



Spelthorne Borough Council Procurement Policies & Procedures

05_Using SBC's Framework Agreements

Using SBC's Framework Agreements

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1. Introduction

In summer 2020, the Assets and Procurement teams tendered the Council's requirement for two framework agreements:

a. **Construction Contractors**

Five Lots, each based on the estimated value or type of the construction projects for which they would be needed:

- £0-£1m;
- £1m-£5m;
- £5-£20m;
- >£20m;
- Fitout Contractors

b. **Professional Services Consultants**

Five Lots based on the professional service required:

- Architects;
- Quantity Surveyors;
- Structural Engineers;
- Mechanical & Electrical Engineers;
- Property Management consultants.

The frameworks were launched in January 2021 and will be in force until January 2025. When appointing construction contractors or construction-related professional services to any of the Council's projects, the framework agreements should be the first consideration.

2. Purpose

Officers should aim to use the appropriate framework in the first instance for any projects with the appropriate Lot value (see section 1a) and / or where there is a requirement for the specialist professional services (see section 1b).

This Procedure '**Using Spelthorne Framework Agreements**' provides guidance on how appointments and contract awards from the framework agreements should be made.

3. Awarding Contracts from the Framework Agreement

If an officer decides to source Construction Works or Professional Services through the Framework Agreement then they should:

- a) award a Contract in accordance with the terms laid down in the Framework Agreement contract **without re-opening competition** (i.e. a direct award to the most suitable contractor or service provider); or
- b) award a Contract following **a mini-competition** conducted in accordance with the requirements of the framework agreement.

4. Standard Construction Works / Standard Services (awards without re-opening competition)

Where an Officer wishes to award a contract under the Framework Agreement without re-opening competition they should first determine which Contractors / Service Providers are capable of meeting the project requirements.

Officers should review the information supplied by the Framework Contractors / Service Providers in their tender, which can be obtained from the Procurement team. They should also consider any other information provided or known (e.g. from their recent contract performance) or which is publicly available (e.g. from websites, trade press or elsewhere).

Officers should then select a capable Framework Contractor or Service Provider who represents the best value for money based on the following criteria:

- (i) **speed** of available response, (including, without limitation, capacity to meet required deadlines and, where relevant, geographical location);
- (ii) **quality** (including as appropriate: capability, expertise, past performance, availability of resources, ability to offer social value benefits and proposed methods of undertaking the work); and

(iii) **price.**

The Officer shall then send the selected Contractor / Service Provider an Order.

5. Construction Works / Standard Services with a mini-competition

Officers may wish to carry out a further competition under the Framework Agreement to test further for value for money, availability or quality. In such cases the Officer should:

- i. identify the relevant Lot(s) that their requirements fall into and the Framework Contractors / Service Providers capable of performing the Contract;
- ii. as far as possible, use the same terms and conditions issued to the Contractors / Service Providers during the tender process, with only minor amendments to reflect the specific requirements of their project. If in any doubt contact the Procurement team for advice;
- iii. invite tenders by conducting a mini-competition for their requirements ensuring that all Framework Contractors / Service Providers **capable** of performing the contract are invited;
- iv. set a time limit for the receipt of responses, allowing an appropriate length of time considering the complexity of the project, and inform invited bidders of the award criteria;
- v. keep all responses confidential until the expiry of the time limit specified;

The mini-competition may be cancelled, postponed, delayed, or terminated without awarding a contract. However, if the process has been conducted and a provider identified, the Officer shall then place an Order for the Construction Works / Service.

6. Form of Order

An Order must be placed in writing. An example of the Order Form to be used is at Appendix A.

7. Recording the Contract Award

Whilst Officers may not require support from the Procurement Team to carry out the mini-competition, all contracts undertaken from the Framework Agreement shall be notified to the Procurement Team for their records.

8. Accepting and declining Orders

Following receipt of an Order, the Contractor / Service Provider shall acknowledge receipt of the Order and either notify the Authority in writing and with detailed reasons that **it is able** to fulfil the

Order; or notify the Authority that **it is unable** to fulfil the Order by signing and returning the Order Form.

The Contractor or Service Provider should not substantially modify the requirements or contract in any way.

9. References to other SBC Policies

Contract Standing Orders
03_Delivering Social Value through Procurement
07_Managing Contracts

Contact Procurement@spelthorne.gov.uk for any further information

Appendix A **ORDER FORM**

Contractors / Professional Service Framework Agreement

FROM

Authority:	Spelthorne Borough Council
(Construction Work / Service) address:	
Authorised Representative:	Ref: Phone: E-mail:
Order number:	To be quoted on all correspondence relating to this Order:
Order date:	

TO

Contractor/ Service Provider:	[CONTRACTOR / SERVICE PROVIDER'S NAME]
For the attention of:	
E-mail:	
Telephone number:	
Address:	

1. CONSTRUCTION WORKS / SERVICE REQUIREMENTS
(1.1) Construction Works / Service required:
(1.2) Construction Works / Service Commencement Date:
(1.3) Price payable by Authority and payment profile:
(1.4) Completion date (including any extension period or periods):