

SCHEDULE 5 - PERFORMANCE AND MONITORING

PERFORMANCE REQUIREMENTS

1 PERFORMANCE FRAMEWORK

1.1 Overview

- 1.1.1 Figure 1 below illustrates the Performance Measurement Framework that sets out how Performance Standard Failures will be dealt with under the Contract.
- 1.1.2 If the Contractor fails to meet any of the Performance Standards set out in this Schedule 5 this will amount to a Performance Standard Failure. Where a single incident or event causes more than one (1) Performance Standard Failure the Councils shall apply only one (1) Performance Standard Failure the selection of the most relevant Performance Standard shall be at the Councils' absolute discretion and shall apply Performance Points and, if applicable, Performance Deduction, to the selected Performance Standard only.
- 1.1.3 Subject to paragraph 1.1.2 above, where a Performance Standard Failure has been detected which has no Rectification Period the Councils shall apply the Performance Points and relevant Performance Deduction set out in this Schedule 5. These will be applied in accordance with Part 6 of Schedule 4 (Payment Mechanism) and the relevant Monthly Service Report.
- 1.1.4 Performance Standards (as listed in Tables 3A, 3B, 3 and 4 of this Schedule 5) marked with (R) may be subject to a Ratchet if they reoccur within the same Contract Year in accordance with Part 6 of Schedule 4 (Payment Mechanism).
- 1.1.5 Subject to paragraph 1.1.2 above, where a Performance Standard Failure is detected, which has a Rectification Period the Councils shall apply the Performance Points relevant to the Performance Standard as set out in this Schedule 5 but no Performance Deduction shall be payable unless the Contractor fails to rectify the Performance Standard Failure within the initial Rectification Period. Following any such failure to rectify the Councils shall apply the relevant Performance Deduction as set out in this Schedule 5.
- 1.1.6 If the Contractor rectifies the Performance Standard Failure within the initial Rectification Period the Contractor shall be subject to Performance Points

only and shall not be subject any Performance Deduction and the Performance Standard Failure shall come to an end.

1.1.7 If a Performance Standard Failure continues beyond the applicable initial Rectification Period then further Performance Points will be applied and any such Performance Deductions will accrue for each subsequent Rectification Period that has elapsed until the earlier of:

- (a) the Performance Standard Failure being rectified; and
- (b) the Contract is terminated in accordance with Clause 83 (Termination on Contractor Default) of the Contract.

1.1.8 The initial Rectification Period shall run from the earlier of:

- (a) the time the Contractor detects a Performance Standard Failure or the time at which the Contractor ought reasonably to have been aware of the Performance Standard Failure; and
- (b) the time at which the Councils notify the Contractor of a Performance Standard Failure provided always that where such notification has not been provided in writing the Councils shall, within a reasonable period of time, provide the Contractor with a written confirmation of such Performance Standard Failure, and such written confirmation shall include the time of the initial notification under this paragraph 1.1.8(b). For the avoidance of doubt, the Performance Standard Failure shall be deemed to have commenced from the time of the first notification under this paragraph 1.1.8(b),

and each subsequent Rectification Period shall run on a rolling basis from the expiry of the previous Rectification Period until the earlier of the date on which:

- (a) the Performance Standard Failure is rectified; and
- (b) the Contract is terminated in accordance with Clause 83 (Termination on Contractor Default) of the Contract.

1.1.9 Where the Contractors' Performance Standard Failure results in the accumulation of € or more Performance Points or € or more in Performance Deductions in any consecutive twelve (12) Month period following the

Service Commencement Date, the Councils will issue a performance warning to the Contractor. Where the Contractors' performance results in the accumulation of _____ or more Performance Points or _____ or more in Performance Deductions in any consecutive twelve (12) Month period following the Service Commencement Date the Councils shall have the right to terminate the Contract in accordance with Clause 83 (Termination on Contractor Default) of the Contract.

- 1.1.10 The Contractor shall record the evidence that the Performance Standard is being met or identification of any Performance Standard Failure and its subsequent rectification at the specified Monitoring Frequency as set out in this Schedule 5.

Figure 1 – the Performance Measurement Framework

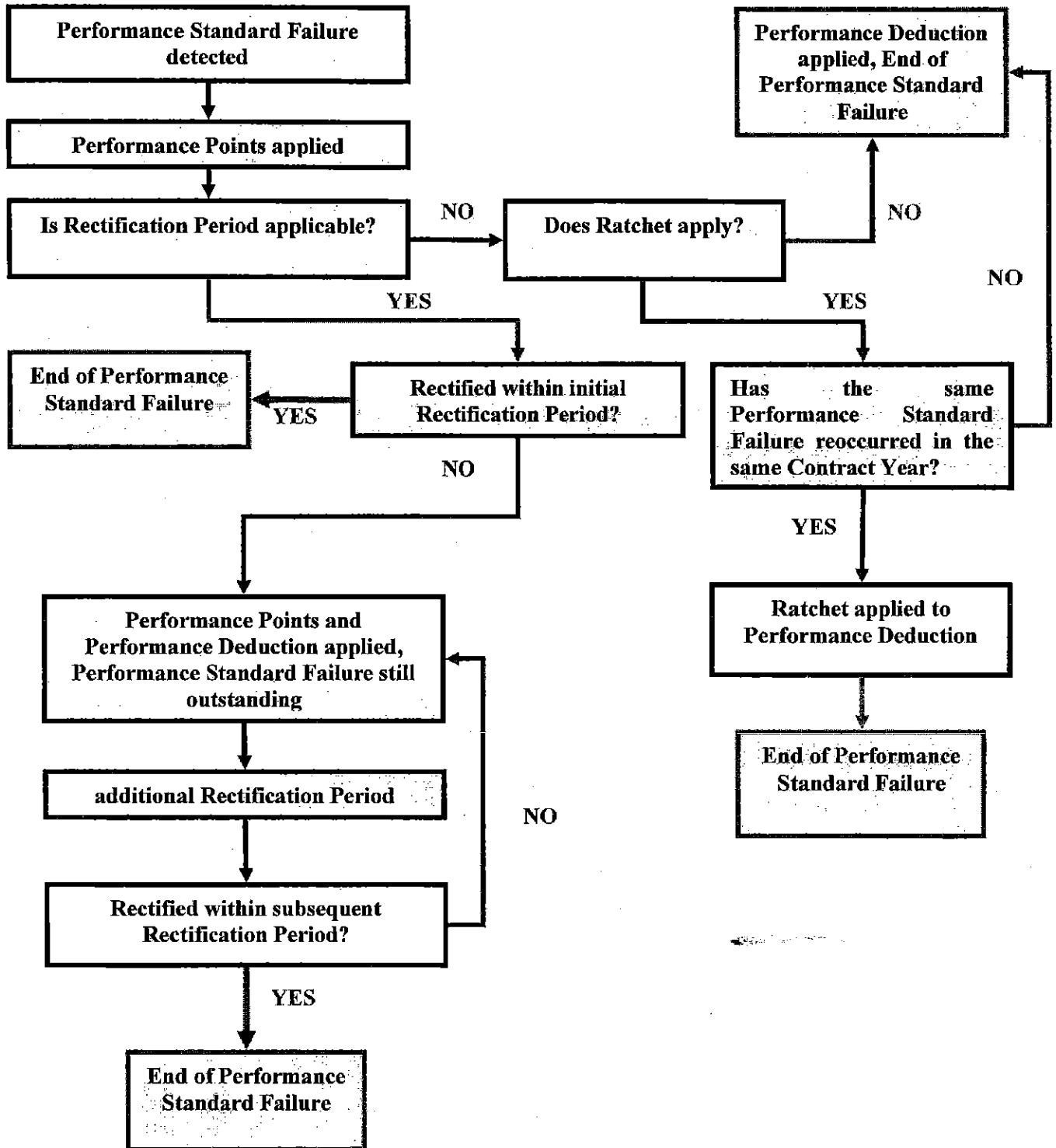


Table 1 shows the Performance Deductions (including Commissioning Performance Deductions and Interim Service Performance Deductions) and Performance Points applicable to each Service Deduction Category

Service Deduction Category	Performance Deductions in £¹	Performance Points
A	1	50
B	1	30
C	1	10
D	1	5
E	1	1
Warning	1	2,600
Termination	1	3,500

¹ Indexed in accordance with Table 2 of Part 2 of Schedule 4 (Payment Mechanism)

Table 2a: Service Deduction Categories specific to Turnaround Times for Refuse Collection Vehicles

<p>Turnaround Time Deductions - Refuse Collection Vehicles</p>	<p>_____ indexed in accordance with Table 2 of Part 2 of Schedule 4 (Payment Mechanism) for times of over 15 minutes up to and including 20 minutes</p> <p>_____ indexed in accordance with Table 2 of Part 2 of Schedule 4 (Payment Mechanism) for times of over 20 minutes up to and including 25 minutes</p> <p>_____ indexed in accordance with Table 2 of Part 2 of Schedule 4 (Payment Mechanism) for times of over 25 minutes up to and including 30 minutes</p> <p>_____ indexed in accordance with Table 2 of Part 2 of Schedule 4 (Payment Mechanism) for times of over 30 minutes</p> <p>For Turnaround Times the total Turnaround Time Deductions are capped at _____ per Day.</p>
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Table 2b: Service Deduction Categories specific to Turnaround Times for Non-Refuse Collection Vehicles

<p>Turnaround Time Deductions - Non-Refuse Collection Vehicles</p>	<p>_____ indexed in accordance with Table 2 of Part 2 of Schedule 4 (Payment Mechanism) for times of over 25 minutes up to and including 30 minutes</p> <p>_____ indexed in accordance with Table 2 of Part 2 of Schedule 4 (Payment Mechanism) for times of over 30 minutes up to and including 35 minutes</p> <p>_____ indexed in accordance with Table 2 of Part 2 of Schedule 4 (Payment Mechanism) for times of over 35 minutes up to and including 40 minutes</p> <p>_____ indexed in accordance with Table 2 of Part 2 of Schedule 4 (Payment Mechanism) for times of over 40 minutes</p> <p>For Turnaround Times the total Turnaround Time Deductions are capped at _____ per Day.</p>
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Performance Standards tables

See Tables 3A, 3B, 3 and 4 below for Performance Standards.

During the Commissioning Period this Table 3A will apply:

Table 3A Commissioning Performance Standards						
Reference to Performance Standard (as set out in Part 3 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Service Deduction Category	
paragraph 6.3 paragraph 6.4 (R)	Facility open at the times stated	Not rectifiable	per closure occurrence - Ratchet only applied on a new Day	notification of failure	D	
paragraph 6.11	achieve Turnaround Time	Not rectifiable	per vehicle	notification of failure	see additional Performance Deductions specific to Turnaround Times set out in Tables 2a and 2b above	
paragraph 13.1 (R)	Councils' approval of external communications	Not rectifiable	per press release	notification of failure	C	

Table 3A Commissioning Performance Standards

Reference to Performance Standard (as set out in Part 3 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Service Deduction Category
paragraph 22.2	provide, implement and maintain health and safety method statements	Not rectifiable	24 hours	receipt of information	C

During the Interim Service Period this Table 3B will apply:

Table 3B Interim Service Performance Standards						
Reference to Performance Standard (as set out in Part 3 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Service Deduction Category	
paragraph 6.3 paragraph 6.4 (R)	Facility open at the times stated	Not rectifiable	per closure occurrence - Ratchet only applied on a new Day	notification of failure	D	
paragraph 13.1 (R)	Councils' approval of external communications	Not rectifiable	per press release	notification of failure	C	
paragraph 22.2	provide health and safety method statements for the Facilities and any Contingency Delivery Point	Not rectifiable	24 hours	receipt of information	C	

During the Service Period this Table 3 will apply:

Table 3 - Performance Standards during the Service Period						
Reference to Performance Standard (as set out in Part 3 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Service Deduction Category	
paragraph 3.5	the Contractor has undertaken the relevant Waste Composition Audits	1 Month	per occurrence/quarterly	review of Contractor's electronic records from Monthly Service Report	C	
paragraph 3.6	the Contractor has submitted its report and results of 3.5 to the Councils	5 Business Days	per occurrence	review of Contractor's electronic records from Monthly Service Report	C	
paragraph 4.2	produce and review a Mobilisation Plan	5 Business Days	per occurrence/monthly	on occurrence	D	
paragraph 4.3	implement and comply with Mobilisation Plan	24 hours	continuously	on occurrence	C	

Table 3 - Performance Standards during the Service Period

Reference to Performance Standard (as set out in Part 3 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Service Deduction Category
paragraph 4.4	the Contractor has developed and agreed a Contingency Plan	5 Business Days	per occurrence	receipt of Contingency Plan	A
paragraph 4.6	the Contractor has notified the Councils prior to implementing the Contingency Plan	Not rectifiable	per occurrence	record of notification prior to implementation	D
paragraph 4.7	the Contractor has updated the Contingency Plan	5 Business Days	per occurrence	receipt of updated Contingency Plan	B
paragraph 4.7	the Contractor has implemented and complied with the Contingency Plan	Not rectifiable	per occurrence	Monthly Service Report	A
paragraph 5.4	provision and updating of information boards	5 Business Days	per occurrence	vision and inspection	E
paragraph 6.1 (R at each Facility)	Non-Conforming Waste isolated and stored separately as per the Waste Acceptance Protocol within	Not rectifiable	per occurrence after 2 hours	visual and inspection	C

Table 3 - Performance Standards during the Service Period

Reference to Performance Standard (as set out in Part 3 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Service Deduction Category
	1 hour of identification where safe to do so				
paragraph 6.1	the Contractor has complied with the Waste Acceptance Protocol	1 hour	per occurrence	visual and inspection	C
paragraph 6.3 paragraph 6.4 (R)	Facility open at the times stated	Not rectifiable	per closure occurrence. Ratchet only applied on a new Day.	notification of failure	D
paragraph 6.6	accept waste outside Normal Opening Hours	30 mins	per occurrence	notification of failure	C
paragraph 6.9	provide access for Councils' Representatives	30 mins	per occurrence	notification of failure	D
paragraph 6.11	achieve Turnaround Time	Not rectifiable	per vehicle	notification of failure	see additional Performance Deductions (set out in Tables 2a and 2b above) to Turnaround

Table 3 - Performance Standards during the Service Period

Reference to Performance Standard (as set out in Part 3 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Service Deduction Category
					Times
paragraph 6.13.3	supply details of Landfill sites and Necessary Consents	5 Business Days	annually	Service Delivery Plan	D
paragraph 6.13.4	update the Service Delivery Plan with any changes or substitution of Landfill sites	5 Business Days	annually	Annual Service Report	D
paragraph 7.1 paragraph 7.2	prepare implement and review a Traffic Management Plan	5 Business Days	quarterly/per occurrence	receipt of plan	D
paragraph 7.3	comply with the Traffic Management Plan	Not rectifiable	per occurrence/daily (failure to adhere to the Site Waste Management Plan)	notification of failure	C
paragraph 7.4	clear, visible and well maintained facility signage	24 hours	weekly	vision and inspection	E
paragraph 8.1	vehicles have appropriate	Not rectifiable	per vehicle	notification of failure	C

Table 3 - Performance Standards during the Service Period

Reference to Performance Standard (as set out in Part 3 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Service Deduction Category
	documentation				
paragraph 8.2 paragraph 8.6	all outputs are transported using vehicles and netted/sheeted	Not rectifiable	per vehicle	notification of failure	C
paragraph 8.7	provide and maintain corporate livery	1 Month	per occurrence	notification of failure	E
paragraph 8.8	not cleaning and maintaining fleet in accordance with the Service Delivery Plan	24 hours	per occurrence	notification of failure	D
paragraph 8.10	vehicles under the Contractors' control adhere to approved routes	Not rectifiable	per occurrence	notification of failure	E
paragraph 9.1.1	Contract Waste priority over Third Party Waste	Not rectifiable	daily	notification of failure	A
paragraph 9.1.2	knowingly accept Third Party Waste that could lead to reputational damage	Not rectifiable	per occurrence per contract	notification of failure	C

Table 3 - Performance Standards during the Service Period

Reference to Performance Standard (as set out in Part 3 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Service Deduction Category
paragraph 9.1.3	priority of Contract Waste vehicles	Not rectifiable	per vehicle	notification of failure	D
paragraph 9.2	prepare implement and review Non-Contract Waste Plan	5 Business Days	annually	Annual Service Report	D
paragraph 10.1	security of Facility	Not rectifiable	failure to adhere to the Service Delivery Plan (x), daily, per facility	notification of failure	D
paragraph 10.2	operate and maintain CCTV system as per the Service Delivery Plan	4 hours	per occurrence	Monthly Service Report	D
paragraph 10.2	store and make available CCTV recordings	Not rectifiable	per recording	notification of failure	C
paragraph 11.2 (R)	delivery to unauthorised end user	Not rectifiable	per delivery	notification of failure	B
paragraph 11.4	prepare, implement and review a Marketing Plan	5 Business Days	annually	Annual Service Report	D

Table 3 - Performance Standards during the Service Period

Reference to Performance Standard (as set out in Part 3 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Service Deduction Category
paragraph 11.5	comply with Marketing Plan	Not rectifiable	per week	notification of failure	C
paragraph 12.1	assist Councils with community liaison	7 Days	per occurrence	notification of failure	E
paragraph 12.2 paragraph 12.3 paragraph 12.4	provision of Visitor arrangements and consumables	30 mins	per occurrence	notification of failure	D
paragraph 12.4 and 12.5	maintenance of Visitor arrangements	24 hours	per occurrence	notification of failure	D
paragraph 12.6	Contractor to arrange staff availability for Visitors, conduct tours etc	30 mins	per occurrence	notification of failure	C
paragraph 13.1 (R)	Councils' approval of external communications.	Not rectifiable	per press release	notification of failure	C
paragraph 13.2	communicate as requested and/or	48 hours	per occurrence	notification of failure	D

Table 3 - Performance Standards during the Service Period

Reference to Performance Standard (as set out in Part 3 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Service Deduction Category
paragraph 13.3	provide information to support communications				
paragraph 14.1.1 and 14.1.3	develop implement and maintain a Complaints Procedure	5 Business Days	monthly	Monthly Service Report	C
paragraph 14.2 (R)	comply with Complaints Procedure	Not rectifiable	per complaint	notification of failure	D
paragraph 15.2	provide, review and maintain the Management Information System	5 Business Days	monthly	Monthly Service Report	E
paragraph 15.3	ability to interrogate the Management Information System	1 Day	per occurrence	notification of failure	D
paragraph 15.6	inspect, monitor, weigh and electronically record to support the Councils' statutory requirements	Not rectifiable	continuously	notification of failure	E
paragraph 15.7	contingency manual recording of waste vehicles	Not rectifiable	per occurrence	notification of failure	E

Table 3 - Performance Standards during the Service Period

Reference to Performance Standard (as set out in Part 3 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Service Deduction Category
paragraph 15.8 (R) (monthly)	accuracy and completeness of the Monthly Service Report	Not rectifiable	5 Business Days	Monthly Service Report external assessment audit	C
paragraph 15.10	submit the Annual Service Report	10 Business Days	annually	receipt of Annual Service Report	C
paragraph 15.10	accuracy and completeness of the Annual Service Report	Not rectifiable	20 Business Days	Annual Service Report external assessment audit	D
paragraph 15.12	provision of written evidence to the Councils in support of service reports	1 Business Day	per occurrence	receipt of information	D
paragraph 15.13	provide information for Councils' public relations activities	Not rectifiable	per request	receipt of information	D
paragraph 15.14.1	Management Information System interface with Councils' systems	10 Business Days	10 Business Days	receipt of information	D

Table 3 - Performance Standards during the Service Period

Reference to Performance Standard (as set out in Part 3 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Service Deduction Category
paragraph 15.14.4	preservation of Management Information System records	Not rectifiable	per occurrence	receipt of information	D
paragraph 15.15	Management Information System shall record information to produce required reports	Not rectifiable	continuously	notification of failure	E
paragraph 15.16	notify the Councils of claims or legal proceedings	1 hour	per occurrence	notification of failure	B
paragraph 16.1	24 hour availability	30 minutes	per occurrence	none contactable	C
paragraph 16.3	provide, implement and update Emergency call out procedure	5 Business Days	monthly	Monthly Service Report	C
paragraph 16.3	comply with Emergency call out procedure	Not rectifiable	per emergency	notification of failure	D
paragraph 17.1 paragraph 17.2	complete Planned Maintenance in accordance with agreed Schedules	1 Month	monthly	Monthly Service Report	E

Table 3 - Performance Standards during the Service Period

Reference to Performance Standard (as set out in Part 3 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Service Deduction Category
paragraph 18.1 paragraph 18.2	develop an Environmental Impact Control Plan including all procedure and actions	1 Month	per occurrence	receipt of plan	D
paragraph 18.1 paragraph 18.3	maintain, update and compliance with the latest version of the Environmental Impact Control Plan	7 Days	monthly	Monthly Service Report	E
paragraph 19.1 paragraph 19.2 paragraph 19.3	provision of sufficient personnel and sufficient reserve of personnel	1 Day	per occurrence	notification of failure	D
paragraph 19.4	provision of personnel information	1 Business Day	per occurrence	notification of failure	E
paragraph 19.5	develop, implement and maintain annually personnel procedures	10 Business Days	annually	receipt of report	D
paragraph 19.6	disclosure of convictions	1 Business Day	per occurrence	notification of failure	D

Table 3 - Performance Standards during the Service Period

Reference to Performance Standard (as set out in Part 3 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Service Deduction Category
paragraph 19.7					
paragraph 19.8	implement and maintain personnel procedures and training	5 Business Days	monthly	Monthly Service Report	E
paragraph 19.9					
paragraph 19.10					
paragraph 19.11	employees appropriately attired	1 hour	per occurrence	notification of failure	D
paragraph 19.12	compliance with the Staff Code of Conduct	Not rectifiable	daily	notification of failure	C
paragraph 20.1	implement a Quality Management System	1 Month	per occurrence	receipt of certification	D
paragraph 20.1	comply with the Quality Management System	Not rectifiable	1 Month	notification of failure	E
paragraph 21.1	implement an Environmental Management System	1 Month	per occurrence	receipt of certification	D
paragraph 21.1	comply with the Environmental	Not rectifiable	1 Month	notification of failure	D

Table 3 - Performance Standards during the Service Period

Reference to Performance Standard (as set out in Part 3 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Service Deduction Category
	Management System				
paragraph 21.3	notice or reports relating to failure of Necessary Consents	Not rectifiable	24 hours	notification of failure	A
paragraph 21.4	failing to clean site in accordance with the Service Delivery Plan	2 hours	continuously	notification of failure inspection	D
paragraph 21.5 paragraph 21.6 paragraph 21.7	remove and dispose of the litter in accordance with the Service Delivery Plan	1 hour	continuously	notification of failure inspection	E
paragraph 21.11	publish an Annual Environmental Report	5 Business Days	annually	Annual Environmental Report	D
paragraph 22.2	provide, implement and maintain health and safety method statements	Not rectifiable	24 hours	receipt of information	A

Table 3 - Performance Standards during the Service Period

Reference to Performance Standard (as set out in Part 3 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Service Deduction Category
paragraph 22.2 (R per occurrence)	comply with health and safety method statements	Not rectifiable	24 hours	notification of failure inspection	D
paragraph 22.3	arrange health and safety inspections of all Facilities etc. every 12 Months	1 Month	annually	Annual Service Report	C
paragraph 22.3	provide health and safety report to the Councils within 20 Business Days	1 Business Day	annually	provision of report	E
paragraph 22.4	maintain health and safety staff training records	1 Business Day	per occurrence	provision of records	E
paragraph 25.1	comply with requests for information	48 hours	per occurrence	notification of failure	D
paragraph 25.2	review, report and update operational practices and processes	1 Month	monthly	Monthly Service Report	D

Table 3 - Performance Standards during the Service Period

Reference to Performance Standard (as set out in Part 3 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Service Deduction Category
paragraph 25.3	paragraphs 25.3.1 and 25.3.4 access to information	5 Business Days	per occurrence	notification of failure	D
	paragraphs 25.3.2, 25.3.3, 25.3.5 and 25.3.6 attendance at meetings	Not rectifiable	per occurrence	notification of failure	D

Table 4 - Handback Performance Standards

Table 4 - Handback Performance Standards

Reference to Performance Standard (as set out in Part 5 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Performance Deduction Category
paragraph 1.1	develop Handback Plan/taking account of Councils comments	5 Business Days	annually	receipt of plan	B
paragraph 1.2					
paragraph 1.3					
paragraph 1.4	review and revise Handback Plan	5 Business Days	per occurrence	receipt of plan	C
paragraph 1.5	comply with Handback Plan	7 Days	monthly	Monthly Service Report during last 24 Months of the Contract	C
paragraph 3.1					
paragraph 3.2	provision of training/software	5 Business Days	per occurrence	receipt of training and associated peripherals	A
paragraph 3.3					
paragraph 4.1	transfer all Necessary Consents by the end of the Contract Period	5 Business Days	monthly	Monthly Service Report during last 24 Months of the Contract	A

Table 4 - Handback Performance Standards

Reference to Performance Standard (as set out in Part 5 of Schedule 1 (Output Specification))	Description of Performance Standard	Rectification Period	Monitoring Frequency	Performance Standard monitoring and reporting process	Performance Deduction Category
paragraph 4.2 paragraph 4.3	prepare an Aftercare Plan	5 Business Days	monthly	Monthly Service Report during last 24 Months of the Contract	C