



Crown
Commercial
Service

Fuel Card & Associated Services Annex A (RM1027)

To be used by customers wishing to award
a call off contract via further competition



Annex A

Guidance for further competition

1.1 Introduction

The guidance in Annex A is intended to help you understand and use the information provided to help you through the process of running a Further Competition. Please be aware that Crown Commercial Service may update these documents from time to time therefore we recommend you contact the Crown Commercial Service' Financial Services team to check you have the most up-to-date version.

1.2 Further Competition Consideration

Prior to conducting your further competition you should consider:

- Whether you need to form a project team and the most appropriate person to lead the project
- The formation of a stakeholder group to formulate your requirements
- Identifying specific resource to support the various stages of the project, including; data gathering, drafting of the statement of requirements and bid evaluation
- Who will sign the project off once you have evaluated the proposals

1.3 Further Competition Guidance

You should look to ensure that you are clear in what you want to achieve by running a further competition and you may well find the templates at 1.8 onwards help you do this. We strongly recommend that you document the process you follow and that the following points could help you achieve this:

- Document the Objectives of the Call-Off Contract
- Look to provide an overview of your organisation size and scope of your planned card scheme eg yearly spend on fuel at present the size and make up of your fleet and current split of fuel type and which forecourts are used
- Provide a statement of your requirements eg bearer cards are required and some limited use within Europe and additional MI is a necessity

- Ensure you are clear on your annual spend and how this is split/made up:
 - o Diesel
 - o Unleaded

The more you are aware of how your current spend is made up, the more accurate you can be in reviewing your potential costs/savings and identify the best supplier for you.

For example you can look to review the way in which your users fill up eg is one forecourt brand used in excess of 25%, 50% or 75%, how easy would it be to change your user's habits to increase this percentage? Or

Could you look to reduce the number of transactions you make by changing your policy eg if your instruction is to return a vehicle full and there are a lot of small journeys the number of transactions to fill up is likely to be high. If you can change this round to only fill up once the fuel tank is below a quarter you could reduce the number of transactions.

- Document your evaluation model, markings and weightings. This is especially important if you are to include and evaluate any of the optional services. You may be flexible with the weightings for each section to reflect your specific requirements. if you wish to change the weights to accommodate scoring additional services then please do this as shown below as an example:

Default Weighting

	Percentage Split
Quality	60
Additional	0
Price	40

Amended weighting to allow for additional services

	Percentage Split
Quality	40
Additional	20
Price	40

Once you have done this for optional Service Requirements, you can then select the services you wish to include and weight them within this section. It is important that the overall weighting totals 100% eg if you choose 3 optional services European Coverage, Additional MI and Optional Services you may split these as follows:

European Coverage 20%

Additional MI 60%

Optional Services 20%

You should ensure that you record your rationale for this split and develop your evaluation model in order to provide the marks out of 100 for each of the Optional Service options you look to include.

Please also ensure that the evaluation model, marking and weightings are communicated to each of the agreement holders that are being invited to take part in the further competition process.

- Once the documents for your further competition are prepared you must decide how to distribute them to the agreement holders, for example, direct by post or email, or you may prefer to distribute the documentation through the CCS ITQ facility which can be accessed via the CCS portal: <http://ccs.cabinetoffice.gov.uk/i-am-buyer/run-further-competition/running-further-competition>.
- On completion of all compliant bids you should carefully evaluate each submission against the Evaluation Model you have previously circulated and use a scoring sheet to record the outcomes.
- Once an overall evaluation has been completed and a fuel card provider has been selected Crown Commercial Service believe it is good practice to formally record the rationale for award, this can be completed in the Award Conclusion.
- Once the further competition has been completed you should advise the bidders whether they have been successful or not, as soon as practicably possible.

1.4 Guidance on further competitions under a framework agreement

This note provides guidance for Crown Commercial Service' customers on the legal requirements for running further competitions under our framework agreements. It should be read in conjunction with the Ordering Procedures specified under each particular framework agreement.

Important note: it is the responsibility of the customer to ensure that further competitions it runs are legally compliant, taking their own legal advice as appropriate. Whilst Crown Commercial Service makes every effort to ensure that its framework agreements are established in a legally-compliant fashion, Crown Commercial Service accepts no responsibility for any failure by any customer to comply with its obligations as contracting authority when calling off a contract under a Crown Commercial Service framework agreement.

1.5 The basic rules on further competitions

- A further competition must be undertaken “where not all of the terms of the proposed contract are laid down in the framework agreement” [Regulation 19(7)].
- Further competitions must be run on the basis of “the same or, if necessary, more precisely formulated terms and, where appropriate other terms referred to in the contract documents based on the framework agreement”¹. This means that the terms which are included in any ITT must be those specified in the framework agreement supplemented as necessary only in the places where alternative or additional terms are specifically permitted (e.g. service schedules). No other terms should be used and no amendment should be permitted to the terms specified in the framework agreement.

¹ Public Contracts Regulations 2006, regulation 19(8)

- The authority must consult those suppliers capable of performing the contract and invite all those who are capable to tender.² The reference to capability does not mean that it is permissible to have a further mini-PQQ stage in a further competition.³ The technical capability of all bidders on a framework agreement has been carefully checked by Crown Commercial Service in setting up the framework agreement. It is, however, permissible to ask bidders whether they have the capacity to perform the contract within – that is, to ensure that they have the appropriate resources available.
- The ITT should specify a reasonable period for suppliers to respond, taking into account factors such as the complexity of the contract, but there is no prescribed minimum period that suppliers must be given to respond.⁴
- Tenders must be kept confidential.⁵
- The contract must be awarded to the supplier who has submitted “the best tender on the basis of the award criteria specified in the contract documents based on the framework agreement”⁶. In most cases where it is necessary to run a further competition, this will mean the most economically advantageous tender, weighing up both price and quality factors. However in some cases there may only be a single criterion, such as delivery time, price or a single quality factor: it is not required that a balance of price and quality be used.

1.6 Conduct of the further competition

- Beyond the points specified above, the procurement rules do not specify how an authority should run a further competition. Typically, though, Crown Commercial Service would expect further competitions under its framework agreements to be run in a similar way to a restricted procedure. That is, the contracting authority will issue an ITT, there will be a limited opportunity for clarifications before suppliers submit their tenders, and tenders will be evaluated without negotiation.
- Authorities should not expect to engage in negotiations or dialogue with suppliers. As in any restricted procedure, authorities should endeavour to draft ITTs sufficiently clearly and precisely to enable suppliers to put forward their best offers without significant clarification being necessary.

1.7 Award criteria and evaluation

- The principles applicable to award criteria and evaluation are exactly the same under a further competition as they are in a stand-alone procurement. That is to say:
 - Contracts must be awarded only on the basis of criteria that have been disclosed to bidders in the ITT⁷
 - Award criteria must be relevant to the subject matter of the contract, be objectively measurable, proportionate and non-discriminatory⁸

² Public Contracts Regulations 2006, regulation 19(9)(a)

³ Lianakis Emm. G. Lianakis AE and Others v Dimos Alexandroupolis and Others (Case C-532/06)

⁴ Public Contracts Regulations 2006, regulation 19(9)(b)

⁵ Public Contracts Regulations 2006, regulation 19(9)(c)

⁶ Public Contracts Regulations 2006, regulation 19(9)(d)

⁷ Letting International v LB Newham [2008] EWHC 1583

⁸ Public Contracts Regulations 2006, regulation 30 and EC Treaty principles.

- Criteria relating to suppliers' capability (and especially the use of experience or "track record" as a criterion), capacity (subject to the point above), technical ability and personal standing (i.e., PQQ matters) are impermissible ⁹.
- Evaluation must be carried out in a fair and non-discriminatory fashion ¹⁰ with a proper audit trail.
- The headline award criteria will be set out in the framework agreement itself. These are the only headline criteria that may be used in a further competition ¹¹.
- Authorities may specify sub-criteria to the headline criteria specified in the framework provided that those sub-criteria comply with the principles mentioned above and are disclosed, together with any weightings, to bidders in the ITT.
- All criteria actually used and their weightings must be disclosed to bidders in the ITT.
- All framework agreement suppliers (or, where applicable, all those on the relevant panel) should be notified of the award decision. Unsuccessful suppliers should be offered a de-brief in a similar manner to a stand-alone procurement. ¹²
- The 10-day Alcatel waiting period ¹³ does not specifically apply to the award of a contract under a framework. It is however good practice to apply a waiting period between notifying an award decision and entering into the contract.

⁹ Lianakis Emm. G. Lianakis AE and Others v Dimos Alexandroupolis and Others (Case C-532/06)

¹⁰ EC Treaty principles

¹¹ Public Contracts Regulations 2006, regulation 19(9)(d)

¹² The regulations do not specifically require this. However, if a challenge were to arise, court rules on the conduct of potential litigants would make disclosure strongly advisable. Furthermore, de-briefs can improve the quality of future bids. When considering requests for debriefing, authorities should also consider their obligations under the Freedom of Information Act 2000.

¹³ Public Contracts Regulations 2006, regulation 32(3)

1.8 Sample letters for further competition

1.8.1 Invitation to Further Competition

“DATE”

Dear Framework Agreement Holder

Fuel Card & Associated Services Ref RM 1027

Invitation to Submit a Further Competition Proposal under the Framework Agreement

As a framework agreement holder under the Crown Commercial Service Fuel Card and Associated Services Framework Agreement, we invite you to submit a proposal under the framework agreement. All proposals will be evaluated based on the “most economically advantageous proposals”.

Enclosed with this letter are the following documents:-

1. **Overview of Organisation**
2. **Statement of Requirements**
3. **Spend Profile & Payment Method**
4. **Further Competition Evaluation Model, Markings & Weightings**
5. **Framework Agreement Holder Proposal Template**

Please review all of the information provided, and submit your proposal by **“ X Time”** on **“Date”**. If you have any questions in relation to this process, these should be submitted via **“Customer to add specific instructions”**.

We look forward to receiving your proposal within the indicated timeframe. If for any reason you are not proposing to submit a proposal, we kindly ask that you let us know.

Yours sincerely

“Name”

1.8.2 Acknowledgement of receipt of proposal

“DATE”

Dear **“framework holder – XXXXXXXX”**

Further Competition – Crown Commercial Service Fuel Card & Associated Services Ref RM1027 Framework Agreement.

I am writing to confirm we have received your further competition proposal in relation to Crown Commercial Service Fuel Card & Associated Services Ref RM1027.

We expect to review all bids within/by **“x days”** and plan to issue formal notification to all framework holders on/by (date).

Yours Sincerely

“Name”

1.8.3 Result – successful bidder

“DATE”

Dear **“framework holder – XXXXXXXX”**

Further Competition – Crown Commercial Service Fuel Card & Associated Services

Ref RM1027 Framework Agreement

Thank you for submitting your proposal following the further competition process under Crown Commercial Service’ Fuel Card & Associated Services Ref RM1027.

The evaluation of all bids has been completed in accordance with the evaluation criteria of which you were notified. I can inform you that it is our intention to award you a contract in respect of the Framework Agreement. Details of your evaluated scores are listed below:-

Name	Max. Score Available	Your Score	No. of Competing providers	Scoring Range of Competing Providers	No. of Successful Providers

Thank you again for your interest in this further competition and we look forward to working with you on the Fuel Card & Associated Services Framework Agreement.

Yours Sincerely

“Name”

1.8.4 Result – unsuccessful bidder

“DATE”

Dear **“framework holder – XXXXXXXX”**

RE: Further Competition – Crown Commercial Service’ Fuel Card & Associated Services Ref RM1027 Framework Agreement

Thank you for submitting your proposal following the further competition process under Crown Commercial Service’ Fuel Card & Associated Services Ref RM1027.

The evaluation of all bids has been completed in accordance with the evaluation criteria of which you were notified. I have to inform you that your proposal was not successful on this occasion. Details of your evaluated scores are listed below:-

Name	Max. Score Available	Your Score	No. of Competing providers	Scoring Range of Competing Providers	No. of Successful Providers

Thank you again for your interest in this further competition.

Yours Sincerely

“Name”

info@crownccommercial.gov.uk

Annex B:

Supplier Pricing/Forecourt coverage

Available upon request from: info@crowcommercial.gov.uk

Contact details

If you have any queries, or wish to discuss your requirement or the framework agreement in further detail, please contact:

 info@crowcommercial.gov.uk

 0345 410 2222

You can also learn more about what we offer online:

 www.gov.uk/ccs

 [@gov_procurement](https://twitter.com/gov_procurement)

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