



Mr Crispin Weston  
Managing Director  
Alpha Learning  
New Barn Studios  
Bridport  
Dorset  
DT6 3TN

Carmelite  
50 Victoria Embankment  
Blackfriars  
London EC4Y 0DX

Tel +44 (0)20 7300 7000  
Fax +44 (0)20 7300 7100  
DX 41 London  
www.taylorwessing.com

Date  
9 March 2007

Our reference  
EPM/DTG

Your reference

Dear Mr Weston,

Becta Framework Agreements for Learning Services

We have reviewed the documents provided by you in respect of the procurement exercise conducted by Becta for framework agreements for learning services.

We have written to the European Commission setting out our full analysis of the documents as well as providing substantial supporting evidence. The European Commission will investigate your complaint and, if upheld, will decide to bring infraction proceedings against the United Kingdom government.

As requested we set out below a summary of our views on the merits of your complaint and the legal implications of your complaint being upheld.

We confirm that is our view that there is a serious matter here to be investigated by the European Commission as there is *prima facie* evidence of the following:

- (a) the procurement exercise conducted by Becta for this multi-user framework was flawed and in breach of the principles of equal treatment and transparency;
- (b) the framework to be let is contrary to the original Contract Notice; and
- (c) potential tenderers and suppliers were wrongly excluded at key stages of the procurement exercise.

We confirm also that we have written to the European Commission stating that should your complaint be upheld then:

- (a) no other UK contracting authority can properly or lawfully call off under the flawed framework;
- (b) Becta should terminate the framework, and the procurement exercise should be recommenced in accordance with the original Contract Notice; and



- (c) there is a powerful public interest in the procurement exercise being recommenced as the requirements of the Contract Notice served an important social need.

In view of (i) the public and commercial significance of the framework, (ii) the effect that being excluded from the framework will have on tenderers and suppliers, and (iii) the conduct of Becta during and after the procurement exercise, we believe that this is a case where the limited resources of the European Commission can properly be allocated to investigating whether infraction proceedings should be brought against the United Kingdom government.

Yours faithfully

Taylor Wessing