

## Comments for Performance Assurance Sub-committee 29<sup>th</sup> June 2016

- 1) Review Guidelines Document and make amendments as required
  - a. The guidelines document is referred in the legal text to the Performance Assurance Framework Document but it then calls itself Guidelines for... which is a bit confusing
  - b. Consistent naming - the Member letter of confirmation is also referred to as confidentiality agreement which it is not. If a confidentiality agreement is required which is expected by 520A then one needs to be introduced
  - c. The document refers to Chairman when the Code now doesn't use this term
  - d. The letter of confirmation in the PAF Document refers to lists of interests but I cannot find this reference as a requirement in Code or the Document itself

### 2) Extract from Guidelines Document

#### 6.1 PAC PAFA appointment criteria

6.1.1 The PAC shall produce a clear set of criteria for the appointment of the PAFA detailing (without limitation);

a) The ability of the PAFA to produce, publish and maintain a Performance Report Register and the creation, management and maintenance of the PAF Risk Register which shall be in line with the Generic Terms of Reference, contained in these Guidelines plus any other criteria agreed by the PAC;

We need to clearly specify exactly what is required based on what we know we require. This needs to be very clear to ensure the contractor gives us what is required. We should not assume that the service provider will provide services unless they are clear requirements.

b) Changes to services are expected to be made in the future, therefore the PAFA should indicate its ability to deliver new services;

This is potentially tricky, since we know that the PAC will want new services in the future this requirement needs to be carefully scoped. We also need to bear in mind that the commercial scoring needs to consider how we score this unknown volume of work. If we just score based on the known services then a service provider may bid low on the known services and with high rates for additional services leading to a high cost overall if we add new services during the term. We may want to score based on an assumed volume of new services.

c) The appointment is expected to be for a period of three years, with arrangements for a minimum 2 year initial period, with the option for a one-year extension;

The term is set by the guidelines document

d) The consideration of the relevant knowledge and expertise of the candidates;

e) Details of how much weight / percentage should be placed for each set of criteria

#### Process for procurement event

- Do we want Xoserve to issue an OJEU notice or are we happy with a more restricted process such as Achilles. We also need to take account of any internal Xoserve governance requirements for procurement
- Do we want to have
  - Expression of interest
  - Request for information
  - Request for priceOr a 2 stage process missing out Request for Information?

For Request for Information stage

- Do we want to define the questions for Xoserve

If we can get this done quickly the Xoserve can start procurement event before we have finished the rest of the work

For Request for Price state

Determine criteria and allocation of allocating of scoring percentages between them

- commercial (price and exceptions to terms and conditions) question will Xoserve develop terms and conditions?
- knowledge
- expertise
- other

List of questions that should be asked of each bidder and scoring for each