

DPS FRAMEWORK SCHEDULE 4: LETTER OF APPOINTMENT AND CONTRACT TERMS

Part 1: Letter of Appointment

Cabinet Office
REDACTED

Dear Sirs

Letter of Appointment

This letter of Appointment dated 14.02.2020 is issued in accordance with the provisions of the DPS Agreement (RM6018) between CCS and the Supplier.

Capitalised terms and expressions used in this letter have the same meanings as in the Contract Terms unless the context otherwise requires.

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|---------------|---|
| Order Number: | To be confirmed at the kick of meeting. |
| From: | Cabinet Office ("Customer") |
| To: | Spend Network ("Supplier") |

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|-----------------|---|
| Effective Date: | 02.03.2020 |
| Expiry Date: | End date of Initial Period: 01.03.2021 End date of Maximum Extension Period: 01.03.2022 Minimum written notice to Supplier in respect of extension: thirty (30) days' notice. |

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| Services required: | Set out in Section 2, Part B (Specification) of the DPS Agreement and refined by: <ul style="list-style-type: none">- the Customer's Project Specification attached at Annex A and the Supplier's Proposal attached at Annex B. |
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| Key Individuals: | REDACTED |
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| Contract Charges (including any applicable discount(s), but excluding VAT): | £119,519.00 total contract value including the one (1) year extension. REDACTED |
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| Insurance Requirements | Standard Liability as per Clause 18 on the Contract Terms. |
| Liability Requirements | Supplier's limitation of Liability (Clause 18.2 of the Contract Terms). |
| Customer billing address for invoicing: | REDACTED |

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| GDPR | See complete Contract Terms Schedule 7 (Processing, Personal Data and Data Subjects in Contract Terms and Conditions. |
| Alternative and/or additional provisions (including Schedule 8(Additional clauses)): | Not Applicable. |

FORMATION OF CONTRACT

BY SIGNING AND RETURNING THIS LETTER OF APPOINTMENT (which may be done by electronic means) the Supplier agrees to enter a Contract with the Customer to provide the Services in accordance with the terms of this letter and the Contract Terms.

The Parties hereby acknowledge and agree that they have read this letter and the Contract Terms.

The Parties hereby acknowledge and agree that this Contract shall be formed when the Customer acknowledges (which may be done by electronic means) the receipt of the signed copy of this letter from the Supplier within two (2) Working Days from such receipt

For and on behalf of the Supplier:

For and on behalf of the Customer:

Name and Title: REDACTED

Name and Title: REDACTED

Signature: REDACTED

Signature: REDACTED

Date: REDACTED

Date: REDACTED

ANNEX A

CUSTOMER'S REQUIREMENT

1. DEFINITIONS

| Expression or Acronym | Definition |
|---|--|
| Contracts Finder | Means; the Government's enoticing portal, available at: https://www.contractsfinder.service.gov.uk |
| TED | Means; Tenders Electronic Daily the official portal of the EU, also known as OJEU, available at: https://ted.europa.eu/TED/main/HomePage.do?lg=EN |
| NAO | Means; National Audit Office |
| Non-devolved | Means public sector authorities, functions or activities that are not administered under the jurisdiction of one of the devolved administrations of Scotland, Wales or Northern Ireland. |
| Regional and Specialist procurement portals | Means; procurement and enoticing portals and websites operated by individual contracting authorities or groups of contracting authorities in England. |

2. SCOPE OF REQUIREMENT

- 2.1 The [Public procurement legislation](#) requires UK bodies to publish procurement and contracting data on two key websites:
- 2.1.1 [TED](#) for procurement above the threshold for publication at the EU level.
 - 2.1.2 [Contracts Finder](#) for the majority of non-devolved public sector authorities for procurements above certain low-value thresholds. This requirement is set out in Part 4 of the Public Contracts Regulations.
- 2.2 Similar portals exist for publication of opportunities by devolved functions in Scotland, Wales and Northern Ireland. In addition to the above EU, national and devolved administration portals, there are a large number of Regional and Specialist procurement portals where opportunities are also advertised and where the resulting procurements are run.
- 2.3 It is a [policy requirement](#) that central government bodies, their NDPBs and Agencies publish tender documents (attached to opportunity notices) and contract documents (attached to award notices) on Contracts Finder.

2.4 Contracts Finder data is available under the Open Government License. Data sources includes an API, XML and CSV downloads.

2.5 Areas of Interest

2.6 The key areas the Authority would like reviewed are;

2.6.1 Procurement activity that isn't advertised on Contracts Finder

2.6.1.1 The Authority requires the information to determine the extent of inscope procurement activity that is not published on Contracts Finder. A non-exhaustive list of portals is set out in annex A.

2.6.2 Awarded Opportunities on Contracts Finder

2.6.2.1 The Authority requires the information to determine the extent of the gap between awarded opportunities and publication on Contracts Finder.

2.6.3 Publication of above threshold Contract notices and awards to Contracts Finder

2.6.3.1 The Authority requires the information to determine the extent of the gap between publication on Tenders Electronic Daily (TED) and publication on Contracts Finder.

2.6.4 Publication of tender documents and Contract documents on Contracts Finder

2.6.4.1 We would like to determine the extent to which this policy is being followed.

2.6.5 Optional Requirements

2.6.5.1 Optional - Common Procurement Vocabulary (CPV) Code Use

(a) The Authority requires the information to establish the extent to which the CPV codes used on Contracts Finder notices is inconsistent with the notice description.

2.6.5.2 Optional - Other data issues

(a) The Authority would also welcome input on the information required to address other data quality issues that may be impacting our stakeholders' ability to drive value from Contracts Finder data.

3. THE REQUIREMENT

3.1 The Contract will be offered on an initial term of one (1) year with an option to extend for a further one (1) year. However, the extension is at the Authority's control to invoke.

3.2 Spend Network will be required to use Contracts Finder data sources to provide data reports to the Authority on a monthly basis, beginning in

February 2020. The first reports will cover the period of 1 January 2020 to 31 January 2020. The reports must be provided to the Authority no later than the 15th of the following month.

- 3.3 Spend Network will work with the Contracting Authority to refine the report requirements and format at a kick-off meeting after Contract Award and thereafter at regular review meetings.
- 3.4 Spend Network is required to identify any public sector Contract opportunity notices and award notices published in the month of reporting on national and local procurement portals; individual Contracting Authority websites; local press; and TED.
- 3.5 Spend Network will identify the notices that are:
 - 3.5.1 Eligible to be published on Contracts Finder, as set out in the Public Contracts Regulations 2015, taking into account:
 - 3.5.1.1 Value (threshold for publication on Contracts Finder is £10,000 in central Government and £25,000 in sub-central Contracting Authorities or NHS Trusts);
 - 3.5.1.2 Type of Authority, the requirements to publish on Contracts Finder do not apply to maintained schools or academies, or the devolved administrations of Scotland, Wales and Northern Ireland;
 - 3.5.1.3 Other exclusions, i.e. the requirements to publish on Contracts Finder do not apply to the procurement of health care services for the purposes of the NHS within the meaning and scope of the National Health Service (Procurement, Patient Choice and Competition) (No. 2) Regulations 2013(1);
 - 3.5.1.4 The Supplier will provide a report setting out the notices that are not eligible for publication on Contracts Finder, denoting the reasons for each exclusion, i.e. due to regulatory or policy exclusion.
- 3.6 Spend Network will then identify which of the eligible notices are or are not on Contracts Finder.
- 3.7 Spend Network will provide a monthly report that identifies which of the notices:
 - 3.7.1 Have been published on Contracts Finder and were found.
 - 3.7.2 Have been published on Contracts Finder and were not initially found from the initial data search due to being published:
 - 3.7.2.1 With a different title, buyer name or other descriptive inconsistency that makes the notice difficult to find.
 - 3.7.2.2 With a different publication date e.g. before the notice was eligible for publication on Contracts Finder.
 - 3.7.3 Have not been published on Contracts Finder.

- 3.7.4 For the requirement set out under 5.4.7 the report must detail central government opportunities and awards published on Contracts Finder and identify which of these notices do not contain tender and contract documents.
- 3.8 In order to target interventions, as a minimum, each report should be provided with the notice details which include the following:
- 3.8.1 Notice identifier
 - 3.8.2 Source of notice e.g. TED
 - 3.8.3 Notice URL
 - 3.8.4 Date of publication
 - 3.8.5 Notice closing date
 - 3.8.6 Contracting Authority name
 - 3.8.7 Type of Contracting Authority e.g. Local Government, NHS Trust, Central Government.
 - 3.8.8 Total Contract Value - High (GBP)
 - 3.8.9 Contract Type
 - 3.8.10 Contract Title
 - 3.8.11 Contract Description
 - 3.8.12 Contact information of the buyer
- 3.9 Reports should be delivered electronically in an easily accessible and editable format, in an open document format. The email address will be provided to the Spend Network in advance of the kick-off meeting.

4. KEY MILESTONES AND DELIVERABLES

- 4.1 The following Contract milestones/deliverables shall apply:

| Milestone/ Deliverable | Description | Timeframe or Delivery Date |
|------------------------------|---|-------------------------------|
| Kick off meeting | Contractor and Authority to review areas of interest and refine requirements for reporting. | Week 1 of contract |
| Initial report specification | Contractor to provide proposed report formats for each area of interest for review and sign off by the Authority. | End of week 2 of contract. |

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| Monthly reports | Specified reports are provided to the expected quality on a monthly basis for twelve month period. | By the 15th of the month following the month of reporting. |
| Quarterly review | Review of reports and priorities. | Quarterly |

5. MANAGEMENT INFORMATION/REPORTING

- 5.1 Each report will be reviewed by Authority for acceptance.
- 5.2 Feedback on each report will be provided monthly to the Spend Network to ensure the quality is consistent with the scope of the contract, for example, recognising the exclusions allowances of the relevant procurement regulations.

6. VOLUMES

- 6.1 Estimated volumes of UK notices on TED is 1200-1500 per month.
- 6.2 Estimated volume of notices published on Contracts Finder is 2500-3500 per month.

7. CONTINUOUS IMPROVEMENT

- 7.1 Spend Network will be expected to continually improve the way in which the required Services are to be delivered throughout the Contract duration.
- 7.2 Spend Network should present new ways of working to the Authority during quarterly review meetings.
- 7.3 Changes to the way in which the Services are to be delivered must be brought to the Authority's attention and agreed prior to any changes being implemented.

8. SUSTAINABILITY

- 8.1 We would expect Spend Network to source the data electronically.
- 8.2 Review meetings will be held by video or conference call, or exceptionally face-to-face at our office in Norwich.

9. QUALITY

- 9.1 The quality of the reports will be judged by the effectiveness with which the Authority team can effectively target their interventions.
- 9.2 Spend Network will need to ensure that only in-scope notices are flagged for review and having diligently taken into account the scope of any exclusions that may be applied to the notice on account of the applicable regulations (to have been agreed during report definition).

10. STAFF AND CUSTOMER SERVICE

- 10.1 Spend Network shall provide a sufficient level of resource throughout the duration of the Contract in order to consistently deliver a quality service.
- 10.2 Spend Network staff assigned to the Contract shall have the relevant skills and experience to deliver the Contract to the required standard.
- 10.3 Spend Network shall ensure that staff understand the Authority's vision and objectives and will provide excellent customer service to the Authority throughout the duration of the Contract.

11. SERVICE LEVELS AND PERFORMANCE

- 15.1 The Authority will measure the quality of the Supplier's delivery by:

| KPI/SLA | Service Area | KPI/SLA description | Target |
|---------|-----------------|--|--|
| 1 | Report delivery | Reports to be delivered by the 15th of each month covering the full one month period of the preceding month. Beginning with 1st January 2020 - 31st January 2020, to be delivered on 15th February 2020. | 100% of reports delivered on time |
| 2 | Report quality | Error rate of exclusions from each stage of the analysis decreases over time due to continuous feedback | <20% in month 1, reducing to <5% over the first 6 months of the contract |
| 3 | Support queries | Queries from the Authority effectively responded to by the Supplier. | Within 4 working days. |

- 15.2 The Authority reserves the right to implement a Contract breakpoint at the six month period if KPIs are consistently below target and where poor Spend Network performance requires early termination of the Contract.

15.3 CONTRACT MANAGEMENT

- 15.4 Contract Review meetings will be held monthly via conference/video call or, exceptionally, face-to-face by mutual agreement at our office in Norwich.
- 15.5 Attendance at Contract Review meetings shall be at the Spend Network own expense.

15.6 LOCATION

- 15.7 The location of the Services will be carried out at the Spend Network premises and reports delivered electronically.

ANNEX B
Supplier Proposal

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