Buyers Guide

This guide is to help you buy services from G-Cloud using the CloudStore. The guide is made up of general guidance, a worked example and links to other resources.

It's best to skim through the whole of this guide and visit the Customer Zone of the G-Cloud website (http://gcloud.civilservice.gov.uk/customer-zone/) before starting your first G-Cloud procurement. After you've procured through G-Cloud you may want to return to this guide as all procurements are slightly different and this guide covers a number of areas in detail. We are also constantly improving the guidance based on feedback we get from buyers and suppliers.

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Expectation setting

G-Cloud is a change programme that has the aim of helping the public sector buy and consume ICT services differently. G-Cloud's focus is cloud based commodity services. G-Cloud comprises a set of tools such as the frameworks, the CloudStore that lists services on those frameworks, a set of other resources such as events and documents like this, and a central team to help the public sector move to commodity based ICT.

G-Cloud is part of the Government's ICT strategy and supports the target of getting 50% of ICT spend based on public cloud.

The "Cloud First" Policy mandates Central Government to consider the use of G-Cloud in the first instance to consider suitability, and strongly recommends all other public bodies to consider the use of G-Cloud when carrying out ICT procurements. In most cases there is an overwhelming business reason for the use of cloud over traditional outsourced IT and G-Cloud over traditional procurements.

It's different

G-Cloud is different.

Expect it to be challenging.

From the very start of the process you will probably be thinking about ICT and procurement in a way you have never thought of before in the public sector. Use of G-Cloud may challenge you, your procurement department or others in your organisation, typical reactions to G-Cloud are:

- Using G-Cloud may break your local procurement processes e.g. "you must get three quotes"

- Call-Off contracts are only for 2 years so can't possibly be used for 'this project'

- You can't talk to individual suppliers, as it will prejudice the procurement

- You should get a business case signed off before you even start the procurement process

- G-Cloud can't work because we can't dictate terms to the supplier, and we 'always' dictate terms to the supplier, if not 'how do we know what terms we've contracted on?

- Or simply 'G-Cloud just can't be legal! (hint it is http://gcloud.civilservice.gov.uk/2012/09/13/g-cloud-is-it-legal/)

G-Cloud has a very specific methodology for how it should be used. The method is predicated on commodity services, hence it's quite different in many ways from standard procurement methods. It will require you and others in your organisation to think differently at many, but not all, steps of the process. When you get used to G-Cloud you'll find underneath it is a very traditional supplier framework based on the very same set of laws as other frameworks, it's just approached in a very different way.

There are a few advantages to using G-Cloud and cloud / commodity ICT. When compared to traditional procurement and IT, in most cases:

- It's a lot quicker to use
- It's a lot cheaper to use
- The services can be orders of magnitude cheaper
- The range of suppliers is larger than any other framework you will see
- The framework is re-tendered on a regular basis so contains the latest services and suppliers
- You can see prices, terms and services up front
- Services are often available to try for free or at negligible cost
- You can talk to suppliers all you want
- There's no 'lock-in' – all services state up-front (both technical and commercially) how you get in and out
- There's no need for an OJEU
- No need for an ITT
- No need for contract negotiation

Commodity
G-Cloud is all about commodity services.

This can't be stressed enough: G-Cloud = Commodity Services.

This fact is the basis to everything in G-Cloud and why G-Cloud is so different.

The idea of commodity services is that the services offered by suppliers are in fixed units. These maybe very granular such as an hour of compute resource; or very complex, such as one month access to a specific feature of an ERP system. The key thing is that each service offering is made up of one or more commodities that customers select and buy.

The commodity nature of G-Cloud services has a number of features that should be kept in mind when using G-Cloud:

- Services are fixed at the point of tender
- Service offerings include functional and commercial definitions
- Customers can talk to suppliers all they want – as suppliers can't change their offer, they can only clarify it
- Buyers cannot negotiate with suppliers
- Buyers can select which commodity they want, and buy it, following the prescribed procurement process as explained below
- Buyers often will not know exactly how many units of a commodity they will require at the point of order
- There will almost never be an exact match between requirements and service offer

Best-Fit is Best

As G-Cloud comprises commodity solutions, the way to approach G-Cloud is to use it to find the solution that best or closest fits the requirements that you have. You should not expect that a G-Cloud solution will meet 100% of your requirements, it either may not have all the features you want or it may have more.

This means that one has to take a pragmatic approach to ICT. It is not longer a case of
    'I want X, how much will it cost to create it'

It is now a much more:
    'I want X, what does the market provide that comes closest'

There is a simple reason for this: money.

Commodity services are generally orders of magnitude cheaper than custom services.

Any project that starts with a very detailed set of requirements and finds that G-Cloud services do not meet them is designed to fail; and business cases based on this process will be rejected unless there are exceptional economic circumstances for the use of non-commodity services.

There are over 7,000 services on G-Cloud. It's very likely one meets most of your needs.

Configurable Commodities

Commodity services are not 100% fixed. Almost all commodity services can be configured.

For example, you may purchase Software as a Service, Content Management System (SaaS CMS) services. The stack of services and the CMS itself will all be part of the commodity offer. How you configure the CMS, what URL it has, what content, what look and feel will generally be down to you.

You are not alone

A traditional ICT procurement has generally ended up with a service that is bespoke for the buyer. The procurement process is based around the fact that you don't quite know what you are going to get until it's delivered, and then you might have to negotiate or change it if it does not turn out to be what you want.

G-Cloud is the opposite of this.

The majority of services on G-Cloud are available to anyone via the open market. What we've done with G-Cloud is set up a framework of off-the-shelf commodity services that pre-exist the framework.

This means that when you are looking at a G-Cloud offer, the service is likely to have thousands or even millions of existing users. So the service is likely to be there.

You might be the first person in your organization to have used G-Cloud, it's OK, you are not alone in the public sector either, this is a list of who's bought from G-Cloud already: http://gcloud.civilservice.gov.uk/about/sales-information
If there's a public body similar to you, they might be able to help. G-Cloud encourages the community of buyers to learn from each others' experiences of the process.

Don't dive into the deep end!

If it helps you can think of the G-Cloud procurement process as three triangles.

There is a vast amount of information on the CloudStore – over 7,000 services each with lots of information and usually several attachments, that's well over 10,000 documents.

But the information is layered, from the list of services with a handful of key criteria, to item properties with 10s of criteria, to full service definitions and terms and conditions.

This layering of information allows you to sift and sort through services rapidly and then assess a smaller number of services in great detail.
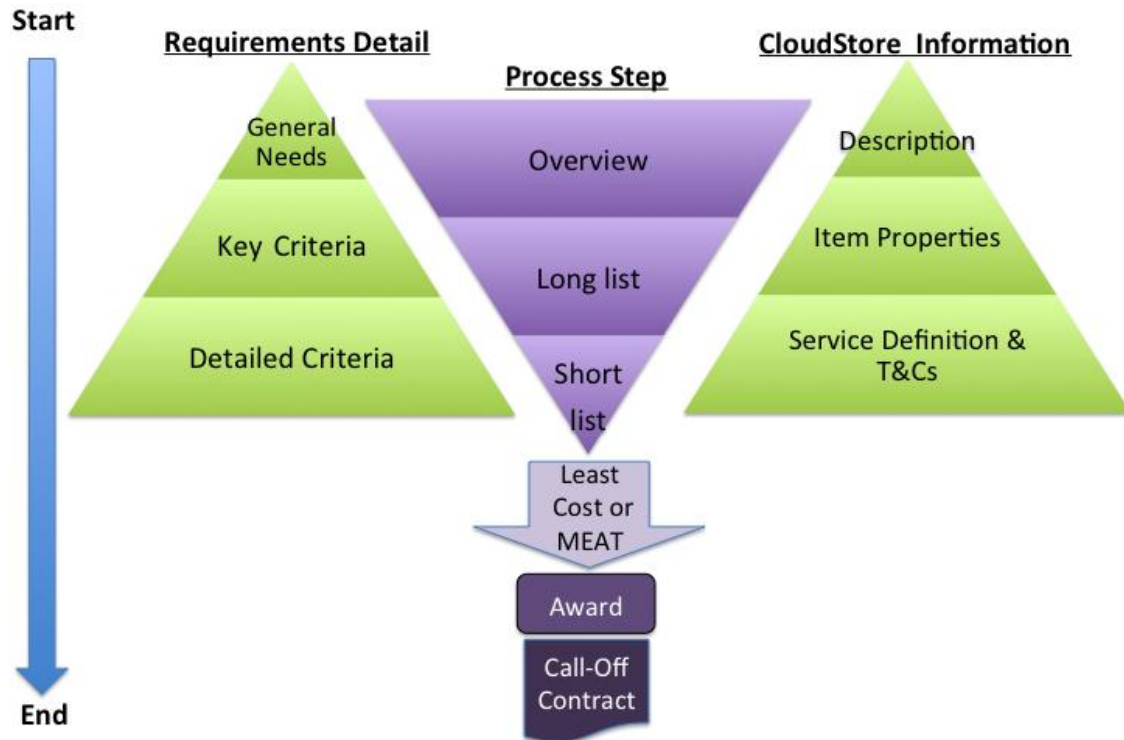
Worked Example

This example covers all steps of the G-Cloud procurement process.

NB: the procurement process undertaken under the G-Cloud framework, if resulting in a contract award, must be recorded clearly at all stages. Therefore, all customers must be able to demonstrate a clear, accountable audit trail of the searches conducted, filters applied and evaluation taken.
Template documents for this can be found by request from GPS at
ICT_Services@gps.gsi.gov.uk
These are merely templates, and may be too detailed for your requirement. However, they can be used as a matter of good practice.

Your case will be slightly different, but keep in mind the Three Triangles diagram above, don't dive in too deep too quick. A step-by-step approach can be very

rapid.

Requirement**: A public body has a Drupal based web site that is run partly in house and partly through an outsourcing contract that is coming to an end. They need to replace this with a new CMS solution.**

The buying process overall is:

> Step 0 – Local Procedures
> Step 1 – Requirements
> Step 2 – Using CloudStore to search for the long list
> Step 3 – From long list to short list
> Step 4 – Selection, Award and Call-Off

This may take anything from a few hours to a few days, it should not take weeks unless you have an exceptional set of requirements, say for multiple services that need to work with each other.

Step 0 – Local Procedures

> What you'll need:
> - Idea of what you want to achieve
> - Understanding of local processes
>
> What you'll get:
> - Whether to continue
> - How to continue

The start of a procurement will probably differ for every public sector organisation as each will have local guidance, levels of signing authority, business case processes etc. Some organisations now have specific G-Cloud guidance, so you should check with the procurement department to see if they have one already, if not send them this guide as a starter.

We always advise customers that the procurement representative and the project team should sit together when first visiting the CloudStore to ensure that both sets of interests (technical and procurement) are covered.

As noted above it's likely that G-Cloud will not fit with prevailing procurement processes as they are likely to presume that either you have to do an OJEU of your own, that you are using a traditional framework contract and / or you are buying bespoke services.

Business Case

G-Cloud makes it really easy to find and procure ICT services. But just because it's easy does not mean you should do it. However, for a service to be procured there needs to be valid business reasons for procuring a service at all. G-Cloud does not change these fundamentals. What G-Cloud will change is the cost to procure the services and probably the cost of the services themselves, which means that the kinds of investment case you may be considering might be very different from the ones you are used to.

One major thing that G-Cloud changes is the order the things are done. As G-Cloud services are commodities that are held in the CloudStore together with their full details and price – you don't have to wait till the very end of the process to get an idea the likely costs of services, or whether G-Cloud is the appropriate framework to use.

Even if your local procedure advises you to do a business case first – it's probably not a good idea, as the process probably assumes that you are going to run an expensive OJEU rather than (in the first instance) just opening up a browser and looking at what's available.

What you might do at this stage is:
1. Jump straight to the next step
2. Have a look at what's available in CloudStore for the service you require
3. Do a rough estimation of costs

Consider whether to proceed with the procurement

If you really have to write a business case at this point, you can
- Look at this Guide and estimate how much effort procurement might be – it could be hours
- Have estimated cost figures up front

Step 1 – Requirements

What you'll need:
- Understanding of type of service(s) required

What you'll get:
- Potential Structure for next level of requirements detail
- Potential MEAT criteria

Essentially the department wants to replace the CMS that they currently have.

They are adopting a Cloud First policy so are using G-Cloud's CloudStore as the first port of call to see if their requirements can be met.

Traditionally at this point a department would conduct a requirements gathering exercise. This would entail creating a vast list of features and, possibly, ranking them in terms of 'essential', 'desired' etc. In short, they would write the specification for a CMS from the ground up. Don't do this.
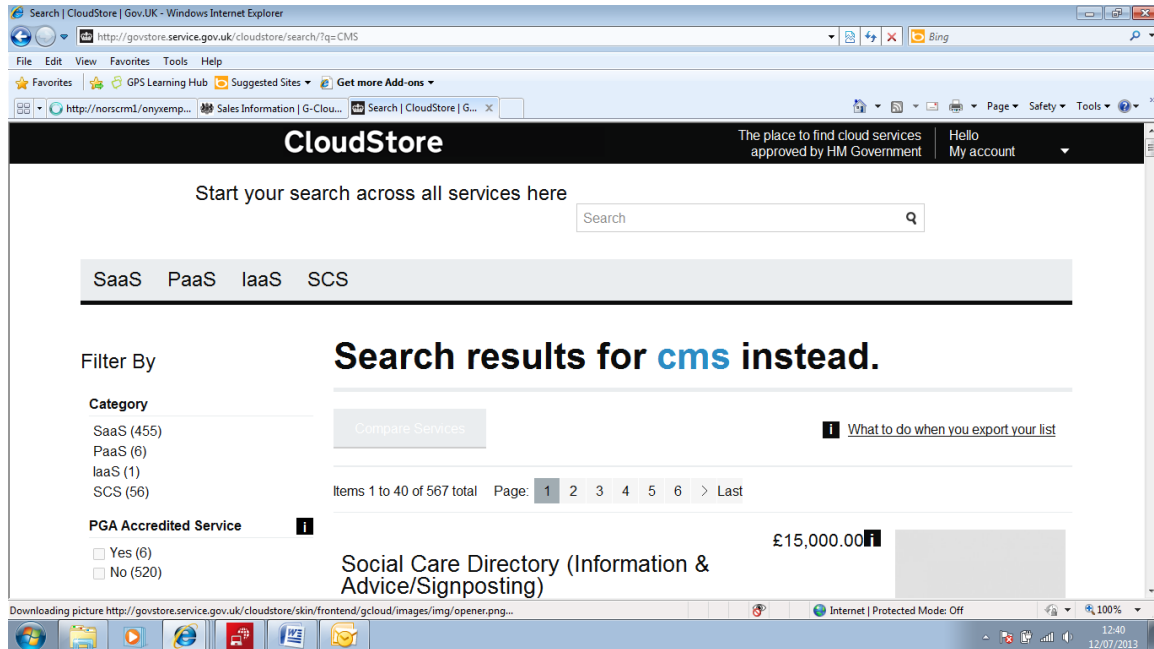
Go to CloudStore:

http://govstore.service.gov.uk/cloudstore/

….and type in "CMS" into the search:
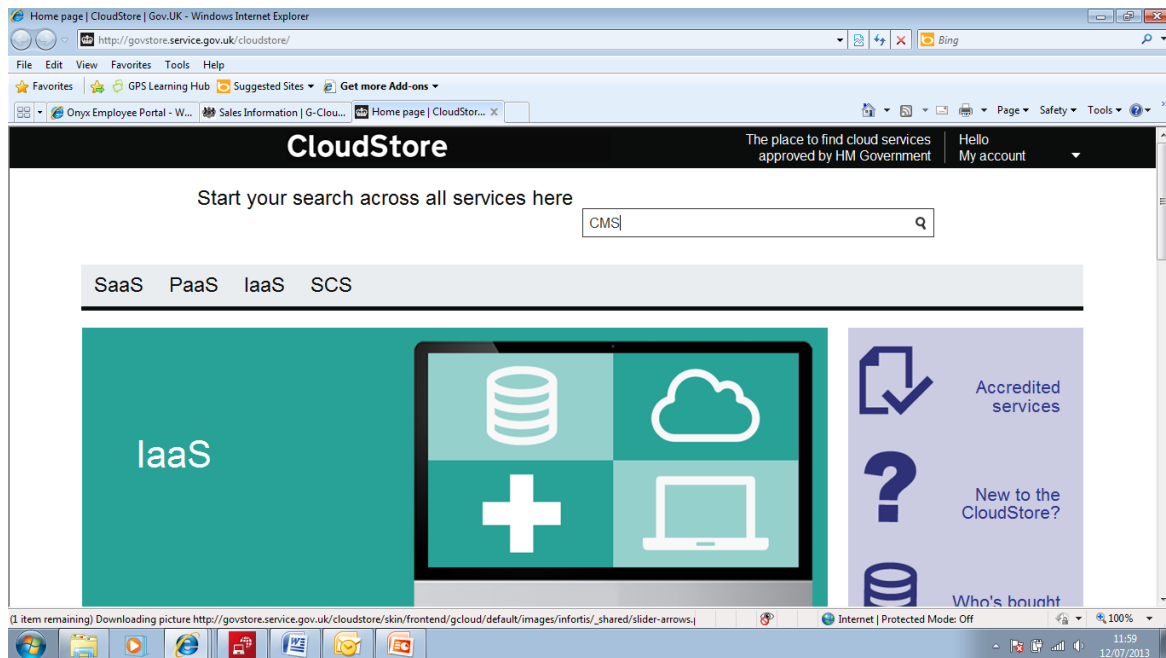
This is a very broad search and will bring up multiple services.

The list may look rather daunting at this point. In the example above the simple CMS search resulted in 567 services.

DON'T PANIC

This stage of the process is about getting a feel for the market. As noted, G-Cloud is a market place of commodity services; so at the outset (especially if you are new to G-Cloud) this first stage is simply about understanding the range of services available.

> *Mobile Phone Analogy: If you want a mobile phone, you don't design a phone from the ground up. You think about your requirements at a high level and see what kinds of things are on offer in the market place. Innovations such as 4G that you may not be aware of might be available, but not all perceived requirements may be available.*

CloudStore Structure

When you start to look at individual services you will see that the CloudStore uses a common set of structures for service entries that will help you rapidly navigate through the options.

Each entry in the search results will look something like this:
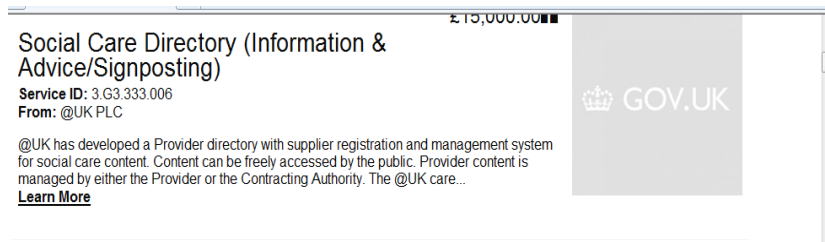
Each entry is an individual service. A given supplier may have many services.

Service ID: The unique code that G-Cloud uses for each service. You should use these to refer back to a service as suppliers may have many similar sounding service offers.
A G-Cloud service ID may look like this; 3.G3.333.006. The first number indicates what Framework Agreement the service is offered under, i.e. 2 for G-Cloudii and 3 for G-Cloudiii.

From: The name of the supplier

Short Description: The name of service

Image: supplier logo if they supplied one

Price: Suppliers were asked to provide a price for the most common configuration of their service as a guide. Pricing is generally volume based, so you should __always__ look at the supplier's documentation to work out the actual price of what you are going to buy.

Each individual service entry also has a common structure, as follows:

Supplier information

@UK PLC

Website	www.ukplc.net
Contact Name	John Gough
Contact Email	john.gough@ukplc.net
Contact Phone	0118 963 7045
Address	5 Jupiter House Calleva Park RG7 8NN Aldermaston United Kingdom
Duns Number	237379230
Vat Number	724545240

Further information on pricing, service definition and terms are available as downloads:

Service Definition   Terms and Conditions

The Short Description will generally give you a slightly better understanding of what the service is.

Step 2 – Using CloudStore to search for the long list

The next stage in the process is to form a long list of suppliers. The long list is: all those suppliers that meet your top level requirements – this may be as simple as a category of service such as CMS, or a combination of high level requirements such as: CMS with Geo-Search.

Warning!

As a public body, when procuring a service you do not determine the service or supplier at the start of the process and work towards that end. Traditionally what one does is define business requirements in a way that does not presume any given service or supplier, send them out to the market and then assess the various responses. In G-Cloud, the suppliers have already responded with their tenders. All a supplier can ever do in G-Cloud is give you more information about what they have already offered.

Hence, the use of G-Cloud is a pragmatic balance between detailed abstract requirements and the reality of what's on offer in the market and how those offers are described.

The good news is that this is easier than it sounds.

MEATy?

When you get to the short list (see below) there are two ways to determine what services should be selected: lowest cost or Most Economically Advantageous Tender (MEAT). With some projects you will know at the outset whether a Least Cost based award is possible or not.

As this guide will detail, you should not dive into a MEAT based assessment at the early stage, but only apply this when you have got to the short list. However the initial view of the market you gain at these early stages can help establish the key criteria that will provide the clearest comparison between suppliers i.e. you will start to gain an understanding of the differentiating characteristics of suppliers and services.

Thus, bearing in mind the note above about taking a fair approach to the market, you should consider building your MEAT criteria and weightings as you progress through this process.

For a MEAT based assessment of G-Cloud suppliers you must use the following top-level headings, but what detailed characteristics you use and how you weight them are down to you.

Criteria Number	Direct Award Criteria
1	Whole life cost: cost effectiveness; price and running costs
2	Technical merit & functional fit: coverage, network capacity and performance as specified in relevant service levels
3	After sales service management: help desk, account management function and assurance of supply of a range of services
4	Non-functional characteristics

As you will see below each service had a CloudStore entry, and each entry has a common format of criteria made up of ones that are generic (to G-Cloud as a whole or to each Lot) and, in many cases, ones that are specific to a service type. You may wish to look at these when thinking about both your requirements and your MEAT criteria.

Forming the long list
In our example we are looking for a CMS service that supports open standards, so we can rapidly narrow down the pages of CMS offerings by using the CloudStore search and the meta-data (top level information about services) provided by suppliers.

Search Tips
The CloudStore holds the data submitted to G-Cloud by suppliers. The current CloudStore software only searches the meta-data (common, structured information about the services) and not the full supplier submissions. Also suppliers are relatively free to describe their services how they wish - as G-Cloud is a catalogue of largely pre-existing services.

So, to see all the services that may meet the highest level of requirements it is

good to search using a range of search terms, so in this case you might use e.g.

- CMS
- Content Management System

At this stage your Long list will probably look something like this:

#	G-Cloud Code	Service	Supplier	CMS	Open Standards Support
1	Gn.XXX.YYY	Name	Name		
2	Gn.XXX.YYY	Name	Name		
~	~	~	~	~	~
n	Gn.XXX.YYY	Name	Name		

Detail

At this point you will have a representative sample of scope services and may have been able to get to this list based on the summary / meta-data about the services.

It may now be instructive to look at the details of some of the services. These are all held under the Additional Documents section in the service entry in the CloudStore. Typically each service will contain, at least the following documents:

- Detailed Service Definition (including pricing)
- Terms and Conditions

Supplier information

@UK PLC

Website	www.ukplc.net
Contact Name	John Gough
Contact Email	john.gough@ukplc.net
Contact Phone	0118 963 7045
Address	5 Jupiter House Calleva Park RG7 8NN Aldermaston United Kingdom
Duns Number	237379230
Vat Number	724545240

Further information on pricing, service definition and terms are available as downloads:

Service Definition   Terms and Conditions

Budget Check

All G-Cloud suppliers have to provide pricing, so unless you have done so already you may want to look at a sample of services to estimate the range of costs that you might expect for the services. You will also gain an understanding of how suppliers are structuring their charges.

Services will generally be charged on the basis of one or more units e.g. users, data volume etc. Thus at this point you may also need to re-visit your requirements to assess whether you have the data to do accurate price prediction – do you know what volume you are likely to use?

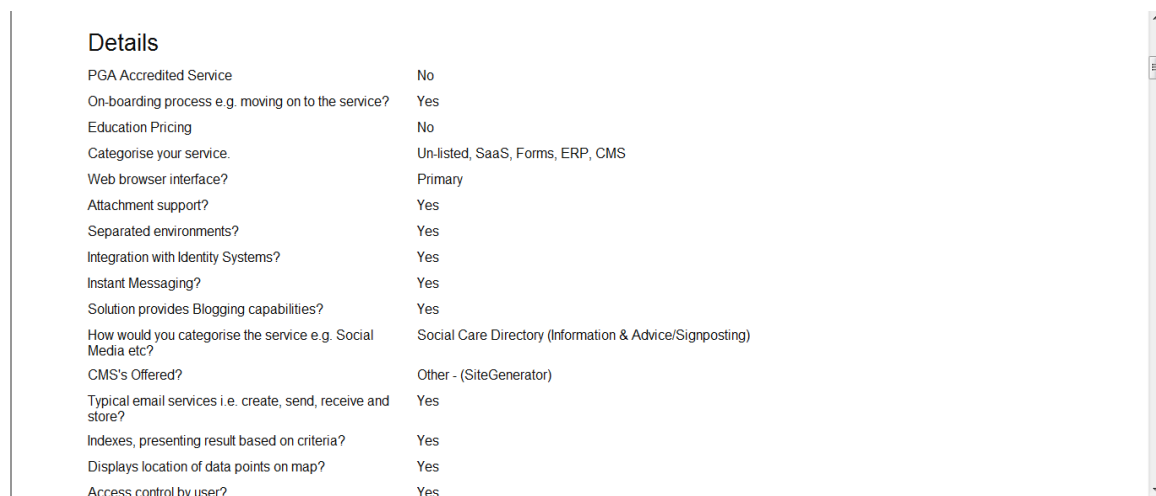## Step 3 – From long list to short list

What you'll need:
- A long list

What you'll get:
- A short list

Using the top-level criteria you should be able to get to a short list of 10 or so suppliers – your list may be shorter or longer depending on the particular category you are looking at.

At this point you should be able to determine those properties you need to identify to get to your short list – a quick way of doing this is to look at the Item Properties list in the CloudStore.

Details	
PGA Accredited Service	No
On-boarding process e.g. moving on to the service?	Yes
Education Pricing	No
Categorise your service.	Un-listed, SaaS, Forms, ERP, CMS
Web browser interface?	Primary
Attachment support?	Yes
Separated environments?	Yes
Integration with Identity Systems?	Yes
Instant Messaging?	Yes
Solution provides Blogging capabilities?	Yes
How would you categorise the service e.g. Social Media etc?	Social Care Directory (Information & Advice/Signposting)
CMS's Offered?	Other - (SiteGenerator)
Typical email services i.e. create, send, receive and store?	Yes
Indexes, presenting result based on criteria?	Yes
Displays location of data points on map?	Yes
Access control by user?	Yes

Each item in the CloudStore has a similar set of detailed categories of information that the suppliers have provided as part of their tender. Some of these categories are common to all services e.g. 'Commercial: Free Option'; and some are common to a service of a particular type e.g. 'CMS: CMS's Offered?".

The categories included are top-level properties of services which were chosen as they are ones that often differentiate one service from another. Suppliers also provide much greater detail about their service but at the initial, long list stage high-level information is all that is required.

In this example:

Essential:
- CMS
- Open Standards

Additional top level requirements:
- Firefox Support
- Content Rating
- Folksonomy
- Importable taxonomy
- Link Management

Your short list will now look something like this:

Service type: CMS
Open Standards supported: Yes

#	G-Cloud Code	Service	Supplier	Firefox support	Content Rating	Folks-onomy	Importable taxonomy	Link Mgt
1	Gn.XXX.YYY			☐	☐	☐	☐	☐
2				☐	☐	☐	☐	☐
~	~	~	~	~	~	~	~	~
N				☐	☐	☐	☐	☐

Review Terms
If you have not factored commercial criteria into your assessment thus far you should now do so.

Supplier Terms: Another way that G-Cloud is unlike most other frameworks is that G-Cloud incorporates suppliers' Terms and Conditions. G-Cloud has a Framework and Call-Off contract but these do not determine the commercial details of the services themselves, they simply provide a contractual framework in which the services operate (and include terms for exceptional events such as breach of contract).

This means that before entering into a Call-off contract with a supplier you should have a lawyer or suitably qualified professional to review the terms of the short listed suppliers and assess whether these meet the commercial profile of the project.

Again, this should be based on best fit rather than ruling out suppliers that don't meet either your current contract or an ideal set of terms. One should take a pragmatic approach to commercial terms as one does with technical functions. Lastly, one should note that neither the Call-Off contract nor the supplier terms are negotiable.
If the Framework Agreement, Call-off contract and supplier terms and conditions remain silent on an issue, which is a requirement for the customer, an additional clause/term may be added into the Order Form. However, they cannot conflict areas already covered in the contract.

#	G-Cloud Code	Service	Supplier	Firefox support	Content Rating	Folks-onomy	Importable taxonomy	Link Mgt	T&C's
1	Gn.XXX.YYY			⬜	⬜	⬜	⬜	⬜	⬜
2				⬜	⬜	⬜	⬜	⬜	⬜
~	~	~	~	~	~	~	~	~	~
N				⬜	⬜	⬜	⬜	⬜	?

If you require further clarification on areas which are either not answered by all suppliers equally, or not mentioned at all, customers are able to contact the suppliers and request such information. All suppliers must be treated fairly and transparently. For more complex requirements, it may be necessary to trial services, invite suppliers to present/showcase their offerings, request suppliers to highlight how they would meet a particular business need with their offering based on a business scenario and review the responses.

Step 4 – Selection, Award and Call-Off

What you'll need:
- MEAT Criteria (if applicable)
- A short list
- Time to look at functional and commercial details of offers

What you'll get:
- A service (Order, Call-Off Contract)

Yoda **"Buy. Or do not. There is no negotiate"**

You will now have a short list of suppliers and can determine which one(s) to select. There are two ways to select a supplier to award a Call-Off contract to, these are:
- Lowest Cost
- Most Economically Advantageous Tender (MEAT)

If the supplier offers you a service offering in terms of price/volume which is not clearly detailed on their current CloudStore offering, we require you to contact GPS with the details. GPS will then instruct the supplier to update their service entry on the CloudStore with these details, for future customer use. The ethos behind G-Cloud is that suppliers view Government as one customer. All public bodies should be afforded the same service, at the same price, on the same terms and conditions.

Lowest Cost

NB: There is no need to observe the Alcatel standstill period at this point. GPS have observed this during the tender process of the Framework. However, as a principle of good procurement practice, you may wish to afford a period after reaching your final decision and contract award.

Single supplier
If you have followed the process thus far and only one service meets your requirements you may award the Call-Off to them. There are lots of services on G-Cloud so you should check the searches and factors you have used to select the supplier before award.

Short List
Typically there will be a number of services on your final short list. If all these services meet your core requirements and are 'like for like' i.e. comparable, you can select one on the basis of lowest cost alone.

If you have not done already, you should look at the details of the suppliers' pricing structure and compare the costs for the volumes of service you are likely to consume during the period of the Call-Off you are looking to award.

In many cases the cheapest option will be apparent. There are however ever cases such as:
- Looking at different supplier combinations
- Un-resolvable uncertainty about volumes

See detailed guidance: FAQ: **How do I work out what the service is going to cost me?**

MEAT

MEAT assessment of suppliers will be familiar to anyone who has completed public sector procurements. With G-Cloud, the process is the same as any other MEAT based process – with the exception that in most cases all the information to complete the MEAT assessment is likely to be on the CloudStore (if all the information is not on the CloudStore see FAQ: Can I issue an RFQ / RFI / ITT ?).

See also the guidance: FAQ: **How do I work out what the service is going to cost me?**

Criteria Number	Direct Award Criteria
1	Whole life cost: cost effectiveness; price and running costs
2	Technical merit & functional fit: coverage, network capacity and performance as specified in relevant service levels
3	After sales service management: help desk, account management function and assurance of supply of a range of devices and good value accessories
4	Non-functional characteristics

Standstill Period

There is no standstill period.

The standstill or so-called *Alcatel* period was applied to the award of the Framework and does not apply to all Call-Off contracts under the Framework irrespective of value.

NB: There is no mandatory, legal requirement for a standstill period to be applied. However, as a principle of good procurement practice, you may wish to afford a period after reaching your final decision and contract award.

Notification

While it is not necessary to have a stand still period after you have selected a supplier, the G-Cloud contract requires that (if you have used the MEAT procedure) you inform the other suppliers that they were not successful and to provide feedback.

We've included this provision as we believe that it is good practice and more specifically, that telling suppliers that they were considered for but did not get a particular order aids the maturity of the market over the medium and long term. That is, suppliers may alter their propositions when they re-tender them based on a body of feedback.

At this point you will have a chosen supplier either by the Least Cost or MEAT method.

Forms, paperwork, contracts, etc.

Once you have completed the steps above you can just order the G-Cloud service from the supplier.You must complete the call-off contract, which will include an order form, which can take the following forms;

- Use the template order form in the G-Cloud Contract
- Use supplier's order form
- Use customer order form
- Use supplier's online ordering

G-Cloud Order Form
The G-Cloud Framework Agreement includes a sample Order Form for your use. This contains the basic information that a typical G-Cloud order will require e.g. who is ordering how much of what from who.

Framework Schedule 2: Part One

http://gps.cabinetoffice.gov.uk/sites/default/files/contracts/G-Cloud_III%20Framework%20and%20Call-Off.docx

Supplier Form / Online Ordering

Some have their own order form and / or online service provision. With the latter it's often a good idea to use the online provision as you can self-provision the service you need when you need them.

If you are ordering directly from a supplier after following the G-Cloud, you should:
- Ensure that the service you are ordering is the G-Cloud service (some suppliers have G-Cloud specific services and some have many similar variations, so double check)
- Ensure that you make it known that the service(s) is being ordered under the G-Cloud terms (If in any doubt what so ever, write to the supplier to confirm)

See: FAQ so what exactly is the contract I have with the supplier?

Really!

Frequently Asked Questions

How do I work out what the service is going to cost me?

Award should be based on a fair assumption of the consumption of services over the anticipated period of the Call-Off - then either the lowest cost test applied, or in cases where there are more complex economic factors under consideration, MEAT criteria should be applied.

In very complex or high value/high risk procurements you may want to take an approach that factors in consumption uncertainty as an economic criteria. In simple terms, if you have two suppliers and one has a price break at say 1000 units and you have a 60% chance of consuming that many units - you may want to factor the economic impact of the likelihood of unit-consumption into your consideration. In the most complex of circumstances, we would suggest that a full probabilistic economic analysis is run against the suppliers to determine a probabilistic cost / risk model (very much along the lines that the Green Book suggests for such analysis).

What exactly is the contract I have with the Supplier?

From a legal perspective the contract a buyer has with a supplier comprises the documents listed below in the following order of precedence i.e. contractual terms higher in the list override any contradicting terms lower in the list:

- o the Framework Agreement
- o the Call-Off contract;
  - the completed Order Form;
    - the Supplier's terms and conditions as set out in the Framework Schedule 1 (G-Cloud Services); and
      - o any other document referred to in the Clauses of the Call-Off contract.

GPS hold copies of signed physical agreements that constitute most of this

contract. From a buyers perspective all one needs to ensure is that one has established a valid Call-Off contract by means of an order (using the appropriate procedure) for named service(s) that have been tended to G-Cloud.

That is, you are not expected to compile copies of the entire set of documents above and send them to a Supplier to sign, then file away. This is both impractical and legally un-necessary. Just so long as the order is under G-Cloud the rest of the documentation is effectively in accordance with the order.

How do I write an Order when I don't know how much of something I will consume?

In terms of the Call-Off / Order form we would anticipate variance along the following lines:

"Volume of unit 1: X
Volume of unit 2: Y
Volume of unit 3: Z
[DN: where X, Y, Z range from 0 to N]

This order is for the volume of services outlined above. It is mutually recognised that the volume of these services utilised by BUYER may vary from time to time during the course of this Call-Off agreement, subject always to the terms of the agreement."

This way you form a contract with a supplier for a volume and range of services that you both anticipate at the time of order. At the same time you give yourself the chance to change any of the services with the range tendered by the supplier (hence we advise including services that you take zero volume of but might conceivably consume at some point during the term of the Call-Off). The 'subject to terms' is legally un-necessary as the Call-Off is always subject to the terms of the Framework, but it acts as a reminder to all that variation in volume may move you up and down price breaks etc.

We would add though, that in the case of a massive variation from an anticipated volume you may be minded to look at the exit terms from your Call-Off and consider Awarding another Call-Off as you may get a better commercial deal. The on-boarding and off-boarding terms defined by the suppliers will allow to you establish if this is of economic benefit.

Can I issue an RFQ / RFI / ITT?

Can I call a supplier ….

The G-Cloud terms do not prevent buyers from issuing a Request For Information (RFI), but the structure of G-Cloud and the CloudStore mean that it should not be necessary. To get onto G-Cloud, suppliers have to provide all the core information about their service(s), this includes a service definition, pricing and contractual terms. It is the buyer's responsibility to look at this information as part of the award process.

Buyers should NEVER issue an RFI just to get suppliers to provide existing information in a common format or a format that meets an internal process requirement. This puts an un-necessary burden on the market and a disproportionate burden on SMEs.

Isn't using CloudStore open to challenge on the basis that a buyer may use search terms that exclude one or more suppliers?

Like any procurement process, procurements using G-Cloud and the CloudStore must be conducted with reasonable care and diligence. When using CloudStore you should ensure that you have conducted sufficient searches to endure that you have reasonably satisfied yourself that you have compiled a long or short list that includes the suppliers that fall under your criteria.

We cannot guarantee that the use of CloudStore will provide a perfect set of results, but no procurement process can guarantee that it produces the perfect result. What G-Cloud does do is provide a much lower cost and quicker process that has reduced the barriers to entry to the public sector market place.

What's more the CloudStore is open to the public and all suppliers; and, suppliers have the ability to optimise their data on the CloudStore. Hence, a process is in place to rapidly optimise the tools currently being used.

What if I miss a supplier on the CloudStore and end up buying something more expensive - have I not just wasted public money?

G-Cloud is not perfect. No procurement is perfect. We believe that given the scope of services on G-Cloud there is far less chance of missing suppliers than through traditional procurement methods. Moreover, G-Cloud is faster and cheaper and there are no 'lock-in' contracts.

Do I have to issue MEAT criteria to suppliers? If I don't how do I ensure I'm not open to challenge?

You do not have to issue your MEAT criteria. You are assessing suppliers based

on the tenders they have already submitted. You are responsible, as with any procurement, to apply the MEAT criteria fairly.

That said, if you wish to issue those criteria and weightings to suppliers to assist them in understanding where to provide the most/best information, then you are free to do so. The question to ask is "what will get me the best outcome?"

If I do send out an RFI how do I know who to send it to and who not to? Do I have to send it to every G-Cloud supplier?

We advise that a scope/requirements document is only issued when suppliers have insufficient information on the CloudStore to perform the assessment. However, this should be a last resort and only issued when short-list stage is complete.

If a supplier / piece of software is on G-Cloud can I just find it and buy it?

No. Just like any procurement you must define requirements in a generic way, except where there is a specific technical need such as compatibility with pre-existing systems.

If a supplier has almost all the things I want but not quite, can they just add an element to their offering?

No. Suppliers can add detail to their tendered service but they cannot materially change it on any given framework. However, this is one reason G-Cloud Frameworks are re-run regularly.

If you have a requirement that absolutely cannot be met by the suppliers on the G-Cloud framework you should tell the G-Cloud team and we will include it in the next round of market warming. It will generally be the case that it's quicker to wait for the next G-Cloud procurement than it is to run your own OJEU; it's also cheaper for everyone as G-Cloud does it on behalf of the whole of the public sector.

- end -