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# Frameworks

How to contract effectively



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## Frameworks: How to contract effectively

The pressure on schools to deliver value for money across the range of goods and services that they procure have never been greater. In an environment of shrinking budgets and a need to “deliver more for less” being able to make procurement processes work as a “value for money” process is more important than ever. One route, to both ensure compliance with the public procurement legislation and to achieve best value purchasing, is to utilise a pre-existing Framework Agreement. Frameworks allow contracting authorities (which include academies, schools and colleges) to select suppliers from a pre-selected approved list, which is a quicker route and ensures a compliant process.

### What is a Framework Agreement?

The definition of a Framework is found in the Public Contracts Regulations 2015 (Regulation 33(2)) defined as: “an agreement between one or more contracting authorities and one or more economic operators (suppliers), the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price, and where appropriate, the quantity envisaged.”

The important things to note from this definition is that the Framework includes the agreement that establishes the Framework itself;

and (more importantly for the schools and academies colleges purposes) the specific call-off agreements that are entered into between the suppliers and those schools, academies, etc., who wish to utilise the Framework.

### How do you use a Framework?

Once you have developed a specification and an understanding of the goods and services that you wish to procure, you will need to do some research to look at the range of Framework Agreements that are available to find those that are suitable for the type of goods, works or services that you wish to buy. There are a number of local authorities and other buying consortiums that have been set up by public bodies. For example, you may wish to check with the following organisations:

- Your local authority;
- Central Buying Consortium (CBC);
- Crescent Purchasing Consortium (CPC);
- Crown Commercial Service (CCS);
- ESPO;
- North East Procurement Organisation (NEPO); and
- YPO

Once you have found a Framework which you think is the most compatible with your specification and statement of requirements, you need to understand how the Framework works. In the case of a catering contract, all of them must be invited to undertake a site visit to receive your statement of requirements and specification and to submit a tender proposal for your evaluation.

You will need to register as a potential purchaser with the authority running the Framework and you may be able to utilise it either expressly by name or by reference to a particular category of contracting authorities within a geographical area.

It is important that you read and understand the call-off terms of the contract between yourself and any successful supplier before you go out to tender. If the framework provides that the call-off terms are set, you will not be able to change them post contract award, you will only be able to change the bespoke elements (i.e. the schedule of services, service level agreement and fees) but the legal “front end” will be set.

## Top tips for a successful procurement

1. Do your research into the type of Framework you are looking at; understand how you call off services under it and who the suppliers are that registered on it;
2. Make sure that you can call off services under it. You are either directly registered with that Framework or are a permitted potential purchaser;
3. If you use a procurement consultant to help you with a mini competition and a valuation of tenders produced from suppliers on the Framework, scope out their services at the outset;
4. Ensure that you obtain a copy of the call-off contract before you push the button on the Framework to make sure that the contract terms reflect your organisation’s own procurement rules, stance on risk, etc., and are fit for purpose for the contract that you want; and
5. Speak with other schools/academies who may have used the Framework before you. Understand their experience (what worked well, what the potential pitfalls were) and ensure that you are comfortable with the contract under the framework before you push the button the procurement process.

# Legal Services Overview

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- Terms & Conditions

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- Conditional Sale Agreements
- Development Agreements
- Joint Ventures (*as part of a wider team construction & public procurement*)
- Land Acquisition & Disposals (*including options*)
- Leases
- Planning / Section Agreements
- Profit Sharing / Overage Agreements
- Property Acquisition & Disposals
- Property Management

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## Dispute Resolution / Debt

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## Employment Law & HR

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- Redundancy / restructuring
- Unfair dismissal
- Discrimination
- Restrictive covenants / restraint of trade
- TUPE
- Settlement agreements

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