

**NHS ROTHERHAM (*enter title of  
procurement*)**

**Memorandum of Information (MOI)**

***What follows is a basic outline of an MOI, which will be adapted to suit the  
topic***

# Table of Contents *(Update this upon completion of the template)*

## **1 PURPOSE, STRUCTURE AND NEXT STEPS FOR BIDDERS**

- 1.1 Purpose of this document
- 1.2 Organisation of this document
- 1.3 Next steps for interested bidders

## **2 INTRODUCTION AND OVERVIEW**

- 2.1 Background to the Procurement
- 2.2 NHS Rotherham location
- 2.3 Who is NHS Rotherham?
- 2.4 Future of NHS commissioning bodies
- 2.5 Scope of Services
- 2.6 Bidder Pool

## **3 PROCUREMENT PROCESS – OVERVIEW**

- 3.1 The procurement process and timeline
- 3.2 Bravo e-sourcing system
- 3.3 Advert and Memorandum of Information
- 3.4 Pre-Qualification Questionnaire
- 3.5 Invitation to Tender
- 3.6 Contract Award
- 3.7 Contract commencement

## **4 COMMERCIAL FRAMEWORK**

- 4.1 The contract

## **5 GOVERNANCE AND ADMINISTRATION**

- 5.1 Procurement Costs
- 5.2 Conflict of interest
- 5.3 Contract Regulations
- 5.4 Non collusion and canvassing
- 5.5 Freedom of Information
- 5.6 Disclaimer

## 1 PURPOSE, STRUCTURE AND NEXT STEPS FOR BIDDERS

1.1 This Memorandum of Information (MOI) is intended to provide an overview of the Rotherham Primary Care Trust (known as NHS Rotherham) procurement for a **XXXXXXXXXXXXXXXXXXXX** and to assist potential bidders in making an informed decision as to whether to proceed in tendering for this requirement

1.2 This document is organised into the following sections:

- purpose and organisation of the document
- background to NHS Rotherham, the purpose of the procurement, the outcomes of the procurement and the types of bidders we are looking to respond
- information relating to the procurement process, the timeline, and the procurement tools used
- the contract; its start date, duration, and other relevant matters specific to this procurement
- details of the key requirements of this procurement

1.3 Next steps for interested bidders

Interested bidders should read this document and the NHS Terms and Conditions of Contract documents relevant to this procurement (NHS conditions of contract for the **XXXXXXXXXXXXXXXXXXXX**) and which appear on the Bravo NHS Rotherham E Procurement portal that will form the basis of the contract between the successful bidder and NHS Rotherham.

## 2 INTRODUCTION AND OVERVIEW

2.1 Background to the Procurement

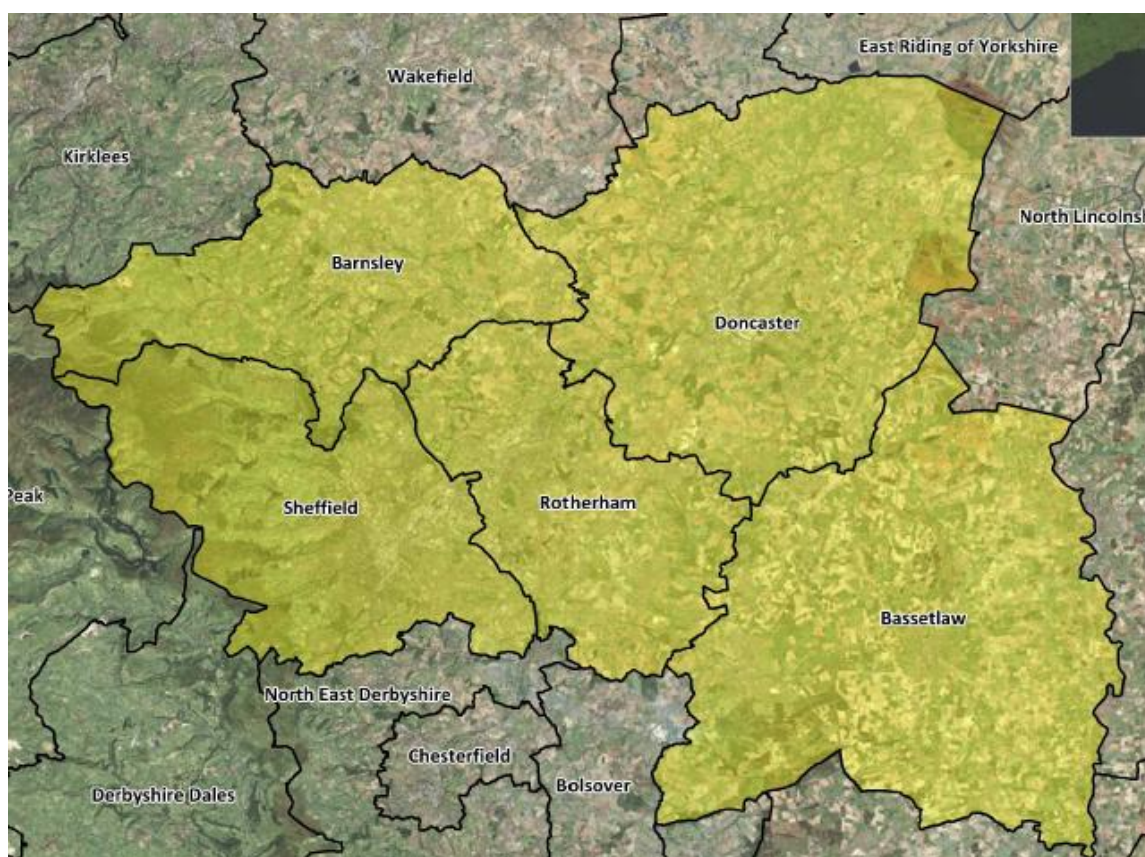
The commissioning PCT for this procurement is NHS Rotherham.

Strategic Health Authority	Cluster	Commissioning PCT
NHS North of England	NHS South Yorkshire & Bassetlaw	NHS Rotherham

**Table 1: Commissioning PCT**

2.2 NHS Rotherham location

A map highlighting the geographical location of the Commissioning PCT, within the NHS South Yorkshire & Bassetlaw Cluster is provided in Figure 1 below:



**Figure 1: Commissioning PCT location**

### 2.3 Who is NHS Rotherham?

NHS Rotherham is currently one of over 100 PCTs in England and is a separate statutory authority in its own right, accountable to the Secretary of State for the 2 key functions of: -

- Improving the health of the local population
- Commissioning services to meet the health needs of the local population

As of 1<sup>st</sup> October 2011, NHS Rotherham was one of the 5 PCTs to form into a Cluster and become NHS South Yorkshire and Bassetlaw. Funding is allocated to NHS Rotherham to undertake the above roles by Parliament via the Department of Health.

NHS Rotherham has a number of contracts with NHS provider trusts and non NHS bodies for patient care, as follows:

- The Rotherham NHS Foundation Trust (for services at the Rotherham General Hospital;
- Sheffield Teaching Hospitals NHS Foundation Trust;

- Rotherham, Doncaster & South Humber Mental Healthcare NHS Foundation Trust;
- Partnership arrangements with the local authority (Rotherham MBC).
- General Practitioners;
- Opticians;
- Community Pharmacists;
- General Dental Practitioners;
- Private & 3<sup>rd</sup> Sector organisations.

## 2.4 Future of NHS commissioning bodies

The coalition government, through its White Paper, *Equity and Excellence: Liberating the NHS* has indicated its vision to abolish Primary Care Trusts by 2013 and replace their healthcare commissioning role by the establishment of GP Consortia. Further details are available on the Department of Health Website at <http://www.dh.gov.uk/en/Healthcare/LiberatingtheNHS/index.htm>

Bidders are therefore reminded that any resulting contract will be established with the Rotherham Primary Care Trust but may, as legislation dictates, be novated to an alternative legal NHS body throughout the life of the contract.

## 2.5 Scope of Services

***Provide a description of the Services that are to be tendered.***

## 2.6 Bidder pool

NHS Rotherham wishes to receive responses to the Pre-Qualification Questionnaire from those suppliers/providers of sound financial standing with experience in xxxxxxxxxxxxxxxxxxxxxxxxx. References may be sought prior to short-listing and these should therefore reflect contracts relevant to this procurement.

**May also need to include information regarding TUPE etc, but will depend on the level of procurement being undertaken**

# 3 PROCUREMENT PROCESS – OVERVIEW

## 3.1 The procurement process and timeline

By following the instructions provided at each stage of the tender process, you will avoid your submission being rejected for being late or incomplete.

As, particularly in the initial stages of a tender, the only information you can be assessed on is that which you provide, it is important that you answer all questions fully and provide as much information as possible.

However, you should not use the tender process as a “vehicle” for the submission of generic company literature and brochures etc, unless we specifically request documents of this nature.

The key dates for this procurement are outlined below. You should note, however, particularly as the procurement progresses these timescales may change. It is therefore provided for information only and is not a definitive guide.

Milestone	Date (complete as appropriate)
Advert published	
MOI and PQQ published	
Deadline for receipt of Expressions of Interest and PQQ submissions	
Completion of PQQ evaluation and communication of result	
Invitation to tender issued	
Invitation to tender return	
Evaluation period completed	
Contract award decision communicated/feedback	
Service commencement	

### 3.2 Bravo e-sourcing system

NHS Rotherham will use the Bravo e-sourcing programme to manage this tender process. Much information regarding the tender will be issued via this medium and it is an accessible resource for all parties to the tender process.

Interested parties must register on the portal; [www.bravosolution.co.uk](http://www.bravosolution.co.uk). As the procurement progresses, **all questions and answers must be directed via the portal and tender submissions must be returned in this manner.**

### 3.3 Advert and Memorandum of Information

#### Advert

In accordance with legislation and best practice, this contract has been advertised in the Official Journal of the European Union (OJEU). **Update this as appropriate to the procurement.**

## Memorandum of Information (MOI)

This document is intended to provide interested parties with sufficient information on which to make an informed decision as to whether to bid for the contract.

It is not an exhaustive document, and does not mirror all the information contained within the Invitation to Tender. Bidders are therefore once again reminded of the importance of reading each document and familiarising themselves with requests within.

### 3.4 Pre-Qualification Questionnaire (PQQ)

All potential bidders wishing to bid for this procurement must respond to the PQQ before the deadline stated within it.

The right to not consider any PQQ received after that date is reserved.

The PQQ document is designed to ascertain the capacity, capability and eligibility of potential bidders. As this part of the process will include short-listing, suppliers/providers are once again reminded to read the document carefully and complete as fully as possible.

Returned PQQs will be evaluated in accordance with the evaluation criteria stated therein and a final short-list of bidders agreed who will be invited to submit their offer.

### 3.5 Invitation to Tender (ITT)

Bidders taken forward to the ITT stage will be issued with the relevant documentation, which will include full details of the requirements, criteria and weightings, contract management, payment terms etc.

The documentation will provide details on the “weightings” of each category upon which your tender will be assessed, and the criteria against which these responses will be scored. These weightings will highlight the importance of each category in the short-listing and awarding of the contract.

ITTs not completed fully and/or not returned in accordance with the instructions contained within or by the deadline may not be considered.

### 3.6 Contract award



All suppliers, successful and otherwise, will be notified of the contract award as soon as the decision is made, subject to any ratification required.

All suppliers will be provided with feedback into the decision and on their own submission should it be requested.

### 3.7 Service commencement

Following the contract award and any standstill period as required by law, the successful bidder will be invited to agree the final contract document with NHS Rotherham with a view to service commencement in **xxxxxxxxxx**.

The contract shall be awarded for a **xxxxxx** year period with the option of a further **xxxxx** year extension.

## 4 COMMERCIAL FRAMEWORK

### 4.1 The contract

The terms and conditions which will govern this contract are:

- **xxxxxxxxxxxxxx**

These documents may be viewed on the Department of Health website as follows:

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_121260](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_121260) **or**

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_124324](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_124324)

In addition, further information and any supplementary terms and conditions will be provided with the Invitation to Tender.

Bidders will be expected to confirm their adherence to these at the ITT stage.

The service will commence in **xxxxxxx**

## 5 GOVERNANCE AND ADMINISTRATION



## 5.1 Procurement Costs

Each bidder and relevant organisation will be responsible for its own costs incurred through each stage of the procurement process.

## 5.2 Conflict of Interest

In order to ensure a fair and competitive procurement process, it is a requirement of this tender that all actual or potential conflicts of interest that a potential bidder may have are identified and resolved to the satisfaction of the NHS Rotherham.

Potential bidders should notify NHS Rotherham of any actual or potential conflicts of interest in their response to the PQQ. If the bidder becomes aware of an actual or potential conflict of interest following the submission of the PQQ, NHS Rotherham must immediately be notified.

Should such a conflict not be resolved to the satisfaction of NHS Rotherham, then NHS Rotherham reserves the right to exclude the bidder from the procurement, should the conflict be found to confer an unfair competitive advantage, or otherwise undermine a fair and competitive procurement process.

## 5.3 Contract Regulations

This procurement is subject to Part A of Schedule 3 of the Public Contracts Regulations 2006 ("the regulations") and European Union Council Directive 2004/18/EC. / **or Part B – amend as appropriate**

## 5.4 Non-collusion and canvassing

Each bidder must neither disclose to, nor discuss with any other bidder any aspect of any response to any of the documents relating to this procurement.

Bidders must not canvass or solicit or offer any gift or consideration whatsoever as an inducement or reward to any officer or employee of, or any person acting as an advisor to NHS Rotherham in relation to this procurement.

## 5.5 Freedom of Information

NHS Rotherham is committed to meeting its legal obligations under the Freedom of Information Act (FOIA) Therefore, any submissions, bids and clarification answers received in response to this document, the EOI, the PQQ or ITT or any other related document, may need to be disclosed in response to a request for information.

In making a submission or bid or corresponding with NHS Rotherham at any stage of this procurement, each bidder and relevant organisation acknowledges and

accepts that NHS Rotherham may be obliged under the FOIA to disclose any information provided to it:

- without consulting the bidder
- following consultation with the bidder and having taken its views into account

Bidders must identify clearly any information which they consider to be confidential or commercially sensitive and attach a brief statement of the reasons why the information should be treated as such.

NHS Rotherham cannot, however, guarantee that this request will be adhered to, as it is responsible for determining at its own discretion whether the information falls within an exemption to disclosure.

Blanket confidentiality or commercial sensitivity statements will not therefore be accepted and may result in your tender being discounted.

## 5.6 Disclaimer

The information contained in this MOI is presented in good faith and does not purport to be comprehensive or to have been independently verified.

This MOI is intended only as a preliminary background explanation of NHS Rotherham's activities and plans and is not intended to form the basis of any decision on whether to enter into any contractual relationship.

NHS Rotherham reserves the right to change the basis of, or the procedures (including the timetable) relating to, the Procurement process, to reject any, or all, of the PQQ submissions and the ITT bids, not to invite a potential Bidder to proceed further, not to furnish a potential Bidder with additional information nor otherwise to negotiate with a potential Bidder in respect of the Procurement.

NHS Rotherham shall not be obliged to appoint any of the Bidders and reserves the right not to proceed with the Procurement, or any part thereof, at any time.

Nothing in this MOI or any other pre-contractual documentation shall constitute the basis of an express or implied contract that may be concluded in relation to the Procurement, nor shall such documentation/information be used in construing any such contract. Each Bidder must rely on the terms and conditions contained in any contract when, and if, finally executed, subject to such limitations and restrictions that may be specified in such contract. No such contract will contain any representation or warranty in respect of the MOI or other pre-contract documentation.



***(Enter title of the Procurement)***

## Pre-Qualification Questionnaire

### Conflict of Interest Declaration

***[To be completed by an authorised signatory, in his / her own name, on behalf of the potential Bidder]***

Potential Bidder Name

Name of authorised representative

Position

Date \_\_\_\_\_

Please identify any potential conflicts of interest that could arise if the potential Bidder were to be short-listed to proceed to the Invitation to Tender (ITT) stage (taking into account all Relevant Organisations), and how these will be dealt with. Examples of circumstances in which potential conflicts could arise include (but are not limited to) where:

- A Relevant Organisation or any person employed or engaged by or otherwise connected with a Relevant Organisation has carried or is carrying out any work for NHS Rotherham in the last six months;
- A Relevant Organisation is providing services for more than one potential Bidder in respect of this project or procurement process.

A conflict of interest shall not be deemed to arise solely by virtue of a person's employment or engagement by a Primary Care Trust, Strategic Health Authority or other NHS body (although bidders are requested to disclose such relationships for information purposes only). For example, GPs engaged under a GMS contract will not be considered to have a conflict of interest by virtue of such practising arrangements.

If no potential conflict of interest is identified, please state this in the response.

Response