



# **National Highways Limited**

**Scope**

**Defined Terms**

**Annex 01**

**CONTENTS AMENDMENT SHEET**

<b>Issue No.</b>	<b>Revision No.</b>	<b>Amendments</b>	<b>Initials</b>	<b>Date</b>
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Ref.	Scope section	Defined Term	Definition
		[insert Defined Term]	[Insert definition]
1	S 1100	Accredited Scheme(s) or Standard(s) for Managing “Work-Related Road Risk (WRRR)”	<p>means any of the WRRR standards and accreditations currently available as set out on the list below</p> <ul style="list-style-type: none"> <li>• “ISO 39001 road traffic safety management”,</li> <li>• CHAS vehicle compliance,</li> <li>• construction logistics and community safety (CLOCS),</li> <li>• earned recognition,</li> <li>• fleet operator recognition scheme (FORS),</li> <li>• mission zero and</li> <li>• van excellence</li> </ul> <p>(see links in <b>Annex 02</b>).</p>
2	S 1910, S 1915	Asset Information Model (AIM)	as defined in Clause 3.3.9 in ISO 19650-1 Building Information Modelling (see link in <b>Annex 02</b> ).
3	S 240	Black Friday	is an annual retail event usually held at the end of November which results in an increase in traffic.
4	S 1915	Building Information Modelling (BIM)	is as defined in the “UK Government’s Construction Strategy” (see link in <b>Annex 02</b> ).
5	S 266	Carbon Credits	<p>are carbon offsetting by carbon projects</p> <ul style="list-style-type: none"> <li>• that positively impact on a minimum of two “United Nations’ Sustainable Development Goals” in addition to “Sustainable Development Goal 13 – Climate” (see links in <b>Annex 02</b>)</li> <li>• listed on one of the Offset Registries and</li> <li>• compliant with the provisions of the “PAS2080” Specification for the demonstration of carbon neutrality.</li> </ul>
6	S 276	Category Purchase Agreement	is a contract (including framework agreements and dynamic purchase system) which is established or may be established by the <i>Client</i> for common requirements across its asset management and wider expenditure plan under which the <i>Contractor</i> and Others may enter into contracts with Category Suppliers.

7	S 276	Category Supplier(s)	are parties to a Category Purchase Agreement with the <i>Client</i> .
8	S1211	Central Digital Platform	is the government website for information about contracts worth over £25,000 with the government and its agencies.
9	S 1810	Client System	is the <i>Client's</i> computing environment (consisting of hardware, software and telecommunications networks or equipment) used by the <i>Client</i> or the <i>Contractor</i> in connection with the contract, which is owned by the <i>Client</i> or licensed to it by some third party and which interfaces with the Contractor System or which is necessary for the <i>Client</i> to receive the works.
10	S 1815	Commissioning Date	for a <i>relevant service</i> , is the day on which the commissioning of a <i>relevant service</i> is successfully completed and its <i>relevant service conditions</i> are met.
11	S 266	Committed Company	is a company that has submitted a "SBTi Commitment Letter" (see link in <b>Annex 02</b> ) and is publicly listed on the SBTi website as having committed to set targets.
12	S 1905, S 1910	Common Data Environment (CDE)	means an agreed source of Project information for any given activity or asset for collecting, managing, and disseminating each information container through a managed process. This environment is configured to support document management workflows aligned to "ISO 19650 - Building Information Modelling" (see link in <b>Annex 02</b> ).
13	S 266	Community Partner	is an organisation (other than the <i>Contractor</i> ) engaged by the <i>Client</i> to provide works in relation to the contract.
14	S 1110	Competent Person	is a person who meets the requirements set out in Scope section S 1110 (health and safety competence of Staff).
15	S 827	Comptroller and Auditor General	is an officer of the House of Commons with statutory authority to <ul style="list-style-type: none"> <li>• audit and report on the financial accounts of all government departments and other public bodies, and</li> <li>• examine and report on the value for money of how public money has been spent.</li> </ul>
16	S 1910	Consent	is any licence, permit, consent, assent, and other

			approval required from Others in order to Provide the Works.
17	S 435	Construction Compliance Certificate	is as per the meaning in “CG300 Technical Approval of Highways Structure (see link in <b>Annex 02</b> )”.
18	S 630	Continual Improvement	is an ongoing approach to improve products, services or processes, both incrementally or all at once.
19	S 1810 (within defined term for Contractor System)	Contractor Equipment	is the hardware, computer and telecoms devices and equipment used by the <i>Contractor</i> or its subcontractors (or any subcontractor of any tier to the <i>Contractor</i> ) (but not hired, leased or loaned from the <i>Client</i> ) for the Providing the Works.
20	S 1810	Contractor System	is the information and communications technology system used by the <i>Contractor</i> in implementing and performing the works including the Software, the Contractor Equipment, configuration and management utilities, calibration and testing tools and related cabling (but excluding the Client System).
21	S 620	Corrective Action	has the meaning given in “ISO 9000:2015” (see link in <b>Annex 02</b> ).
22	S 240	Cyber Monday	is an annual online retail event usually held at the end of November or early December which results in an increase in traffic.
23	S 279	Data	is all Personal Data collected, generated or otherwise processed by the <i>Contractor</i> in the course of Providing the Works.
24	S 279	Data Controller	is a legal person that determines the purposes and means of the processing of Personal Data.
25	S 279	Data Loss Event	<p>any event that results, or may result, in</p> <ul style="list-style-type: none"> <li>• unauthorised access,</li> <li>• actual loss,</li> <li>• potential loss or</li> <li>• destruction</li> </ul> <p>of Personal Data held by the Processor or in breach of this agreement, including any Personal Data Breach.</p>

26	S 279	Data Protection Impact Assessment	is an assessment by the <b>[Data Controller/Joint Data Controller]</b> carried out in accordance with section 3 of the “UK GDPR” and sections 64 and 65 of the “Data Protection Act 2018” (DPA 2018) (see links in <b>Annex 02</b> ).
27	S 279	Data Protection Legislation	is <ul style="list-style-type: none"> <li>the UK General Data Protection Regulation (the retained EU law version of the General Data Protection Regulation (EU2016/679)),</li> <li>the LED (Law Enforcement Directive (Directive (EU) 2016/680),</li> <li>the Data Protection Act 2018,</li> <li>the Privacy and Electronic Communications (EC Directive) Regulations 2003, and</li> </ul> any other data protection laws and regulations applicable in England and Wales.
28	S 279	Data Protection Officer	takes the meaning given in the “UK GDPR” (see link in <b>Annex 02</b> ).
29	S 279	Data Subject	is an individual who is the subject of Personal Data.
30	S 279	Data Subject Access Request	is a request made by, or on behalf of, a Data Subject, for access to the personal data an organisation holds about them including provision of copies of that data.  The Data Subject has the following rights <ul style="list-style-type: none"> <li>access to, and information relating to, Data,</li> <li>rectification of inaccurate Data,</li> <li>permanent erasure of Data,</li> <li>restriction of processing of Data pursuant to the Data Protection Legislation,</li> <li>transfer of Data to a third party (data portability) and</li> <li>automated individual decision making including profiling.</li> </ul>
31	S 1815	Deposited Software	is the Software, the Source Code of which is to be placed in escrow as required by the <i>Project Manager</i> and notified to the <i>Contractor</i> from time to time, including that identified in the Software Schedule.

32	S 250A, 274A	Develop, Design, Deliver Schemes (3D) Process	has the meaning given to it in the "Operations Scheme Management Principles" (see link in <b>Annex 02</b> ).
33	S 250A	Development Consent Order (DCO)	is as set out in the Planning Act 2008.
34	S 211	Disclosure Request	is a request for information relating to the contract and received by the <i>Client</i> pursuant to the Freedom of Information Act 2000 and Environmental Information Regulations 2004 or later revision.
35	CD, S 214, S271	Discrimination Acts	are the Equality Act 2010 and any predecessor statutes.
36	S 630	DMAICT	is a recognised Lean industry tool for solving problems in a structured way. DMAICT is an acronym for: Define, Measure, Analyse, Improve, Control, Transfer.
37	S 279	EEA	is the "European Economic Area" (see link in <b>Annex 02</b> ).
38	S 266	Enhancements	<p>are a change to the design, materials used, methods of construction or maintenance or operational performance requirements proposed by the <i>Contractor</i> or a Community Partner which has not previously been adopted by the <i>Client</i> and which (if implemented by the <i>Client</i>) is expected to provide a significant long-term benefit to the <i>Client</i> in terms of</p> <ul style="list-style-type: none"> <li>• reducing the cost to the <i>Client</i> of the works,</li> <li>• improving the quality or effectiveness of delivery of the works,</li> <li>• otherwise enhancing the achievement of the <i>Client's</i> vision, outcomes and key objectives,</li> </ul> <p>but excludes design solutions proposed by the <i>Contractor</i> while developing the design for works relating to the Site intended to be carried out by any Community Partners</p>
39	S 1905, S 1915	Exchange Information Requirements (EIR)	is as defined in the "UK Government's Construction Strategy" (see link in <b>Annex 02</b> ).
40	S 1910, S 1915	Federated Model	is a managed set of 2d or 3d data models from various design disciplines, combined in a virtual environment to view an entire project as a whole, as further detailed in

			GG 184 - Specification (see link in <b>Annex 02</b> ) for the use of Computer Aided Design of the DMRB and ISO 19650 (See link in <b>Annex 02</b> ).
41	S 280	Green Claims	refers to the <i>Client's</i> claims process where it seeks to recover monies from a third party in respect of damage caused to the strategic road network, as aligned to the provisions of the "Highways Act 1980" (see link in <b>Annex 02</b> ).
42	S 266, S 1205	Greenhouse Gas	are those gases listed by the "Greenhouse Gas Protocol" (see link in <b>Annex 02</b> ).
43	S 266, S 1205	Greenhouse Gas Emissions	are the total mass of Greenhouse Gas released into the atmosphere over a specified period.
44	S 445	Health and Safety File	is as per the meaning given to it in the Construction (Design and Management) Regulations 2015.
45	S 277	Heavy Vehicle	is a vehicle that is greater than 7.5 tonnes MAM and up to 44 tonnes MAM.
46	S 279	Information Commissioner's Office	is the UK's independent body set up to uphold information rights.
47	S 220, S 280, S 845	Information Systems	is any individual or combination of hardware, software, infrastructure and trained personnel organised to facilitate planning, control, coordination and decision making in an organisation.
48	S 280	Information Technology Infrastructure Library	is a governance model for IT service management and best practices that defines an end-to-end life cycle and integrated set of practices and guidance in the areas of service strategy, service design, service transition, service operation, and continual service improvement.
49	S 2900	Innovation	is an innovative solution to an issue in relation to the development of which the Client wishes to invest designated funds.
50	S 279	Joint Data Controllers	means where two or more Data Controllers jointly determine the purposes and means of processing.
51	S 630	Kano Analysis	is the approach to prioritising features on a product road map based on the degree to which they are likely to satisfy customers.



52	S 266	Large Contractor	is above the thresholds defined outlined in “Action Plan: Small and Medium Sized Enterprises” (see link in <b>Annex 02</b> ) and any further updates or editions to the document.
53	S 279	Law	means any law, subordinate legislation within the meaning of section 21(1) of the “Interpretation Act 1978” (see link in <b>Annex 02</b> ), bye-law, regulation, order, regulatory policy, mandatory guidance or code of practice, judgement of a relevant court of law, or directives or requirements with which the Processor is bound to comply.
54	S 630	Lean	is a set of management practices to deliver a product(s) to a high quality, whilst improving efficiency and effectiveness by eliminating waste.
55	S 630	Lean Awareness	refers to a basic level of training, prior to the stages of Lean advocate and Lean practitioner.
56	S 630	Lean Collaborative Planning (system)	is a technique that involves all Parties working together to improve productivity and reduce time and cost. Also known as the last planner system, which is a patented technique from the United States of America (USA).
57	S 630	Lean Continuous Improvement (Lean CI)	are activities utilising Lean techniques and methodologies to continually refine a process and/or product.
58	S 277	Light Vehicle	is a vehicle that is equal to or less than 7.5 tonnes MAM.
59	S 220	List X	List X contractors are companies operating in the UK who are working on UK government contracts which require them to hold classified information. This information is at ‘Secret’ level or above or international partners information classified ‘Confidential’ or above, and is held in their own premises at a specific site. Classified information levels can be reviewed in the Gov link below ( <a href="https://www.gov.uk/government/publications/security-requirements-for-list-x-contractors">https://www.gov.uk/government/publications/security-requirements-for-list-x-contractors</a> ).
60	S 280	Major Incident	<p>is an incident that has, or is likely to have, a major impact on the ability of the business to maintain services during agreed operational hours. An outage or complete loss of functionality of a critical or key application or service.</p> <p>The incident could result in</p> <ul style="list-style-type: none"> <li>• an emergency situation,</li> <li>• security risks or threat,</li> </ul>

			<ul style="list-style-type: none"> <li>• <i>Client's</i> reputation could be adversely affected and</li> <li>• multiple locations/businesses or significant user impacted.</li> </ul>
61	S 2705	Major Projects Instructions	is the process for issuing new governance arrangement documents for Major Projects programmes and projects.
62	S 277	MAM	means maximum object mass as defined in regulation 3(1) of the Motor Vehicles (Driving Licences) Regulations 1999. The MAM is the maximum load the vehicle can carry by law and includes the weight of the vehicle.
63	S 266	Maximum Carbon Intensity Levels	are those described in the "Maximum Carbon Intensities Requirement Document" (see link in <b>Annex 02</b> ).
64	S 266	Medium Contractor	is defined in "Action Plan: Small and Medium Sized Enterprises" (see link in <b>Annex 02</b> ) and any further updates or editions to the document.
65	S 266	Micro Contractor	is a microenterprise as defined in "Action Plan: Small and Medium Sized Enterprises" (see link in <b>Annex 02</b> ) and any further updates or editions to the document.
66	S 1100	Mobilisation Period	is the period between the <i>starting date</i> and the [access date] OR [go live date].
67	S 920	National Road Telecommunications Services (NRTs)	is the fibre-optic network of communication and control that the <i>Client</i> uses to monitor the strategic road network.
68	S 220	National Security Vetting (NSV)	has the meaning given to it in the "HMG Baseline Personnel Security Standard" (see link in <b>Annex 02</b> ).
69	S 600	Nonconformity	has the meaning given in <b>BS EN 9000:2015</b> (and includes Defects).
70	S 1810	Object Code	is software and data in machine-readable, compiled object code form.
71	S 266	Offset Registries	are as defined in the "Carbon Offset Guide" (see link in <b>Annex 02</b> )
72	S 278	Offshoring	is any arrangement where the performance of any part of the services or a solution under a contract may occur outside the UK for domestic (UK) consumption.
73	S 920	Options Consultation and	is a collaborative agreement which is designed to facilitate discussions between the <i>Client</i> and utility companies. It is

		Works Agreement (OCAWA)	not a binding agreement between the parties and is developed to reflect the discussions held.
74	S 920	Overseeing Organisation	is a highway authority (England and Wales) or a roads authority (Scotland).
75	S 920	Overseeing Organisations Agent (OOA)	is the Overseeing Organisation's appointed representative.
76	S 635	Performance Level	is the performance level of the Collaborative Performance Framework stated in Scope section S 635.
77	S 210, S 279, S 822, S 1100	Personal Data	is any data relating to an identified or identifiable natural individual that is within the scope of protection as "personal data" under the Data Protection Legislation.
78	S 279	Processor	takes the meaning given in the "UK GDPR" (see link in <b>Annex 02</b> ) (a legal person which processes Personal Data on behalf of a Data Controller)
79	S 279	Processor Personnel	means all directors, officers, employees, agents, consultants and contractors of the Processor or any Sub-Processor engaged in the performance of its obligations under the Scope.
80	S 1100	Prohibited Substance	is any intoxicating substance, or alcohol, or drugs.
81	S 250A, S 266, S 274, S 915, S 920	Project Control Framework (PCF)	has the meaning given to it in the "Project Control Framework Handbook" (see link in <b>Annex 02</b> ).
82	S 279	Protective Measures	<p>are appropriate, technical and organisational measures implemented, consistent with good industry practice, to ensure a level of security appropriate to the risk posed by Personal Data, taking into account the state of the art, the costs of implementing, the harm that might result from a Security Incident, and which includes</p> <ul style="list-style-type: none"> <li>• pseudonymising and encrypting Personal Data,</li> <li>• ensuring confidentiality,</li> <li>• integrity,</li> <li>• availability and resilience of systems and services,</li> <li>• ensuring that availability of and access to Personal Data can be restored in a timely manner after an incident or</li> <li>• regularly assessing and evaluating the effectiveness of such measures adopted by it including those</li> </ul>

			outlined in "Procurement Policy Note 02/18 Changes to Data Protection Legislation and General Data Protection Regulation" (PPN 02/18) (see link in <b>Annex 02</b> ).
83	S 211	Public Interest Test	requires a public authority, or oversight body, to weigh the harm that disclosure would cause to the protected interest against the public interest saved by disclosure of the information.
84	S 600	Quality Management Points  NB this definition linked to Quality Scope Section 600	Quality Management Points are points accrued by the <i>Contractor</i> in accordance with the <i>quality table</i> .
85	S 600	Quality Warning Notice	is a warning given in accordance with Scope section S 625.
86	S 1205, S 1211	Relevant Subcontract	is a subcontract used to appoint a subcontractor or subcontractors (at any stage of remoteness from the <i>Client</i> ) for the supply (whether or not including fabrication, delivery or installation) of any significant steel materials, steel related products or steel related elements (excluding Equipment and fixings) that are <ul style="list-style-type: none"> <li>used to Provide the Works or</li> <li>incorporated or left in the <i>works</i></li> </ul> which has not already been awarded before the Contract Date.
87	S 1213	Relevant Subcontractor	is a subcontractor (at any stage of remoteness from the <i>Client</i> ) appointed under a Relevant Subcontract.
88	S 271	Road Period	is in relation to a particular Road Investment Strategy (see link in <b>Annex 02</b> ), the period to which that strategy relates, as outlined in the contract.
89	S 279, S 280	Security Incident	is a breach of security that results, or may result in, to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Data.
90	S 280	Service Provider System	are the <i>Contractor's</i> (service provider/ supplier) IT systems/ applications which they use to provide services to National Highways.

91	S 266	Small Contractor	is a small enterprise as defined in “Action Plan: Small and Medium Sized Enterprises” (see link in <b>Annex 02</b> ) and any further updates or editions to the document.
92	S 817	SME	means an enterprise within the category of small, medium or micro enterprises defined by the European Commission Recommendation of 6 May 2003 (see link in <b>Annex 02</b> ) concerning the definition of small, medium or micro enterprises. A SME is a Subcontractor or a subcontractor to a Subcontractor and is autonomous and is a European Union enterprise not owned or controlled by a non-European Union parent company.
93	S 1810	Software Supporting Materials	are <ul style="list-style-type: none"> <li>the Documentation, Source Code and the Object Code of the Specially Written Software and</li> <li>all build instructions, test instructions, test scripts, test data, operating instructions and other documents and tools necessary for maintaining and supporting the Specially Written Software.</li> </ul>
94	S 1810, S 1815	Source Code	is computer programs and data in eye-readable form and in such form that it can be compiled or interpreted into equivalent binary code together with all related design comments, flow charts, technical information and documentation necessary for the use, reproduction, maintenance, modification and enhancement of such software.
95	S 240, S 266, S 505, S 705, S 715, S 1005	Specification	is the Specification for Highway Works (SHW).
96	S 630	Structured Innovation	is an approach to systematically generate ideas faster, leading to multiple best solutions, interlocking with Structured Problem Solving.
97	S 630	Structured Problem Solving	is a structured approach to problem solving, using standard industry best practice tools and processes, interlocking with Structured Innovation.
98	S 279	Sub-Processor	is a third party (including an associated company) engaged by the <i>Contractor</i> to process Data.
99	S 279	Supervisory Authority	is any regulatory, supervisory, governmental or other competent authority with jurisdiction or oversight over the Data Protection Legislation.

100	S 630	Value Stream(s)	is all the actions (both value added and non-value added) currently required to deliver a product or service to the customer.
101	S 630	Visual Performance Management	is one of five key pillars of the <i>Client's</i> Lean deployment. It is where performance, whether at a project, team or individual level, is recorded and displayed visually. The performance is reviewed regularly to drive continuous improvement where targets are not met.
102	S 630	Waste Walk(s)	is a waste audit using standardised forms.
103	S 271	Worklessness (or Workless)	is as defined by the Office of Public Statistics in the document entitled "Definitions, references and indicator sources for Work, Worklessness and Health: Local Infographic tool" (published June 2018) (including any revisions from time to time).
104	S 1100	Work Related Road Risk (WRRR)	also known as occupational road risk, is the term used to describe the dangers associated with driving or riding as part of a job on any journey that is not to or from an individual's usual place of work.
105	S 266	Zero Emission Energy	is electrical energy produced from resources that generate no Greenhouse Gas Emissions.
106	S 266	Zero Emission	is where there are no Greenhouse Gas Emissions generated during operation.