

SCHEDULE 1

Output Specification and Performance Measurement Framework

Part 2 – Performance Measurement Framework

This is Schedule 1 comprising the Output Specification and Performance Measurement Framework for the provision of waste services to Cumbria

between

CUMBRIA COUNTY COUNCIL

and

SHANKS CUMBRIA LIMITED



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1. **PERFORMANCE MEASUREMENT FRAMEWORK**

- 1.1 The Performance Criteria to be applied to the Service are set out in Table 2 to this Schedule 1 Part 2 (Performance Measurement Framework).
- 1.2 The Contractor shall, at all times, monitor and accurately record its performance of the Services against each of the Performance Criteria in accordance with the Contractor's Monitoring and Performance Reporting Plan.
- 1.3 For each failure to meet a Performance Criteria by reference to the Performance Criteria Monitoring Methodology ("Performance Failure") the Contractor will be awarded Performance Points and a Performance Deduction in accordance with this Schedule 1 Part 2 (Performance Measurement Framework).
- 1.4 A Performance Failure shall be deemed to have occurred on the earlier of:-
 - 1.4.1 the time at which the Contractor becomes aware of the Performance Failure;
 - 1.4.2 the time at which the Contractor ought reasonably to have been aware of the default, having regard to its obligations in respect of monitoring and inspection; or
 - 1.4.3 the time at which the Authority Representative notifies the Contractor of the Performance Failure.
- 1.5 The Contractor shall record each Performance Failure on the ISMS for read only access by the Authority, no later than the day following the Performance Failure. The Contractor shall notify the Authority's Representative of each Performance Failure as part of the Monthly Monitoring Report.
- 1.6 The Performance Measurement Framework will apply in full for the duration of the Contract Period from the Commencement Date but for the avoidance of doubt, no Performance Deductions or Performance Points will be incurred by the Contractor during the first two (2) Months of the Contract Period.
- 1.7 The Contractor shall upon reasonable written request by the Authority's Representative attend one (1) meeting during each Contract Month to discuss a Performance Failure.
- 1.8 **Rectification**
 - 1.8.1 For certain Performance Failures there is a Rectification Period.
 - 1.8.2 Each Performance Failure which has a Rectification Period shall be deemed to continue until it is recorded as having been rectified on the ISMS.
 - 1.8.3 The Contractor shall in respect of each Performance Failure record the relevant Deduction Category on the ISMS, and, if applicable, identify if it is a Second Failure, Third Failure, Fourth Failure or Subsequent Failure (as such failures are determined in accordance with paragraph 1.8.4).
 - 1.8.4 In the event that a Performance Failure is not rectified within the Rectification Period a Second Failure shall be deemed to occur at the expiry of that Rectification Period and for as long as that Performance Failure remains unrectified another failure (a Third Failure, a Fourth Failure or a Subsequent Failure, as applicable) shall be deemed to occur at the expiry of each

subsequent period equal to the Rectification Period. In each case an additional allocation of Performance Points and Performance Deductions shall be applied at the rates set out in the relevant Deduction Category.

- 1.8.5 In the event that a Fourth Failure occurs (due to the Performance Failure continuing beyond a period equal to three consecutive Rectification Periods) in respect of a Performance Failure which has a Deduction Category of C, such Performance Failure shall be deemed to have a Deduction Category of B from the date of the Fourth Failure until the Performance Failure has been rectified.
- 1.8.6 In the event that a Fourth Failure occurs in respect of a Performance Failure which has a Deduction Category of D, such Performance Failure shall be deemed to have a Deduction Category of B from the date of the Fourth Failure until the Performance Failure has been rectified.
- 1.8.7 For the avoidance of doubt, paragraphs 1.8.4, 1.8.5 and 1.8.6 above shall apply only in relation to Performance Criteria that have a Rectification Period of greater than "none".

1.9 **Performance Failure Rectification Plan**

- 1.9.1 The Contractor shall within five (5) Working Days of a written request from the Authority's Representative, or such longer period as may be agreed in writing by the Authority's Representative and the Contractor's Representative each acting reasonably, produce and submit a Performance Failure Rectification Plan for any Performance Failure which has not been rectified within the first or any subsequent Rectification Period and falls within Deduction Categories A or B. The general requirements for producing and complying with the Performance Failure Rectification Plan are set out in paragraph 1.9.4 below.
- 1.9.2 If a Performance Failure Rectification Plan is not implemented to the reasonable satisfaction of the Authority's Representative within the Rectification Period defined in such Performance Failure Rectification Plan, then the Authority's Representative may require a further Performance Failure Rectification Plan from the Contractor.
- 1.9.3 The Performance Measurement Framework shall continue to apply to any Performance Failures which occur during the implementation of the Performance Failure Rectification Plan, unless the Authority's Representative specifically states that the Performance Measurement Framework shall not apply.
- 1.9.4 The Performance Failure Rectification Plan shall as a minimum set out:-
 - (a) the date of the Performance Failure Rectification Plan;
 - (b) the date by which the Contractor considers it appropriate for the Authority to review the implementation of the Performance Failure Rectification Plan, having regard to (as a minimum):-
 - (i) the nature of the Performance Failure;
 - (ii) the amount of information contained in the Performance Failure Rectification Plan; and

- (iii) any additional expertise that may be required by the Authority to review the Performance Failure Rectification Plan;
- (c) the proposed Rectification Period;
- (d) a description of the Performance Failure;
- (e) a detailed methodology including proposed activities and outputs;
- (f) the resources required including plant and Personnel;
- (g) any proposed extra monitoring or reporting frequencies; and
- (h) any contingency arrangements that the Contractor proposes to put in place during the period identified in the proposed Rectification Period.

1.9.5 Following receipt of the Performance Failure Rectification Plan submitted by the Contractor the Authority shall either:-

- (a) propose specific modifications to the Performance Failure Rectification Plan; or
- (b) accept the Performance Failure Rectification Plan.

1.9.6 In the event that the Authority either fails to accept the Performance Failure Rectification Plan or fails to propose any specific modifications to the Performance Failure Rectification Plan within the later of:-

- (a) ten (10) Working Days; or
- (b) such period as is reasonably and properly identified by the Contractor pursuant to the Performance Failure Rectification Plan; or
- (c) such other period as is agreed by the Parties,

then the relevant Rectification Period proposed by the Contractor pursuant to paragraph 1.9.4(c) for the relevant Performance Failure shall be deemed to be the proposed Rectification Period.

1.9.7 In the event that the Authority, acting reasonably, proposes any specific modifications to the Performance Failure Rectification Plan, the Contractor shall consider such modification and either resubmit the Rectification Plan as modified or demonstrate to the satisfaction of the Authority acting reasonably as to why such modifications are inappropriate or unreasonable.

1.10 **Monitoring**

1.10.1 The Authority shall be entitled, at its own cost, to undertake its own assessment and monitoring in seeking to verify the accuracy of submissions made to it by the Contractor in respect of the Performance Measurement Framework.

1.10.2 Should the Authority identify a Performance Failure that has not been recorded on the ISMS, then the Authority shall serve a notice on the Contractor setting out the details of the Performance Failure (a "Service Failure Notice"). On

receipt of a Service Failure Notice the Contractor shall record the Performance Failure on the ISMS.

- 1.10.3 In the event that the Contractor disputes a Performance Failure set out in a Service Failure Notice, the parties shall discuss the Performance Failure at the next monthly meeting. If the matter is not resolved, it shall be determined under the Dispute Resolution Procedure.

TABLE 1 - PERFORMANCE FAILURE DEDUCTION CATEGORIES

		First Failure	Second Failure	Third Failure	Fourth Failure onwards
Deduction Category	Type	Performance Points	Performance Points	Performance Points	Third Failure levels will continue to apply until the Performance Failure has been rectified
A	Critical	15	22.5	30	
B	Important	7.5	11	15	
C	Necessary	1	3	5	Pursuant to paragraph 1.8 of Schedule 1 part 2, any Fourth Failure shall be deemed to be a Performance Failure B instead of a C or D and shall be deemed to be a First Failure, Second Failure, Third Failure etc for Deduction Category B until rectified
D	Routine	0.5	1.5	3	

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
	Service Output 1	Authority Support				
1	4.1	Staff and manage a promotional tour (up to a total of six (6) per calendar year), given five (5) Working Days' written notice by the Authority's Representative or such longer notice period as agreed between the Parties, of the Waste Management Facilities as per paragraph 4.1 of the Output Specification unless a planned tour is not possible due to health & safety issues as set out in reasonable detail by the Contractor's Representative.	Per Incident	B	None	Each failure to staff and manage a promotional tour of a Waste Management Facility as per paragraph 4.1 of the Output Specification within five (5) Working Days' written notification by the Authority's Representative or such longer timescale as agreed by the Parties, unless a planned tour is not possible due to health & safety issues as set out in reasonable detail by the Contractor's Representative. This criteria shall not apply prior to the relevant Service Availability Date.
2	4.3.1/4.3.2/ 4.3.3	Comply with the Branding Strategy as per paragraph 4.3.2 of the Output Specification, as set out in the SDP.	Per Incident	D	3 Working Days	Each failure to comply with the Branding Strategy as per paragraph 4.3.2 of the

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
						Output Specification, in accordance with the Branding Strategy, as set out in the SDP. This criteria shall not apply prior to the first anniversary of the Commencement Date.
3	4.4.1 4.5.7 6.4.10 7.1.5 8.1.3 8.5.1 9C.2.1	Review, and update if required, all documents comprising the SDP by 1 st May each year, or within twenty (20) Working Days of a change having been authorised under the Agreement, and provide the same to the Authority's Representative in accordance with the Review Procedure.	Per Incident	C	10 Working Days	Each failure to provide the Authority's Representative with a reviewed, or if required, updated SDP by 1 st May each year, or within 20 Working Days of a change having been authorised under the Agreement. This criteria will not apply prior to 1 May 2010.
4	4.4.1 4.4.2 4.4.5	Comply with the Contractor's Complaints Management Procedure as set out in the SDP.	Per Incident. No more than three counting incidents per Site per day	B	1 Day	Each failure to comply with the Contractor's Complaints Management Procedure, as set out in the SDP.
5	4.4.3	Make readily available to site users and the Authority, a site record book as per paragraph 4.4.3 of the Output Specification.	Daily per Facility	C	1 Day	Each failure to make the site diary available to site users and the Authority at a

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
						Waste Management Facility and TS.
6	4.4.4	Maintain and make readily available to Personnel and the Authority, a site diary book as per paragraph 4.4.4 of the Output Specification.	Daily per Facility	C	1 Day	Each failure to make the site record book available to the Authority and Personnel at a Waste Management Facility and TS, or for such site record book to be kept up to date with complaints and relevant incidents.
7	4.4.6	Adhere to the Code of Conduct-Engagement with the Public excluding PC8 below.	Per Incident	C	None	Each breach in respect of the failure to follow the Code of Conduct-Engagement with the Public excluding breaches of PC8.
8	4.4.6	Adhere to the Code of Conduct-Engagement with the Public to prevent the selling of any waste at a Waste Management Facility and/or misuse of resources.	Per Incident	B	None	The sale of waste or misuse of resources at a Waste Management Facility.
9	4.5.1, 4.5.2, 4.5.6	The Contractor shall comply with the Community Liaison Plan as set out in the SDP.	Per Incident	C	3 Days	Each failure to comply with the Community Liaison Plan as set out in the SDP.

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
10	4.5.8	Make available an appropriate representative at Advisory Panel forums pursuant to paragraph 4.5.8 of the Output Specification.	Per Request	D	1 Working Day	Each failure to provide an appropriate representative to meet with the Advisory Panel forum for a period of up to two (2) hours within ten (10) Working Days' notice of the forum meeting provided that there is no more than one (1) meeting per week.
11	4.5.10	Produce media in languages other than English at the reasonable request of the Authority's Representative providing that the requirement is not more onerous than the Authority's own policy and the Authority has made its own translation services available to the Contractor at cost in accordance with paragraph 4.5.10 of the Output Specification except when caused by an act or omission of the Authority or an Authority Related Party.	Per Request	C	10 Working Days	Each failure by the Contractor to produce media in a language other than English in accordance with paragraph 4.5.10 of the Output Specification within a reasonable timescale to be agreed between the parties. Where the Authority has access to translation services and makes them available to the Contractor a failure will not occur if it is due to the act or omission of the Authority or an Authority Related Party.

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
12	4.5.11	Make available representatives of the Contractor, pursuant to paragraph 4.5.11 of the Output Specification.	Per Incident	C	2 Working Days	Each failure to provide an appropriate representative to meet with community representatives for a maximum of two (2) hours, following ten (10) Working Days' notice from the Authority, subject to a maximum of three (3) meetings per Month.
13	4.5.14	Distribute at HWRCs information developed and provided by the Authority, as reasonably requested by the Authority's Representative.	Per day per HWRC	D	1 Day	Each failure to distribute information provided by the Authority at HWRCs, as reasonably requested by the Authority's Representative.
14	4.5.15	Provide and update information boards, at each HWRC as per paragraph 4.5.15 of the Output Specification.	Monthly per site	D	5 Days	Each failure to provide and update information boards at HWRC's as per paragraph 4.5.15 of the Output Specification.
	Service Output 2	Reception, transfer, treatment and disposal				
15	5.1.4	Copy to the Authority's Representative the EP for each and every Landfill Site used for the delivery of the Services, and any	Per Incident	C	5 Working Days	Each failure to copy to the Authority's Representative a EP for a Landfill Site

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
		subsequent modifications within one (1) month of their receipt by the Contractor.				within one (1) month of its receipt by the Contractor, or to submit any modifications to a permit already in place within one (1) month of their receipt by the Contractor.
16	5.1.6	Achieve turnaround time of no greater than thirty (30) minutes for Authorised Vehicles delivering Contract Waste to a Landfill Site, weighbridge to weighbridge except when caused by an act or omission of the Authority or an Authority Related Party. Where loads contain a number of waste streams the thirty (30) minute turnaround times shall apply to each separate waste stream.	Per Vehicle	D	None	Each Authorised Vehicle incurring a turnaround time at a Landfill Site that is greater than thirty (30) minutes measured weighbridge to weighbridge except when caused by an act or omission of the Authority or an Authority Related Party. Provided where loads contain a number of waste streams the turnaround times shall apply to each separate waste stream.
17	5.2.2	Obtain and copy to the Authority the Necessary Consents for each TS and any subsequent modifications.	Per Request	B	5 Working Days	Each failure to copy to the Authority's Representative a copy of the Necessary Consents for the TS, thirty (30) days prior to its use by

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
						the Contractor, or failure to submit any modifications to a Necessary Consent already in place within one (1) month of their receipt by the Contractor.
18	5.1.8 5.2.3	Authorised Vehicles delivering Contract Waste to a Landfill Site and TS shall be given equal priority to other vehicles at all times.	Per Vehicle	C	None	Each failure to give an Authorised Vehicle equal priority to other vehicles at a Landfill Site or TS.
19	5.2.4	Achieve a turnaround time of no greater than fifteen (15) minutes for Authorised Vehicles at the TS, weighbridge to weighbridge, except when caused by an act or omission of the Authority or an Authority Related Party.	Per Vehicle	D	None	Each Authorised Vehicle incurring a turnaround time at a TS that is greater than fifteen (15) minutes measured weighbridge to weighbridge except when caused by an act or omission of the Authority or an Authority Related Party.
20A	5.2.6	Ensure the security of the TS site in accordance with Good Industry Practice.	Per Incident	C	None	Each failure to ensure the security of the TS site in accordance with Good Industry Practice.

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
20B	5.2.6	Ensure the safe movement of vehicles and pedestrians within the TS site during Opening Hours in accordance with the Traffic Management Plan.	Per Incident	B	None	Each failure to ensure the safe movement of vehicles and pedestrians within the TS site during Opening Hours in accordance with the Traffic Management Plan.
21	5.2.6	Provide a CCTV Monitoring Service as set out in the SDP at the TS during Opening Hours.	Per Incident	C	1 hour within Opening Hours	Failure to provide the CCTV Monitoring Service as set out in the SDP during Opening Hours for a period in excess of one (1) hour save for where this is due to circumstances outside of the Contractor's control.
22	5.2.7	Ensure that all waste processing treatment and product storage takes place within confined or enclosed spaces at the TS and ensure that such areas are provided with ventilation and systems to ensure insects, dust and odours are controlled as required by the relevant Necessary Consent.	Per Incident	B	1 hour if the Performance Failure occurs during Opening Hours or four hours if the failure occurs outside Opening Hours	Failure to process waste and product storage within confined or enclosed spaces and/or failure to ensure that such areas are provided with ventilation and systems to ensure insects, dust and odours are controlled as required by the relevant Necessary Consent.

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
23	5.2.12	Ensure that all Authorised Vehicles and Contractor Vehicles permitted to exit a TS are not in a condition which could result in the deposit of any detritus on the highway or allow the escape of any waste material provided drivers of Authorised Vehicles follow Contractor's verbal instructions.	Per Incident	C	None	Each occasion where an Authorised Vehicle or Contractor Vehicle carrying Contract Waste exits a TS in a condition which results in the deposit of detritus on the highway or allows the escape of any waste material save for where a driver of an Authorised Vehicle fails to follow a verbal instruction from the Contractor.
24	5.2.14	Submit to the Authority as a Submitted Item a SDP for a TS at least six (6) months prior to the relevant Availability Date for the TS as set out in paragraph 5.2.14 of the Output Specification.	Per Incident	A	1 week	Failure to submit to the Authority as a Submitted Item a SDP for a TS at least six (6) months prior to the relevant Availability Date for the TS as set out in paragraph 5.2.14 of the Output Specification.
25	5.3.1	All Necessary Consents for each Resource Park and any subsequent modifications to such Necessary Consents shall be copied to the Authority in accordance with paragraph 5.3.1 of the Output Specification.	Per Incident	B	5 Working Days	Each failure to copy to the Authority a Necessary Consent or a modification to a Necessary Consent for a Resource Park in accordance with paragraph

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
						5.3.1 of the Output Specification.
26	5.3.2	Authorised Vehicles delivering Contract Waste to a Resource Park shall be given equal priority to other vehicles at all times.	Per Vehicle	C	None	A failure to give Authorised Vehicles equal priority to other vehicles at all times.
27	5.3.4	Take reasonable steps to ensure the security of a Resource Park and the safe movement of vehicles and pedestrians within a Resource Park site during Opening Hours in accordance with health and safety legislation and Good Industry Practice.	Per Incident	B	None	Failure to take reasonable steps to ensure the security of a Resource Park site and the safe movement of vehicles and pedestrians within the Resource Park Site during Opening Hours in accordance with health and safety legislation and Good Industry Practice.
28	5.3.4	Provide the CCTV Monitoring Service as set out in the SDP at the Resource Park during Opening Hours.	Per Incident	C	1 hour within Opening Hours	Failure to provide the CCTV Monitoring Service as set out in the SDP during Opening Hours for a period in excess of one (1) hour save for where this is due to circumstances outside of the Contractor's control.

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
29	5.3.6	Provide assistance as is reasonably required to assist the Authority and Authority Related Parties in the unloading of Contract Waste commensurate with the design and operation of the Resource Park as set out in the SDP (subject to the Authority and any Authority Related Parties' obligations to ensure that Authorised Vehicles are properly staffed, operated and maintained).	Per Incident	B	None	Failure to provide assistance to the Authority or an Authority Related Party to unload Contract Waste as set out in the SDP (save for where the Authority or the Authority Related Party did not ensure that the Authorised Vehicle was properly staffed, operated and maintained).
30	5.3.7	Ensure that all vehicles permitted to exit a Resource Park are not in a condition which could result in the deposit of any detritus on the highway or allow the escape of any waste material provided drivers of Authorised Vehicles follow the Contractor's verbal instructions.	Per Vehicle	C	None	Each occurrence where a vehicle is allowed to exit a Resource Park in a condition which results in the deposit of any detritus on the highway or allows the escape of any waste material save for where a driver of an Authorised Vehicle fails to follow a verbal instruction from the Contractor.
31	5.3.8	Ensure Authorised Vehicle turnaround time at a Resource Park or a facility used for the disposal of Specific Waste Items of fifteen	Per delivery	C	None	Each Authorised Vehicle incurring a turnaround time at a Resource Park or a

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
		(15) minutes as per paragraph 5.3.8 of the Output Specification, weighbridge to weighbridge save to the extent caused by an act or omission of the Authority or an Authority Related Party.				facility used for the disposal of Specific Waste Items, but only where such a facility has a weighbridge, that is greater than fifteen (15) minutes measured weighbridge to weighbridge save to the extent caused by an act or omission of the Authority or an Authority Related Party.
32	5.5.2 5.5.3 5.5.4 5.5.5	Receive Contract Waste at the Interface Sites outside the Opening Hours at the request of the Authority's Representative providing the request is made by the Authority's Representative and agreed in accordance with the Output Specification.	Per request	A	30 minutes during Opening Hours	Each failure to receive Contract Waste at an Interface Site outside the Opening Hours following request of and agreement with the Authority's Representative in accordance with the Output Specification.
33	5.6.1	Implement, operate and comply with Authorised Vehicle Acceptance Procedure, excluding PC 33 below, as set out in the SDP.	Per delivery	C	None	Each occurrence when the Contractor fails to comply with the Authorised Vehicle Acceptance Procedure, excluding PC 33 below, as set out in the SDP.
34	5.6.1	Implement, operate and comply with the	Per delivery	B	None	Each occurrence when the

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
		Authorised Vehicle Acceptance Procedure, in relation to the prevention of fraud or misuse of resources.				Contractor fails to comply with the Authorised Vehicle Acceptance Procedure, in relation to the prevention of fraud or misuse of resources as set out in the SDP.
35	5.6.3	Assist in the search for lost property at an Interface Site in accordance with the protocol set out in the SDP following instruction from the Authority.	Per request	C	None	Each failure to search for lost property at an Interface Site in accordance with the protocol set out in the SDP following instruction from the Authority.
36	5.6.4	Failure to comply with the Third Party Vehicle Acceptance Procedure as set out in the SDP.	Per Vehicle	C	None	Each failure to comply with the Third Party Vehicle Acceptance Procedure as set out in the SDP.
	Service Output 3	HWRCs				
37	6.3.1 6.3.2	Maintain the required Opening Hours for each HWRC in accordance with the requirements of paragraph 6.3.1/6.3.2 of the Output Specification save to the extent caused by an act or omission of the Authority or an Authority Related Party.	Per Incident per Site	B	1 hour within Opening Hours	Each closure of a HWRC for a period of 10 minutes or more other than for legitimate health and safety reasons, during the required Opening Hours, with the maximum number

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
						of instances per day per HWRC limited to two save to the extent caused by an act or omission of the Authority or an Authority Related Party. This criteria will not apply in relation to the HWRCs at Frizington, Kendal, Millom and Flusco if failure to maintain the Opening Hours is due to the failure to obtain Necessary Consents or the terms of the Necessary Consents in relation to the named HWRCs.
38	6.4.2	Equip and operate each HWRC with containers available for segregating Contract Waste for disposal, recycling and reuse, in accordance with the SDP.	Per Site Per Incident	D	1 hour within Opening Hours	Each failure to provide containers to separately receive Contract Waste in accordance with the SDP.
39	6.4.3	Ensure each HWRC is designated and authorised for the reception and storage of WEEE including being registered as DCFs.	Per Site	A	1 Month	Each failure to ensure each HWRC is designated and authorised for the reception and storage of WEEE including being registered as DCFs.
40	6.4.9	Assist in the search for lost property at a	Per Incident	C	None	Each failure to provide

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
		HWRC, if necessary, or as instructed by the Authority in accordance with the protocol set out in the SDP.				assistance to search for lost property at a HWRC if necessary or as instructed by the Authority, in accordance with the protocol set out in the SDP.
41	6.4.11	Staff all HWRCs in a manner that, at all times, a minimum of two (2) suitably qualified Personnel are on site and one is nominated to be the lead attendant as set out in the SDP save for where single person working is permitted at a site in accordance with paragraph 6.4.11 of the Output Specification.	Per Incident	B	15 minutes during Opening Hours	Each failure to staff a HWRC in accordance with paragraph 6.4.11 of the Output Specification and/or to ensure that one member of staff is nominated to be lead attendant save for where a single person working is permitted at a site in accordance with the Output Specification.
42	6.5.1 6.5.2	Receipt of Contract Waste only at a HWRC delivered directly by the public except where otherwise expressly permitted in writing by the Authority's Representative and agreed by the Contractor or under the HWRC Permit Scheme.	Per Delivery	A	None	Each receipt of Non-Contract Waste at a HWRC except where expressly permitted in writing by the Authority's Representative and agreed by the Contractor or under the HWRC Permit Scheme.
43	6.7.1 6.7.2	Ensure that all sign layout and sign design including temporary signage at the HWRCs	Per site per day	D	1 Week	Failure to provide signs in accordance with the

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
		is designed, manufactured and installed in accordance with the requirements of the SDP.				provisions of the SDP.
44	6.8	Provide Assisted Services as set out in paragraph 6.8 of the Output Specification.	Per Incident	C	None	Each justified notification by a service user or the Authority's Representative of a failure by the Contractor to provide Assisted Services in accordance with paragraph 6.8 of the Output Specification.
45	6.9.1	Follow the Traffic Management Plan at each HWRC as set out in the SDP.	Per Site	D	1 hour during Opening Hours	Each failure to follow the Traffic Management Plan at a HWRC as set out in the SDP.
	Service Output 4	Marketing and Reclaimed Materials				
46	7.1.3	Carry out operations in a manner that complies with the requirements of the Materials Marketing Plan, as set out in the SDP.	Per Load	C	None	Number of loads of Waste Derived Products that are disposed of or treated by any means other than as set out within the Materials Marketing Plan, as set out in the SDP.

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
47	7.1.3	Notify the Authority's Representative of all alternative Offtakers (including name, location, licence/permit number) within five (5) Working Days of the use of such an Offtaker.	Per Incident	C	5 Working Days	Each failure to notify the Authority's Representative of an alternative Offtaker within five (5) Working Days of the use of such an Offtaker.
48	7.1.10	Ensure that Contract Waste and Waste Derived Products are not transported outside of the UK for the purposes of Landfill disposal.	Per Incident	A	None	Each incident of Contract Waste and/or Waste Derived Products being transported outside of the UK for the purposes of Landfill disposal.
49	7.1.11	Audit operations receiving Reclaimed Materials as set out in the SDP.	Annually per Offtaker	B	1 Month	Each failure to audit an operation receiving processing or disposing of Reclaimed Materials in accordance with the SDP by 1 May each year starting on 1 May 2010.
	Service Output 5	Asset Management and Information				
50	8.1.1	Carry out reactive maintenance as set out in List A of the SDP (Reactive Maintenance Plan)	Per Incident	B	1 Working Day	Failure to carry out reactive maintenance of assets set out in List A of the SDP (Asset Management Plan)

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
51	8.1.1	Carry out reactive maintenance as set out in List B of the SDP (Reactive Maintenance Plan)	Per Incident	D	1 Week	Failure to carry out reactive maintenance of assets set out in List B of the SDP (Asset Management Plan)
52	8.1.4	Maintain all Waste Management Facilities in accordance with the Asset Management Plan and Operation and Maintenance Manual.	Per Incident	B	10 Days	Each failure to carry out a maintenance activity in accordance with the Asset Management Plan and Operation and Maintenance Manual, which is not rectified within twenty (20) days after the scheduled date.
53	8.3.1 to 8.3.3	Weigh and separately record each vehicle load of Contract Waste, Third Party Waste and Waste Derived Products in accordance with paragraph 8.3.1 to 8.3.3 of the Output Specification.	Per Delivery	A	None	Each delivery of Contract Waste, Third Party Waste and Waste Derived Products which has not been separately weighed and recorded in accordance with paragraph 8.3.1 to 8.3.3 of the Output Specification.
54	8.3.4	Provide hard copy of weighbridge tickets to drivers of vehicles transporting Contract Waste and Third Party Waste to or from an Interface Site and request a signature from the driver except where the driver refuses to	Per Delivery	B	None	Each failure to produce a signed weighbridge ticket for a vehicle transporting Contract Waste and Third Party Waste to or from an

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
		sign when requested to do so.				Interface Site excluding where the driver refuses to sign when requested to do so.
55	8.3.6	In the event of breakdown of a weighbridge a manual recording system shall not be operational for more than ten (10) Opening Hours, or such longer period agreed by the Authority acting reasonably or in the event a Special Part is required.	Per Interface Site	B	5 hours during Opening Hours	Operation of a manual recording system for longer than ten (10) Opening Hours or such longer period as agreed by the Authority acting reasonably or in the event a Special Part is required.
56	8.3.9	Weighbridges and measuring equipment are maintained and calibrated by a suitably qualified independent third party in accordance with the manufacturer's guidelines.	Per Incident	A	10 Working Days	Each failure to maintain and calibrate a weighbridge by a suitably qualified independent third party in accordance with the manufacturer's guidelines.
57	8.3.9	Weighbridge and measuring equipment calibration certificates shall be copied to the Authority within five (5) Working Days from the equipment first coming into operational use or being recalibrated.	Per Incident at an Interface Site	D	5 Working Days	Each failure to supply a copy of the calibration certificate for a new weighbridge within five (5) Working Days of the equipment coming into operational use, or being recalibrated.

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
58	8.4.2	Operate and maintain an ISMS as per paragraph 8.4.2 of the Output Specification and the SDP.	Daily	A	24 Hours	Failure to operate an ISMS as per paragraph 8.4.2 of the Output Specification and the SDP, which is not rectified within 24 hours, excluding weekends and bank holidays.
59	8.4.3	Ensure that the ISMS is electronically linked to the weighbridge systems at the Resource Parks.	Daily	A	24 Hours	Each occasion that the ISMS is not electronically linked to the weighbridge systems at the Resource Parks.
60	8.4.5	Ensure that the ISMS accurately identifies and records the amounts and categories of Contract Waste, Third Party Waste and Waste Derived Products delivered to and removed from each Interface Site, HWRC and Contractor Facility used in the delivery of the Service in accordance with paragraph 8.4.5 of the Output Specification.	Per Incident	B	2 Working Days	Failure to ensure that the ISMS accurately identifies and records the amounts and categories of Contract Waste, Third Party Waste and Waste Derived Products delivered to and removed from each Interface Site, HWRC and Contractor Facility in accordance with paragraph 8.4.5 of the Output Specification. If the ISMS is unavailable and unable to record information due to

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
						a technical failure the Contractor shall update the ISMS within one (1) Working Day of such failure being rectified.
61	8.4.6	Following the first anniversary of the Commencement Date, record and report to the Authority in the Monthly Monitoring Report electronic data setting out the usage of the HWRCs by members of the public during Opening Hours.	Daily	C	1 Working Day	Failure to record for more than two (2) Working Days within a month and report to the Authority in the Monthly Monitoring Report electronic data setting out the usage of the HWRCs by the public during Opening Hours. This criteria shall not apply prior to the first anniversary of the Commencement Date.
62	8.4.8	Provide the Authority with all data in accordance with the requirements of 8.4.5(a) of the Output Specification, ensuring that all such data is available for the Authority's use in excel or similar format.	Per Incident	C	1 Working Day	Each failure by the Contractor to provide the Authority's Representative with all data in accordance with the requirements of 8.4.5(a) of the Output Specification in an excel or similar format available for the Authority's use for a continuous period of one

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
						(1) Working Day.
63	8.4.9	Provide audit trails and records to ensure effective monitoring of Contract Waste and its movement through the Interface Site and HWRCs and verification of invoices, timings and reports.	Daily	A	1 Week	Failure to provide an audit trail and records relating to the movement of Contract Waste through the Interface Sites and HWRCs and verification of invoices, timings and reports.
64	8.4.10	Ensure all reports created in the ISMS for the purposes of reporting data and performance to the Authority are in the Agreed Form.	Per Incident	A	3 Working Days	Each failure to report data on the ISMS in Agreed Form.
65	8.4.11	Arrange for an annual internal systems audit of the ISMS in order to verify its accuracy and efficacy in accordance with the SDP.	Annual	A	1 Month	Arrange for an annual internal systems audit of the ISMS in order to verify its accuracy and efficacy by 1 May in each Contract Year starting on 1 May 2010.
66	8.4.12	Record each Performance Failure on the ISMS no later than one day following the occurrence of the Performance Failure.	Per Incident	A	4 hours within Opening Hours	Each failure to record a Performance Failure on the ISMS on the day following the occurrence of the Performance Failure.
67	8.4.14	Notify the Authority's Representative of all	Per Incident	C	1 Working	Each failure notify the

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
		data, evidence and information relating to the Service, within one (1) week of a written request from the Authority's Representative.			Day	Authority of data, evidence and information relating to the Service within one (1) week of a written request from the Authority's Representative.
68	8.4.15/ 8.4.16	Provide, implement and maintain a Monitoring and Performance Reporting Plan to include as a minimum the requirements in paragraph 8.4.17 of the Output Specification.	Per Incident	A	1 Day	Each failure to implement the Monitoring and Performance Reporting Plan including a failure to self monitor its operation and performance of the Services.
69	8.5	Provide training, instruction and manuals on the ISMS to the Authority's Representative and up to three other Authority staff, once per year, as required by paragraph 8.5 of the Output Specification.	Monthly	A	1 Month	Failure to provide the training, instruction and manuals to the Authority's Representative and up to three other Authority staff by 1 May in each Contract Year.
70	8.6	Provide a Monthly Monitoring Report to the Authority's Representative in accordance with paragraph 8.6 of the Output Specification.	Monthly	A	2 Working Days	Each failure by the Contractor to submit to the Authority's Representative the Monthly Monitoring Report within the timescales required by clause 26 of the PA.

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
	Service Output 6	Health Safety and Welfare				
71	9A.1.10	The Contractor shall report to the Authority, within two (2) hours of occurrence, any accident involving a member of the public, provided such accident occurs in the provision of the Services on Waste Management Facilities.	Per Incident	B	1 hour within Opening Hours	Failure by the Contractor to notify the Authority's Representative of an accident involving a member of the public within two (2) hours of the Contractor becoming aware of such an accident and provided such accident occurs in the provision of Services on Waste Management Facilities.
72	9A.1.10	The Contractor shall notify the Authority of all RIDDOR accidents within one (1) Working Day of becoming aware of any accident becoming a RIDDOR reportable accident provided such accident occurs in the provision of the Services on Waste Management Facilities.	Per Incident	B	1 Working Day	Failure by the Contractor to notify the Authority's Representative of a RIDDOR reportable accident within one (1) Working Day of the Contractor becoming aware of any RIDDOR reportable accident provided such accident occurs in the provision of the Services on Waste Management Facilities.

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
73	9A.1.12	To provide all necessary first aid and health and safety equipment and training in its proper use commensurate with statutory requirements.	Per Site	B	5 Working Days	Each failure to provide all necessary first aid, health and safety equipment and training commensurate with statutory requirements.
74	9A.1.13 9B.1.8	To display a copy of the site rules and conditions prominently, at each Waste Management Facility and TS and ensure that copies of the site rules and conditions are visible to all Personnel and visitors.	Per Site	B	1 Day during which the Relevant Site is open	Each failure to display a copy of the applicable site rules and conditions at a Waste Management Facility and TS.
75	9A.1.14 9A.1.18	Provide health, safety and welfare induction and advice to all visitors to the Resource Parks and suitable personal protective equipment ("PPE") to all Personnel and visitors to a Waste Management Facility (excluding members of the public at HWRCs) in accordance with the SDP.	Per Visit	B	1 Day during which the Relevant Site is open	Each failure to provide adequate health, safety and welfare induction and advice to all visitors to the Resource Parks and PPE to Personnel or a visitor to a Waste Management Facility (excluding members of the public at HWRCs) as set out in the SDP.
76	9A.1.15 9B.1.9	Carry out health and safety inspections at each Waste Management Facility and Contractor Facility in accordance with the SDP.	Per Incident	C	1 Working Day	Each failure to carry out a health and safety inspection at any Waste Management Facility and Contractor Facility in accordance with the SDP.

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
77	9A.1.17	Provide and maintain an appropriate range of safety equipment and emergency decontamination facilities at each Waste Management Facility in accordance with the SDP.	Per Incident	B	1 Day	Failure to provide and maintain an appropriate range of safety equipment and emergency decontamination facilities at each Waste Management Facility in accordance with the SDP.
78	9A.2.1	Provide access to all welfare facilities in a clean, hygienic and operational condition including changing rooms, showers, toilets, washing and associated facilities at each of the Waste Management Facilities.	Per Incident	D	1 hour within Opening Hours	A failure to provide the welfare facilities in a clean, hygienic and operational condition at Waste Management Facility within one (1) hour of such failure being brought to the notice of the Contractor.
79	9A.2.2	Maintain and provide all consumables that are reasonably necessary for the welfare facilities at each HWRC.	Per Incident	D	1 hour within Opening Hours	Each failure to maintain and provide consumables in relation the welfare facilities, at each HWRC within one (1) hour of the Contractor becoming aware of the failure.
80	9A.2.3	Provide access to clean and hygienic welfare facilities and two car parking spaces as specified in paragraphs 3.10.1 and 3.10.2 of the Output Specification for use by	Per Incident	D	15 Minutes during Opening Hours	Each failure to provide for use by the Authority at each Resource Park access to clean and

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
		the Authority at each Resource Park.				hygienic facilities and access to two car parking spaces, as specified in paragraphs 3.10.1 and 3.10.2 of the Output Specification within fifteen (15) minutes the Contractor becoming aware of the failure.
81	9A.3.2	Provide the Authority's Representative with any information it reasonably requests in relation to Personnel employed at the Waste Management Facilities within three (3) Working Days of such a request.	Per Incident	D	1 Working Day	Each failure to provide the Authority's Representative with information in relation to Personnel employed at the Waste Management Facilities within three (3) Working Days of such information being requested, or as per an alternative timetable agreed with the Authority's Representative, excluding where such disclosure will put the relevant disclosor in breach of any statutory requirements.
82	9A.3.5 9A.3.6	Ensure that all Personnel engaged in the delivery of the Services at the Waste	Monthly	B	1 Week	Each failure to provide up to date records showing

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
		Management Facilities are properly and adequately trained, qualified, instructed as set out in the SDP and competent to a level commensurate with their duties.				that all Personnel engaged in the delivery of the Services at the Waste Management Facilities are appropriately qualified, trained, instructed (as set out in the SDP) and competent to a level commensurate with their duties.
83	9A.3.8	Ensure each and every member of Personnel at the Waste Management Facilities is dressed in appropriate uniforms and work wear (including protective clothing and footwear where required) and are compliant with the dress code in accordance with the Branding Strategy and the SDP.	Per Incident	D	1 Day during which the Relevant Site is open	Each failure to ensure that a Personnel member at the Waste Management Facilities is dressed in appropriate uniforms and work wear in accordance with the Branding Strategy and the SDP.
84	9A.4.1 9B.4.1	Ensure that each Waste Management Facility and TS is operated in compliance with the Litter Code of Practice and the TS Litter Code of Practice respectively.	Per Incident	D	1 hour during Opening Hours	Each instance at a Waste Management Facility or TS when the Litter Code of Practice or the TS Litter Code of Practice, as appropriate, is not complied with.
85	9A.4.2 9B.4.2	Control, contain and safely dispose of any liquid spillages in accordance with the SDP.	Per Incident	D	1 hour during Opening	Each failure to control, contain and safely dispose

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
					Hours	of any liquid spillages in accordance with the procedure set out in the SDP.
86	9A.4.4	Comply with the Litter Code of Practice and SDP within in accordance with the requirements of paragraph 9A.4.4 of the Output Specification. For the avoidance of doubt this PC shall not apply to the obligation to pick up litter and fly-tipped waste from the access roads to the HWRCs at Millom and Frizzington beyond the 50 metre Site boundary.	Per Incident	D	1 hour during Opening Hours	Each failure to record and remove fly-tipped waste or litter in accordance with the relevant Litter Code of Practice and the SDP in accordance with paragraph 9A.4.4 of the Output Specification excluding a failure to pick up litter and fly-tipped waste from the access roads to the HWRCs at Millom and Frizzington beyond the 50 metre Site boundary.
87	9A.4.6 9B.4.5	Manage each Waste Management Facility and TS in order to minimise statutory nuisance from dust, noise, odour, vermin and flies in accordance with the SDP and the Necessary Consents.	Per Incident	C	1 Day	Each failure to minimise the occurrence of statutory nuisance from dust, noise, odour, vermin and flies in accordance with the procedure set out in the SDP and the Necessary Consents.
88	9B.2	Provide access to clean, hygienic toilets and	Per Incident	D	1 hour during	Each failure to provide

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
		washing facilities suitable for use by the Authority Related Parties at the TS.			Opening Hours	clean, hygienic toilets and washing facilities suitable for use by the Authority Related Parties at the TS.
89	9C.1.1	Maintain in a clean and serviceable condition all Contractor Vehicles as set out in the SDP.	Daily per Contractor Vehicle	D	1 Working Day	Each failure to ensure a Contractor Vehicle is maintained in a clean and serviceable condition in accordance with the standards set out in the SDP.
90	9C.1.2	All Contractor Vehicles are to meet all legal and regulatory requirements at all times.	Daily Per Contractor Vehicle	C	1 Day	Each failure of a Contractor Vehicle to meet all applicable legal and regulatory requirements.
91	9C.1.3	Report all breaches and notices of the Contractor's licence and material road traffic violations to the Authority as soon as reasonably practicable and in any event within at least one (1) month of the incident coming to the attention of the Contractor.	Per Incident	D	2 Working Days	Each failure to report a breach of the Contractor's licence or a material road traffic violation to the Authority as soon as reasonably practicable and in any event within at least one (1) month of the incident coming to the attention of the Contractor.
92	9C.1.4	Ensure that all Contract Waste, Third Party	Per Load	D	1 Hour	Each failure to ensure that

TABLE 2 - PERFORMANCE CRITERIA

No	Paragraph Reference	Performance Criteria (PC)	Monitoring Frequency	Deduction Category	Rectification Period	Performance Criteria Monitoring Methodology
		Waste and Waste Derived Products are transported in enclosed containers or sheeted vehicles as set out in the SDP, unless otherwise agreed by the Authority's Representative acting reasonably.				Contract Waste, Third Party Waste and Waste Derived Products are transported in enclosed containers or sheeted vehicles as set out in the SDP (unless otherwise agreed with the Authority's Representative acting reasonably).
93	9C.2.1	Follow the Fire Safety Plan set out in the SDP.	Per Incident	B	1 Working Day	Failure to follow the Fire Safety Plan set out in the SDP.
94	9C.2.2	Provide and maintain all necessary fire fighting equipment and staff training at each Waste Management Facility commensurate with the mandatory requirements of the fire authority.	Monthly	B	1 Working Day	Failure to provide and maintain necessary fire fighting equipment and staff training at each Waste Management Facility commensurate with the mandatory requirements of the fire authority.