


<p style="text-align: center;"><b>London Borough of Hammersmith &amp; Fulham</b></p> <p style="text-align: center;"><b>CABINET</b></p> <p style="text-align: center;"><b>8 OCTOBER 2018</b></p>	
<p style="text-align: center;"><b>CONTRACT AWARD FOR RAPID ELECTRIC VEHICLE CHARGING CONTRACT – SCRUBS LANE CAR PARK</b></p>	
<p><b>Report of the Cabinet Member for the Environment – Councillor Wesley Harcourt</b></p>	
<p><b>Open report</b> A separate report on the exempt part of the Cabinet agenda provides details of the evaluation process of the mini-competition conducted under a framework agreement.</p>	
<p><b>Classification - For Decision</b> <b>Key Decision: Yes</b></p>	
<p><b>Consultation</b></p>	
<p><b>Wards Affected:</b> College Park and Old Oak</p>	
<p><b>Accountable Director:</b> Mahmood Siddiqi – Director for Highways &amp; Parks</p>	
<p><b>Report Author:</b> Richard Hearle - Parking Policy and Projects Manager</p>	<p><b>Contact Details:</b> Tel: 020 8753 4651 E-mail: richard.hearle@lbhf.gov.uk</p>

## 1. EXECUTIVE SUMMARY

- 1.1. The introduction of rapid electric vehicle charge points in LBHF complements other electric vehicle initiatives and forms an important part of LBHF electric vehicle charging network supporting other air quality projects and contributing to our target to become the greenest borough.
- 1.2. A-competition for the Call-Off Contract for electric vehicle rapid charge points in Scrubs Lane car park under TfL's Rapid Charge Point Concessions Framework resulted in the winning concessionaire being identified as Facility Management UK Ltd. The procurement framework and tender process was completed by Transport for London (TfL).
- 1.3. This is a revenue generating only Call-Off Contract and LBHF will not incur any expenditure from this award.

## 2. RECOMMENDATIONS

2.1. That Cabinet:

- (a) approves the award of the contract described in paragraph 2.2 below for a period of eight (8) years commencing on 1 April 2018 with the option for the Council to extend for a further two (2) years, for the supply, installation, operation and maintenance of rapid charge point infrastructure in Scrubs Lane car park; land owned by the London Borough of Hammersmith & Fulham; and
- (b) grants a waiver of the requirement to have undertaken a Procurement Case & Business Strategy for the award of this contract (as required under CSOs 8.11 and 8.12) due to the nature of the services to be provided. Procurement was undertaken by TfL on behalf of LBHF, details of which are provided in Appendix 2 (contained in the exempt part of the report).

2.2. To note that the ward is through the Call-Off Contract under the Rapid Charge Point Concessions Framework let by Transport for London, reference tfl\_scp\_001290 (the "**Framework**"). The successful Concessionaire is Facility Management UK Ltd., a wholly owned subsidiary of Electricity Supply Board (ESB). This is a revenue generating call-off contract only, LBHF will not incur any expenditure as a result of the award.

### 3. REASONS FOR DECISION

- 3.1. CSO are made pursuant to section 135 of the Local Government Act 1972 and came in to effect on 1 July 2016. This states that a Cabinet Key Decision (KD) is required for this concession contract as the potential total value is £100,000 or greater. Contract value is stated as being the total value of the contract for all parties and not just that of LBHF. The total value of the contract to all parties - FMUK (the Concessionaire) and LBHF - will exceed £100,000.
- 3.2. TfL prepared the Framework for rapid charge points, and open tendered and appointed five successful Concessionaires to the contract. In accordance with procurement legislation TfL then completed a mini-competition and evaluation exercise for the provision of services in Scrubs Lane car park. The successful Concessionaire was Facility Management UK Ltd, registered company number 04048782 ("**FMUK**").
- 3.3. Procurement legislation has been followed but falls outside Public Contracts Regulations 2015 and Concession Regulations 2016 but conducted following Treaty Principles.

### 4. PROPOSAL AND ISSUES

- 4.1. The Mayor of London has introduced measures to tackle air pollution in London including new vehicle licensing requirements to reduce emissions from the taxi and private hire fleets (PHVs) and to increase the number of vehicles capable of operating with zero emissions. From 1 January 2018 all new taxi licenses in London must meet zero emission capable (ZEC) requirements and from 2020 this will include all new PHVs.

- 4.2. There is a clear need for charging infrastructure in London as a lack of convenient sites is one of the key barriers to the growth of electric vehicles, both for commercial vehicles and private cars. Rapid charge points provide a quick and convenient charging solution and so form an important part of the charge point network.
- 4.3. In 2017 TfL developed a Rapid Charge Point Concession Framework to be used by TfL and London Boroughs, supporting the delivery of rapid electric vehicle chargepoints across London. Liaising with LBHF TfL undertook a mini-competition for the provision of rapid charge points in Scrubs Lane car park.

**5. OPTIONS AND ANALYSIS OF OPTIONS**

- 5.1. All five (5) Concessionaires on the Framework were invited to submit a proposal against Request Form No. 013 for the Scrubs Lane site on 29 September 2017 via the ProContract e-tendering system.
- 5.2. Compliant proposals were received from two (2) bidders, Chargemaster and Facility Management UK Ltd, by the tender return deadline of 16 October 2017.
- 5.3. The Bidders that declined to tender are shown in Table 1.

**Table 1 – Bidders Declining to Tender and Reasons**

Concessionaire	Reason
BluepointLondon	Not verified but likely to be resourcing issues and/or their prioritisation to tender for private sites.
British Gas	Governance (approvals) issue with tendering in required accelerated timeframe, British Gas have requested their framework is novated to Charge Point Services to address this and improve their financing ability. Due diligence on the suitability of this is currently underway.
Fastned	Tendered sites do not align with their core business (i.e. not multiple charge point/hub sites).

**Commercial Evaluation**

- 5.4. Both Chargemaster and RMUK explicitly accepted the terms and conditions of the Call-Off Contract and the mini-competition process was subject to the provisions describing the Call-Off Procedure in Clause 3 of the Framework Agreement as drafted in their proposals, inclusive of the Site Agreement, and were therefore both eligible to have the remainder of their proposals evaluated.
- 5.5. Proposals submitted by Concessionaires on the framework were assessed against defined criteria as part of the mini-competition process.
- 5.6. Table 2 details the comparison between the tenders.

**Table 2 – Overall Tender Evaluation Summary**

BIDDER	FINANCIAL EVALUATION		QUALITY EVALUATION			TOTAL SCORE
	Site Charge (out of 25%)	PAYG Average Price (out of 25%)	Turnover Percentage (out of 15%)	Technical Requirements		
				Charge Point Specification (out of 17.5%)	Design Drawings (out of 17.5%)	
<b>FMUK</b>	25.00	13.16	15.00	17.50	17.50	<b>88.16</b>
<b>Chargemaster</b>	6.94	25.00	15.00	17.50	17.50	<b>81.94</b>

Financial Evaluation

- 5.7. Refer to Part B, for detailed financial information.
- 5.8. Referring to all the tender assessment criteria, FMUK provided the most economically advantageous proposal and therefore, LBHF awarded the Call-Off Contract to FMUK.

**6. CONSULTATION**

- 6.1. The Concessionaire Call-Off Contract was reviewed by the Council’s Legal Services. The lease agreement to enable use of the car park has also been reviewed by LBHF Legal and Asset Strategy & Portfolio Management.
- 6.2. Following the evaluation of the mini-competition under the Rapid Charge Point Concession Framework, it was recommended to the Wormwood Scrubs Charitable Trust (WSCT) to consider and approve the recommendation to proceed with awarding the Call-Off Contract to FMUK for the supply, installation, operation and maintenance of three electric vehicle rapid charge points in the Scrubs Lane car park.
- 6.3. In agreeing to the contract terms WSCT understood this is a revenue generating Call-Off Contract with no budget risks to the Trust or LBHF. Contractual assurances are included in the contract to reimburse lost P&D income. The contract term awarded is for eight years with an option for a two-year extension exercisable at the Council’s and Trust’s sole discretion.

**7. EQUALITY IMPLICATIONS**

- 7.1. The Council has given due regard to its responsibilities under Section 149 of the Equality Act 2010 and it is not anticipated that there will be any negative impact on any groups with protected characteristics from the awarding of this contract.
- 7.2. Implications completed by: Peter Smith, Head of Policy & Strategy, tel. 020 8753 2206.

## 8. LEGAL IMPLICATIONS

- 8.1. This report seeks approval of the award of an eight-year concession contract, with a potential two-year extension, to FMUK. Regulation 9 of the Concession Contracts Regulation states that the value of a concession contract is the total turnover of the concessionaire (in this case FMUK) generated over the duration of the contract, net of VAT, as estimated by the contracting authority (LBHF), in consideration for the works/services that are the object of the contract. Legal Services has been informed by the report author that this value shall exceed £100,000 but shall be below the relevant EU threshold for the full scope of the Concessions Contracts Regulations 2016 to apply. That the contract is being called off from the Framework should in any case ensure compliance with these Regulations if the Framework was procured in accordance with them.
- 8.2. Contract Standing Order (“**CSO**”) 8.4 requires that, where a non-CCS framework agreement is used, the relevant Commercial Director be provided with evidence that full, open, and proper competitive process has been undertaken and that such process complies with all statutory requirements. Sharpe Pritchard understands that such evidence has been provided by the report author.
- 8.3. CSO 8.4 also requires that Legal Services be consulted on the terms and conditions of the proposed contract to ensure they do not compromise LBHF’s interests. The report author has confirmed that advice on the suitability of the terms of the call-off contract was sought from the former Tri-Borough Legal Services prior to its disaggregation. This was confirmed by the relevant solicitor in an email to Sharpe Pritchard dated 16 April 2018, which also stated that proposed amendments to the call-off contract were advised. As such, Sharpe Pritchard has not advised on these terms. LBHF should ensure that these proposed amendments are incorporated into the version of the call-off contract that is executed.
- 8.4. CSO 8.4 also requires any further competition requirements of the Framework to be complied with when calling off from it. The framework enables awarding authorities (including LBHF) to hold mini-competitions. The call-off procedure to be followed is set out at clause 3 of the Framework. TfL were appointed to run the procurement on behalf of LBHF. Based solely on the information set out in this report, it appears the call-off procedure has been followed.
- 8.5. Although the duration of the Framework is only 3 years, clause 4.3 states that the length of contracts called off from it may be as long as the awarding authority considers appropriate having regard to the time that the concessionaire could reasonably be expected to recoup the investments required to provide the concession services, together with a return on invested capital taking into account those investments (which, depending on the circumstances, may be up to 15 years). As such, the proposed term of 8 years with a possible 2-year extension is compliant.
- 8.6. The requirements of CSO 8.12 to submit a Procurement Strategy and Business Case for approval by the Cabinet prior to the procurement run by TfL were not complied with. A waiver of these requirements is therefore sought

in the recommendations of this report under CSO 3.1 from the relevant Cabinet Member and the Leader of the Council.

- 8.7. A contemporaneous report detailing the decisions taken during the procurement process must be retained in accordance with CSO 18.1.
- 8.8. The approval of this contract is reserved for Cabinet under CSO 17.3.2. Due to the value of this contract, the call-off contract must be executed as a deed. Advice from Sharpe Pritchard should be sought regarding contract engrossment and execution once approval has been given to award this contract. As stated above, the engrossed contract should include the amended provisions advised by the former Tri-Borough Shared Legal Services.
- 8.9. The awarded contract must be published in the Council's Contracts Register in accordance with the Transparency Regulations in accordance with CSO 18.6.
- 8.10. Legal implications completed by Raj Shah (Associate at Sharpe Pritchard) on 14 June 2018 – rshah@sharpepritchard.co.uk.

## **9. FINANCIAL IMPLICATIONS**

- 9.1. The Scrubs Lane Car Park is managed by the Wormwood Scrubs Charitable Trust. All additional income raised will go to the trust and not to LBHF.
- 9.2. Analysis of parking income at Scrubs Lane shows that on average each space earns just under £500 per annum which was the amount set as the minimum guaranteed income per space required from the Electric Vehicle Charging point bidders. The recommended bidder has offered £3,000 per space per annum, well in excess of the minimum amount. An income budget of £9,000 has been set so there are no additional financial implications.
- 9.3. *Implications completed by: Giles Batchelor, Finance Manager, tel. 0208 753 2407.*
- 9.4. The recommended bidder has also committed to paying 5% of the turnover generated from the rapid charge points which will be paid on an annual basis.
- 9.5. *Implications verified by: Emily Hill, Assistant Director, Corporate Finance, tel. 020 8753 3145.*

## **10. IMPLICATIONS FOR BUSINESS**

- 10.1. There are no direct implications for local businesses. However, the proposal contributes to efforts for better air quality which is important for local communities.
- 10.2. Implications completed by: Albena Karameros, Economic Development Team, tel. 07739 316 957.

## **11. COMMERCIAL IMPLICATIONS**

- 11.1. This report recommends approval to award the Call-Off Contract under the Rapid Charge Point Concessions Framework to the concessionaire, Facility

Management UK Ltd. This award does not imply any expenditure to the Council.

- 11.2. The framework, let by TfL, has been procured in line with PCR 2015. TfL ran the mini competition on behalf of the Council.
- 11.3. It is noted that the procurement strategy has not been signed off by Cabinet, as recommended in CSO 8.11, prior to the commencement of the procurement.
- 11.4. A contract entry shall be created in the Council's Contracts Register.
- 11.5. Implications *verified/completed by: Andra Ulianov, Procurement Consultant, tel. 020 8753 2284.*

## **12. IT IMPLICATIONS**

- 12.1. There are no IT implications contained within this proposal.
- 12.2. Implications completed by: Veronica Barella, Chief Information Officer, tel. 020 8753 2927.

## **13. RISK MANAGEMENT**

- 13.1 The report proposals contribute to improving the local environment risk through improving air quality projects and contributing to our Council Priority, to Take pride in Hammersmith & Fulham by working hard to be the most environmentally positive borough in London and ensuring our public needs and expectations risk is well managed by delivering a place that is safe, clean and green. The wider benefits to risk management include those to Public Health by moving away from traditional fossil fuels.
- 13.2 Implications verified by: Michael Sloniowski Risk Manager, tel 020 8753 2587, mobile 07768 252703.

## **BACKGROUND PAPERS USED IN PREPARING THIS REPORT**

NONE

## **LIST OF APPENDICES:**

**Appendix 1** – TfL Governance Process and Procurement Strategy

**Appendix 2 (contained in the exempt part of the report)** - Contract award letter for tfl\_scp\_1290; Rapid Charge Point Concession Framework Call-Off No. 013

**Governance Process and Procurement Strategy  
FOR  
MINI-COMPETITION AND CALL-OFF CONTRACT AWARD  
UNDER THE RAPID CHARGE POINT CONCESSIONS  
FRAMEWORK**

Template Version 1.13  
March 2017

<b>SUBMITTED BY:</b>	Emma Milam (Commercial Manager)
<b>Value:</b>	Revenue Generating Only
<b>Date:</b>	07 August 2017
<b>Status:</b>	Final
<b>Version:</b>	1.0



**TRANSPORT FOR LONDON RECORD SHEET – APPROVAL AND CONSULTATION**

<b>Ref No:</b> tfl_scp_001290					
<b>Transport for London Record Sheet</b>					
To approve the Governance Process and Procurement Strategy for how Mini-Competitions and Call-Off Contract Awards under the Rapid Charge Point Concessions Framework will be conducted.					
<b>Cross Business Review with Stakeholders</b>					
<b>Name / Position</b>	David Metcalfe				
<b>Directorate</b>	PPD				
<b>Decision</b>	Agree				
<b>Are there any interests to declare?</b> If 'Yes' then a Declaration of Interest must be completed.	No				
<b>Approval</b>					
By signing below approvers confirm that they have no business interests in any organisation that may be interested in delivering the required contract.					
<b>Name</b>		<b>Signature</b>		<b>Date</b>	
Emma Milam Commercial Manager Author					
Terry Davis Senior Commercial Manager					
David Wylie Chief Procurement Officer					

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The following appendices to this TFL document are not include in this report:

Appendix A – Mini-Competition Step by Step Process

Appendix B – Template Mini-Competition Request Form/draft Call-Off Contract

Appendix C – Checklist for Awarding Authorities

Appendix D – Template Contract Award Recommendation

Appendix E - Commercial Risk Register

# **GOVERNANCE PROCESS AND PROCUREMENT STRATEGY PAPER**

## **1. Introduction**

On 25 April 2017, TfL appointed five (5) Concessionaire's to a Rapid Charge Point Concessions Framework "the Framework". This paper requests that document approvers:

- 1.1 Authorise the process contained herein for conducting and evaluating mini-competitions under the Framework; and
- 1.2 Agree the governance process for awarding Call-Off Contracts to deliver 75 charge points.

## **2. Summary of Procurement Strategy**

<b>Budget Owner:</b>	Nick Fairholme	<b>Business Area:</b>	PPD
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A list of key stakeholders and those associated with the procurement can be found in Appendix One.

<b>Estimated value including any options:</b>	Revenue generating only (see section 5 for further details)	<b>What type of contract will this be?</b>	Call-Off Contract
<b>Number of Lots:</b>	N/A	<b>Terms and Conditions to be used:</b>	Bespoke Framework
<b><sup>1</sup>Are justifications included in this document where the choice is to use single lot?</b>	N/A	<b><sup>2</sup>Where variant bids will be accepted has the minimum requirement for accepting them been defined?</b>	N/A
<b>Number of Suppliers to contract with?</b>	Five (5) potential Concessionaire's	<b>What is the nature of the Procurement?</b>	Concession Services
<b>UK Legislation that applies (irrespective of value):</b>	Outside of Public Contracts Regulations 2015 and Concession Regulations 2016 but to be conducted following Treaty	<b>Procedure to be used:</b>	N/A

<sup>1</sup> This requirement must be fulfilled for contracts governed by Public Contracts Regulations 2015.

<sup>2</sup> This requirement must be fulfilled for contracts governed by Public Contracts Regulations 2015 and Utilities Contracts Regulations 2016.

	Principles (Non Obligatory)		
<b>Duration of the contract:</b>	Each Call-Off Contract and associated Site Agreement may last up to ten (10) years		
<b>What Category/Categories does this cover?</b> <a href="#">[category hierarchy]</a>	None	<b>Is a Category Plan in place? If yes, which one(s)?</b>	No
<b>Business Units this contract will cover:</b>	Surface / Transport Trading Limited / GLA / London Boroughs or any Public Bodies in the Greater London Area and TfL subsidiaries.		
<b>Contracting authority details:</b>	<b>TRANSPORT FOR LONDON</b> , a statutory body established under the Greater London Authority Act 1999 whose office is at Windsor House, 42-50 Victoria Street, London SW1H 0TL		
<b>SQA Score (LU Only)</b>	A/B/C/D/E	N/A	
<b>Is this a call-off from a current framework?</b>	Yes – TfL framework	<b>If yes which framework?</b>	tfl_scp_001290 (Rapid Charge Point Concessions Framework)
<b>Special terms or Considerations:</b>	CDM, WEE, WRRR, LLW, Ethical Sourcing, Supplier Diversity		

### 3. Background

3.1 All (5) Concessionaires have demonstrated they have the requisite capacity, capability as well as technical and operational expertise to supply, install, maintain and operate rapid charge points. This was established during the procurement conducted in order to be appointed to the Framework.

3.2 The Concessionaires are:

- Bluepointlondon;
- British Gas;
- Chargemaster;
- Facility Management (a wholly owned UK subsidiary of Electricity Supply Board (FMUK)); and
- Fastned

3.4 The Framework may be used by the following Awarding Authorities:

- TfL (or any subsidiary of TfL);
- The GLA functional bodies (and any subsidiary of the GLA); and
- Public Bodies in Greater London (this includes all London Boroughs)

### 4. Business Context

- 4.1 The Mayor has pledged that at least 75 rapid charge points will be installed in London by the end of this calendar year (2017) and up to 300 by the end of 2020.
- 4.2 The Framework will help TfL and the Boroughs to fulfil this commitment by facilitating the award of Call-Off Contracts to Concessionaires who will supply, install, maintain and operate rapid charge points on TfL or Borough owned sites of land leased to them for a Call-Off term duration of up to ten (10) years.
- 4.3 TfL will manage the procurement process on behalf of all its own sites as well as provide Boroughs with any assistance they require to conduct the mini-competition procurement process. It is likely that TfL will take a lead role in managing this process on behalf of Boroughs to facilitate the critical installation of 75 rapid charge points by the end of 2017. This does not negate that each Borough still contracts directly with the Concessionaire for sites on land it owns.
- 4.4 Very recent studies commissioned by TfL identified that London may require some 700 rapid charge points by 2020 to meet demand from 9,000 zero emission capable (ZEC) taxis and the fleet of pure electric private hire vehicles (PHV). We are currently reviewing TfL's funding options to understand whether this is feasible and determine an appropriate delivery strategy.

## **5. Revenue**

- 5.1 These Call-Off Contracts will incur no expenditure, they are revenue generating only.
- 5.2 The extent of revenue realised will not be determined until the Call-Off stage once site packages have been tendered to the Concessionaires via a mini-competition process.
- 5.3 The revenue received in relation to each package of sites tendered will be composed of two elements:
  - 5.3.1 The Site Charge – all framework Concessionaires have committed to pay a sum for leasing the sites the rapid charging infrastructure is operated on. The reserve price will be determined at the sole discretion of the Awarding Authority and shall be stated in the Mini-Competition Request Form. Concessionaires may submit bids over and above the reserve price in their proposals resulting in a higher score being achieved in the evaluation; and
  - 5.3.2 Turnover Charge – all framework Concessionaires have committed to pay at least 1% of the turnover generated from the rapid charge points

over the term of the Call-Off Contract to the Awarding Authority. The Concessionaires may increase this baseline percentage when bidding for site packages resulting in a higher score being achieved in the evaluation.

- 5.4 Commercial will keep a record of all revenue generated under the Framework in relation to TfL sites and will provide Surface Transport Board with a report every six (6) months, or other frequency as requested, detailing what revenue has been realised and what revenue is forecast to be realised.

## **6. Route to Market**

- 6.1 Although the Framework was tendered before the Concession Contracts Regulations 2016 came into force, TfL conducted the procurement in alignment with the Treaty Principles (including transparency and open competition) using a voluntary, non-mandatory OJEU based process in accordance with the general principles of the Competitive Dialogue procedure.
- 6.2 All five (5) Concessionaires appointed to the Framework will be invited to tender for every package of sites unless grounds exist for terminating the Framework with any Concessionaire (in which case that Concessionaire may be excluded at the Awarding Authority's discretion).

## **7. Systems**

- 7.1 The TfL e-tendering portal (ProContract) will be used for all mini-competitions for TfL sites as well as any mini-competitions that TfL manages on behalf of the Boroughs. A framework has been set up on the ProContract system for this requirement which will facilitate ease of tendering and expediency.

## **8. The Mini-Competition Process**

- 8.1 A step by step overview of the mini-competition process, inclusive of contractual timescales, is provided at Appendix A to this document. The timescales may be accelerated if alternatives are stated in the Mini-Competition Request Form and all Concessionaires attended a briefing session where this was explained. Any alternative timescales must allow the Concessionaire's a reasonable amount of time to formulate a robustly costed proposal.
- 8.2 The template Mini-Competition Request Form, inclusive of the draft Call-Off Contract, must be used to seek proposals - as attached at Appendix B to this document.

8.3 For planning purposes, a checklist of what information or documentation any Awarding Authority must have in place, or have considered, in order to be ready to tender site/s is attached at Appendix C to this document.

## 9. Evaluation

9.1 The following details align with what is already specified in the Framework.

9.2 The Evaluation process will select the Concessionaire that has submitted the Most Economically Advantageous Tender (MEAT).

9.3 The MEAT is determined as the highest evaluated score in a 50:50 combination of Quality and Financial scores.

9.4 The assessment criteria weightings for Quality and Financial must be further broken down as follows:

Quality	Technical Requirements	35%
	Turnover Percentage	15%
Financial	Site Charge	25%
	Pay As You Go (PAYG) Average Price	25%

### 9.5 Quality Evaluation:

9.5.1 Technical Requirements - TfL shall specify any additional sub-weighting assessment criteria and any pass/fail thresholds in the Mini-Competition Request Form but the overarching intention is to keep the evaluation process as simple as possible as all five (5) Concessionaires have already demonstrated they have the requisite capacity, capability as well as technical and operational expertise to supply, install, maintain and operate rapid charge points during the procurement exercise to be appointed to the Framework. For this reason there will be no Quality threshold.

9.5.2 Turnover Percentage - will be evaluated using the "Price Proportion" method, where the highest Turnover Percentage figure offered achieves the maximum score and the other bids will be awarded a score that is proportionate to the highest figure offered.

### 9.6 Financial Evaluation

9.6.1 Site Charge - will be evaluated using the "Price Proportion" method, where the highest figure offered for the Site Charge achieves the maximum score and the other bids will be awarded a score that is proportionate to the highest figure offered.

9.6.2 PAYG Average Price - will be evaluated using the "Inverse Price Proportion" method, where the lowest figure offered achieves the maximum score. All

other bids are awarded a score that is proportionate to the lowest figure offered.

#### 9.7 Commercial Evaluation

A Commercial evaluation shall also be conducted and this will cover acceptance of the proposed Call-Off Contract as drafted, inclusive of all Site Agreements, on a pass/fail basis.

9.8 During the evaluation stage Concessionaires are obliged to respond to any requests for further information within two (2) Business Days (unless otherwise specified by the Awarding Authority). Not adhering to this is grounds for the Awarding Authority to exclude the Concessionaire from the evaluation process).

9.9 If required, the Awarding Authority may request each Concessionaire to attend a meeting during the evaluation stage (non-attendance by the Concessionaire is a grounds for the Awarding Authority to exclude the Concessionaire from the evaluation process).

9.10 The Abnormally High or Abnormally Low tender processes may be invoked if applicable during evaluation.

9.11 The Concessionaire that submits a proposal which passes all the stated thresholds and that achieves the highest overall score, once the Quality and Financial evaluation scores have been combined, will be the successful Concessionaire and will be awarded the Call-Off Contract for the package of sites tendered.

### 10 **Scoring Scale**

A simplified TfL standard 5-point linear scale will be used for the Technical Requirements evaluation.

<b>Descriptor Title</b>	<b>Score</b>	<b>Descriptor</b>
Unacceptable	1	The response does not meet the requirement. Does not comply and/or insufficient information provided to demonstrate that the bidder has the ability to provide the supplies/services, with little or no evidence to support the response.
Poor	2	Some minor reservations of the bidder's ability to provide the supplies / services, with little or no evidence to support the response.



	Meets the Requirement	3	Demonstration by the bidder of the relevant ability to provide the supplies/services, with evidence to support the response.
11	Good Terms and Conditions	4	Above average demonstration by the bidder of the relevant ability required to provide the supplies services.
	Outstanding	5	Exceptional demonstration by the bidder of the relevant ability required to provide the supplies/services.

11.1 A bespoke Concessions Framework contains the overarching terms and conditions and this includes a template Call-Off Contract and mini-competition Request Form which shall be used for this requirement. All Concessionaires' have already signed up to these terms and conditions.

11.2 The Call-Off Contract incorporates all applicable Site Agreement licences or leases for the land being tendered. This provides the Concessionaire with authority to install and operate rapid charge points from the site(s) for a specified term. Competitive Dialogue with the Concessionaire's established that a Call-Off term of between eight (8) to ten (10) years is optimum and will provide Concessionaire's with a return on investment and reasonable profit generation. It is possible to specify a shorter term duration but this may not be attractive to the Concessionaire's and will likely result in reduced competition or no bids at all (particularly if the site in question is for taxis only and the revenue generation potential of that charge point is already limited).

11.3 The Framework runs for an initial term of three (3) years from 25 April 2017 and TfL has the option to extend, at its discretion, by an additional one (1) year after the initial term. Mini-Competitions can be conducted for as long as the Framework remains live.

## 12 Governance Arrangements

The following approval levels will be applicable for delivery of the first 75 Charge Points and governance arrangements will be reviewed thereafter.

Document	Approval Level	Further Notes
Contract Award Recommendation (CAR)	Senior Commercial Manager	Appendix D provides the template CAR, this is a simplified version of the standard TfL Contract Award Recommendation to make the Call-Off Award process as expedient as practical.
Call-Off Contract Signature	Senior Commercial Manager	

## 13 Transparency

- 13.1 Details of Call-Off Contracts awarded under the Framework will be published on Contracts Finder to satisfy TfL's transparency obligations.
- 13.2 Furthermore, a complete record of all Call-Off's from the Framework will be centrally held by TfL Commercial. Each time a Borough or Awarding Authority other than TfL awards a Call-Off contract they have been instructed to provide TfL with the following details so the log can be accurately populated and maintained:
- a) Name of successful Concessionaire;
  - b) Number and location of sites awarded; and
  - c) Number of charge points that will be installed.