



Review criteria for collaborative procurement – Part 3: Evaluation report and contract

Anticipated documentation:

Agencies can submit signed evaluation recommendation report and final contract(s) (negotiated but not yet signed).

If you have any queries, contact us at syndicated@mbie.govt.nz

Review criteria	Guidance
<p>1. Evaluation Process and Conclusions:</p> <ul style="list-style-type: none"> Evaluation document clearly shows the evaluation process and respondents' scores Recommendation is clear and in line with evaluations Evaluation aligns with Planning (part one) and Sourcing (part two) 	<p>Evaluation document is approved and signed by Lead Agency's sponsor and key stakeholders</p> <p><i>The solution meets the business objectives and delivers the in-scope services stated in the planning and sourcing phases.</i></p>
<p>2. Review of contract terms and conditions:</p> <ul style="list-style-type: none"> The contract has undergone legal review and been signed off The scope is clearly outlined and matches that in the Planning and Sourcing phases Commencement and Expiry dates are clearly identified Renewal options are stated Definitions are comprehensive Warranties, Confidentiality, Liability, Intellectual Property and Dispute Resolution clauses are included and are relevant Termination clauses account for collaborative aspects of the contract Ordering process is clearly outlined Common Use provision and other relevant collaborative clauses are included Supplementary syndication documents are included (e.g. syndication letter / letter of accession, non-disclosure agreement, and participating agency agreement) Panel processes (including secondary procurement processes) are stated if relevant Capping provisions (in respect to how much the contract is 	<p><i>It is the responsibility of the Lead Agency to ensure contractual documentation has been reviewed by the agency's legal resources.</i></p> <p><i>The agency has considered the process required should scope and scale boundaries exceed expectations during the life of the contract (number of participants, value/volume throughputs over life of the contract etc.)</i></p> <p><i>Renewal options are stated (as applicable)</i></p> <p><i>Warranties apply to both Lead and Participating agencies</i></p> <p><i>Ensure requirements on suppliers are insurable and insurance costs are not outside "normal bounds" for suppliers as a result of requirements</i></p> <p><i>Regarding IP, consider ownership pre-contract, post-contract and if jointly created IP</i></p> <p><i>Annual, Quarterly, Monthly reviews as applicable, inclusion of participating agencies, Key agenda points</i></p>

Review criteria	Guidance
<p>intended to be allowed to grow in participating agency numbers, spend or volume) are included, if appropriate</p>	<p><i>are stated for contract reviews</i></p> <p><i>The contract includes a disputes resolution process including an escalation path for Participating Agencies, and mediation/arbitration as applicable</i></p> <p><i>Partial, full and for convenience termination aspects are covered, including scenarios where a Lead Agency terminates vis-à-vis where a Participating Agency terminates</i></p> <p><i>The Lead Agency is clearly identified; the joining process for Participating Agencies is outlined and Governance structures are stated, including how Participating Agencies should engage with the supplier/s</i></p>
<p>3. Review of Schedules:</p> <ul style="list-style-type: none"> • A Service description is included that links to the scope and provides a clear, concise and comprehensive listing of services • Relationship management and including escalation for Participating Agencies, Governance by the Lead Agency, and review meetings; Key personnel are identified • SLAs and KPIs are outlined, and are SMART (specific, measurable, achievable, relevant and time-bound), linked to scope and include a process for non-performance and/or success • Pricing is clearly defined for in-scope products/services; common pricing applies across all agencies; there may be a volume-based sliding scale • A faults and remediation process is stated 	<p><i>Contacts, reporting requirements, and review period are specified</i></p> <p><i>Price reviews/dates are specified with benchmarks for establishing changes to pricing (e.g. indices)</i></p> <p><i>Price breaks / volume discounts / volume tiers as applicable are stated to support the benefits of multiple-agency volumes</i></p>