

Schedule 7

Ordering Procedure, Award Criteria and Order Form

1. AWARD PROCEDURE

- 1.1 If the Authority or any other Participating Authority decides to source the Services through the Framework then it will award its Services Requirements in accordance with the procedure in this Schedule 7 and the requirements of the Regulations and the Guidance.
- 1.2 If a Participating Authority can determine that:-
 - 1.2.1 its Services Requirements can be met by the Suppliers' Tender Response Document as set out in Schedule 5 and
 - 1.2.2 all of the terms of the proposed contract are laid down in this Framework Agreement and the Call Off Terms and Conditions do not require amendment or any supplementary terms and conditions;
 - 1.2.3 then the Participating Authority may place an Order in accordance with the Ordering Procedure set out in paragraph 2 below.
- 1.3 If a Participating Authority:-
 - 1.3.1 requires the Supplier to develop proposals or a solution in respect of such Participating Authority's Services Requirements and/or it is not possible to determine which Supplier is able to provide best value for money; and/or
 - 1.3.2 needs to amend or refine the Call-Off Terms and Conditions to reflect its Services requirements to the extent permitted by and in accordance with the Regulations and Guidance;
 - 1.3.3 then the Participating Authority shall place an Order in accordance with the procedures set out in Paragraph 3 below.

2. DIRECT ORDERING WITHOUT A FURTHER COMPETITION

- 2.1 Subject to paragraph 1.2 any Participating Authority ordering Services under the Framework without holding a further competition shall:-
 - 2.1.1 develop a clear Specification setting out its requirements for the Services;
 - 2.1.2 apply the Standard Award Criteria to Schedules 5 and 6¹ for all Suppliers capable of meeting the Services Requirements in order to establish which of the Suppliers' provides best value for money;
 - 2.1.3 on the basis set out above, award its Services requirements by placing an Order with the successful Framework Supplier in accordance with paragraph 6.

¹ Schedules 5 and 6 are available on request from the suppliers.

- 2.2 The following criteria shall be applied to the Catalogue of Services for all Suppliers capable of meeting the Participating Authority's Services Requirements during the Direct Award Procedure.

Criterion Number	Criterion - ranked in order of importance
1	Relevance of Services to requirement
2	Contract Price

3. FURTHER COMPETITION PROCEDURE

3.1 Participating Authority's Obligations

Any Participating Authority ordering Services under the Framework through a further competition is expected to:-

- 3.1.1 develop a Services Requirement setting out its requirements for the Services and identify the Suppliers capable of performing the Services;
- 3.1.2 refine the Call-Off Terms and Conditions to reflect its Services Requirements only to the extent permitted by and in accordance with the requirements of the Regulations and Guidance;
- 3.1.3 invite tenders by conducting a further-competition for its Services Requirements in accordance with the Regulations and Guidance and in particular:-
 - (a) invite the Suppliers to develop a proposed Statement of Services setting out its proposals in respect of such Participating Authority's Services Requirements ("Statement of Services") and submit a tender in writing for each specific contract to be awarded by giving written notice by email to the Account Manager of each Supplier;
 - (b) set a time limit for the receipt by it of the tenders which takes into account factors such as the complexity of the subject matter of the contract and the time needed to submit tenders; and
 - (c) keep each tender confidential until the time limit set out in paragraph 3.1.3(b) above has expired.
- 3.1.4 apply the Further Competition Award Criteria to the Suppliers' compliant tenders submitted through the further competition as the basis of its decision to award a Call-Off Contract for its Service Requirements; Participating Authorities must set out how the award criteria is being applied and provide a scoring key and evaluation methodology setting out which questions relate to which criteria.
- 3.1.5 on the basis set out above, award its Services Requirements by placing an Order with the successful Supplier in accordance with paragraph 6 which:-

- (a) states the Services Requirements;
- (b) states the Statement of Services submitted by the successful Supplier;
- (c) states the price payable for the Services Requirements in accordance with the tender submitted by the successful Supplier; and
- (d) incorporates the Call-Off Terms and Conditions applicable to the Services.

3.2 The following criteria shall be applied to the Framework Suppliers' compliant tenders submitted through the Further Competition Procedure. The Participating Authority shall set the percentage weightings in accordance with its requirements prior to commencing the Further Competition Procedure.

Criterion Number	Criterion	Percentage Weightings (or rank order of importance where applicable) - to be set by the Participating Authority conducting the further competition and to total 100%
1	Quality	Between 50-70% to be set by the Participating Authority customer conducting the further competition.
2	Price	Between 30-50% to be set by the Participating Authority customer conducting the further competition.
1a	Quality - Provision of the Services Other sub criteria to be set by the Participating Authority customer conducting the further competition	Between 20-40% to be set by the Participating Authority customer conducting the further competition.
1b	Quality - Maintaining the Services Other sub criteria to be set by the Participating Authority customer conducting the further competition	Between 20-40% to be set by the Participating Authority customer conducting the further competition.

3.3 The Suppliers Obligations

The Supplier will in writing, by the time and date specified by the Participating Authority in accordance with Clause **Error! Reference source not found.**, provide the Participating Authority with either:-

- 3.3.1 a statement to the effect that it does not wish to tender in relation to the relevant Services Requirements; or

- 3.3.2 the Statement of Services and full details of its tender made in respect of the relevant Services Requirements. In the event that the Supplier submits a Statement of Services, it should include, as a minimum:-
- (a) an email response subject line to comprise unique reference number and Supplier name, so as to clearly identify the Supplier;
 - (b) a brief summary, in the email, stating whether or not the Supplier is bidding for the Services Requirements;
 - (c) a proposal covering the Services Requirements.
 - (d) confirmation of discounts applicable to the work, as referenced in Schedule 6.
- 3.3.3 The Supplier shall ensure that any prices submitted in relation to a further competition held pursuant to this paragraph 3 shall be based on the Charges and take into account any discount to which the Participating Authority may be entitled as set out in Schedule 6.
- 3.3.4 The Supplier agrees that all tenders submitted by the Supplier in relation to a further competition held pursuant to this paragraph 3 shall remain open for acceptance for thirty (30) days (or such other period specified in the invitation to tender issued by the relevant Participating Authority in accordance with the Ordering Procedure).

4. NO AWARD

- 4.1 Notwithstanding the fact that the Participating Authority has followed a procedure as set out above in paragraph 2 or 3, the Participating Authority shall be entitled at all times to decline to make an award for its Services Requirements. Nothing in this Framework Agreement shall oblige any Participating Authority to place any Order for the Services.

5. RESPONSIBILITY FOR AWARDS

- 5.1 The Supplier acknowledges that each Participating Authority is independently responsible for the conduct of its award of Call-Off Contracts under the Framework and that the AUTHORITY is not responsible or accountable for and shall have no liability whatsoever in relation to:-
- 5.1.1 the conduct of other Contracting Bodies in relation to the Framework; or
 - 5.1.2 the performance or non-performance of any the Call-Off Contracts between the Supplier and Other Contracting Bodies entered into pursuant to the Framework.

6. FORM OF ORDER

- 6.1 Subject to paragraphs 1 to 5 above, each Participating Authority may place an Order with the Supplier by serving an order in writing in substantially the form set out in Schedule 7 (the "Order Form") or such similar or analogous form agreed with the Supplier including systems of ordering involving facsimile, electronic mail or other on-line solutions. The Parties agree that any document or communication (including any document or communication in the apparent form

of an Order) which is not in the form prescribed by this paragraph 6 shall not constitute an Order under this Framework Agreement.

7. ACCEPTING AND DECLINING ORDERS

7.1 Following receipt of an Order, the Supplier shall promptly and in any event within a reasonable period (taking into account all relevant circumstances in relation to the subject matter and nature of an Order) determined by the relevant Participating Authority and notified to the Supplier in writing at the same time as the submission of the Order (which in any event shall not exceed three (3) Working Days) acknowledge receipt of the Order and either:-

7.1.1 notify the Participating Authority that it declines to accept the Order; or

7.1.2 notify the relevant Participating Authority that it accepts the Order by signing and returning one copy of the Order Form.

7.2 If the SUPPLIER:-

7.2.1 notifies the Participating Authority that it declines to accept an Order; or

7.2.2 the time-limit referred to in paragraph 7.1 has expired; then the offer from the Participating Authority to the Supplier shall lapse and the relevant Participating Authority may offer that Order to the Framework Supplier that submitted the next economically advantageous tender in accordance with the relevant Award Criteria.

7.3 The Supplier in agreeing to accept such an Order pursuant to in paragraph 6 above shall enter a Call-Off Contract with the relevant Participating Authority for the provision of Services referred to in that Order. A Call-Off Contract shall be formed on the Authority's receipt of the signed Order Form provided by the Supplier pursuant to paragraph 7.1.2.

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