

# **ESMCP TERMS AND CONDITIONS - USER SERVICES**

## **SCHEDULE 3**

### **PERFORMANCE LEVELS**

#### **CHANGE HISTORY**

<b>Version</b>	<b>Date</b>	<b>Description</b>	<b>Document Number</b>
1.0	2022.08.01	Base Version – MSC 2.0 unamended	72923470.1
1.1	2023.06.16	Issued for early draft release to suppliers 16 June 2023	
1.2	2023.07.27	Issued for release to bidders with ITPD	
1.3	2023.10.24	Issued for release to bidders prior to detailed dialogue	
1.4	2024.02.26	Issued for release to bidders with updates post dialogue	
2.0	2024.03.13	Issued for release to bidders at ISFT publication	
3.0	2024.10.01	Issued for release to the Preferred Bidder prior to contract conformance	
4.0	2024.12.06	Issued for release to the Preferred Bidder for contract execution	

## **Schedule 3 (*Performance Levels*)**

**Part A: Performance Indicators and Service Credits**

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#### **1 PERFORMANCE INDICATORS**

- 1.1 Annex 1 sets out the Key Performance Indicators and Subsidiary Performance Indicators which the Parties have agreed shall be used to measure the performance of the Services and Social Value by the Supplier.
- 1.2 The Supplier shall monitor its performance against each Performance Indicator and shall send the Authority a report detailing the level of service actually achieved in accordance with Part B.
- 1.3 Service Points, and therefore Service Credits, shall accrue for any KPI Failure and shall be calculated in accordance with Paragraphs 2, 4 and 6.
- 1.4 SPI Service Points shall accrue for any SPI Failure and shall be calculated in accordance with Paragraphs 3, 4 and 6.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### **2 KPI Service Points**

- 2.1 If the level of performance of the Supplier during a Service Period achieves the Minimum Required Performance in respect of a Key Performance Indicator, no Service Points shall accrue to the Supplier in respect of that Key Performance Indicator.
- 2.2 If the level of performance of the Supplier during a Service Period is below the Minimum Required Performance in respect of a Key Performance Indicator, Service Points shall accrue to the Supplier in respect of that Key Performance Indicator as set out in Paragraph 2.3.

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- 2.3 The number of Service Points that shall accrue to the Supplier in respect of a KPI Failure shall be the applicable number as set out in Annex 1 depending on whether the KPI Failure is a Minor KPI Failure, a Serious KPI Failure or a Severe KPI Failure, unless the KPI Failure is a Repeat KPI Failure when the provisions of Paragraph 4.1 shall apply.

**3 SPI SERVICE POINTS**


**4 REPEAT KPI FAILURES, REPEAT SPI FAILURES**

**Repeat KPI Failures**

- 4.1 If a KPI Failure occurs in respect of the same Key Performance Indicator:


(a “**KPI Repeat Trigger**”), upon such KPI Repeat Trigger such KPI Failure and any subsequent KPI Failure falling within the applicable Service Periods for the KPI Repeat Trigger shall be deemed a “**Repeat KPI Failure**”.

- 4.2 The number of Service Points that shall accrue to the Supplier in respect of a KPI Failure that is a Repeat KPI Failure shall be calculated as follows:


### Repeat SPI Failures

- 4.3 If an SPI Failure occurs in respect of the same Subsidiary Performance Indicator:

[REDACTED]

[REDACTED]

(a “**SPI Repeat Trigger**”), upon such SPI Repeat Trigger such SPI Failure and any subsequent SPI Failure falling within the applicable Service Periods for the SPI Repeat Trigger shall be deemed a “**Repeat SPI Failure**”.

- 4.4 The number of SPI Service Points that shall accrue to the Supplier in respect of a SPI Failure that is a Repeat SPI Failure shall be calculated as follows:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
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[REDACTED]

[REDACTED]

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[REDACTED]

[illegible]

## 5 PERMITTED MAINTENANCE

[REDACTED]  
 [REDACTED]

[illegible]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Response	Percentage
Yes, the U.S. should take action to address climate change	95%
No, the U.S. should not take action to address climate change	5%

[REDACTED]  
 [REDACTED]  
 [REDACTED]  
 [REDACTED]

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**6 SERVICE CREDITS**

- 6.1 Schedule 15 (*Charges and Invoicing*) sets out the mechanism by which Service Points shall be converted into Service Credits.
- 6.2 The Authority shall use the Performance Monitoring Reports provided pursuant to Part B, among other things, to verify the calculation and accuracy of the Service Credits (if any) applicable to each Service Period.
- 6.3 SPI Service Points are not converted into Service Credits directly, although they may contribute to a parent KPI which, in turn, may accrue Service Points



**Part B: Performance Monitoring**

## **1 PERFORMANCE MONITORING AND PERFORMANCE REVIEW**

1.1 [REDACTED] of the end of each Service Period, the Supplier shall provide:

- (a) a report to the Authority Representative which summarises the performance by the Supplier against each of the Performance Indicators as more particularly described in Paragraph 1.2 (the “**Performance Monitoring Report**”); and
- (b) a report created by the Supplier to the Authority Representative which summarises the Supplier’s performance over the relevant Service Period as more particularly described in Paragraph 1.3 (the “**Balanced Scorecard Report**”).

### **Performance Monitoring Report**

1.2 The Performance Monitoring Report shall be in such format as determined by the Authority from time to time and contain, as a minimum, the following information:

#### **Information in respect of the Service Period just ended**

- (a) the date of the Performance Monitoring Report;
- (b) for each Key Performance Indicator and Subsidiary Performance Indicator:
  - (i) the actual performance in the Service Period;
  - (ii) the applicable Minimum Required Performance, Minor KPI Failure / Minor SPI Failure, Serious KPI Failure / Serious SPI Failure, Severe KPI Failure / Severe SPI Failure and KPI Service Threshold / SPI Threshold, as applicable;
  - (iii) the actual measured performance in accordance with the calculation methodology set out in this Schedule 3 (*Performance Level(s)*);
  - (iv) the individual measures for [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] and
  - (v) details of any interim calculations relevant to the calculation of the measure ([REDACTED]  
[REDACTED])
- (c) a summary of all Performance Failures that occurred during the Service Period;

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- (d) which Performance Failures remain outstanding and progress in resolving them;
- (e) the severity level of each KPI Failure which occurred during the Service Period and whether each SPI Failure which occurred during the Service Period fell below the SPI Service Threshold;
- (f) for any KPI Failure, whether the Supplier is investigating a potential Authority Cause;
- (g) for any Material KPI Failures or Material SPI Failures occurring during the Service Period, the cause of the relevant Material KPI Failure or Material SPI Failure and the action being taken to reduce the likelihood of recurrence;
- (h) the status of any outstanding Rectification Plan processes (irrespective of the Service Period in which they were commenced), including:
  - (i) whether or not a Rectification Plan has been agreed; and
  - (ii) where a Rectification Plan has been agreed, a summary of the Supplier's progress in implementing that Rectification Plan;
- (i) for any Repeat KPI Failures and Repeat SPI Failures, actions taken to resolve the underlying cause and prevent recurrence;
- (j) the calculated number of Service Points awarded in respect of each KPI Failure (prior to any request for relief) and the number of SPI Service Points awarded in respect of each SPI Failure;
- (k) the conduct and performance of any agreed periodic tests that have occurred, [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- (l) relevant particulars of any aspects of the Supplier's performance which fail to meet the requirements of this Contract;
- (m) such other details as the Authority may reasonably require from time to time; and

**Information in respect of previous Service Periods**

- (n) where a Key Performance Indicator has breached the Minimum Required Performance and the Supplier intended to investigate a potential Authority Cause, the results of the Supplier's detailed Root Cause Analysis including justification of any claim of Authority Cause;
- (o) the Service Credits (less any Service Credits deemed to have arisen from Authority Cause and approved by the Authority Representative following review of the Rectification Plan details) to be applied, indicating the KPI Failure(s) and Service Period to which the Service Credits relate;

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- (p) a rolling total of the number of Performance Failures that have occurred over the past twelve Service Periods;
- (q) the amount of Service Credits that have been incurred by the Supplier over the past twelve Service Periods;
- (r) the conduct and performance of any agreed periodic tests that have occurred in such Service Period [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

**Information in respect of the next Quarter**

- (s) any scheduled periodic test planned for [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- (t) any scheduled Service Downtime for Permitted Maintenance and Updates that has been agreed between the Authority and the Supplier for the next Quarter;
- (u) the Forward Schedule of Change;
- (v) such other details as the Authority may reasonably require from time to time; and

**Other Information**

- (w) summary information relating to:

■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]  
■ [REDACTED]

- (x) any results of any Satisfaction Surveys pursuant to Annex 1 Part 2 Paragraph 5.

**Balanced Scorecard Report**

- 1.3 The Balanced Scorecard Report shall be presented in the form of an online accessible dashboard and, as a minimum, shall contain a high level summary of the Supplier's performance over the relevant Service Period, including details of the following:
- (a) financial indicators;
  - (b) achievement or otherwise of each Minimum Required Performance;
  - (c) behavioural indicators;

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- (d) performance against its obligation to pay its Sub-contractors within thirty (30) days of receipt of an undisputed invoice;
- (e) performance against its obligation to pay its Unconnected Sub-contractors within sixty (60) days of receipt of an invoice;
- (f) Milestone trend chart, showing performance of the overall programme;
- (g) summary of any Satisfaction Surveys;
- (h) sustainability indicators, for example net zero carbon, waste minimisation or performance to support a circular economy; and
- (i) Social Value (as applicable).

**Performance Review Meeting**

- 1.4 The Performance Monitoring Report and the Balanced Scorecard Report shall be reviewed and their contents agreed by the Parties at the next Performance Review Meeting held in accordance with Paragraph 1.5.
- 1.5 The Parties shall attend meetings on a monthly basis (unless otherwise agreed) to review the Performance Monitoring Reports and the Balanced Scorecard Reports.
- 1.6 The Performance Review Meetings shall (unless otherwise agreed):
  - (a) take place within five (5) Working Days of the Performance Monitoring Report being issued by the Supplier;
  - (b) take place at such location and time (within Business Hours) as the Authority shall reasonably require (unless otherwise agreed in advance); and
  - (c) be attended by the Supplier Representative and the Authority Representative.
- 1.7 At the Performance Review Meetings the Authority Representatives shall:
  - (a) review the Performance Monitoring Report of the Service Period just ending;
  - (b) review and approve the applicable Service Points arising from Performance Failures that are not subject to a request by the Supplier for relief;
  - (c) review the progress of any Rectification Plans;
  - (d) review and approve or reject the Supplier's request for Service Point relief arising from a Performance Failure arising in the Service Period prior to the Service Period just ended, which in the opinion of the Supplier following Root Cause Analysis is believed to be an Authority Cause [REDACTED], noting that the Service Points and associated Service Credits that would be

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due for the Performance Failure under review will be suspended until the following Service Period's review as per (e) below; and

- (e) agree the net Service Points to be applied arising from the Performance Failure for the Service Period prior to the Service Period just ended which the Supplier deemed to be related to Authority Cause.

**Example:**

■	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
■	[REDACTED]
	[REDACTED]
	[REDACTED]
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	[REDACTED]
■	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]

- 1.8 The Authority shall be entitled to raise any additional questions and/or request any further information from the Supplier regarding any KPI Failure and/or SPI Failure. The Supplier shall respond to any such questions and/or request for information within five (5) Working Days after the date such question and/or request for information is notified to the Supplier by the Authority.

**2 PERFORMANCE RECORDS**

■	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]
	[REDACTED]

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### 3 PERFORMANCE VERIFICATION

- 3.1 The Authority reserves the right to verify the Availability of the Supplier Solution and/or the Services and the Supplier's performance under this Contract against the Performance Indicators including by sending test transactions through the Supplier Solution or otherwise.

## Annex 1: Key Performance Indicators and Subsidiary Performance Indicators

## Part 1: Key Performance Indicators and Subsidiary Performance Indicators Tables

The Key Performance Indicators and Subsidiary Performance Indicators that shall apply to the Services and the Key Performance Indicators relating to Social Value are set out below:

## 1 Summary Key Performance Indicators and Subsidiary Performance Indicators

1.1 For each Performance Indicator in the following table the 'Applicable Schedule 2 Annex F Service' column identifies the associated Service in Schedule 2 Annex F which in turn defines the applicable Service Hours, Permitted Maintenance and Recovery Point Objective Priority for the Performance Indicator. The table has been arranged such that the Key Performance Indicators, and any associated contributing 'child' Subsidiary Performance Indicators, are grouped for ease of reading, with the individual KPIs and SPI set out in the same order in the applicable paragraph of this Annex 1, Part 1.

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Category	Item	Sub-Item	Description	Value	Unit
Section 1: General Information					
Item 1	Sub-Item 1.1	Item 1.1.1	Description of Item 1.1.1	Value 1.1.1	Unit 1.1.1
		Item 1.1.2	Description of Item 1.1.2	Value 1.1.2	Unit 1.1.2
		Item 1.1.3	Description of Item 1.1.3	Value 1.1.3	Unit 1.1.3
		Item 1.1.4	Description of Item 1.1.4	Value 1.1.4	Unit 1.1.4
	Sub-Item 1.2	Item 1.2.1	Description of Item 1.2.1	Value 1.2.1	Unit 1.2.1
		Item 1.2.2	Description of Item 1.2.2	Value 1.2.2	Unit 1.2.2
		Item 1.2.3	Description of Item 1.2.3	Value 1.2.3	Unit 1.2.3
		Item 1.2.4	Description of Item 1.2.4	Value 1.2.4	Unit 1.2.4
Section 2: Detailed Analysis					
Item 2	Sub-Item 2.1	Item 2.1.1	Description of Item 2.1.1	Value 2.1.1	Unit 2.1.1
		Item 2.1.2	Description of Item 2.1.2	Value 2.1.2	Unit 2.1.2
		Item 2.1.3	Description of Item 2.1.3	Value 2.1.3	Unit 2.1.3
	Sub-Item 2.2	Item 2.2.1	Description of Item 2.2.1	Value 2.2.1	Unit 2.2.1
		Item 2.2.2	Description of Item 2.2.2	Value 2.2.2	Unit 2.2.2
		Item 2.2.3	Description of Item 2.2.3	Value 2.2.3	Unit 2.2.3
Section 3: Summary and Conclusions					
Item 3	Sub-Item 3.1	Item 3.1.1	Description of Item 3.1.1	Value 3.1.1	Unit 3.1.1
		Item 3.1.2	Description of Item 3.1.2	Value 3.1.2	Unit 3.1.2
		Item 3.1.3	Description of Item 3.1.3	Value 3.1.3	Unit 3.1.3
		Item 3.1.4	Description of Item 3.1.4	Value 3.1.4	Unit 3.1.4
	Sub-Item 3.2	Item 3.2.1	Description of Item 3.2.1	Value 3.2.1	Unit 3.2.1
		Item 3.2.2	Description of Item 3.2.2	Value 3.2.2	Unit 3.2.2
		Item 3.2.3	Description of Item 3.2.3	Value 3.2.3	Unit 3.2.3
	Sub-Item 3.3	Item 3.3.1	Description of Item 3.3.1	Value 3.3.1	Unit 3.3.1
		Item 3.3.2	Description of Item 3.3.2	Value 3.3.2	Unit 3.3.2
		Item 3.3.3	Description of Item 3.3.3	Value 3.3.3	Unit 3.3.3

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## 2 Individual Key Performance Indicators and Subsidiary Performance Indicators

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

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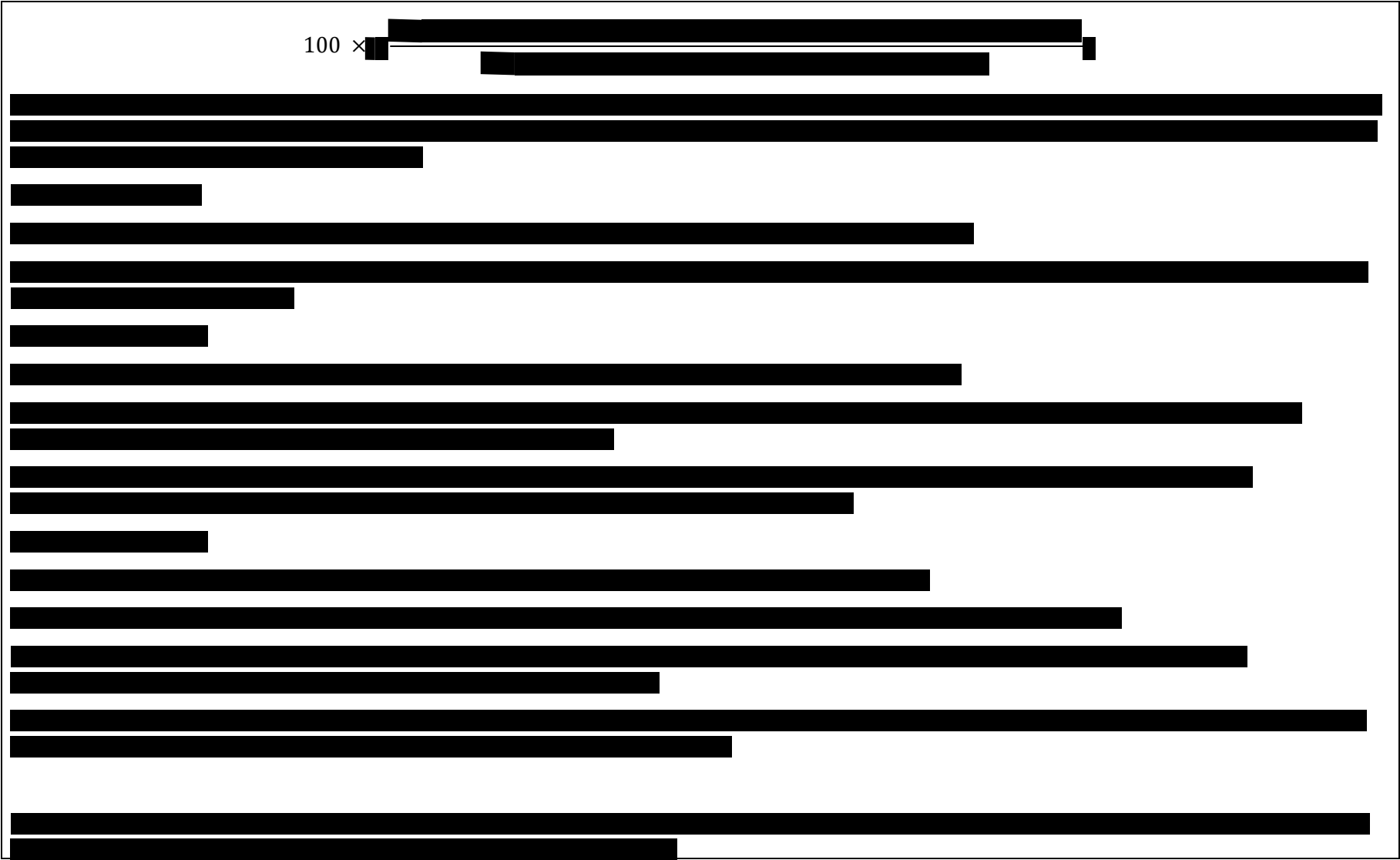
SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0



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Version 4.0



SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
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## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**

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## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**

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## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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### SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services

# Version 4.0

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**

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## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0


## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**

[illegible]

### SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services

# Version 4.0

SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**

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## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**

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## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

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Version 4.0

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

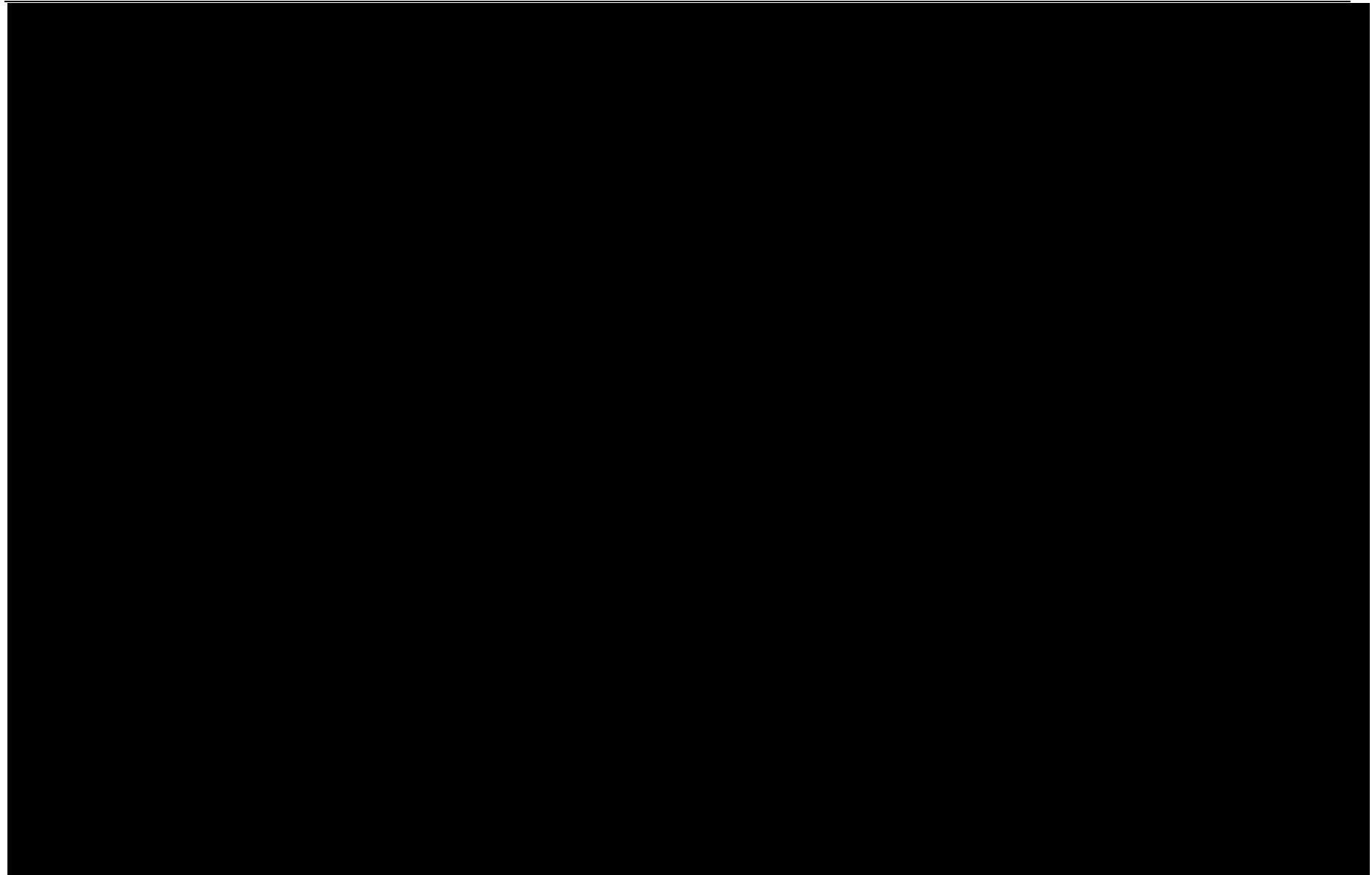
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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**



SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
Version 4.0

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

#### 2.4.8 Service Incident Logging Time

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**

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SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services  
Version 4.0

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### SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services

# Version 4.0

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## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

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**Version 4.0**

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**Version 4.0**

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**Version 4.0**

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**Version 4.0**

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Version 4.0

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**Version 4.0**

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**Version 4.0**

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**Version 4.0**

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**Version 4.0**

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Version 4.0

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Version 4.0

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# Version 4.0

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Version 4.0

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**SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services**  
**Version 4.0**

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**3 OPTIONAL SERVICES**

The Key Performance Indicators and Subsidiary Performance Indicators that shall apply to the Optional Services are set out below:

**3.1 Key Performance Indicators**

There are no Key Performance Indicators for Optional Services.

**3.2 Subsidiary Performance Indicators**

There are no Subsidiary Performance Indicators for Optional Services.



**Part 2: Definitions**

**1 AVAILABLE**

1.1 The Supplier Solution and/or any of the Services shall be Available when:

- (a) Users are able to access and utilise all the functions of the Supplier System and/or the relevant Services; and
- (b) the Supplier System is able to process the Authority Data and User Data and to provide any required reports within the timescales set out in the Services Description (as measured during the applicable Service Hours);

**2 SERVICE AVAILABILITY**

2.1 Service Availability for any of the Services shall be measured as a percentage of the total time in a Measurement Period, in accordance with the following formula:

$$\text{Service Availability \%} = ((MP - SD) \times 100) / MP$$

where:

MP = total number of seconds, excluding Permitted Maintenance, within the relevant Measurement Period during the Service Hours (Operational Hours or Business Hours as defined in Schedule 2 Annex F); and

SD = total number of seconds of Service Downtime, excluding Permitted Maintenance, of where such part of the Supplier Solution, environment or Services is not Available in the relevant Measurement Period.

2.2 When calculating Service Availability in accordance with this Paragraph 2 for Tier Two Services or Tier Three Services only:

- (a) Service Downtime arising due to Permitted Maintenance that is carried out by the Supplier in accordance with the Forward Schedule of Change shall be excluded from the total number of seconds in the relevant Measurement Period; and
- (b) Service Points and/or SPI Service Points shall accrue if:
  - (i) any Service Downtime occurs as a result of Emergency Maintenance undertaken by the Supplier; or
  - (ii) where maintenance undertaken by the Supplier exceeds the number of seconds permitted for that Service Tier as set out in Part A Paragraph 5 in any Measurement Period.

## SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

### 3 ESN SERVICE DESK RESPONSE TIMES

- 3.1 Measurement of ESN Service Desk response times will be based on the time taken for an ESN Service Desk operative to answer a call. Calls receiving an automated response or placed into a queuing system shall not be deemed to have been answered.
- 3.2 The Supplier shall monitor the ESN Service Desk response times and shall provide the results of such monitoring to the Authority in accordance with the provisions of Part B of this Schedule.

### 4 SERVICE INCIDENT IDENTIFICATION TIME, RESPONSE AND FIX TIMES

- 4.1 The time at which any Service Incident is raised with the Supplier is recorded in the Service Incident Log as the “**Service Incident Identification Time**”.
- 4.2 The time at which Authority (and User Organisations and/or Other ESN Suppliers as applicable) are informed of the outcome of the investigation of each Service Incident is the “**Initial Service Incident Investigation Conclusion Time**”.
- 4.3 The time at which Service has been restored (possibly by using a workaround which is deemed acceptable by the Authority and/or User Organisations) is the “**Service Restoration Time**”.
- 4.4 The “**Response Time**” of a Service Incident is the period from the Service Incident Identification Time to the Initial Service Incident Investigation Conclusion Time.
- 4.5 The “**Fix Time**” of a Service Incident is the period from Service Incident Identification Time to the Service Restoration Time.
- 4.6 The “**Actual Recovery Point**” of a Service Incident is the point in time, occurring before the Service Incident Identification Time, to which the Supplier has recovered all System Data associated with the Services. [REDACTED]
- 4.7 The “**Service Incident Resolution Time**” of a Service Incident is the period from the Service Restoration Time to the time of the “**Service Incident Resolution**” where in relation to the Service Incident the root cause of the Service Incident has been removed and the Services are being provided in accordance with the Services Description and within Minimum Required Performance and any recoverable System Data has been restored and the Service Incident has been closed in accordance with Schedule 2 (Services Description) Paragraph 9.3.5.29.

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4.8 The “**Service Incident Logging Time**” is the period from the Service Incident Identification Time to the Service Incident Assignment Time.

4.9 Where a Severity One Service Incident or Severity Two Service Incident recurs following the restoration of Service (as per Paragraph 4.3) but before the Service Incident is closed the Supplier shall continue to investigate and manage the Service Incident and the Fix Time shall be re-started to include all the time the Service Incident is subsequently worked on.

4.10 If there is a suspected re-occurrence of a Severity One Service Incident or a Severity Two Service Incident and the Supplier subsequently proves by problem management (e.g. Root Cause Analysis) that this was in fact two separate Service Incidents, which were accidentally conflated, then they shall be treated as two entirely unrelated Service Incidents provided that the

[REDACTED]

4.11 Worked example of re-occurrence of a Service Incident:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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1	[REDACTED]	
	[REDACTED]	
	[REDACTED]	
2	[REDACTED]	
	[REDACTED]	
3	[REDACTED]	
	[REDACTED]	
4	[REDACTED]	
	[REDACTED]	
	[REDACTED]	
5	[REDACTED]	
	[REDACTED]	
6	[REDACTED]	
	[REDACTED]	
7	[REDACTED]	
	[REDACTED]	
	[REDACTED]	
	[REDACTED]	
	[REDACTED]	
8	[REDACTED]	
	[REDACTED]	
9	[REDACTED]	
	[REDACTED]	
10	[REDACTED]	
	[REDACTED]	
11	[REDACTED]	
	[REDACTED]	
12	[REDACTED]	
	[REDACTED]	
13	[REDACTED]	
	[REDACTED]	
14	[REDACTED]	
	[REDACTED]	
15	[REDACTED]	
	[REDACTED]	
16	[REDACTED]	
	[REDACTED]	
17	[REDACTED]	
	[REDACTED]	
18	[REDACTED]	
	[REDACTED]	
19	[REDACTED]	
	[REDACTED]	
20	[REDACTED]	
	[REDACTED]	
21	[REDACTED]	
	[REDACTED]	
22	[REDACTED]	
	[REDACTED]	
23	[REDACTED]	
	[REDACTED]	
24	[REDACTED]	
	[REDACTED]	
25	[REDACTED]	
	[REDACTED]	
26	[REDACTED]	
	[REDACTED]	
27	[REDACTED]	
	[REDACTED]	
28	[REDACTED]	
	[REDACTED]	
29	[REDACTED]	
	[REDACTED]	
30	[REDACTED]	
	[REDACTED]	
31	[REDACTED]	
	[REDACTED]	
32	[REDACTED]	
	[REDACTED]	
33	[REDACTED]	
	[REDACTED]	
34	[REDACTED]	
	[REDACTED]	
35	[REDACTED]	
	[REDACTED]	
36	[REDACTED]	
	[REDACTED]	
37	[REDACTED]	
	[REDACTED]	
38	[REDACTED]	
	[REDACTED]	
39	[REDACTED]	
	[REDACTED]	
40	[REDACTED]	
	[REDACTED]	
41	[REDACTED]	
	[REDACTED]	
42	[REDACTED]	

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[illegible]

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[REDACTED]		[REDACTED]
[REDACTED]		[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]
		[REDACTED]
	[REDACTED]	[REDACTED]
		[REDACTED]
		[REDACTED]
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	[REDACTED]	[REDACTED]
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[REDACTED]	[REDACTED]	[REDACTED]
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		[REDACTED]
		[REDACTED]
	[REDACTED]	[REDACTED]
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	[REDACTED]	[REDACTED]
		[REDACTED]
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		[REDACTED]
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		[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]
	[REDACTED]	[REDACTED]
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		[REDACTED]
		[REDACTED]
		[REDACTED]
	[REDACTED]	[REDACTED]
		[REDACTED]
	[REDACTED]	[REDACTED]
		[REDACTED]
		[REDACTED]
		[REDACTED]
		[REDACTED]
		[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]
	[REDACTED]	[REDACTED]
		[REDACTED]
		[REDACTED]

### SCHEDULE 3 (PERFORMANCE LEVELS) ESMCP User Services Version 4.0

[illegible]

[REDACTED]	[REDACTED]	
	[REDACTED]	
[REDACTED]	[REDACTED]	
	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]
		[REDACTED]
		[REDACTED]
		[REDACTED]
	[REDACTED]	[REDACTED]
		[REDACTED]
		[REDACTED]
	[REDACTED]	[REDACTED]
		[REDACTED]
		[REDACTED]
		[REDACTED]
		[REDACTED]
[REDACTED]	[REDACTED]	
	[REDACTED]	
	[REDACTED]	
[REDACTED]	[REDACTED]	
	[REDACTED]	
	[REDACTED]	
[REDACTED]	[REDACTED]	
	[REDACTED]	
	[REDACTED]	
	[REDACTED]	

[illegible]



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## 5 SATISFACTION SURVEYS

- 5.1 In order to assess the level of performance of the Supplier, the Authority may undertake or require the Supplier to undertake satisfaction surveys (in the form to be determined by the Authority) in respect of Users or various groups of Users (each such survey a “**Satisfaction Survey**”), the results of which may be reflected in the Balanced Scorecard Report. The subject matter of Satisfaction Surveys may include:
- (a) the assessment of the Supplier’s performance by [REDACTED] against the agreed Key Performance Indicators and Subsidiary Performance Indicators; and/or
  - (b) other suggestions for improvements to the Services.
- 5.2 The Supplier shall report in the Balanced Scorecard Report any aspects of the Supplier’s performance of the Services which the responses to the Satisfaction Surveys, as reasonably determined by the Authority, state or suggest that the Supplier is not meeting the Services Description.

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- 5.3 The Supplier shall agree with the Authority the frequency and level of sampling of [REDACTED] for surveys to be conducted automatically as part of [REDACTED]. In the event that the Supplier and the Authority are unable to agree [REDACTED] the Authority's decision shall be final. The Supplier shall collate the results of such survey and report trends and comments in the Balanced Scorecard Report.

**6 ELECTRONIC DOCUMENT MANAGEMENT SYSTEM COMPLETENESS**

- 6.1 The Electronic Document Management System shall be complete where all of the information required under Schedule 24 (*Reports and Records Provisions*) (Annex 3: Records To Upload To Electronic Document Management System) has been uploaded to the Electronic Document Management System in accordance with Paragraph 5 of that Schedule.