



Mini-Competitions with EU Frameworks

A brief guide to the appropriate use of mini-competitions within EU Compliant Framework contracts.



GUIDELINES FOR 'MINI COMPETITION' WITHIN EU FRAMEWORK AGREEMENTS

Under the EU Procurement regulations in respect of framework agreements, if there is more than one supplier, you are, at times, required to carry out a mini competition (tender).

However, if you simply want to call-off some equipment, it would go to the provider offering the most economically advantageous offer, using the original award criteria, for that item alone, without re-opening the competition. If that provider, for any reason, could not supply the items required at that time, the authority would go to the provider offering the next most economically advantageous offer, and so on.

However, where the terms laid down in the framework agreement are not precise enough or complete for the particular call-off, a further or mini competition should be held, *with all those suppliers within the frameworks capable of meeting the particular need.*

Procurement for Housing will be happy to assist you with any mini-competition, and have a selection of tools and templates that will help facilitate your process.

- This does not mean that basic terms can be renegotiated, or that the specification used in setting up the framework can be substantively changed.
- Substantive modifications to the terms set out in the framework agreement itself are not permitted. It is more a matter of supplementing or refining the basic terms to reflect particular circumstances for the individual call-off.
- Examples of such terms are:
 - Particular delivery timescales
 - Particular invoicing arrangements and payment profiles
 - Additional security needs
 - Incidental charges
 - Particular associated services, e.g., installation, maintenance & training.
 - Particular mixes of quality systems and rates
 - Particular mixes of rates and quality
 - Where the terms include a price mechanism
 - Individual special terms, e.g., specific to the particular products/services that will be provided to meet a particular requirement under the framework.

Where a mini competition is held for a particular call-off, the contracting authority should consult in writing (invite to tender) *the providers within the framework that are capable of meeting the particular need.* **This does not necessarily mean that every provider in the framework must be included.** A framework may cover a number of different supplies or services and there is no obligation to consult those providers that had not agreed, in awarding the framework, to provide the particular supplies or services that are the subject of the call-off. Indeed, the framework may be divided into categories (lots), each covering different supplies or services. In that case, the authority only need consult providers in the categories that cover the goods or services required.

However, there is no scope, at this stage, to run a selection procedure, based on technical ability, financial standing, etc. This will have been carried out before the framework itself was awarded and should not be repeated at the further competition stage. The decision on who should be consulted should be made on the basis of the kinds of supplies or services required and which providers can supply them, based on their offers at the time the framework agreement itself was awarded.

Contracting authorities should:

- State the subject matter for the call-off for which tenders are being requested.
 - Also state a time limit, which is sufficient to enable the selected providers to submit their bids for the particular call-off.
 - This time limit should take account of the complexity of the call-off and the time needed for the different tenderers to submit their bids.
 - Where the authority has decided to make use of the option to hold an electronic auction for the mini competition, it must abide by the rules covering e-auctions as set out in the Directive and Regulations.
 - Tenders should be submitted in writing and they should remain confidential until the time limit has expired.
 - The contracting authority should award the call-off to the provider which has submitted the most economically advantageous tender *on the basis of the award criteria set in out the framework itself*, focusing on the particular requirement.
 - *New award criteria should not be added*, but weighting may need to vary to reflect the particular requirement.
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Taking into consideration the above, when looking for a single provider within a framework agreement, you will need to ask the Contract Manager to give you the selection criteria used, as well as the scoring/weighting used.

Also, when carrying out a mini competition and depending on the anticipated value of the exercise, you must take into consideration your organisation's own financial/purchasing regulations.

For other reference sources, please try:

http://help.procureweb.ac.uk/goodpracticeguide/1302legislation/1101eu_public_proc_legislation/1185award_procedures/1208frameworks/index.html

<http://www.pinsentmasons.com/media/1693137515.pdf>

<http://www.achilles.com/NR/rdonlyres/9A34B87A-008F-4066-8A42-91F67867DC2B/0/Frameworkchanges.pdf>

If you have any query or require further information, please contact Procurement for Housing.

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