

BUYER'S GUIDANCE FOR USE OF THE FRAMEWORK AGREEMENT FOR:

POISE Framework agreement

19th October 2016 – 18th October 2020

OJEU Contract Notice Number: 2016/S 153-277888

OJEU Award Number: 2016/S 203-367806

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1. Can I Access this Agreement?

This framework agreement has been tendered and actively managed by Brunel University London. To learn more about Brunel University London, please see www.brunel.ac.uk.

Main sectors named on the OJEU are –

Education

Further Education

Higher Education (if the body requests to be included during the contract term)

Local Government

Police and Fire Authorities

NHS

Housing Associations

Charities

2. What Does this Agreement Cover?

The purpose of this framework agreement is to deliver an efficient and compliant route to market for participating public bodies, by minimising the resource and providing value for money.

This framework agreement was procured via the restricted procedure tendering process and advertised on In-Tend and in the Official Journal of the European Union (OJEU) ref. 2016/S 153-277888.

DESCRIPTION
The framework is to act as a 'one stop shop' for all ICT Products and Services, to include but not limited to the following;
End User devices
Infrastructure hardware
AV Equipment
Any software applications
Any IT Related services
Telecoms equipment and Services
IT Resources
Cloud and Hosting solutions
(Any hardware or software vendors/manufacturers can be contracted via the resellers on the framework)

3. What are the Benefits of Using this Agreement?

There are several benefits to using this framework:

- The framework, as proposed, provides the availability of a full range of IT products and services. The resellers can offer a 'one stop shop' for IT requirements.
- This framework offers a direct award ability so that parties can procure items quickly and compliantly. This allows for easier consolidation of requirements. There is the option of a further competition process if Organisations wish.
- The framework is actively managed by IT Procurement professionals in partnership with the Resellers to drive efficiencies to all parties during the term of the contract.
- The framework is open to a broad range of public bodies and as such the economies of scale should be beneficial to all.
- The full cashable benefits have yet to be determined but initial benchmarking shows this framework is at minimum comparable to any alternative in terms of cash savings.

4. Who are the Suppliers?

The following suppliers are appointed to the framework agreement as follows:

Reseller	Status	Contact	Contact details
TET Ltd	Prime (Direct award) and further competition	Paul Knight Account Director POISE sales Support	POISEenquiries@tet.co.uk paulk@tet.co.uk 07974 981067 TBC
Insight Direct Ltd	Further competition	Matthew Green - Client Director Raj Sodhi - Higher Education Account Manager	Matthew.Green@insight.com 07983 552535 raj.sodhi@insight.com 0114 219 5174
Software Box Ltd	Further competition	Sam Duffy – Senior Account Manager	Sam_Duffy@softbox.co.uk 07791 589303
Bechtle Ltd	Further competition	Laura Graham Account Manager Gareth Cosker – Public Sector Lead	Laura.graham@bechtle.com gareth.cosker@bechtle.com 07880 328264

5. Supplier Scoring

Bidder	Technical / Service Score (40)	Commercial Score (60)	Total Score (100)
Bechtle	21.38	38.3	59.68
Insight	28.5	42.2	70.7
Software Box	23.75	48.5	72.25
TET	30.72	55.5	86.22

6. How Do I Call-Off from the Agreement?

Call-off from this framework agreement is by means of a combination of direct award and further-competition.

Option One – Direct Award

Organisations are required to contract directly with the first-ranked supplier, unless:

- The first ranked supplier confirms that they do not have capacity to undertake the work; or
- Cannot respond within the required timescales as detailed in the specification of requirements; or
- There are other relevant issues such as conflict of interest.

If any of these criteria are applicable, then a further competition should be undertaken to select one of the other suppliers present on the framework.

The award of a contract will take place after the organisation has discussed its specific requirements with the supplier and agreement has been reached as to timescales, methodology/approach, specific service requirements and key milestones to be met. The Standard Terms and Conditions of any call-off contract shall be as those stated in the framework agreement and only minor points can be re-negotiated with the consent of the supplier and the organisation such as Payment Terms.

Option Two – Further Competition

Organisations wishing to undertake a further competition may do so. All the supplier(s) appointed must be invited to submit responses to the Organisation's further competition tender document.

The original framework agreement evaluation criteria should be applied in the further-competition tender document, though some of the criteria weightings may be adjusted in line with local Organisation requirements. As this is a Most Economically Advantageous Tender (MEAT) framework agreement, both technical and commercial evaluation criteria must be used in a further competition tender process.

Suggested evaluation criteria for evaluating further competitions is as follows:

Evaluation Criteria

Technical / Service Score (40)	Commercial Score (60)	Total Score (100)
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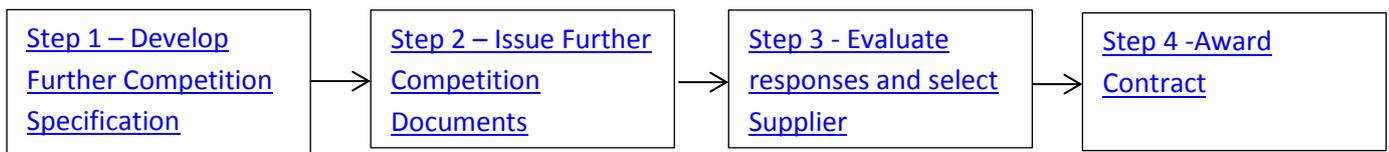
Please note: No additional award criteria can be introduced. Sub-criteria under the award criteria above can be introduced but must be relevant to the requirement. **The weighting of**

the criteria can be amended depending on importance to the requirement and in line with the tender documentation.

7. How Do I Run a Further Competition?

When running a further competition organisations must ensure that **ALL** awarded resellers are invited to submit a quote via the Invitation to Quote (ITQ).

The further-competition **must not** be issued to suppliers that have not been awarded a place on the framework agreement.



Step 1 – Develop Further Competition Invitation To Quote (ITQ)

Organisations should develop a detailed specification which sets out their specific requirements. When developing the specification please take into consideration the following.

- 1) Brands or brand-specific descriptions of goods should not be used (e.g. Canon printer or BiC Biro pen). Descriptions should give reference to the characteristics and outputs of the product or service. Where no other description is possible, any reference should be qualified by adding the words 'or equivalent'.
- 2) It is highly recommended that an 'output-based' specification is used wherever possible to clearly define requirements. For example, if you were issuing an ITQ for a PC, you could state the required memory size, processor speed, hard drive capacity for example. This enables suppliers to quote for provision of goods/services that meet your minimum requirements and does not unfairly eliminate a supplier that cannot supply the exact brand/manufacturer of goods specified. This can also reduce the risk of unnecessarily over-specifying your requirement.

The evaluation criteria, and weighting applied to your questions, must be stated to suppliers when inviting them to quote.

Step 2 – Issue Further Competition Documents

The ITQ must be issued to **ALL** awarded resellers on the framework agreement at the same time via your preferred tendering system, where applicable.

It is extremely important that all suppliers are treated equally.

It is important that a reasonable timeframe for responses is set, and which reflects the complexity of the requirement.

Please Note:

- The Terms and Conditions of the framework agreement cannot be altered; however, the call-off terms (governing the relationship between the supplier and member organisation) can be amended. Due consideration should be given to ensure these amendments meet your own requirements for EU compliance.
- Suppliers who are not on the framework agreement must not under any circumstances be included in the further competition.

Step 3 - Evaluate responses and select supplier

Responses must be evaluated on the basis of Most Economically Advantageous Tender (MEAT) using the previously stated award criteria.

If you would like any further clarification on the process, please contact the Contract Manager via IT-Procurement@brunel.ac.uk

Step 4 -Award

Once the evaluation stage is completed, the call-off contract can be awarded. All Suppliers must be notified of the outcome of the further competition.

Note: A standstill period is not mandatory but you may still wish to observe this to give suppliers the opportunity to review their feedback. Please note, that it greatly assists suppliers if you can give them information on the relative merits of their bid in comparison to the winning bidder.

8. What are the Standard Terms and Conditions?

Brunel University London has overarching Terms and Conditions that govern the framework agreement, and separate call-off contract terms which have been agreed as part of the award of the framework agreement. The framework terms govern the relationship between the contracting authority (Brunel) and the supplier, and can only be changed by the contracting authority, in this case Brunel University London.

The call-off terms, which govern the relationship between the Organisation and the supplier can be amended; however, due consideration should be given to ensure these amendments meet your own requirements for EU compliance.

Please request a copy of the framework terms from IT-Procurement@Brunel.ac.uk or from the prime supplier.

What are the Payment terms of the Framework Agreement?

Standard payment terms are 30 days from receipt of a valid invoice. These terms can be adjusted upon agreement between the supplier and the Organisation.

9. How do I issue my Call-off Contract?

A call-off contract or a Purchase Order should be issued to the relevant supplier for each order to be placed. Order frequencies can be daily, weekly, or as otherwise agreed with the supplier in line with your preferences and needs. Organisations should have contacted the supplier to finalise the request.

Purchase Order's should detail, as a minimum:

- Name and address of the Organisation for invoice purposes
- Description and Product Code (where applicable)
- Quantity of products required (if applicable)
- Deliverables and timescales
- Details of the Premises to which the requirements and deliverables are to be supplied
- The charges
- Text that states "This Purchase Order forms a call-off contract from the POISE Framework agreement

10. How Will the Supplier's Performance be Measured?

Brunel will contract manage and monitor the performance of the suppliers on the framework agreement throughout the duration of the framework.

The Contract Manager will:

- Undertake regular contract review meetings
- Liaise with Organisations to gain feedback on supplier performance
- Review and manage contract uptake
- Monitor management information spend and reporting
- Monitor savings performance

11. Frequently Asked Questions

Q: A supplier isn't listed on the framework agreement; can I invite them to quote / further competition?

A: *No; you must only invite the suppliers who have been appointed to the framework agreement*

Q: Can I invite suppliers from multiple framework agreements to quote / further competition?

A: *No; you must only invite the suppliers who have been appointed to the framework agreement.*

Q: Can you 'de-select' a supplier from the framework agreement because you don't like them or have had issues in the past?

A: *No; you must invite **all** the suppliers who have been appointed to the framework agreement. Any issues must be raised with the contract manager; however, the Public Contract Regulations 2015 do allow for past performance to be considered in the competition evaluation.*

Q: When setting up a call-off Contract from a framework agreement does the contract have to expire on or before the framework agreement expires?

A: *No: The call-off contract has to be awarded before the framework agreement expires, but it can be for any length (ideally no more than 4 years) and the expiry date does not have to be concurrent with the expiry date of the framework agreement.*

Q: Can I select any supplier I want from the framework agreement and purchase from them directly?

A: *You can only purchase directly from the highest scoring supplier, otherwise you must go through a further competition as set up in the framework agreement.*

12. Glossary

Buyer's Guide

A document produced by Brunel University London which provides an overview of the agreement that has been let and guidance on how Institutions can access and use the agreement.

Call-Off Contract

The call-off contract is the legally binding contract between the Organisation and the framework agreement supplier which defines the goods/services to be provided. This can be formed by an official contract or by placing a purchase order.

Framework Agreement

A framework agreement can be described as a general term for legally binding agreements with providers which set out terms and conditions under which specific purchases (call-off) can be made throughout the term of the agreement.

Further Competition

A further competition or mini-competition are terms used to describe one of the processes for selecting a supplier on a framework agreement to place a call-off contract with. The terms 'further competition' and 'mini-competition' are used interchangeably, and within this document, we refer to 'further-competition'.

OJEU Notice

Advertisement issued in the Official Journal of the European Union in respect of this framework agreement.

Organisation(s)

Public body as detailed under the scope of the OJEU notice that wishes to purchase goods or services via this framework.

Prime Supplier

The successful tenderer that bodies may direct contract with, without a further competition.

Supplier

The successful tenderer(s) who will be party to the framework agreement with responsibility for supplying the goods and/or services.