



National Highways Limited

Scope

Defined Terms

Annex 01

CONTENTS AMENDMENT SHEET

[Note to Compiler: delete the contents of the Amendments Page prior to issue
– this currently shows the Model Amendments.

Footer: change to Issue 01 Revision 00 & put correct date for specific tender
issue.]

Issue No.	Revision No.	Amendments	Initials	Date

Defined Term	Definition
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"> • "ISO 39001 Road Traffic Safety Management", • CHAS Vehicle Compliance, • Construction Logistics and Community Safety (CLOCS), • Earned Recognition, • Fleet Operator Recognition Scheme (FORS), • Mission Zero and • Van Excellence. <p>(see links in Annex 02).</p>
Asset Information Model (AIM)	as defined in Clause 3.3.9 in ISO 19650-1 Building Information Modelling (see Annex 02).
Building Information Modelling (BIM)	as defined in the UK Government’s Construction Strategy (see link at Annex 02).
Business Information Gateway (the Gateway)	as defined in Annex 06 Section 1.4.
Carbon Credits	<p>are carbon offsetting by carbon projects</p> <ul style="list-style-type: none"> • that positively impact on a minimum of two United Nations’ “Sustainable Development Goals” in addition to “Sustainable Development Goal 13 – Climate” (see links in Annex 02), • listed on one of the Offset Registries and • compliant with the provisions of the PAS2080 Specification for the demonstration of carbon neutrality.
Category Supplier	is a supplier who is appointed via a Category Purchase Agreement.
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>Consultant</i> and Others may enter into contracts with Category Suppliers.
Central Digital Platform	is the government website for information about contracts worth over £25,000 with the government and its agencies
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>Consultant</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 <i>Consultant</i> System or which is necessary for the <i>Client</i> to receive the <i>service</i> .
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.
Commitments Register	is the statement of that name set out in Annex A to the Form of Agreement detailing the commitments made by the <i>Consultant</i> as part of its tender in respect of how it is to Provide the Service.
Committed Company	is a company that has submitted a "SBTi Commitment Letter" (see link in Annex 02) and is publicly listed on the SBTi website as having committed to set targets.
Common Data Environment (CDE)	is 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.
Community Partner	is an organisation (other than the <i>Consultant</i>) engaged by the <i>Client</i> to provide works in relation to the contract.
Competent Person	is a person who meets the requirements set out in Scope section S 545.8 (Health and safety competence of Staff).
Comptroller and Auditor General	is an officer of the House of Commons with statutory authority to <ul style="list-style-type: none"> audit and report on the financial accounts of all government departments and other public bodies, and

	<ul style="list-style-type: none"> examine and report on the value for money of how public money has been spent.
Consent	is any licence, permit, consent, assent and other approval required from Others in order to Provide the Service.
Construction Compliance Certificate	is as per the meaning in “CG300 Technical Approval of Highways Structure (see link in Annex 02)”.
Continual Improvement	technique that generates ideas for efficient ways of working whilst maintaining a focus on the requirements of the customer.
Consultant Equipment	is the hardware, computer and telecoms devices and equipment used by the <i>Consultant</i> or its subcontractors (or any subcontractor of any tier to the <i>Consultant</i>) (but not hired, leased or loaned from the <i>Client</i>) for the Providing the Service.
Consultant System	is the information and communications technology system used by the <i>Consultant</i> in implementing and performing the <i>service</i> including the Software, the <i>Consultant</i> Equipment, configuration and management utilities, calibration and testing tools and related cabling (but excluding the Client System).
Corrective Action	has the meaning given in “ISO 9000:2015” (see link in Annex 02).
Data	is all Personal Data collected, generated or otherwise processed by the <i>Consultant</i> in the course of Providing the Service.
Data Controller	is a legal person that determines the purposes and means of the processing of Personal Data.
Data Loss Event	<p>any event that results, or may result, in</p> <ul style="list-style-type: none"> unauthorised access, actual loss, potential loss or destruction <p>of Personal Data held by the Processor or in breach of this agreement, including any Personal Data Breach.</p>

Data Protection Impact Assessment	is an assessment by the [Data Controller/Joint Data Controller] 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 Annex 02).
Data Protection Legislation	as set out in the Contract Data.
Data Protection Officer	takes the meaning given in the “UK GDPR” (see link in Annex 02).
Data Subject	is an individual who is the subject of Personal Data.
Data Subject Access Request	<p>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.</p> <p>The Data Subject has the following rights</p> <ul style="list-style-type: none"> • access to, and information relating to, Data, • rectification of inaccurate Data, • permanent erasure of Data, • restriction of processing of Data pursuant to the Data Protection Legislation, • transfer of Data to a third party (data portability) and • automated individual decision making including profiling.
Deposited Software	is the Software, the Source Code of which is to be placed in escrow as required by the Service Manager and notified to the Consultant from time to time, including that identified in the Software Schedule.
Development Consent Order (DCO)	as set out in the Planning Act 2008.
Disclosure Request	is a request for information relating to the contract pursuant to the Freedom of Information Act 2000 and Environmental Information Regulations 2004 or later revisions.
Discrimination Acts	are the Equality Act 2010 and any predecessor statutes.

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.
EEA	is the “European Economic Area” (see link in Annex 02).
Employment and Skills Plan	is the document described in Section S 253 and Annex [S253X (temp reference)] of the Scope
Environmental Management Plan	A document (or set of documents) that sets out the mitigation needed to manage the environmental effects associated with a development during the construction and operational phases.
Exchange Information Requirements (EIR)	is as defined in the UK Government’s Construction Strategy (see link at Annex 02)
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 Annex 02) for the use of Computer Aided Design of the DMRB and ISO 19650 (see Annex 02).
Green Claims	refers to the <i>Client</i> ’s 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 Annex 02).
Greenhouse Gas	are those gases listed by the Greenhouse Gas Protocol (see link in Annex 02).
Greenhouse Gas Emissions	are the total mass of greenhouse gas released into the atmosphere over a specified period.
Inclusion Action Plan	is the document described in Section S 253 and Annex G of the Scope
Information Commissioner’s Office	is the UK's independent body set up to uphold information rights.
Information Delivery Plan	Is the information delivery plan or is the latest Information Delivery Plan accepted by the <i>Service Manager</i> .

Information Systems	is an individual or a combination of hardware, software, infrastructure and trained personnel organised to facilitate planning, control, coordination and decision making in an organisation.
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.
Innovation	is an innovative solution to an issue in relation to the development of which the <i>Client</i> wishes to invest designated funds.
Intellectual Property Rights or IPRs	are copyright and related rights, database rights, design rights, patents, inventions, trade marks (and goodwill attaching to those trade marks), domain names, applications for and the right to apply for any of the foregoing, moral rights, confidential information and any other intellectual or industrial property rights, whether or not registered or capable of registration, whether subsisting now or in future in any part of the world.
Intellectual Property Rights or IPRs	<p>are</p> <ul style="list-style-type: none"> copyright, rights related to or affording protection similar to copyright, rights in databases, patents and rights in inventions, semi-conductor topography rights, trade marks (and goodwill attaching to those trade marks), rights in internet domain names and website addresses and other rights in trade names, designs, know-how, trade secrets and other rights in Confidential Information (as set out in the Scope), applications for registration, and the right to apply for registration, for any of the rights listed above that are capable of being registered in any country or jurisdiction and all other rights having equivalent or similar effect in any country or jurisdiction
Joint Data Controllers	means where two or more Controllers jointly determine the purposes and means of processing.
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.

Large Contractor	is above the thresholds defined outlined in “Action Plan: Small and Medium Sized Enterprises” (see link in Annex 02) and any further updates or editions to the document.
Law	means any law, subordinate legislation within the meaning of section 21(1) of the “Interpretation Act 1978” (see link in Annex 02), 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.
Lean	a set of management practices to deliver a product(s) to a high quality, whilst improving efficiency and effectiveness by eliminating waste.
Lean Awareness	refers to a basic level of training, prior to the stages of Lean advocate and Lean practitioner.
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 USA.
Lean Continuous Improvement (Lean CI)	are activities utilising Lean techniques and methodologies to continually refine a process and/or product.
Level of Definition	is graphical and non-graphical content required for an Information Model at each [PCF stage].
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. (https://www.gov.uk/government/publications/security-requirements-for-list-x-contractors).
Major Incident	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>The incident could result in</p> <ul style="list-style-type: none"> • an emergency situation, • security risks or threat, • the <i>Client's</i> reputation (HSSE) being adversely affected or • multiple locations/businesses or significant user impacted.
Maximum Carbon Intensity Levels	are those described in Maximum Carbon Intensities Requirement Document (see link in Annex 02).
Medium Contractor	is defined in “Action Plan: Small and Medium Sized Enterprises” (see link in Annex 02) and any further updates or editions to the document.
Micro Contractor	is a microenterprise as defined in “Action Plan: Small and Medium Sized Enterprises” (see link in Annex 02) and any further updates or editions to the document.
Mobilisation Period	is the period from the <i>starting date</i> to the <i>[access date]</i> [OR] <i>[go live date]</i> .
Model Production and Delivery Table	is the table of that name included in the Information Model Requirements that sets out the subject matter of the Information Model; the person who is to produce and deliver the information model at each [PCF stage] and the proposed Level of Definition.
National Security Vetting (NSV)	has the meaning given to it in the “HMG Baseline Personnel Security Standard” (see link in Annex 02).
Nonconformity	has the meaning given in “BS EN 9000:2015” (and includes Defects).
The Official Secrets Act	is the Official Secrets Act 1989 and any predecessor statutes.
Offset Registries	are as defined in the “Carbon Offset Guide” (see link in Annex 02)
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.
Object Code	is software and data in machine-readable, compiled object code form.

Open for Traffic	The date when works are substantially complete and the scheme is open to traffic. There may be partial or overnight closures to finalise any remedial works.
Performance Level	is the performance level of the Collaborative Performance Framework stated in the Scope section S544.
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.
Personal Data Breach	takes the meaning given in the “UK GDPR” (see link in Annex 02).
Processor	is a legal person which processes Personal Data on behalf of a Controller
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.
Prohibited Substance	is any intoxicating substance, or alcohol, or drugs.
Project Control Framework (PCF)	has the meaning given to it in the Project Control Framework Handbook.
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"> • pseudonymising and encrypting Personal Data, • ensuring confidentiality, • integrity, • availability and resilience of systems and services, • ensuring that availability of and access to Personal Data can be restored in a timely manner after an incident or • regularly assessing and evaluating the effectiveness of such measures adopted by it including those outlined in “Procurement Policy Note 02/18 Changes to Data Protection Legislation and General Data Protection Regulation” (see link in Annex 02).

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.
Quality Warning Notice	is a warning given in accordance with S 541 of the Scope.
Road Period	is in relation to a particular Road Investment Strategy (see link in Annex 02), the period to which that strategy relates, as outlined in the contract.
Security Incident	is a breach of security that results, or may result in, leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Data.
Service Provider System	are the <i>Consultant's</i> (service provider/supplier) IT systems/applications which they use to provide services to National Highways.
Small Contractor	is a small enterprise as defined in "Action Plan: Small and Medium Sized Enterprises" (see link in Annex 02) and any further updates or editions to the document.
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 Annex 02) 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.
Software Supporting Materials	are <ul style="list-style-type: none"> the Documentation, Source Code and the Object Code of the Specially Written Software and 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.
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.
Specification	is the Specification for Highway Works (SHW).
Staff	are persons employed or engaged by the <i>Consultant</i> or an Associated Company or any subcontractor at any stage of remoteness from the <i>Client</i> to Provide the Service at any time.
Structured Innovation	is an approach to systematically generate ideas faster, leading to multiple best solutions, interlocking with Structured Problem Solving.
Structured Problem Solving	is a structured approach to problem solving, using standard industry best practice tools and processes, interlocking with Structured Innovation.
Sub-Processor	is a third party (including an associated company) engaged by the <i>Consultant</i> to process Data.
Supervisory Authority	is any regulatory, supervisory, governmental or other competent authority with jurisdiction or oversight over the Data Protection Legislation.
Tender Commitments	are the measurable commitments contained within the <i>quality submission</i> .
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.
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.
Waste Walk(s)	is a waste audit using standardised forms.
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.
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).
Zero Emission Energy	is electrical energy produced from resources that generate no Greenhouse Gas Emissions.
Zero Emissions	is where there are no Greenhouse Gas Emissions generated during operation.

[Note to Compiler – to add any Project Specific Defined Terms]