

**Guidance on calling off under a  
Scotland Excel Framework**

**June 2017**

## Guidance on calling off under a Scotland Excel Framework

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## 1 Overview

Unless otherwise stated or inferred in this document, words and expressions (with initial letters capitalised or otherwise) shall have the same meaning attributed to them as set out in the Schedule to the Scotland Excel General Conditions of Contract for Supply (2017) (“**Schedule**”).

A Scotland Excel framework is one or a number of Contracts (taken together) awarded to one or a number of Contractors by Scotland Excel for products or services that fall within the Category B commodity classification (henceforth, “**Framework**”). The Contracts set out the terms and conditions under which Call-offs can be made at a future time period throughout the duration of the Framework.

This document provides general information on Frameworks set up by Scotland Excel for use by Scotland Excel local authority and associate members (and other contracting authorities as appropriate) (referred to “**Councils**” or “**Council**” in the Schedule and from here onwards in this document) when planning to procure a Call-off under a Framework. It is not intended to be a comprehensive process or procedure manual for operating Frameworks, making a direct award, conducting mini competition exercises, or conducting a mixed direct award and mini competition exercise. This guidance can be used by any person involved in administering any of these exercises.

The staff of any Council procuring a Call-off under a Framework should also seek internal legal advice on any situation where there is doubt on the legal position of operating a Framework.

## 2 Scotland Excel Framework Agreements

Scotland Excel Frameworks are implemented for Category B commodities.

### 2.1 Responsibility

Scotland Excel Frameworks are set up by its Strategic Procurement team. Frameworks are delivered through commodity teams led by a Category Manager.

### 2.2 Type of Framework

Frameworks awarded by Scotland Excel are generally multi-user, multi-supplier, arrangements whereby a number of Councils agree to participate in a Framework for a range of products or services supplied by at least three suppliers.

### 2.3 Lots

Frameworks can be set up:

- either, where all appointed Contractors provide all items included within the Framework over the entire geographical reach of the Framework; or
- where Contractors are appointed to “lots”.

Lots can be organised on a geographical basis or on the basis of specified materials, equipment or services, or on a combination of both. Frameworks can be concluded either with one Contractor or a number of Contractors per each individual lot.

The Regulations encourage Scotland Excel to award its Frameworks in the form of separate lots by requiring it to explain its decision for not dividing its requirement into lots in the procurement documents or the end-of-procurement report.

The Scotland Excel General Conditions set out how the call-off procedures should be operated for all lots within a Framework. If Scotland Excel wished to make provision that the call-off procedures will vary from lot to lot, the Framework should have specified at the outset (i.e. when the Framework is awarded) how call-offs will be operated within each lot.

## **2.4 Information on frameworks**

Information on the relevant Frameworks is distributed by Scotland Excel to Councils as soon as the Contracts are awarded.

Information provided by Scotland Excel to Councils should include:

- Duration (including start and ends dates) of the Framework;
- The Contractors on the Framework and contact details;
- A list of core products or services included within the Framework;
- Information regarding non-core products or services included within the Framework;
- Detail of the products and services each Framework Contractor can deliver;
- Pricing schedules or rates for products or services;
- Delivery timescales;

- The general conditions of contract that apply to the Framework;
- Any special conditions that apply to the Framework;
- Terms & conditions that should apply to Call-offs;
- The method for selecting suppliers for a “direct award” (see section 4);
- Criteria and weightings that should apply to a mini-competition process (see section 6);
- Relevant information on the prior assessment of Contractor capability for a Framework to aid planning for any given mini competition requirement (e.g. setting award criteria);
- Information on the Councils entitled to participate in the Framework;
- Availability of instructions or guidance notes on the use of the Framework;
- Scotland Excel contact details (if further information on the Framework is required); and
- Where to access a copy of the actual Contract and associated schedules.

The above information on Scotland Excel Frameworks should be provided via an “Information Guide” issued by Strategic Procurement.

## 2.5 Queries and legal advice on frameworks

Commercial or contract queries on Scotland Excel Frameworks can be referred to the Contract Owner responsible for managing the relevant Framework.

If any query is significant enough to require legal support, Scotland Excel will discuss the legal advice that should be sought. However, ultimately, **Councils must consult with their own legal section for advice on specific legal interpretations in relation to calling-off under a Scotland Excel Framework.**

## 3 Calling off under framework agreements

When a Council has a requirement to purchase specific materials, services or equipment, the person responsible for the procurement should determine whether

there is an existing framework agreement that can be used to meet the purchase requirement.

### **3.1 Existing framework agreements**

An existing framework agreement could be:

- a framework agreement managed by Procurement Scotland for Category A commodities;
- a Framework set up by Scotland Excel for a Category B commodity; or
- a Council's own framework agreement for Category C type commodities, or a framework agreement for Category C type commodities procured via collaboration between two or more Councils.

### **3.2 Right to participate**

When determining the suitability of an existing framework agreement, it is the responsibility of the local authority or other public body wanting to use the framework agreement to satisfy itself that it is entitled to participate in the framework agreement i.e. check that the framework agreement is not restricted to use only by certain local authorities or other public bodies.

### **3.3 Within scope of the framework agreement**

Local authorities and other public bodies must ensure that their proposed purchase requirement is within the scope of the relevant framework agreement, both in terms of the specification and the estimated value or volume of materials, equipment or services.

Local authorities and other public bodies should also ensure that their use of the relevant framework agreement does not contradict internal standing orders or financial regulations or any competing local contract arrangements in place at the time of need.

### **3.4 Value for money consideration**

It is up to each local authority or other public body to determine whether the use of any existing framework agreement represents value for money with regard to the purchase requirement.

### **3.5 Framework agreement terms & conditions**

It is also important to consider the terms and conditions specified in the framework agreement to be used to procure called-off contracts and be

satisfied that terms and conditions are appropriate to the purchase requirement.

### **3.6 Choice of call-off exercise: direct award, mini competition or mixed exercise**

Having identified that a relevant framework agreement can be used to provide the purchase requirement, the person performing the procurement function must decide which type of call-off exercise should be used to purchase the requirement under the Framework.

**Direct Award:** If the framework agreement sets out:

- (a) all the terms governing the provision of the purchase requirement; and
- (b) the objective conditions for determining which of the contractors appointed to the framework agreement must perform the purchase requirement,

then a direct award can be made by following the terms and conditions set out in the framework agreement (see section 4 below in relation to direct awards under Scotland Excel Frameworks).

**Mini-competition:** Where the framework agreement does not set out all the terms governing the provision of the purchase requirement, a mini competition between the contractors appointed to the framework agreement must be organised. (See section 5 below in relation to mini competitions under Scotland Excel Frameworks).

**Mixture of direct award and mini competition:** If:

- (a) the framework agreement sets out all the terms governing the provision of the purchase requirement; and,
- (b) the procurement documents for the framework agreement:
  - a. stated that a mixed direct award and mini competition exercise may be used;
  - b. set out objective criteria which must be used to determine whether a particular called-off contract will be placed following a mini competition or via a direct award on the terms set out in the framework agreement; and
  - c. specified which terms may be subject to a mini competition,

then a mixture of direct award and mini competition may be suitable.

This mixture option is new under the Regulations, but appears to simply make explicit provision for what was implicitly previously permitted<sup>1</sup>. Note, however that Scotland Excel Frameworks do not yet explicitly provide for this option. If this option is to be provided for in a Scotland Excel framework, this will be made clear in the relevant framework agreement and the accompanying procurement documents.

*It is strongly recommended that where either a direct award or a mini-competition is being undertaken by a Council under a Scotland Excel Framework, a recognised procurement professional within that Council is consulted.*

## **4 Making direct awards under Scotland Excel Frameworks**

Scotland Excel Frameworks should be sufficiently clear enough to allow a Council to ascertain whether any requirement for a product or service can be subject to a direct award (i.e. without the need to hold a mini competition).

### **4.1 Framework is precise enough**

If the Council can:

- (a) match the purchase requirement to the product or service details described in the Framework schedule; and
- (b) identify the appropriate specification, the price applicable to the quantity required (if specified) and the delivery period within the terms of the Framework,

then the terms laid down in the Framework can be applied without the need to re-open competition.

This is a direct award.

### **4.2 Direct award of Call-off**

A direct award is generally made in the form of a Call-off which is the mechanism for securing a binding legal obligation between the Council and the Contractor.

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<sup>1</sup> So, how might this work in practice? The English Crown Commercial Service suggests that a framework agreement could be set up to allow direct award for those suppliers allocated to provide goods / services in a specific region. The objective criteria allowing a mini competition instead could be that: the proposed contract to be called-off exceeds a set financial threshold; the quantity of products required is over a certain level; or the proposed contract to be called-off has particularly complex requirements.

A Call-off under a Framework will generally be implemented by a Council by the issue of a Purchase Order, unless the Council's standing order procedures specify otherwise.

The Purchase Order created and issued against the Framework should make reference to the Framework and any terms and conditions of supply specifically set out in the Framework as having to apply to Call-offs made under the Framework. A Council's own purchase order conditions should not apply to Call-offs under Scotland Excel Frameworks.

### **4.3 Selecting a supplier from the Framework**

The Framework should describe how a Council selects a Contractor to make a direct award against the Framework, if there is more than one Contractor to choose from.

Scotland Excel Frameworks may rank Contractors according to the most economically advantageous offer received for a range of commodities or lots, upon which the award of the original Framework was made. When it is specified that this ranking is to be used to select a Contractor for issue of a direct award, local authorities must adhere to this requirement.

If the first choice Contractor cannot meet the requirement for any reason, the Council should consult with the second ranked supplier and so on.

## **5 Conducting mini-competitions under Scotland Excel Frameworks**

When a direct award under a Scotland Excel Framework cannot be made, a Council may award a Competitive Order following the initiation of a mini-competition process.

### **5.1 Competitive order**

A Competitive Order is described as:

*“an order not all the terms of which are laid down in the Contract [i.e. a Framework] including, for example and without prejudice to the foregoing generality, an order*

- *for any make, model or type of Goods not specified in the Contract ; or*
- *any alternative make, model or type of Goods to that specified within the lots which is required by a Council; or*
- *where a large quantity of Goods is required and the Contract contains insufficient provision, in the reasonable opinion of the Council, for bulk discounts; or*

- *where a Council has specific delivery requirements.*

Where a Competitive Order is required by a Council it may arrange the carrying out of a mini-competition between Contractors appointed to the Framework.

## **5.2 Points to consider in the mini-competition process**

- (a) Mini-competitions can only be conducted when begun within the term of a duly established Framework.
- (b) If a mini-competition has to be conducted because the terms laid down in the Framework are not complete enough to make a direct award, this does not mean that the basic Framework Conditions, terms or specifications can be renegotiated or substantially changed.
- (c) The mini competition must be based on:
  - a. the same Conditions, terms or specifications as applied for the award of the Framework, or where necessary, more precisely formulated Conditions, terms or specifications to reflect particular circumstances for a Competitive Order requirement; and,
  - b. Where appropriate, other Conditions, terms and specifications referred in the procurement documents for the Framework.

For example a requirement to purchase a range of specific items set out in a Framework may be more precisely formulated by adding particular associated services e.g. installation, maintenance or training not included within the Framework.

- (d) All Contractors on the Framework (or appointed to the relevant lot of a Framework) identified as capable of providing the Competitive Order requirement must be invited to enter the mini competition unless there is a compelling reason to exclude them.

Reasons for exclusion could be:

- Some Contractors on a Framework agreed (when bidding for the original framework) not to provide particular products or services.
- Certain suppliers may be designated in the Framework to supply only against particular supplies, services or lots.

If in doubt, please check with the Scotland Excel Contract Owner responsible for the Framework.

- (e) Mini-competition award criteria should not include criteria that could be interpreted as re-selecting Contractors who have already had their capability assessed during the original procurement of the Framework e.g. technical ability or financial standing.
- (f) A Competitive Order resulting from a mini-competition award must not result in the creation of a subordinate single- or multi-supplier framework agreement.
- (g) Councils cannot ask Contractors to tender against items offered under different Frameworks. In other words, mini-competitions cannot be held which involve more than one Framework.
- (h) Mini-competitions should not be used simply to better a price stated in the Framework if the Framework is precise or detailed enough to allow a direct award.
- (i) Where the Framework contains indicative pricing or where a quantity requirement is significantly higher than the normal order pattern anticipated for the Framework then a mini competition can be conducted to secure a bulk discount based on larger than anticipated quantity requirement.

### **5.3 Mini-competition process**

Mini-competitions must be conducted in accordance with the Regulations and the procedure set out in Scotland Excel's General Conditions of Contract for Supply.

The mini-competition process allows you to place a Call-off under a Framework where the Framework does not lay down all the terms governing the provision of the purchase requirement, thus, preventing you from directly awarding to a specific Contractor. The process allows you to more precisely formulate your requirement whilst retaining the benefits offered under the collaborative Framework.

The normal mini competition process for the award of a Competitive Order is described below.

1. Check if the Framework has been awarded in lots – if yes, identify the relevant lot that the Competitive Order requirement falls within.

**Note.** If the Framework has been awarded in lots, but the Competitive Order requirement cannot be readily associated with a particular lot then:

- a. Try and identify a natural alignment between the requirement and a particular lot (possibly using CPV codes as a guide or some other form of linkage),
  - b. If (a) above is not possible, consider asking all Contractors on the Framework if they can deliver the Competitive Order requirement.
2. Identify the Contractors who are capable of providing the Competitive Order requirement (within the relevant lot, if lots apply) (“**eligible Contractors**”) – this may be facilitated by asking Contractors directly if they can deliver the requirement.
  3. If necessary, more precisely formulate the Framework Conditions, terms or specifications and vary the relevant mini competition award criteria weightings as set out in the procurement documents for the Framework, but only to the extent permitted by the Framework, and to comply with, the Regulations.
  4. Invite eligible Contractors (within the relevant lot, if appropriate) who are willing to participate in a mini competition process to submit tenders for the Competitive Order requirement in accordance with the Regulations.

**Note:** An electronic auction will only be able to be used as part of the mini competition process if the procurement process by Scotland Excel in setting up the Framework satisfied the requirements of Regulation 36 (including stating the intention to hold electronic auctions in the contract notice and providing the required information in the procurement documents). Further, the auction itself must comply with Regulation 36, such as the provision of certain detailed information to Tenderers in advance of the electronic auction.

5. Receive tenders and apply the mini competition award criteria and weightings to determine which of the tenders submitted by the eligible Contractors is most economically advantageous.

6. Use the process in (5) as the basis of the Council's decision as to which Contractor is to be awarded the Competitive Order.
7. Consider whether to follow standstill rules (Regulations 84 to 86) on a voluntary basis.
8. Advise the Contractors which tendered through the mini competition process of the outcome of the Council's decision.
9. Follow up on any unsuccessful Contractor de-brief requests.
10. Place a Competitive Order with the successful Contractor.

#### **5.4 Checklist for Inviting suppliers to participate in a mini competition**

When inviting Scotland Excel Framework Contractors to participate in a mini competition the following should be observed:

- Clarify with the Scotland Excel Contract Owner responsible for the Framework any information on conducting a mini competition that is not clear from the Framework.
- Identify the eligible Contractors. This may be facilitated by setting out for all Contractors the specific requirements and asking Contractors directly whether they can deliver the requirement. At the same time ask the Contractors to confirm whether or not they want to participate in the mini competition.
- Prepare a tender document for the mini competition exercise (i.e. an a mini competition invitation to tender) that clearly sets out the specific requirements for the Competitive Order, the mini competition award criteria and weightings and the Conditions, terms and specifications that will apply to any resultant Competitive Order.
- Invite (in writing) eligible Contractors to submit a written tender for the Competitive Order requirement setting a time limit which is sufficiently long enough for the receipt of tenders, which takes into account factors such as the complexity of the subject-matter of the Competitive Order requirement and the time needed to send in tenders.
- Instruct Contractors that their tenders should remain open for acceptance for a time period specified from the date specified for the return of tenders.

- State within the mini competition invitation to tender that there is no obligation on the Council to place any Competitive Order as a result of the mini competition process.

## 5.5 Award criteria and weightings

The award criteria used to award a place(s) on a Framework must include: quality criteria; and either: price; or cost (using a cost-effectiveness approach which may include life-cycle costing).

The award criteria (and weightings) used for mini competitions under Scotland Excel frameworks are generally the same as the award criteria used by Scotland Excel to award a place(s) on a Framework.

However, these need not be the same under the procurement rules. Therefore, if the Scotland Excel Framework / procurement documents has / have set out different mini-competition award criteria, you should apply these to determine which of the supplier's tenders is the most economically advantageous for a particular requirement. Similarly, if the Framework gives the Councils the flexibility to set weightings appropriate and relevant to the individual Call-off, you may also do so within the limits set.

If a Council wishes to otherwise vary the mini-competition award criteria and / or weightings, it should seek its own legal advice.

Award criteria used for mini competitions must include: quality criteria; and either: price; or cost (using a cost-effectiveness approach which may include life-cycle costing) given that a Council may no longer use price only or cost only as the sole award criterion to award a public contract. However, there are some alternatives for holding a mini competition when price is a key consideration for the requirement:

- (a) Invite offers for, say, a "bulk" requirement *carrying forward* the quality scores allocated to suppliers from the procurement process for the Framework to which is added *the outcome of the price scores* from the mini competition invitation to tender (weighting the quality and price aspects with the weighting set out, or a weighting permitted by, the procurement documents for the Framework).

A simple illustration of this is detailed in the Appendix.

- (b) Adjust the mini competition award criteria weightings for quality and price or cost within any limits / ranges set out in the Framework (in order to maximize the weighting for price or cost and minimize the weighting for quality).

Where it is decided to hold a mini competition, and the Framework is not clear, it is recommended that Councils contact the relevant Scotland Excel Contract Owner responsible for the Framework to confirm the award criteria to be used.

The extent to which award weightings can be adjusted to suit each individual competitive order requirement should also be clarified with the Commodity Team Manager if the Council considers this to be unclear from the Framework and the procurement documents relating to its procurement.

## **5.6 Issuing a competitive order**

There is no specific format requirement for the issue of a Competitive Order to the successful Contractor following competition of the mini competition exercise. It can be in the form of a Purchase Order or a letter of acceptance or whatever form the Council's standing orders dictate.

Whichever form the Competitive Order takes it should constitute a legal binding obligation on the Council and the Contractor and should clearly state:

- (a) The requirements for the Competitive Order;
- (b) The Framework lot or lots of which the requirements form part;
- (c) The Price payable in accordance with the mini competition tender submitted by the successful Contractor;
- (d) Any Framework Conditions applicable to the Competitive Order as more precisely formulated;
- (e) The Standard Terms of Supply for the Competitive Order as set out in the Framework.

If a Council elects to implement a voluntary standstill period (as recommended by the Scottish Procurement Policy Note 5/2010) then Council rules surrounding the award by it of public contracts should be observed.

## **5.7 Publishing a contract award notice**

Councils are to seek their own legal advice as regards their own obligations to publish contract award notices for awarded call-off contracts.

## **5.8 Cluster Collaborations**

Where groups of Councils wish to collaborate in the procurement of a Call-off (by direct award or mini competition, as appropriate) on a single Framework

they all use, there should be a formal agreement in writing between the participating Councils on the conduct of the procurement.

The advantages of collaborating on Call-offs under a Scotland Excel Framework are that it may allow Councils to secure better prices by bulk purchasing locally purchased commodities not covered by Category A frameworks or their own Category C public contracts and frameworks. Further, it encourages the sharing of procurement expertise and resources within Councils on collaborative ventures.

The precise content of this will depend on the subject matter of the requirement and the particular participating Councils (e.g. some Council's may already have standing written collaboration agreements). However, it may be that the collaborating Councils will agree a template for a "model" cluster collaboration agreement to be amended and supplemented as appropriate.

As a minimum, the agreement would need to cover such issues as: -

- (a) Who will be the "lead contracting authority" and who will be responsible for preparing tender documents / receiving tenders / evaluating bids etc?
- (b) Will the costs for these services be shared among the participants? If so, how will these be worked out?
- (c) How will decisions be taken and what happens if there is a dispute?
- (d) What insurance and indemnity provisions should apply?
- (e) What termination provisions should apply?

### **5.9 Authority to participate in the collaboration**

Each Council will have to have approval to participate in the collaboration and designate officers as its representatives.

Also, some participant Councils may have to seek formal approval to agree to the award of a Call-off on behalf of their Council and this will need to be taken into account when agreeing timescales for conducting the mini competition exercise.

### **5.10 Standing orders**

Councils are legally obliged to have contract standing orders and follow their instructions with regard to the award of contracts.

However standing orders will vary between Councils and there is no standard format that applies to all Councils. Councils participating in the cluster collaboration will therefore have to agree how the “lead contracting authority” will seek approval to award Call-offs and which standing orders will apply to the authorisation request.

Also, Councils should check their own individual standing orders to ensure that there are no conflicts or barriers to participating in “cluster” collaborations for Call-offs under Scotland Excel Frameworks.

### **5.11 Terms and conditions**

The Conditions, terms and specifications to be used in a Call-off’s tender documentation will need to reflect that the requirement is based on cluster collaboration and comply with the rules governing the Conditions, terms and specifications to be applied in a direct award or mini competition set out above (sections 4.1 and 6.2).

Consideration has to be given to the situation if one or more Council decides to pull out of the collaboration or the possibility of other Councils wanting to join the collaboration.

### **5.12 Legal advice**

It is strongly recommended that if cluster collaboration for a Call-off (by direct award or mini competition, as appropriate) is being considered participating Councils seek advice on the management of the collaboration from their own legal section.

## **6 Additional Information on Framework Agreements**

The principal source of information on framework agreements is The Public Contracts (Scotland) Regulations 2015. Other sources from which information has been drawn to prepare this guide is set out in section 11.5.

It is emphasized again that this document should not be interpreted as a comprehensive guide or instruction manual. Councils are strongly advised to consider taking legal advice in any case where there is doubt as to the legal position of a Framework or the procurement of a Call-off thereunder.

It should also be acknowledged that case law may amend previous practices as the use of Frameworks evolves and develops. On this basis, the principal source of legal updates on Frameworks or the procurement of Call-offs thereunder and their legal interpretation should be a Council’s own legal section.

## **7 Managing Call-offs under a Framework**

The Council is responsible for managing Call-offs. The Council may also refer any Contractor disputes to Scotland Excel that cannot be settled locally.

When a Council is issuing a Purchase Order to a supplier in relation to a called-off contract under a Scotland Excel Framework, we expect Council's to include on the Purchase Order a reference to: the contract having being made under a Scotland Excel Framework; and, the Scotland Excel Framework reference number (commonly in the form YEAR:NUMBER e.g. 17/01). Therefore, purchase order systems used by Councils to issue Purchase Orders against Scotland Excel Frameworks should allow for such references to be recorded on Purchase Orders. This will facilitate more effective reporting on the use of Frameworks.

It is also important to monitor the use of a Framework to ensure that the cumulative total value of all Call-offs under it, whether by a direct award or Competitive Order resulting from a mini competition, do not exceed the original estimated value of the Framework.

## 8 Change Control

This document can only be amended by the Author and in accordance with approved processes and procedures.

Approval of this guidance document will allow the document to be issued to Councils as a guide to conducting mini competitions.

The electronic version of this document is held by Scotland Excel's designated "Custodian" and is the only true version – all printed copies are uncontrolled.

## 9 Document History & Version control

### 9.1 Document Information

<b>Document Title</b>	Guidance on calling off under a Scotland Excel Framework
<b>Document File Name</b>	Call-off Guidance Final v2.0
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<b>Author (Business Owner)</b>	B Murray
<b>Issued by</b>	B Murray
<b>Status</b>	Final
<b>Document Review Date</b>	21 June 2017

### 9.2 Approval Information

Name	Business Area	Version	Date
[INSERT]	Executive Team	Final	TBC

### 9.3 Version History

Version	Change	Date
Draft 0.1	Out for review	June 2010
Draft 0.2	Includes comments from G Douglas (Renfrewshire Council - Legal)	July 2010
Draft 0.3	Includes comments from M Allan (Angus Council)	July 2010
Draft 0.4	Includes comments from G Douglas (Renfrewshire Council - Legal)	August 2010
Draft 0.5	Includes comments from A Davidson (Aberdeen City Council)	August 2010
Draft 0.6	Includes comments from K Reid (Scotland Excel Regional Office)	August 2010
Draft 0.7	Includes comments from C McLauchlan (Scotland Excel Graduate Trainee)	August 2010
Draft 0.8	Includes comments from G Douglas (Renfrewshire Council - Legal)	December 2010
Final 1.0	Updated to 2012 Regulations reference	March 2013
Final 2.0	Updated for 2015 Regulations and 2017 Scotland Excel General Conditions of Contract for Supply.	June 2017

### 9.4 References

**(Key documents drawn upon and/or referred to by this document):**

File Name	Title
N/A	Public Contracts (Scotland) Regulations 2015
SPPN 5_2010 - Scottish Government Guidance on	Scottish Procurement Policy Note SPPN/2019 dated 21/5/10

File Name	Title
Procurement Journey: Framework Agreements	Framework Agreements [Available at: <a href="https://www.procurementjourney.scot/framework-agreements">https://www.procurementjourney.scot/framework-agreements</a> ; Accessed 10 April 2017].
PCD91-A (17/07/2015)	Framework Agreements: Decision Matrix [Available at: <a href="https://www.procurementjourney.scot/framework-agreements">https://www.procurementjourney.scot/framework-agreements</a> ; Accessed 10 April 2017].
PCD68-B (15/04/2016)	Method of Call Off [Available at: <a href="https://www.procurementjourney.scot/framework-agreements">https://www.procurementjourney.scot/framework-agreements</a> ; Accessed 10 April 2017].
PCD66-A (01/07/2015)	Guide for setting up Framework Agreements [Available at: <a href="https://www.procurementjourney.scot/framework-agreements">https://www.procurementjourney.scot/framework-agreements</a> ].
PCD67-B (15/04/2016)	Guide for the use of framework agreements [Available at: <a href="https://www.procurementjourney.scot/framework-agreements">https://www.procurementjourney.scot/framework-agreements</a> ].
PCD69-B (15/04/2016)	Specific Rules for Mini Competitions [Available at: <a href="https://www.procurementjourney.scot/framework-agreements">https://www.procurementjourney.scot/framework-agreements</a> ; Accessed 10 April 2017].
N/A	Crown Commercial Service. The Public Contracts Regulations 2015 and the Utilities Contracts Regulations 2016: Guidance on Framework Agreements (October 2016) [Available at: <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/560268/Guidance_on_Frameworks_-_Oct_16.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/560268/Guidance_on_Frameworks_-_Oct_16.pdf</a> ; Accessed 10 April 2017].
GCC Supply v1.0 22032017	Scotland Excel General Conditions of Contract of Supply

**(Key documents drawn upon and/or referred to by previous versions of this document):**

File Name	Title
DRAFT PROCEDURES-MINI COMPETITIONS.doc	Draft procedures for Scotland Excel clients using framework agreements
Framework Information Template Final v1.0	Framework Agreement Information Guide

<b>File Name</b>	<b>Title</b>
Framework Guidance Note (28/7/11)	Guidance note for use with OJEU Notices and the tender documentation

## 10 Appendix - Example

Simple illustration of alternative for holding a mini competition when price is a key consideration for the requirement (see section 5.5 above)

### (1) Criteria & weightings as used to award Framework Agreement:

- Technical (Quality) = 20%
- Commercial (Price) = 80%

Table showing criteria scores for original framework ITT (all suppliers eventually included in framework agreement).

Criteria	Supplier A	Supplier B	Supplier C
Technical	75%	90%	65%
Commercial	90%	100%	95%
<b>TOTAL</b>	<b>87%</b>	<b>98%</b>	<b>89%</b>

### (2) Criteria & weightings as used to award Mini Competition:

- Technical (Quality) = 20%
- Commercial (Price) = 80%

**But** suppliers advised that Technical scores used to award to the framework will apply to the mini competition tender evaluation – only new Commercial tenders will be scored according to outcome of the mini-competition ITT tender submission.

Table showing criteria scores for Mini Competition (tender evaluation outcome after receipt of tenders).

<b>Criteria</b>	<b>Supplier A</b>	<b>Supplier B</b>	<b>Supplier C</b>
Technical *	75%	90%	65%
Commercial **	96%	84%	100%
<b>TOTAL</b>	<b>91.8%</b>	<b>85.2%</b>	<b>93%</b>

\* Actual scores used in tender evaluation for award of framework agreement.

\*\* Scores calculated based on prices submitted in response to mini competition ITT tender submission.