

HOW TO CONTRACT WITH NHS ROTHERHAM

Guidance for potential providers wishing to contract with NHS Rotherham

Procurement Department

NHS Rotherham

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1. INTRODUCTION

- NHS Rotherham is currently the commissioner of healthcare service within the Rotherham area and is responsible for an annual budget in excess of £420 million. We are still sometimes referred to as Rotherham Primary Care Trust and that is still our legal title
- Better Health, Better Lives is the mantra of those strategic plans for the period 2008-2012 and our vision is Better Health, Better Lives for everyone in Rotherham
- We are currently going through a state of transition but are working with the GP Commissioning Executive in order to continue service delivery until the PCT's demise on 31st March 2013.
- In everything we do we believe in the following values:
 - Putting People First
 - Working in Partnership
 - Continuously Improving Quality of Care
 - Showing Compassion, Respect & Dignity
 - Listening & Learning
 - Taking Responsibility & Being Accountable

- The Procurement Team is part of the Directorate of Finance, Contracting and Service Improvement and comprises Mr Doug Hershaw, Head of Procurement and Mrs Cath Stamp, Procurement Manager.
- The role of the Procurement Team is to undertake tenders for healthcare contracts that are commissioned by senior officers of the organisation, in line with NHS Rotherham's strategic plans.
- The procurements we undertake are governed by the organisation's Standing Orders and Standing Financial Instructions, which are in accordance with the governance requirements of any public sector body. In addition we have to abide by the EU Public Contract Directive 2004/18/EC, translated as the UK Public Contracts Regulations 2006 (SI 2006 No 5)

2. THE REGULATIONS

NHS Rotherham's Standing Orders and Standing Financial Instructions.

- There is an implied responsibility of all public organisations that they will have processes and procedures in place to ensure probity and equity in the way that they conduct their business. NHS Rotherham has Standing Orders and Standing Financial Instructions which govern at which level we market test for contracts.

The Public Procurement Regulations

- We are bound by the EU Public Contract Directive 2004/18/EC, translated as the UK Public Contracts Regulations 2006 (SI 2006 No 5) which require us to follow pre-agreed protocols and timeframes for procurements which exceed the monetary thresholds ¹
- There are 3 sections to the Directive:
 - Goods
 - Services
 - Estates
- As commissioners we are concerned with the Services section within that Directive, which is split into 2:
 - Part A Services, which cover contracts for say, the maintenance of goods and services, such as furniture, medical equipment, IT, vehicles; advertising services; publishing & printing services; research & development services. There are 16 separate categories.
 - Part B Services, which cover, amongst others, health & social services. There are 11 categories within here. Any clinical service that we commission falls under Part B Services.
- Whilst Part A requires us to follow a more rigid procurement process and adhere strictly to timelines, in reality we are expected to follow good procurement practice for both.

¹ Reviewed every 2 years at 1st January and currently set at £101,323 until 31st December 2011

- From 1st October 2008 the DH introduced a dedicated portal for commissioners to advertise their healthcare services to the market. This is called Supply 2 Health² and can be found at www.supply2health.nhs.uk
- OJEU (the Official Journal of the European Union) can be used to advertise Part B Services but that is usually for information only. However we are obliged to publish the contract **award** notice in OJEU as well as on Supply 2 Health.

² NHS Supply2Health is an online resource that advertises opportunities to provide Part B clinical services commissioned by the NHS in England

3. THE PROCUREMENT PROCESS

a. Advertising our requirements to potential bidders

- The need for a contract will be identified by NHS Rotherham with the Lead Officer and the Procurement Team working together to agree a procurement timetable. Other relevant NHS Rotherham officers will be invited to contribute as necessary – this will be the Project Team.
- If the contract is clinical (i.e. Part B only) we will place an advert outlining our requirements, on the Supply 2 Health Website, requesting that potential bidders register their Interest (EOI) on our chosen eTendering portal - Bravo.

b. Responding to expressions of interest

- The Project Team will draw up the Memorandum of Information (MOI) for the contract, which is a briefing document for potential bidders explaining the objective of the procurement, the process and the procurement governance/administration arrangements. This is available to anyone expressing an interest in the procurement.
- The Project Team will draw up the Pre Qualification Questionnaire (PQQ), which is a document, designed to secure the necessary reassurances about the capacity, capability and eligibility of the potential bidder to satisfy the minimum requirements needed in order to be in a position to deliver the contract effectively. This is available with the MOI and potential bidders must complete and submit this together with any requested supporting documentation on the Bravo system. We use a template that is adjusted to suit the individual procurement but there are

common categories: business structure; legal & regulatory issues; financial information (e.g. published accounts); health & safety; workforce; environmental management; IM&T. A reasonable time will be allowed for the potential bidders to return this information, but a final closing date must be strictly observed.

c. Short-listing to Invitation to Tender

- The Project Team will undertake an evaluation of the returned PQQs and draw up a shortlist of potential bidders to take through to the tender stage.
- The Project Team will produce a Service Specification, which details what the potential contractor would be expected to do as part of the contract. This will also include the evaluation criteria that will be used to undertake an assessment of the returned bids.
- The Procurement Team shall issue the shortlisted bidders with the Invitation to Tender (ITT) documents. A reasonable time will be allowed for the tenders to be returned. There are strict governance processes regarding the return of completed tenders and you MUST observe any instructions detailed within the documents- e.g. closing date.

d. Evaluating the returned bids

- The Project Team will evaluate the bids using the evaluation criteria that will have been stated within the ITT documents.

- If we have any queries we will come back to you on points of clarification – you will not, however, be given the opportunity to lower your bid, so please ensure that you give us your best in the first instance!
- We shall arrive at a decision that we believe to be fair and based on the original evaluation criteria.

e. Awarding the contract

- If we were following a Part A procurement, we would be **obliged** to have a ‘mandatory standstill period’ known as Alcatel. This means we have to inform the successful bidder of our intention to contract with them, but, at the same time informing the unsuccessful ones and giving them 10 days in which to lodge an appeal against the award. They will be given details of their scores relative to the successful bidder.
- From 20th December 2009, the EU Remedies Directive was implemented in the UK and now gives courts the power to deem any contracts ineffective if the challenge is upheld. This will mean we have to repeat the exercise and may be liable to pay damages to those involved.
- NHS Rotherham has taken the decision to follow best practice from the Part A regulations and aims to ‘mirror’ these for any Part B procurement and also for any below threshold procurements, where reasonable.

- Assuming there is no challenge, the contract will be awarded to the successful bidder and debriefs undertaken – these are informal sessions to give feedback as required and can help both parties for future; they may be either by telephone, email or face-to-face.
- We are obliged to publish the award notice in OJEU within 48 days of the contract award – this is irrespective of whether it is under Part A or Part B

4. PROCUREMENT CONTACT DETAILS WITHIN NHS ROTHERHAM

Should you experience any difficulties with completing a tender or have any questions regarding the procurement process you should address these as follows:

Name	Title	Email address	Telephone Number
Mr Doug Hershaw MCIPS	Head of Procurement	Doug.Hershaw@rotherham.nhs.uk	01709 308956
Mrs Cath Stamp MCIPS	Procurement Manager	Cath.Stamp@rotherham.nhs.uk	01709 308955

5. WHAT MAKES A GOOD TENDER

- Always respond to all of the questions we have asked; if some are not applicable to you, then tell us
- Be aware of the timescales for the procurement, which may be stated within the advert or within the documentation
- Respond by the deadlines stated
- Ask questions if you are unsure – please do not assume
- Submit your response in the format requested – usually by responding directly underneath the requirement stated, otherwise we may miss your actual response
- Always give us details in writing in the bid – if you don't tell us about it we cannot evaluate it!
- Check the www.supply2health.nhs.uk website regularly for opportunities
- Ensure that you have an e mail address!
- If you can exceed the tender specification then tell us – added value may count

6. GLOSSARY OF TERMS

Term	Description
Invitation to Tender Documents (ITT)	A comprehensive set of documents issued to bidders to enable them to respond with their tender submission * (see below)
* Conditions of Tender	A list of formal instructions to Tenderers comprising information such as Confidentiality, Freedom of Information, Collusive Tendering
*Service Specification	An explicit set of requirements for the contract
*Conditions of Contract	The legal terms and conditions that the NHS expect to trade under
*Price/Offer Schedule	This is used for the tenderer to submit their pricing and also to indicate if there are any variances with the required specification
*Additional Information	Any additional information that the tenderer is asked to submit

*Form of Offer	A signed statement from the tenderer that they will be abide by the conditions of contract and honour their submission if successful
*Certificate of Non Canvassing	A signed statement from the tenderer that they have not approached any member of the Trust for preferential treatment
*Intention to Respond	To be returned by the tenderer advising the Trust if they will or will not be submitting a tender
Memorandum of Information (MOI)	A document that sets out the details of the procurement and the timetable
Pre Qualification Questionnaire (PQQ)	A series of questions issued to potential bidders that allows the Trust to assess their suitability for proceeding through to the ITT stage
Evaluation Criteria	A set of criteria specific to each procurement against which bids will be evaluated