



# Mystery Shoppers

customer service specialists

## About Mystery Shoppers Ltd

### Who we are, what we do and how we do it

This guide provides information on our company background, methodology, credentials, menu of services and the way we work.

**Mystery Shoppers Ltd**

Tel: 0845 166 4605 Fax: 0845 166 4606

E-mail: [enquiries@mystery-shoppers.co.uk](mailto:enquiries@mystery-shoppers.co.uk)  
[www.mystery-shoppers.co.uk](http://www.mystery-shoppers.co.uk)



## Contents

1. About Us .....	1
Background .....	1
Capability .....	1
The Team.....	2
Client List .....	3
2. Menu of Services .....	4
Mystery Shopping – Site Visit.....	4
Mystery Shopping – Public Transport .....	4
Mystery Shopping – Home Visit .....	4
Mystery Calling.....	4
Video and Audio Mystery Shopping .....	4
Letters, faxes and emails .....	4
Fulfilment Tracking.....	4
Service Recovery .....	4
Competitor Monitor.....	4
Customer Satisfaction Surveys .....	5
Customer Feedback Panel.....	5
Business-to-Business (B2B).....	5
Experience .....	5
Benefits .....	5
Staff Performance Management.....	6
3. The Way We Work.....	7
Agent Profile.....	7
Data Capture .....	7
Visit and Call Reports.....	8
Email and Letter Reports.....	8
Staff Briefing.....	8
Quality Assurance .....	8
Project Start-Up.....	8
Summary Reports .....	9
Presentation .....	9
Staff Briefing.....	9
4. Terms and Conditions 2009.....	10

## 1. About Us

### Background

Mystery Shoppers Ltd was started in 1991 by a group of ex-British Airways customer service managers. Initial programmes were for airlines where Mystery Shoppers provided mystery shopping and in-flight service consultancy as a sub-contractor to Speedwing, British Airways' consultancy and services organisation.

Subsequently Mystery Shoppers moved into non-airline programmes for companies with a high customer service element in their product.

Mystery Shoppers Ltd is a Company Partner of the Market Research Society (MRS) and a member of the MSPA.



*By being a MRS Company Partner, organisations are committing to uphold industry standards and comply with self-regulation. MRS Company Partners endorse and support the core MRS brand values of professionalism, research excellence and business effectiveness, and commit to comply with the MRS Code of Conduct throughout their organisation.*

*The MRS Company Partner Service aims to deliver cost effective support enabling organisations to develop their people and processes, and meet their commitment to research standards. The new service is available to organisations of all types and sizes.*



*The MSPA is the largest professional trade association dedicated to improving service quality using anonymous resources. With over 150 member companies worldwide, our diverse membership includes marketing research and merchandising companies, private investigation firms, training organizations and companies that specialize in providing mystery shopping services. Our member companies work with their clients to establish mechanisms to measure and improve levels of service.*

### Capability

Mystery Shoppers Ltd has a database of over 100,000 agents across the UK, including approximately 30 ex-airline senior in-flight service professionals and hospitality specialists. However, most of our programmes call for agents to be recruited specifically to meet the client's requirements.

A fast growing business area is Mystery Calling where clients wish to monitor and measure their telephone response. We employ a team of between 40-50 home working agents throughout the UK who are equipped with telephone recording equipment for monitoring calls and for our own quality control purposes. We are able to replicate a domestic environment by using background tapes, so we can simulate a busy shop or office if required.

We also have a small team who have a business background in a managerial capacity and are able to simulate business-to-business scenarios.

We have an office outbound and inbound call facility used for those campaigns where home-based callers would not be appropriate.

Mystery Shoppers is not a large organisation working on maximising volume. For us, each project is a specific challenge and we see our relationship with our clients as a partnership where our role is not just to provide data but to work towards our clients' aims and objectives. We bring that consultancy element into play when we discuss the nature of the programme, help clients determine what should be measured and how, advise on the most effective incentive systems and - above all - in the way we analyse the data and provide reports with conclusions and recommendations.

We don't necessarily set out to be the cheapest but we do aim to give excellent value by putting our specialist knowledge and experience at our client's disposal.

**The Team**

Our Managing Director Paul Grafton has (among other academic qualifications and memberships) an MBA from Lancaster University, is a Certified Management Consultant, a member of the Institute of Management Consultants and member of the Market Research Society. This expertise is used to provide deeper insight to our analysis and we feel that illustrates the way we seek to add value for our clients.

The Administrative Centre has 28 full time staff comprising of Client Service Managers, Client Service Administrators, Accounts, Sales and Marketing.

## Client List

It is our policy to preserve the confidentiality of our clients if they so wish, and due to the highly confidential nature of some of our programmes we are unable to provide a complete list of clients.

Past and present clients we can quote by name include:

AA Insurance Services	Field and Lawn (Marquees) Ltd	PFB Self Drive
Aardvark Self Storage	Fisher Productions	Photobox
Abbey Business Centres	Flowerland	Postwatch
AIG Insurance	Foyles Bookshop	Premier Foods
Allen Carr	General Dental Council	PricewaterhouseCoopers
Atlas International	General Medical Council	Promissor Ltd
AXA PPP Healthcare Ltd	Gloster Furniture Ltd	Prontaprint UK
AXA Recruitment	Grant Thornton	Queensmere Shopping Centre
Bare Necessity	Guildford Borough Council	RAPRA Technology Ltd
Basingstoke and Deane BC	Hackney London Borough	Red Bull UK
Bassetlaw District Council	Council	Redditch Borough Council
Bath & North East Somerset	Haskins Group	Research Insight
Council	Headlines	Rivar Ltd
BBC (Freeview)	High Chelmer Shopping Centre	Rockwell Automation
BG Centrica	Holmes Place Health Clubs Ltd	Romford YMCA
Blackpool Council	Ignite Group	Royal Jordanian Airlines
Bottomline Technologies Ltd	Janome UK Ltd	Royal Shakespeare Company
Brent Primary Care Trust (NHS)	John Lewis of Hungerford	Royal Yacht Hotel
Bridge Motorcycles Limited	John Peters Furnishings	Rugby Borough Council
Brighton & Hove City Council	Keepsafe Self-Storage	Scarborough Building Society
British Waterways	Kensington & Chelsea College	ServiceMaster Ltd
Broxtowe Borough Council	King's Lynn & West Norfolk DC	Seymours Garden & Leisure
Capital Hair & Beauty Ltd	Kingston upon Thames LBC	Centre
Carphone Warehouse	Kuwait Airways	Shropshire County Council
Castle Morpeth DC	Latymers Estate Agents	Snap Digital Imaging
Chartered Inst of Mgmt	LCH Generators Ltd	South Bucks District Council
Accountants	Lever Faberge Limited	South Northants Council
Co-Operative Financial Services	Lichfield Borough Council	South Somerset
Classic Hospitals	Lincolnshire County Council	South Staffordshire District
Club Kingswood	Liverpool Victoria Insurance	Council
Commercial Vehicle Direct Ltd	London Borough of Brent	South Staffs District Council
Conoco Phillips	London Borough of Camden	Southwark Borough Council
Copeland District Council	London Borough of Islington	Spelthorne Borough Council
Cotswolds District Council	London Borough of Lambeth	St. John Ambulance
Coventry City Council	London Borough of Lewisham	Survey Solutions
Creation Consumer Finance	London Clubs International	Teleflorist
Crystal Peaks, Sheffield	London South Bank Club	The Howard Centre, Welwyn
Crystal Research	Marlands Shopping Centre	The Inn Company Group Ltd
Daikin Air Conditioning	Merry Maids	The Maltings Centre, St. Albans
Darlington Building Society	Merrys Estate Agents	The Parishes Shopping Centre
Dept for Tnspt, Local Govt &	Mersey Ferries	Tote Direct Ltd
Regions	Merseytravel	Traveline
Derbyshire e-Partnership	MerseyTunnel	Triangle Shopping Centre
Drain Doctor	Midlands Expressway Ltd (M6	Tunbridge Wells Borough Council
Duncan Splitz Hair Salon	toll)	Unilever
East Sussex County Council	Moray Council	Vauxhall
easyJet	Network Rail	Virgin Trains
Encore Personnel Services	NFU Mutual Insurance	Wakefield Metropolitan DC
Limited	North Cornwall District Council	Wandsworth LBC
Endsleigh Insurance Services Ltd	North Lanarkshire Council	Warings Bakery
Enfield Homes	North Somerset District Council	Warwickshire County Council
English Heritage	Northamptonshire CC	Warwick District Council
Epsom & Ewell	Norwich Union	Welwyn & Hatfield Council
ESA (UK market research	Nuneaton District Council	West Dunbartonshire
agency)	Orange	Withers LLP
Exchange Shopping Centre,	PA Consulting	WWF
Putney	Palace Gardens Shopping Centre	Wychavon District Council

## **2. Menu of Services**

We offer a number of services that might be of interest to you, as follows:

### **Mystery Shopping – Site Visit**

Mystery Shoppers visit your premises (or those of retail outlets stocking your products) in order to complete an agreed assessment form. The exact nature will depend on your objectives – we can monitor staff appearance and behaviour, staff response to specific enquiries or actions, security (whether transaction is properly put through the till), premises appearance, stock display, prices, customer facilities etc. A purchase of goods or services may or may not be made. The results can be used for performance management of managers or staff. Video can be used to provide staff with the most comprehensive feedback possible.

### **Mystery Shopping – Public Transport**

As above, but where you operate buses, coaches, trains or planes. We have carried out major projects for both international airlines and rail services.

### **Mystery Shopping – Home Visit**

Where your business offers services delivered in or to the home, we can have an agent order goods or services and monitor delivery in their own homes.

### **Mystery Calling**

We test your organisation's telephone response, be it a telesales group, information or other customer service line. We can call all the lines in your organisation on some pretext to determine whether telephones are being answered in accordance with corporate standards. Calls are recorded and many clients want the recordings provided so that they can be used for feedback and coaching of the staff concerned.

### **Video and Audio Mystery Shopping**

We can covertly video record the customer service experience whilst visiting your premises. Video mystery shopping is the most effective way of actually experiencing how your customers are treated. Video recordings avoid any dispute over what was said or done and are a brilliant coaching or training tool.

We have a professional team of covert video agents that can cover all of the UK and Ireland. Their experiences are captured using state of the art recording equipment and fed back to us within 24 hours of the visit being completed. All of our shoppers are trained and fully briefed on each project and are comfortably able to fill a variety of roles to suit any client's needs.

### **Letters, faxes and emails**

We test your organisation's response to enquiries, orders, and complaints – whatever business issue you wish to measure.

### **Fulfilment Tracking**

We have a large number of addresses that can be used for ordering literature or goods, which can record the date of delivery (and time where necessary), the condition of the package, and then return the goods if required or forward literature to our main office for further assessment.

### **Service Recovery**

How good is your organisation at handling dissatisfied customers? We can measure how well staff respond to complaints and if necessary advise on ways to make sure that as many dissatisfied customers as possible are turned into loyal lifetime customers.

### **Competitor Monitor**

We can benchmark your organisation against nominated competitors in terms of telephone sales, prices, sales visits, customer facilities and customer service levels.

## Customer Satisfaction Surveys

We can call your customers to see how they feel about your services and how satisfied they are with the products and value for money. We can call prospects that have asked for quotations but didn't purchase, to find out why and (if they have purchased from a competitor) what were the key factors in their decision.

## Customer Feedback Panel

We can recruit a panel of customers who are prepared to answer a brief survey form sent periodically by email, in return (for example) for vouchers off their next purchase. This panel could not only provide a regular Customer Satisfaction monitor but could also be sent specific surveys where management needs to gather customer views on proposed service changes or new products.

## Business-to-Business (B2B)

We have a panel of former senior managers (male and female) who can carry out the more complex surveys required of many B2B surveys, be it visits or telephone calls.

## Experience

We have provided services for a range of clients including many household names in a wide variety of industries. We have over 100,000 Mystery Shoppers available based all over the UK and Northern Ireland. We have a group of 40-50 professional Mystery Callers who carry out the majority of telephone surveys.

## Benefits

Some clients use the results of Mystery Shopping programmes as part of their performance management programme by including them in management performance pay criteria, to generate some friendly competition between branches or for periodic rewards such as holidays or shopping vouchers.

- **Branches can be benchmarked** against their nearest local competitors and therefore gain valuable competitive information.
- **Research of current customers** can ensure any service weaknesses are identified and can be addressed before they start causing members to become dissatisfied. Mystery shoppers can identify any problems so they can be rectified before most customers notice them.
- **Research of prospective customers** who didn't purchase and of former customers who appear to have defected can provide valuable data for both marketing and operational management.
- **Sales monitors** by visit and by telephone can help sales staff fine-tune their approach and maximise the chances of converting each prospective customer who contacts the organisation.
- **Email sales monitors** often reveal systems weaknesses that prevent prospective customers receiving a prompt response. The typical young potential customer will use email as the communication medium of choice but many organisations respond less well to email than they do to telephone enquiries.
- **Website monitors** are designed to test usability and basic functionality – they are not a technical evaluation. They show whether a site is user-friendly and whether it is easy and quick for potential new customers to use.

## **Staff Performance Management**

Classic management theory says we should all take time to coach our staff – including managers and supervisors - to give them constructive feedback, to give them a pat on the back when they've done something well and to let them know quickly if there's something they could have done better.

But the real world is not like that. We don't get time to do everything we'd like. And the things which hurt most like operations, sales, costs and legal requirements have to take priority. So staff often get left to do their best and only occasionally, if ever, get told how they are doing.

Even in the rare cases where line managers and local supervisors do have time to monitor staff performance (in a Contact Centre for example) how do you know it's being done rigorously or effectively? Are they taking the line of least resistance because they know that a messy disciplinary will do their careers more harm than a low profile? Are they reporting upward their results, warts and all or are they reporting the results they know you want to see?

The simplest and most cost effective solution is a Mystery Shopping programme designed to act as a staff performance measurement and management tool and as a Continuous Improvement programme. It needn't be huge, it needn't be very expensive and if designed and implemented well staff needn't see it as a threat.

Such a programme will give:

- an overview of the levels of customer service being provided
- an analysis of trends over time
- which issues you needn't worry about and which need urgent attention
- which sub-units are doing well
- which sub-units may need some support
- data which can be used as part of a performance management or reward programme
- any training needs
- where competitors are monitored it can provide a useful benchmark

It can operate at four different levels – at Director level covering the whole organisation, at departmental management level, at unit level (individual branch or depot for example) as well as providing individual staff members with detailed customer-view feedback on their own actual service skills.

And best of all, mystery shopping doesn't need a large sample to be effective!

### 3. The Way We Work

We are first and foremost customer service consultants rather than market researchers, in fact while we do Customer Satisfaction Research we subcontract any market research needed for our programmes.

We believe that Mystery Shopping programmes that just measure service levels are missing an enormous opportunity.

This is because at minimal extra cost a service measurement programme can be used as the basis for a Continuous Improvement Programme. Clients who have worked with us to use mystery shopping as a performance management and improvement tool have in some cases seen dramatic improvements in service levels. Indeed, all of our programmes are designed to provide not only service measurement but also a diagnostic tool and a Training Needs Analysis.

We specialise in using mystery shopping as a staff performance management tool. Programmes set up in accordance with our advice will not only measure service levels provided but will act as a catalyst for improving any areas where service is not as good as required. This method involves several repeated Waves of assessments, with branch managers being encouraged to address three key weaknesses identified by each Wave, in time to ensure the score for that area improves for the next Wave.

We can measure face-to-face customer service as well as service provided by telephone, email, fax, letter and via a website.

#### Agent Profile

Mystery Shoppers Ltd has an extensive panel of over 100,000 Mystery Shoppers across the UK. Agents will be fully aware of the objectives of the programme and fully briefed to act as naturally as possible at all times. They are selected to meet the typical customer profile and are selected for qualities of:

- Initiative (to cope with unexpected events)
- Confidence
- Observation skills
- Attention to detail
- Impartiality
- Ability to write accurate, objective and constructive reports.

Our panel of Mystery Callers includes office-based callers and between 30-40 home-based part-time callers drawn from around the UK, with regional knowledge and accents (including Welsh speakers). They are selected for qualities of:

- Listening skills
- Initiative (to cope with unexpected responses)
- Objectivity (able to distinguish subjective from objective reporting)
- Attention to detail
- Impartiality
- Ability to write accurate, constructive reports

#### Data Capture

Agents making assessments in person are instructed to complete the report form as soon as possible after they have left the premises. For major programmes (especially where speed of delivery of each individual assessment is important) agents complete web forms so that quality checks and delivery to the client by email or on our secure website can if required be achieved within 2 working days of the assessment taking place.

All telephone calls are recorded so that Mystery Callers can complete the Call Report while replaying the recording, which enables them to be accurate and to quote word for word where

necessary. Each call recording can be provided if required so that staff can hear themselves as well as see a copy of the Call Report for calls they handled.

### **Visit and Call Reports**

Each visit will result in an Assessment Report for each separate assessment made. A Call Report will be completed for each call made. Reports can be supplied in a variety of formats.

### **Email and Letter Reports**

Email in particular is a medium which is being used increasingly by all types of customer but the quality, speed and reliability of response by even large and well-known organisations is often very disappointing. As with letters and faxes, we measure the speed and accuracy of response as well as its quality and suitability. We have a large number of email addresses available to us as well as postal addresses all over the UK where we have arrangements for mail to be received and forwarded to us.

### **Staff Briefing**

The most successful programmes are those where staff have been fully consulted, and ideally, involved in designing the assessment forms against which they will be measured. We are happy to provide a manager to attend a staff meeting or branch manager's meeting to 'sell' the programme and answer any misgivings anyone may have about how the programme will work and how objective and fair it will be.

We work on the condition that staff have at some stage been notified that mystery shopping techniques will be used.

### **Quality Assurance**

All visit reports are quality checked by a supervisor to ensure they comply with our own quality standards, that the relevant guidelines have been followed and that they have achieved the objective of the assignment. Different agents are used when a programme calls for multiple visits to the same branch in order to ensure a variety of views and that no single agent can unduly influence the overall result. Where several agents are working on the same project, their results are compared to ensure they are reporting using consistent standards.

A programme of 'duplicate visits' enables supervisors to cross-check agent reports. Agents are given feedback and are subject to our own internal performance management procedures.

A selection of Call Reports from each Mystery Caller is checked against the original recording:

- to ensure they are complete
- to ensure they accurately reflect the content of the call
- to ensure they comply with the agreed scoring guidelines
- to identify any issues which might need communicating immediately
- as part of the performance management of each agent

Again, callers are given feedback on each batch of calls they complete and are subject to our own internal performance management procedures. Their pay includes a bonus element for meeting our quality standards.

### **Project Start-Up**

Once a Project Brief is agreed which ensures that the proposed programme accurately reflects the client's needs, draft documentation for approval will be produced to include:

- Assessment Report forms
- Agent guidelines
- Agent brief
- Assessment schedule
- Assessment scenarios
- Call Report forms
- Caller guidelines
- Caller brief
- Call schedule
- Call scenarios

A short Pilot programme may be used to validate the report forms and ensure the client's objectives are being met.

### **Summary Reports**

These are customised to suit your requirements. Summary Reports can range from just the data tables to a full report and analysis with graphs, charts and summary. They will include trend data and a branch comparison table where appropriate as well as recommendations covering the key issues. Reports can be in the form of PowerPoint presentations or a PowerPoint Slideshow if required. The report can be provided printed and bound, in MS Word, as an Adobe PDF file or on CD-ROM.

### **Presentation**

A Presentation of Findings suitable for the senior management team may be useful, especially after the first Wave and can be provided if required. In order to ensure the involvement and interaction of all managers closely involved in the service delivery, we recommend a workshop-style presentation.

### **Staff Briefing**

It is now a requirement to inform staff that a Mystery Shopping or Mystery Caller exercise is being carried out, and this should include details of what is being measured and what use will be made of the information. Staff must be informed if calls are to be recorded and must be told how the recordings were being used, even if it is only for our own quality control purposes.

Staff do not have to be told when the Mystery Shopping programme will begin or how many visits or calls will be made to each area – a loose time bracket should be fine. Ideally the programme should not start within about 2 weeks of the briefing because a short-term artificial improvement in performance might be created. However, part of the benefit of Mystery Shopping is in producing a greater awareness of the issues being measured, so once the programme is launched, periodic reminders would be appropriate.

In our experience the most effective programmes are where staff are informed and indeed sold the concept of having feedback from customers to help them see how they appear and sound on the telephone to typical customers. Ideally staff should be involved - this might extend to having them agree the report form to be used.

We have a sample article available on request which can be used in a letter or news-sheet.

We are also happy to provide a presentation to managers (or staff) or to be present at such a briefing. In our experience many questions and anxieties which staff or managers may have – especially regarding the principles and theory behind Mystery Shopping – can be answered by ourselves where your own management might not have the answers at their fingertips.

Reports and call recordings (where provided) should be treated as staff confidential documents because they will usually name or otherwise identify members of staff. Call recordings (good examples or poor) should only be played to groups of staff with the express permission of the staff member involved. There should be a clear policy regarding how the reports and recordings should be stored or disposed of when they have been used for feedback. Options include giving them to the staff member to keep, putting them on a staff member's personal file or destroying them in confidential waste or a shredder.

## **4. Terms and Conditions 2009**

### **1. APPOINTMENT**

The Buyer has appointed Mystery Shoppers Ltd to carry out Mystery Shopping Services.

### **2. DUTIES OF MYSTERY SHOPPERS LTD**

2.1 Mystery Shoppers Ltd shall use all reasonable endeavours to provide the Services with reasonable care, skill and diligence and in accordance with current good practice.

2.2 The maximum liability of Mystery Shoppers Ltd in connection with this Agreement shall be limited to the refunding to the Buyer of any sums paid to it hereunder.

### **3. TIME FOR PERFORMANCE**

Time for performance of the Services shall be as agreed from time to time. If Mystery Shoppers Ltd fails to perform any agreed service within any time limits specified by the Buyer, the Buyer shall have the right to require Mystery Shoppers Ltd to remedy such failure within a reasonable time; and if Mystery Shoppers Ltd fails to comply with such a requirement the Buyer shall have the right to terminate the Agreement.

### **4. PRICE AND PAYMENT**

4.1 Where the price is dependent upon time taken, the Buyer shall have the right to inspect all work records and other documentation to satisfy itself that all time has been spent in the provision of the Services.

4.2 Unless otherwise agreed payment for a single project, or Wave of a multi-Wave project, will be made on the basis of set-up, plus 50% of the first wave of fieldwork and any management fees on contract or confirmation, 25% on completion of fieldwork and the remainder on delivery of all reports.

4.3 Mystery Shoppers Ltd will render invoices monthly unless otherwise agreed. The Buyer undertakes to pay invoices within 30 days of the date of the invoice.

4.4 Where information provided by the client is not accurate and leads to extra work or expenses such work and expenses shall be invoiced as if completed.

### **5. EXPENSES**

5.1 Where specifically agreed, the Buyer shall reimburse Mystery Shoppers Ltd for any expenses incurred by Mystery Shoppers Ltd in the performance of the Services.

5.2 Mystery Shoppers Ltd shall if requested submit receipts to support each claim for expenses.

### **6. INTELLECTUAL PROPERTY**

The methodology (including Assessment Forms and Summary Reports) is the intellectual property of Mystery Shoppers Ltd and the Assessment Forms are copyright to Mystery Shoppers Ltd, except where contractual agreement is specifically made to the contrary.

### **7. CONFIDENTIALITY**

7.1 Mystery Shoppers Ltd will not except in the proper course of its duties or as required by law, divulge to any person any trade or business secrets, data covered by the Data Protection Act or any confidential information concerning the Buyer which it obtains during the performance of the Services.

7.2 Mystery Shoppers Ltd shall not publish any matter concerning this Agreement or the internal affairs of the Buyer without the prior written approval of the Buyer.

7.3 Notwithstanding the above Mystery Shoppers Ltd may list (and use the logo of) the Buyer among clients for whom services have been performed.

### **8. TERMINATION**

8.1 This Agreement may be terminated by either party by giving one calendar months' notice to the other.

8.2 In the event of cancellation by the Buyer Mystery Shoppers Ltd shall be entitled to invoice the Buyer for all work carried out, for any expenses arising from cancellation such as cancellation payments to a third party and for 50% of the value of the fees which would have been earned during the remainder of the contract.

8.3 Unless otherwise agreed, and in addition to para 8.2 above, work cancelled within 7 days of the planned start date shall be invoiced at 75% of the fee; work cancelled within 4 weeks of the first day of the month during which fieldwork was planned to start shall be invoiced at 50% of the fee.

### **9. COMMUNICATION**

Any notice required to be given by one party to the other shall be in writing and shall be served by first class post or facsimile or by hand to the registered address of the party or such address as a party may from time to time notify to the other party.

### **10. FORCE MAJEURE**

Neither party shall have any liability or be deemed to be in default for any failure in performance of the Services resulting from force majeure. However, if either party is unable to perform its obligations under the agreement for a period exceeding 30 days then the other party shall be entitled to terminate this agreement by giving notice to that effect to the other.

