops, and where appropriate for small schemes, review of Customer procured ‘Approach in Principle’ design. The agreement also permits, within particular constraints, the Customer or their representative to undertake visual inspection of the network. It will generally be used during GRIP stages 1-2, but could be used to end of stage 3.

2. Development Services Agreement (DSA)

This agreement covers development and design work undertaken by Network Rail on behalf of a Customer. Issues covered include: collateral warranties for design undertaken through Network Rail supply chain contracts, IPR, and governance and control. There is potential for undertaking detailed design. The agreement also permits the Customer, or their representative, to undertake surveys and investigations of the network where there is a mix of Network Rail and contractors providing services for more complex schemes. The DSA covers GRIP stages 2-4 inclusive with the potential of reach stage 5 if agreed.

3. Framework Development Agreement (FDA)

This agreement is aimed at Customers undertaking a number of schemes requiring Network Rail input from the earliest stages, thus minimising the need for separate agreement negotiations for the development stages for each scheme. The key features include:

(1) engagement with the Customer through a Services Instruction for each individual scheme; **(2)** options to select Development Services and access to the network for the Customer or representative to undertake survey work appropriate to the option selected; **(3)** faster and simpler turn around of agreements and services instruction.

⁽¹⁾ Other ORR Publications: “Policy framework for investments: Guidelines on implementation arrangements & processes” March 2006.
Technical Note: “Network Rail’s approach to third party investments” November 2005.

4. Basic Implementation Agreement (BIA – Emerging Cost)

A simple agreement for minor straightforward low risk works up to a typical value of £2m on or about the controlled railway infrastructure. The Customer pays for the works on an emerging cost basis. The agreement covers GRIP stages 5-8 inclusive.

5. Basic Implementation Agreement (BIA), Fixed Price

A simple agreement for minor straightforward low risk works up to a typical value of £2m from Stage Gate 5. It envisages that the Works Contractor will have provided a price based on what has been agreed between the Customer and Network Rail. The agreement covers GRIP stages 5-8 inclusive.

6. Implementation Agreement (IA), Emerging Cost

Network Rail acting as a management contractor, this is an emerging cost agreement establishing the commercial terms for enhancement work on or about the controlled railway infrastructure to provide the detailed design and implementation of the Customer/Funder scheme.

7. Implementation Agreement (IA), Fixed Price

This is intended to cover implementation of schemes up to £10m from Gate stage 5. It envisages that the Works Contractor will have provided a tendered price based on what has been agreed between the Customer and Network Rail.

8. Basic Asset Protection Agreement (BAPA)

A simple agreement for straightforward, low risk Customer led work, on the controlled railway infrastructure, where Network Rail facilitates the Customer's project through asset protection. The works should present low risks to the network, and so may take place on secondary routes and, require few or no possessions and necessary consents, along with attendance at meetings and oversight of interfaces on the network. The agreement covers GRIP stages 2-8 inclusive.

9. Asset Protection Agreement (APA)

An agreement for Customer /Funder led works on the controlled railway infrastructure, where Network Rail facilitates the Customer / Funder's enhancement scheme interface with Network Rail's om&r (operate, maintain and renew the network) business. The Customer pays the costs of Network Rail's services that include engineering safety management approvals, asset information, booking of possessions and consents along with attendance at meetings and oversight of interfaces on the network. The agreement covers GRIP stages 2-8 inclusive.
