



Checklist - Contractual follow-up procedure for requirements and award criteria on last-mile transportation of publicly procured goods

Introduction

This is a guidance document meant to complement and be used along with the joint criteria for demand of vehicles on biogas, electricity, and hydrogen for last-mile transportation of publicly procured goods and services. The guidance document provides a structure and templates for contracting authorities on how to perform contractual follow-up and address potential supplier deviations on the minimum requirements and the award criteria.

Note that writing in red is text that must be adapted by the contracting authority to fit the individual organizational needs and specifications in the tender.

1. Contractual follow-up

It is important to check that the supplier meets the contractual requirements for transport, including using the vehicle technology they stated they would use when submitting their tender. Below is a proposal for following up with the supplier during the contract period, which can be used both when minimum requirements and/or award criteria have been set.

When signing the contract or at the start-up meeting with the supplier, the plan for contract follow-up should be reviewed. The plan should be incorporated into internal procedures to ensure that the activities are carried out. The figure contains an example of a responsibility matrix for all activities in contractual follow-up. The flow chart below provides an overview of the contractual follow-up process.



2. Vehicle reporting

It is planned to request self-reporting at the following times:

- 6 months after the start of the contract
- First contract year
- Second contract year
- Third contract year
- Fourth contract year

The dates do not have to correspond to the date of contract commencement, but can be adapted to the company's annual cycle, or a specific time each year can be set for following up transport requirements in all relevant contracts. A form has been created to be sent to the supplier ('Vehicle reporting') for completion, as well as a template for the letter text that can be used when sending it. The same text and form can be used for all reporting dates. The correct date for the period to which the report applies must be entered in the letter text, e.g. from the date of contract conclusion to the date 6 months after contract conclusion.



Suggested wording of letter/e-mail notification to supplier:

Submission of vehicle reports

In accordance with contract [name and/or contract no.] between [Client] and [Supplier], the Supplier shall provide statistics on all vehicles used under the contract, cf. [reference to the relevant section of the contract]. This report covers the period [dd.mm.yyyy – dd.mm.yyyy]

The Supplier is requested to complete the attached Excel form 'Vehicle Report' and return it to the signatory within [date, e.g. 2 weeks from dispatch]. If you have any questions or uncertainties regarding the completion of the form, please contact the signatory as soon as possible.

Kind regards

[Contract Manager/Client]

Evaluation of "Vehicle reporting"

There is an evaluation form ('Evaluation of vehicle reporting') associated with the reporting form. The evaluation form is for *internal use only* and should not be sent to the supplier. In the evaluation form, the following must be done in the 'Evaluation of vehicle reporting' tab:

- Copy in the supplier's response to the award criterion when submitting the tender
- Select the correct reporting period and unit of measurement specified in the competition
- Copy the supplier's vehicle reporting

Once this has been done, the form will show whether there are any negative discrepancies between the tender submitted and the reporting provided, and any percentage discrepancies between the binding tender and the reporting provided.

The form can also be used if minimum requirement A has been applied (requirement that all transport under the contract must be carried out using vehicles powered by electricity, hydrogen, or biogas). Instead of copying and adding the tender offer, set the proportion of attendances/assignments to 100% for each of the contract years.

The reporting form should be checked to ensure that the specified vehicle and fuel type are correct

Please note that the requirements in the contract apply per year. For the first report after six months, there is therefore no requirement for the supplier to meet the proportion of zero-emission attendances/assignments, as the contract has only been in effect for six months. However, it can provide a good indication of how the supplier is performing early in the contract period and will give the client insight into the plan for phasing in new vehicles if there are significant deviations from the submitted tender. It is also useful to initiate procedures for reporting and measurement by both the client and the supplier.

Example: If a supplier has submitted a tender stating that they will use a proportion of battery-electric, biogas and hydrogen vehicles that is equal to or less than 50%, they may, in principle, use 100% fossil



fuel transport for the first six months if they use 100% BEV, biogas and hydrogen transport for the last 6 months of the year. However, there will be significant deviations if the evaluation form is used.

3. Reaction

Based on the percentage of non-conformities shown in the evaluation form, different responses to the supplier are planned. Each response has an accompanying template for a reply letter that can be used and adapted as desired.

In the case of minor deviations (i.e. < 10%), a response letter for minor deviations is sent to the supplier with a request that the supplier correct the deviations by the next reporting date.

In the case of moderate deviations (i.e. 10-30%), a response letter for moderate deviations is sent to the supplier, requesting that the supplier submit a plan for correcting the deviations.

This plan must then be reviewed to check whether it is realistic and will lead to the deviations being corrected.

In the case of major deviations (i.e. >30%), a response letter for major deviations is used, in which the supplier is summoned to a meeting to explain the deviations and present a plan for correction. The specified intervals for whether the deviations are minor, moderate, or major are indicative and can be adapted to the needs of the business or what seems appropriate in the individual contract. The annual checks must be seen in context; if the supplier has deviations in several consecutive reports, this should result in stricter reactions than for similar deviations in a single report.

Reaction	Wording of letter/e-mail
A – no or minor deviations (for instance >10%)	Result of checking transport requirements in contract: no or minor deviations Referring to self-reporting submitted in accordance with contract [name and/or contract no.] between [Client] and [Supplier]. The self-reporting revealed a minor deviation of x% between the actual use of vehicles in the contract and the tender submitted in the competition. For each year of the contract's duration, you are obliged to follow the transport schedule with the specified proportion of vehicle use of electricity, hydrogen, and biogas. We would like to draw your attention to the current status and request that the deviation be corrected so that there is no deviation from the submitted tender at the next reporting date. Kind regards
B: moderate deviation (e.g. 10-	[Contract Manager/Client]



30%)	<p>Result of control of transport requirements in contract: moderate deviation Refers to self-reporting submitted in accordance with contract [name and/or contract no.] between [Client] and [Supplier].</p> <p>The self-reporting revealed a medium deviation of x% between the actual use of vehicles in the contract and the tender submitted in the competition. For each year of the duration of the contract, you are obliged to follow the transport schedule with the specified proportion of vehicle use of electricity, hydrogen, and biogas.</p> <p>We request that you submit a plan to rectify this deviation within [date, e.g. 1 week from dispatch].</p> <p>The plan for rectifying non-conformities must include an overview of which vehicles are to be used in the contract instead of existing vehicles. The overview must at least include registration numbers, fuel technology, and the date of phasing in. If there are circumstances beyond your control that result in deviations from the transport plan submitted in the tender, please attach documentation of this. The plan for rectification must ensure that you comply with the transport plan in the tender submitted by the next reporting date.</p> <p>Kind regards [Contract Manager/Client]</p>
C – major deviation (e.g. >30%)	<p>Result of control of transport requirements in contract: major discrepancies Referring to the self-report submitted in accordance with the contract [name and/or contract no.] between [Client] and [Supplier].</p> <p>The self-reporting revealed a significant deviation of x% between the actual use of vehicles in the contract and the tender submitted in the competition. For each year of the contract's duration, you are obliged to follow the transport schedule with the specified proportion of vehicle use of vehicles powered by electricity (BEV), hydrogen, and biogas. We request a meeting where you present the reasons for this deviation and a plan for rectification.</p> <p>The plan for rectifying the deviation must include an overview of which vehicles are to be used in the contract instead of the existing vehicles. The overview must at least include registration numbers, fuel technology, and the date of phasing in. If there are circumstances beyond your control that cause deviations from the transport plan submitted in the tender, we request that you attach documentation of this. The plan for rectification must ensure that you comply with the transport plan in the tender submitted by the next reporting date.</p> <p>The meeting will be held [place, date, time, any other meeting details].</p> <p>Kind regards [Contract Manager/Client]</p>



If the plan for rectifying non-conformities submitted by the supplier appears inadequate or implausible, consideration should be given to requesting further documentation on the circumstances. This could, for example, be a plan for new driving routes for the vehicles, or documentation of orders for new vehicles. If the plan for rectification is not followed, consideration should be given to using the sanctions available in the contract, such as daily fines. Assessments of the use of sanctions should always be made in consultation with a lawyer. If there is reason to believe that the supplier's self-reporting is incorrect, on-site inspection of transport at the locations specified in the contract should be considered.

Overview of tasks: Contract follow-up transport requirements

Phase	Activity	When	Who
Contract signing	Review expectations and self-reporting forms with suppliers. Use the submitted quotation form as a basis and save it as a reference for the case.		
Responsibilities and procedures	Fill in the activities in this form as part of your regular contract follow-up routines or alternatively use this form and fill in the dates and responsible person. Save the case and add a reminder to your calendar or similar		
Vehicle-reporting 1st time (6 months after contract signing)	Send out requests for delivery of vehicle reports from suppliers. Use the email template and form.		
Assessment	Receive vehicle reports and copy the responses into the evaluation form. Check for deviations from the submitted offer: e.g. < 10%: minor deviation e.g. 10-30%: moderate deviation e.g. >30%: major deviation Follow up based on the degree of deviation		
Reaction A: minor deviation	In the event of minor deviations:		



	<p>Inform the supplier of any deviations found and request that they be corrected immediately so that there are no deviations at the next contractual follow-up. Use the template for response letters for minor deviations.</p>		
Reaction B: Moderate deviation	<p>In the event of a moderate deviation: Request a detailed response from the supplier with a plan for rectifying the deviation. Check that the plan will result in a change that puts the supplier on track in accordance with the transport plan in the submitted tender. Use the template for response letters for moderate deviations.</p>		
Major deviations	<p>In the event of major deviations: Request a meeting with the supplier to investigate the reason for the deviations, as well as a plan for correcting them. Make sure that the plan effects a change, so the supplier is on track in accordance with the transport plan in the submitted offer. Use the template for response letters for major deviations.</p>		
Inspection report	<p>Save the inspection report on the case. Remember to note any follow-up points.</p>		
Vehicle reporting 2nd time (1 year after contract signing)	<p>Send out requests for delivery of Vehicle reporting from suppliers.</p>		



	<p>Use the email template and form. Carry out assessment and follow-up in the same way as after the first reporting.</p>		
<p>Vehicle reporting 3rd time (2 years after contract signing)</p>	<p>Send out requests for delivery of Vehicle reporting from suppliers. Use the email template and form. Carry out assessment and follow-up in the same way as after the first reporting.</p>		
<p>Vehicle reporting 4th time (3 years after contract signing)</p>	<p>Send out requests for vehicle reporting from suppliers. Use the email template and form. Carry out assessment and follow-up as after the first reporting.</p>		
<p>Vehicle reporting 5th time (4 years after contract signing)</p>	<p>Send out requests for vehicle reporting from suppliers. Use the email template and form. Carry out assessment and follow-up as after the first reporting.</p>		



TREASoURcE



Funded by
the European Union