

A Suppliers Guide to Procurement





Foreword

At NHS Property Services Ltd (NHSPS) we value the contribution that our suppliers make to the delivery of goods, services and works to the NHS estate. To ensure that our customers and patients receive the best value in these services we welcome competition and conduct open and transparent procurement exercises to ensure best value is achieved in each of our procurements.

We recognise that public sector procurement has a reputation of being time consuming and resource intensive. Supplier frustrations have previously been expressed regarding time delays and poor communication. At times, a lack of understanding of how to become a supplier to NHSPS and why and how decisions are made is seen as a barrier to suppliers bidding for our contracts. We are keen to break down these barriers and improve the supplier experience through improved processes and the use of technology.

This guide aims to demystify the procurement process and explain the importance of following the rules and regulations to ensure that NHSPS makes the best use of its resources, and that the procurement process is fair and transparent. By making the procurement process more efficient we hope to increase the competition for contracts and ensure all suppliers have an equal opportunity to bid for contracts.

We want to build successful relationships with our suppliers that provide the NHS with outstanding services.

Procurement Team NHS Property Services



What is procurement?

In simple terms Procurement is the buying of products, services and works. NHSPS must follow the Public Contract Regulations as set by the U.K Government. These rules are to ensure that procurements are carried out in a fair and transparent way while also ensuring that value for money is gained for public funded services.

Opportunities

NHSPS currently spends in the region of £300 million with third party suppliers on a broad range of goods, services and works.

Methods of procurement

The Procurement team will procure using different methods depending on the value and type of the goods, services or works being procured. All procurements over <u>threshold</u> (defined others) require a full tender in accordance with the Public Contract Regulations 2015 (PCR2015) while Lower value procurements require best value to be sort through a quotation process.

Quotes (Low value Contracts)

The buyer will seek quotations from, wherever possible, a minimum of three suppliers. Quotes do not need to be publicly advertised, and buyers are able to seek quotations directly from suppliers. NHS Property Services encourages all suppliers to register on the Proactis Supplier Network (electronic tendering system) This will enable buyers to access the appropriate suppliers contact details and obtain quotes, which would be completed through email or in some instances through the portal. During a quotation process suppliers can contact the relevant individual/team to discuss the quote without restriction. This is different to a tender, which has strict rules regarding direct contact.

Tendering - Proactis Supplier Network

A tender is a more formal procurement than a quotation and is governed by strict rules. Tenders that exceed the Public Contract Thresholds for Sub-Central Government Authority tendering must be published on Find a Tender Service (FTS). For the most recent thresholds, please follow this link.

NHSPS will also use established Frameworks or Dynamic Purchasing Systems (**defined below**) and depending on the requirement will run a mini competition or in some instances a Direct Award if the framework allows.

NHS Property Services will advertise on the Proactis Supplier Network if the route to market/method selected is applicable to the goods, services or works required. Suppliers are encouraged to register on this portal to receive notification of tenders that are in their area of interest. Electronic notifications of opportunities are sent to registered suppliers automatically when advertised on the portal. All responses and communications regarding tenders advertised via the portal must be made via the communication functions of the portal. This ensures that electronic communications are monitored and auditable ensuring a fair and transparent process throughout the procurement. Direct communications outside of the portal are discouraged during the tender process. Any communications that take place outside of the portal should be recorded and added to the portal. Suppliers are encouraged to ask questions via the portal, to ensure they are clear about the requirements of the procurement. In line with transparency and fairness all answers to questions are shared with all suppliers engaged in the procurement process, with any sensitive data redacted.



Evaluation and award

NHSPS does not always base their choice of supplier on cost alone; all procurements have an evaluation criterion specific to the requirements of the goods/services or works being procured. The evaluation criterion reflects the requirements of the specification and is weighted in accordance with achieving the best outcome for the NHSPS and its customers and patients alike. When drafting requirements and specifications, officers consider social, equality and environmental factors that are relevant to that procurement. Evaluation criteria is issued and available to the supplier for all tenders that are posted on the Proactis Supplier Network

Local suppliers and small/medium enterprises

NHSPS is committed to supporting local suppliers & SMEs wherever possible, local suppliers and SMEs are invited to quote for low value/below threshold contracts and are encouraged to bid for tenders. All suppliers are encouraged to register on the Proactis Supplier Network to ensure that they receive notifications of upcoming procurements and that their contact details are available to NHSPS seeking quotations. NHSPS cannot discriminate in favour of local suppliers and contracts are awarded based on the evaluation criteria set out in the invitation to quote/tender. However, we do encourage local organisations to bid for contracts.

Tips on tendering

- When you receive an invitation to tender read the documents carefully to check you are capable of delivering the contract before completing the tender documentation.
- If you have questions about the documents, ask the officer managing the procurement process and allow them enough time to reply. (Questions relating to tenders and quotations advertised on the Proactis Portal should be directed through the Portal communication function).
- Once you know a tender return date, plan in advance when you will start completing the paperwork. **Do not leave it until the last minute**. A well-planned submission reduces the chance of mistakes being made and helps ensure your bid is the best it can be.
- Answer all the questions clearly and provide all the requested information. Use the evaluation
 criteria provided to check you have covered all relevant points in your submission. If you
 cannot provide some of the requested information, check whether the tender will be accepted
 before you invest time and resource in completing the paperwork.
- Do not include unnecessary literature and brochures that are not requested.
- Focus on the unique selling points of your organisation and make sure they are clearly
 evidenced in your tender. Do not assume we already know as tenders are evaluated based on
 the submissions.
- Cost the tender as accurately as possible and state any assumptions made to your pricing model.
- **Ensure you meet the deadlines** it is important to give a good impression of your organisation.



- Once the tender return date has passed try and be patient in waiting to hear if the outcome of your tender submission, this sometimes takes a little time.
- When NHSPS announces that the tenders have been evaluated and the contract is ready to award it is important to ask for feedback on your submission, whether you are successful or not. This will help you understand what you did well and what you can improve on next time.

Tender evaluation and contract award

The tender evaluation process is as follows:

- 1. Tenders are opened at an agreed time and date, after the submission deadline.
- 2. Tenders are evaluated against the pre-determined, published evaluation criteria. The evaluation looks at how the supplier proposes to deliver the goods, works or services (quality) and the cost (price). The balance of quality (including social value) and price will depend on the nature of the contract. The evaluation team are looking to find the best combination of both, known as the most economically advantageous tender". In addition to a written submission, suppliers may also be asked to hold a site visit or deliver a presentation. If this is the case, suppliers will be told at the start of the tendering process.
- 3. Clarifications are made where necessary. Suppliers should respond quickly and professionally to these (via the Proactis Portal *if advertised through that route*).
- 4. A written intention to award letter is sent out to all tenderers involved in the process, informing them if they have been successful. This will detail:
 - Award criteria
 - Score of tenderers(s) against evaluation criteria (as appropriate)
 - Score of successful tenderer (as appropriate)
 - Name of successful tenderer
 - How to request feedback

For contracts subject to the Public Contract Regulations, the Alcatel "stand still" process starts, allowing 10 calendar days for unsuccessful tenderers to request feedback on their bid or request further information, before NHSPS enters into the contract.

5. The contract is awarded to the successful tenderer on the basis of which supplier best meets the evaluation criteria. Contract award information is published via the e-tendering system (and under FTS and/or contracts finder where the contract is subject to the thresholds).

The Contract Documents

Following contract award, NHSPS will draw up a contract which both the successful supplier and NHSPS will sign. We would ask suppliers to sign and return issued contracts to the NHSPS as soon as possible.



The contract should, as a minimum, include:

- **Specification/project brief** This sets out what will be delivered under the contract and outlines policies, procedures and guidelines that need to be followed. Performance standards will be included as part of the specification alongside the expected outcomes.
- Terms and conditions This sets out how NHSPS is letting the contract, the rules that both
 parties must follow and how the relationship between NHSPS and supplier will work during the
 life of the contract.
- Tender response Qualitative response (if applicable) submitted as part of the tender submission
- Pricing document/schedule of rates This sets out the prices that will be paid by NHSPS for goods, works or services delivered as part of the contract.

Any document that forms part of a tender submission may be included in the contract as NHSPS sees appropriate, for example method statements.

Purchase orders, invoices and payments

Orders placed by the NHSPS will have a purchase order number with them that will be quoted to the supplier at the time of ordering. The order number should be referenced by the supplier on delivery notes and invoices.

Invoices are to be submitted electronically via NHSPS e-invoicing platform/solution. Once received, the invoice will be matched to the order number and service receipt. If the details match, the invoice will be authorised, and payment will be made. Where invoices do not match the order details or service receipt, they will be passed to the individual who raised the order for them to address appropriately, this may delay payment being made.

Suppliers should not accept orders that are not accompanied by a purchase order number. Failure to provide a valid purchase order number on an invoice will cause delays in payment of an invoice and may be subject to payment challenge.

Contract management

Suppliers will be monitored to ensure they comply with the performance criteria in the contract. Goods, works, and services are to be delivered in accordance with the requirements set down in the contract, to the specified standards. For strategic contracts regular meetings will be held with suppliers where performance and other relevant issues can be discussed to ensure the contract runs smoothly and issues can be dealt with promptly in the best interests of the customer.

This is applicable for national contracts in the facilities management category where the national contract has a planned service.



Poor performance will be raised promptly, so suppliers can address the issues and put them right. Where suppliers do not address poor performance, this may result in contract being terminated. It is therefore important suppliers clearly understand the contract requirements, including the SLAs and KPIs determined in the Statement of Requirements, feel capable of delivering them and read the terms and conditions before tendering for NHSPS contracts.

Glossary of procurement terminology

Abnormally low tender A tender whose price is considered significantly lower than most of or the average of all tenders in the same procurement procedure which may be rejected if it's considered that contract will not be able to be properly performed.

Acceptance letter Letter that creates an intimation to the tenderer that the tender submitted has been accepted in accordance with the provisions contained therein.

Aggregation Adding together the value of separate contracts for the same supply, service.

Appraisal A detailed assessment of the general capacity of a contractor, supplier or service provider to meet certain general criteria or standards.

Audit trail System or paper generated evidence showing how and by whom certain processes and functions were carried out.

Authorised Persons A member of NHSPS who has been nominated to manage a contract or contracts with a contractor, supplier or service provider.

Benchmarking Comparison of performance against other providers of similar services, particularly those recognised as adopting best practice.

Best and final offer (BAFO) The detailed and fully priced offer submitted by the respondent for the contract, following the issue of the NHSPS's invitation to submit best and final offer (BAFO). Where NHSPS accepts the offer, it becomes legally binding on both parties.

Best practice The most effective and desirable method of carrying out a function or process derived from experience rather than theory.

Bills of quantity Lists of quantities, provided by clients, against which tenderers insert their rates. The lump sum for each contract is then calculated by multiplying the quantities by the rates.

Brokerage The use of an intermediary to obtain goods/services. Brokers can provide impartial procurement/purchasing expertise and should obtain the best deal for a client.



Cartels A group of suppliers acting illegally in concert to artificially influence the price and quantity of supply.

Call off contract A contract made following a formal tendering process with one or more contractors, suppliers, or service providers for a defined range of works, goods or services covering terms and conditions (including price) which users "call off" to meet their requirements. See also "framework agreement".

Collusion A fraudulent arrangement between two or more parties whereby prices or service requirements are manipulated to get round competitive tendering.

Competitive dialogue A variation of the negotiated process, which permits discussion of different options before choosing a particular solution. It must only be used in complex contracts where technical solutions are difficult to define or where development of the best solution is wanted.

Competitive tendering Awarding contracts by the process of seeking competing bids from more than one firm.

Consortium An unincorporated group of organisations or individuals, often formed to tender for a contract with a view to forming a company or working in some other way in the event of winning.

Consultant An organisation or individual employed by NHSPS for specific tasks, usually for a fixed period where specialist knowledge or objective review is required.

Contract A binding agreement made between two or more parties, which is intended to be enforceable at law.

Contract award notice Notice of an award of a contract published on Find a Tender Service and or Contracts Finder in fulfilment of public procurement directives.

Contract documents Documents incorporated in the enforceable agreement between NHSPS and the contractor, including contract conditions, specification, pricing document, form of tender and the successful tenderers responses (including method statements), and all other relevant documents expressed to be contract documents (such as relevant correspondence, etc.).

Contract notice Notice published on the Find a Tender Service by contracting authorities, seeking expressions of interest or inviting organisation to tender.

Standing Financial Orders The standing orders apply to all contracts entered into by NHSPS for the procurement of goods, works and services.

Contract value The total monetary value of a contract over its full duration (not annual value).



Contractor An organisation or individual who has made a contract to undertake works, supply goods or provide services.

Cost plus The method of payment for contracts for which tenderers quote a lump sum or % addition to their costs (which would be reimbursed).

Common Procurement Vocabulary (CPV) The numerical system of identifying goods and services in the tendering process. Also used as part of the e-procurement process to identify services offered by the tendering organisation.

Daily rates The method of payment for contracts for which tenderers quote rates per chargeable day.

Dayworks The method of payment for contracts for which tenderers quote rates per attendance hour.

DBFM (design, build, finance and manage) A contract (as used for the PFI) in which the service provider is responsible for all 4 aspects of the provision and management of a service.

DBFO (design, build, finance and operate) A contract (as used for the PFI) in which the service provider is responsible for all 4 aspects of the provision and operation of an asset.

Debriefing Giving positive, constructive feedback to competing suppliers on their performance at certain stages of the procurement process. It gives you the opportunity to improve your performance in the future. It can also help the buyer, as it highlights problems that may have arisen during the procurement process. This gives them the opportunity to improve their procedures.

Default A breach of a contract condition, e.g., a delay in the promised delivery.

Deliverables A collective name for the tangible goods and/or services that the supplier or contractor is required to supply under an agreement.

Direct Award when a contract is awarded to a contractor without a competition, or where there is a material change to an existing contract. Public procurement should, in the majority of cases, be subject to competition to ensure best value for money.

Dynamic Purchasing Systems (DPS) An electronic process for making commonly used purchases of which meet the requirements of the contracting authority and which is limited in duration, open throughout its validity to any economic operator that satisfies the selection criteria and has submitted an indicative tender that complies with the specification.

E-procurement The use of electronic methods in every stage of the purchasing process from identification of requirement through to payment, and potentially to contact management.



Estimate A genuine and realistic price calculated by procurement that represents an estimate for defined works, goods or services, as required by procurement rules or standing orders for the purposes of determining the procurement process and ensuring adequate budget provision. This should not be confused with an estimate from a contractor, supplier or service provider for a defined piece of work.

Evaluation Detailed assessment and comparison of contractor, supplier or service provider offers, against financial and quality criteria.

Fixed price A price which is not subject to variation.

Framework agreement An arrangement under which a contracting authority establishes with a provider of goods, works or services, the terms under which contracts subsequently can be entered into, or "called-off" (within the limits of the agreement) when particular needs arise. See also "call-off contract".

Instructions to tenderers Instructions in the tender document designed to ensure that all Tenderers are given all the relevant information relevant to the tender to assist with their submission.

Invitation to negotiate an invitation to a shortlist of typically 3 to 4 bidders to submit a response to a bid document prepared by the public sector Authority. This document comprises detailed descriptions of the project facilities and services required, expressed in the form of outputs to be delivered or achieved, as opposed to inputs. Bidders determine how such outputs are to be delivered efficiently and effectively. Also known as an "ITN".

Invitation to tender an invitation to contractors, suppliers or service providers to bid for the provision of works, goods or services. Also known as an "ITT".

Invoice A request to pay submitted by a supplier of works, goods and/or services.

Invoice item A line item on an invoice.

Invoice payment terms Specified terms of payment agreed between the supplier and purchaser.

Joint venture Any contract or other arrangement between NHSPS and another body under which both bind themselves to contribute separate services, work or funding for a shared overall purpose.

Liquidated and ascertained damages A genuine pre-estimate of the loss that the authority will suffer if the contractor defaults when performing the contract. This may form the basis of deductions from payments, which will be calculated according to the specific circumstance relating to each type of contract.



Market Research See "market testing".

Market testing the process of comparing the efficiency of in-house services against tenders from outside organisations.

Method statements Proposals are sought by NHSPS, for dealing with aspects of the work for which clients have set no specifications, or where more detailed operational information is required.

Mini-Competition mini competition is a process you need to carry out to place a call-off contract under a framework agreement where the best value supplier has not been specified. It allows you to further refine your requirement whilst retaining the benefits offered under the collaborative agreement.

Most economically advantageous tender (MEAT) The tender that will bring the greatest benefit to NHSPS having taken a number of factors into consideration, including quality and cost.

Negotiated procedure One of the procedures for procurement under the procurement Directives, available only in limited circumstances, under which client authorities negotiate with at least three eligible applicants who meet their criteria.

Offer A supplier's offer to provide goods and/or services for a consideration in response to a buyer's enquiry.

Open procedure One of the procedures for procurement under which all eligible applicants are invited to tender in a one-stage procurement process.

Outcomes The benefits or changes that have come about as a result of the work or activity of a contract or the organisation. These include short term, long term, intended, unintended, positive and negative effects.

Outputs Units or direct products of a project or organisation's activities. For example, they could be training courses delivered or people attending workshops.

Parent company guarantee A parent company guarantee binds the guarantor (the "parent company") to fulfil and complete a subsidiary company's obligations and liabilities in the event of failure by that subsidiary to fulfil and complete its obligations and liabilities under a contract.

Partnering contracts Contracts in which prices and specifications are not decided until after contracts are let, usually to enable contractors to contribute to design solutions and other aspects of the work (as proposed by the Government's Construction Task Force, the Egan Committee).



PIN Prior- Information Notice. A short notice indicating that a call for tenders is planned. The publication of a PIN means that the deadline for submitting the tender from the publication of the call may be shortened.

Performance bonds Bonds or guarantees given to clients by specialist insurers, on behalf of contractors and at their expense, binding the insurers to compensate clients (up to the amount of the bond obtained) in the event of a default.

Pricing schedules List of the requirements that might be required to be performed/supplied under the contract which the tenderer inserts a rate against each item.

Private Finance Initiative (PFI) A route for procurement where, instead of owning the assets needed for their services, public authorities arrange for private sector bodies (often in the form of consortia) to provide and own them. These bodies then make the assets available under operating leases to enable public authorities to deliver the services required.

Procurement The process of acquiring goods, works and services, covering acquisition from third parties and from in-house providers. The process spans the whole life cycle from identification of needs, through to the end of a services contract or the end of the useful life of an asset.

Procurement Card (also Purchasing Card /GPC Card) A payment card issued by an authority to staff that may be used to purchase goods and/or services up to an agreed value from certain suppliers. Although similar in operation, it is not a credit card that can be used anywhere and there is no credit facility. For suppliers typically payment in full will be made direct to their bank accounts usually within three working days.

Purchase order A pre-printed form, which incorporates the NHSPS terms and conditions of purchase, used to place an order with a supplier.

Quality The level of fitness for purpose which is specified for or achieved by any service, work or product.

Quality Assurance (QA) A discipline to assess quality standards, covering all activities and functions concerned with the attainment of quality.

Quotation A written or verbal price given by a contractor, supplier or service provider, after being requested either orally or in writing. A quotation may be the written confirmation of an earlier, oral offer.

Restricted procedure One of the procedures for procurement, under which only eligible applicants who meet the client authority's criteria are invited to tender in a two-stage procurement process.

Risk The probability of an unwanted event occurring and its subsequent impact.



Risk register A document used to record the risks facing a project or programme, usually produced as a table. It should, as a minimum, record a description of each risk, an assessment of its likelihood and impact and the management actions to be taken to minimise the risk, though it can be more sophisticated.

Risk transfer The risks, such as construction delay risks, which are required to be transferred to contractors in order for PFI schemes to be approved.

Schedule of rates Lists of jobs, like those in bills of quantities except that they contain no quantities. Rates may be inserted by tenderers, or by clients. In the latter case, tenderers specify their overall percentages on or off these rates.

Select list A list of suitable prospective contractors, suppliers or service providers that has been drawn up through a shortlisting exercise for a particular contract or procurement activity.

Selection questionnaire (SQ or PQQ) A selection questionnaire completed by organisation or providers that wish to be considered for a procurement activity or placed on an approved list. The purpose is to assess their general suitability in terms of financial and economic standing, technical capability and experience, quality assurance, health and safety procedures, environmental issues and equalities considerations.

Services Services provided to NHSPS by an external service provider (an individual or an organisation). Those that have a value exceeding the current thresholds defined by the Procurement rules will be subject to tendering requirements. Standing Financial Orders may have different values covering works, services or supplies.

Service Level Agreement (SLA) That part of a contract which specifies the services to be delivered. It has been practice for purchasers to enter into contracts based on Service Level Agreements which are in themselves contracts but do not set out full contractual terms, simply detailing the services to be delivered and minimal information such as contact details, addresses, etc. regarding the contractor. Sometimes used in technology related contracts and contracts with other public sector authorities.

Standing Financial Orders (SFIs) The standing orders apply to all contracts entered into by NHSPS for the procurement of goods, works and services.

Shared services Providing services as a combined or collaborative function which may share processes and technology. This may include bringing together support functions, often from geographically disparate areas, into a separate organisation.

Social Enterprise Organisations that deliver goods and services and make a profit (51% of its income must come from trading) but measure their success on the social impact and benefits they provide. Examples of social enterprises are co-operatives and mutual building societies.



Sourcing The process of establishing potential suppliers of specified works, goods or services.

SMEs Small and medium-sized enterprises, a term used to refer to smaller private sector organisation with less than 250 employees.

Specification A description of requirements and standards to which the goods, works or services should conform. Also known as a statement of needs, a statement of requirement, an operational requirement, or a brief. Its purpose is to present prospective suppliers with a clear, accurate and full description of the organisation's needs, to enable them to propose a solution to meet them.

Stage payments an agreed percentage or part of the contract price, which is payable when specified stages of completion/delivery have been reached.

Stakeholder An individual or organisation that has an active interest or a stake in a particular organisation or issue. For example, funders, members, contractors, purchasers, trustees, beneficiaries, volunteers, and paid staff are all stakeholders in a voluntary organisation.

Standstill period Following evaluation of all proposals and prior to completing the contract award, you must notify all suppliers of your intention to award the contract. NHSPS will issue letters of intent to award to both the successful and unsuccessful tenderers. This notification will incorporate the mandatory 10-day standstill period (also referred to as the Alcatel standstill).

Sub-contracting the process where a contractor assigns part of the contract to another contractor(s).

Supplies Goods, either purchased or hired. Those that have a value exceeding the current threshold defined by the procurement rules will be subject to tendering requirements. Standing orders may have different values covering works, services, or supplies.

Supplies, works and services See individual definitions.

Supplier diversity Initiatives that aim to increase the number of ethnic minority-owned businesses that supply goods and services to both public and private sector organisations.

Supply chain Consists of businesses providing goods, works and services to a buyer. For example, a stationer's supply chain will include its product suppliers, delivery firm, printing company, IT provider and cleaning contractor.

Surety See "performance bonds"

Sustainable procurement Sustainable procurement is using procurement to support wider social, economic, and environmental objectives. It goes beyond green procurement to take account of social and economic issues.



Tender An official written offer to an invitation that contains a costed proposal to perform the required delivery of works, services, or supplies, and is provided in response to a tendering exercise. Involves submission of the offer to the e-tendering portal by a specified time and date.

Tender documents Documents provided to prospective tenderers when they are invited to tender and that form the basis on which tenders are submitted, including instructions to tenderers, contract conditions, specification, method statements, pricing document, form of tender and the responses from tenderers.

Tender evaluation panel A group of people who analyse tenders received and make final recommendations on the award of contracts.

Third sector organisation (TSO) VCOs pursue social and environmental objectives; do not distribute any surpluses to shareholders; reinvest any surpluses in the pursuit of their objectives; and are independent of government. VCOs can take a number of organisational forms, with or without charitable status.

TUPE regulations The Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended from time to time) implementing the Acquired Rights Directive on the acquired rights of workers.

Two stage selective tendering See "restricted procedure".

Value for money the provision of the right goods and services from the right source, of the right quality, at the right time, delivered to the right place and at the right price (judged on whole-life costs and not simply initial costs).

Vendor manager A member of the Procurement and Vendor Management team who has a responsibility to manage a particular strategic contract.

Voluntary and community organisation (VCO) A general term used to refer to registered charities, non-charitable non-profit organisations, associations, self-help group and community groups.

Waiver An authorised departure from the Standing Financial Orders. This may only be applied with limited application.

Whole life costs the systematic consideration of all relevant costs and revenues associated with the acquisition and ownership of an asset.

Works Building, construction and engineering related works. Those that have a value exceeding the current threshold defined by procurement rules will be subject to tendering requirements. Standing orders may have different values covering works, services, or supplies.