



Department
of Health

Procurement News

December 2017

Welcome to 'Procurement News'.

This newsletter is for all colleagues within the Department of Health and its ALBs who have an interest in procurement and commercial activities.

You may forward to colleagues within the health family who have an interest in commercial issues. If was forwarded to you, you can [sign up to receive future editions](#).

If you have anything to contribute, feedback or suggestions for future stories please [get in touch](#).

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Crown Commercial Service customer updates: December 2017

The latest issue (published 4th December) is available [here](#). This month there is news on:

- Christmas and New Year Opening Hours
- Are you looking to buy IT hardware before the end of the financial year?
- Fleet eAuction: last chance to get involved
- Technology Webinars
- Automatic Number Plate Recognition
- New Frameworks: Management Consultancy (RM3745), HSCN Access Services (RM3825)
- Latest Procurements: Fuel Cards and Associated Services (RM6000), Utilities Switching Service (RM3809), Utilities Management Software, metering and Ancillary Services (RM3800), Public Sector Travel and Venue Solutions (Rm6016), Supplier Early Payment Solutions (RM6001)
- Frameworks Expiring Shortly: ConsultancyONE (RM1502), Printing and Specialist paper RM1078), Legal Services (RM919), Behavioural Insights Consulting and Research

- (RM3742), Allied Health Professionals Health Science and Emergency Services Temporary Staff (RM595)
- Framework Extensions: Wider Public Sector Travel Management Services (RM1034), Media Audit Service (RM3727), Digital Outcomes and Specialists 2 (RM1043iv), Postal Goods and Services (RM1063), Building Materials and Associates Services (RM3747), Merchant Acquiring Services, Equipment and Payment Gateway Services (RM3702), Cyber Security Services 2 (RM3764ii), Crown Office Supplies (RM3723), G-Cloud 9 (RM1557ix)

Procurement Policy Notes (PPNs)

All Procurement Policy Notes (PPN's) are published [on the CCS website here](#).

The latest PPN issued on 13th December is:

Procurement Policy Note 02/17: Promoting Greater Transparency

This PPN relates to the Government's policy to adopt and encourage greater transparency in its commercial activity. All In-Scope Organisations must, as a minimum, follow the legal requirements to publish advertised opportunities and awards on Contracts Finder as required by Public Contracts Regulations 2015. Government has made a number of other commitments in relation to transparency of public contracting data.

We are expecting imminent publication of Procurement Policy Note on changes to Data Protection Legislation and GDPR.

Procurement Thresholds from 1st January 2018

The Procurement Thresholds are due to change on 1st January as they do every 2 years. The European Commission revises the Euro value of the thresholds in line with movement in the value of the Euro and the SDR. As the threshold is set in Euros, the UK converts the values into Pounds.

It is understood that from 1st January 2018, the Commission is planning on raising the thresholds to:

- €144k (instead of €135k currently) for public supply and service contracts awarded by Central Government
- €221k (instead of €209k currently) for public supply and service contracts for Sub Central Government
- €5,548k excl. VAT (instead of €5,225k currently) for public works contracts

CCS have advised us a PPN will be published by the EU policy team converting the value into pounds.

Contracts Finder New Features and Improvements

Contracts Finder has undergone a new release of features and improvements including:

- A more streamlined registration process so that users can register as public sector buyers to undertake public sector procurement or to undertake it on behalf of the public sector or as contractors to the public sector who can advertise for sub-contractors to support delivery of public contracts.
- Closing dates for early engagement notices. All notices without a closing date will automatically be closed three months from the release date. You can go in and manually edit these dates if necessary.
- The search function has been changed so that only open notices will initially appear. To view closed and awarded notices you will need to select these options from a drop down menu.
- Draft notices can be edited from the draft notices section on your profile.
- Where a notice is suitable for SME or VCSE this will be visible on the notice search window
- Suppliers will be stored in a central database so you can search for a supplier rather than manually entering the supplier's details. Where the supplier is not in the database, this information will need to be manually inputted.
- In award notices the contract start and end dates will now pre populate where an opportunity notice was advertised. This information can be overwritten is necessary.

If you need any more information you can contact Contracts Finder at contractsfinder@crownccommercial.gov.uk

CCS Open Dashboards

The UK is committed to the Open Contracting Data Standard (OCDS) for contracts administered by a central purchasing authority. The whole process of awarding public sector contracts will be visible to the public for the first time.

There are two new dashboards:

1. The CCS Dashboard which shows information published by CCS only. This dashboard can be accessed [here](#).

2. Open Contract statistics which allows for comparison between different buyers and the contract notices that they publish. This information is split down by notice type (Early Engagement, Future Opportunity, Opportunity and Awarded). This dashboard can be accessed [here](#).

Full details and guidance about how to use these dashboards can be downloaded from the following [website](#).

Leeds Cross Government SME Roadshow

On the 24th November, Leeds was host to the Cross Government SME Roadshow which saw presentations from CCS, DWP, MoJ, the SME panel, DH and Leeds City Council on how SMEs can sell to Government.

Rachel Berrisford the SME Champion for DH led the Health Family presentation where she explained how the Health system is structured providing clarity for SMEs looking to offer goods and services, as well as highlighting the work that the Department is engaging in to make contracts more accessible to SMEs.

This linked in well with the information provided by CCS on Contracts Finder. This system can offer SMEs great benefits in terms of searching for market engagement, open and awarded opportunities. It was emphasised that it can be used to see when opportunities might be on offer helping SMEs to plan their workload and priorities.

Lack of time for planning and bidding was raised as a barrier for SME engagement with procurement activities. Spreading knowledge of this service will hopefully help to increase the number of SMEs bidding for work.

The digital landscape was heavily referred to with many of the SMEs operating in this market. CCS presented on the benefits of using G-Cloud for both buyers and suppliers including providing guidance around the differences between G-Cloud and the Digital Outcomes and Specialists (DOS) framework and encouraged suppliers to sign up to the digital market place where there are currently 2,800 suppliers 90% of whom are SMEs.

This event was a successful platform to explain to SMEs how to tender effectively for opportunities within Central Government and the Wider Public Sector.

SMEs Encouraged to Form New Health and Social Care Marketplace

NHS Digital and CCS have created a new live Dynamic Purchasing System (DPS) providing consumers access to companies that supply Health and Social Care

Network (HSCN) services which could be worth up to £500 million over the next six and a half years.

It enables health professionals from NHS Trusts, hospitals, GPs, social care organisations and non-public sector bodies to communicate and share information, delivering efficient, effective public services.

The DPS application process has been simplified, reducing certain barriers to entry and enabling compliant suppliers to join over time.

Further Information can be obtained from [CCS](#) and [NHS Digital](#).

Updated PAS 91 (Construction Pre-Qualification Questionnaire)

PAS 91 provides a standard list of the questions that are typically asked of suppliers at the prequalification stage of construction tendering.

The PAS was updated in November 2017 and is available [here](#). This amendment ensures that the PAS aligns with new legislation, in particular changes to the Public Contracts Regulations 2015 and the requirements of the European Single Procurement Document (ESPD).

Revised Freedom of Information Code of Practice Consultation

A consultation of proposed revisions to the Code of Practice issued under Section 45 of the Freedom of Information Act is being undertaken by the Cabinet Office.

The Act has not been updated since 2004 and will be amended in line with the best practice procedures which have emerged since its inception.

There are 7 questions under the following topics:

- Right of Access
- Transparency publications
- Guidance for Vexatious requests
- Data sets
- Other areas within Part I of FOIA

The consultation began on 15th November 2017 and will run for 12 weeks closing on 2nd February 2017. All responses should be received by no later than 2nd February 2017.

The consultation can be accessed [here](#)

Legal Services Marketplace – New Details

The Legal Services Market place is due to be awarded in 2018 and is worth around £650 million. It is accessible by NHS Trusts, Schools, Universities, Local Authorities and Charities.

[CCS](#) will be engaging with suppliers and customers in the coming weeks to help with the development of the new commercial solution.

Central Government Departments will be able to use the new Legal Services Marketplace for work worth less than £20,000.

New bid packs have been designed by CCS in conjunction with CBI, Federation of Small Businesses, techUK and the Association of Bid and Proposal Management Professionals to reduce the amount of tender documentation that suppliers need to complete.

Updates with this Marketplace will be made available via the [CCS pipeline pages](#).

Bravo: the new Tendering and Contract Management solution

The 11th December saw the launch of the Department's new Tendering and Contract Management solution, Bravo. Initially the changes will take place within the Commercial Directorate, with all new DH procurements being undertaken through Bravo.

Bravo will not only provide the Commercial Directorate with an improved tool to undertake the tendering of goods and services on your behalf, it will over time enable the evaluation of tenders and the management of contracts to be undertaken electronically. All staff will be involved in these activities where they need to procure something over £4k or where they manage a contract.

The work to put Bravo in place sits within the Corporate Services Improvement Programme (CSIP). CSIP is a change programme that will improve the way Corporate Services works with the business, key components are the continued development of a more centralised service model and implementing a replacement for the current Business Management System (BMS). As part of determining the requirements for the BMS replacement it was agreed that we would procure a separate tendering and contract management solution – Bravo.

As the new Tendering and Contract Management solution is rolled out, the Commercial Directorate will work closely with you to ensure that appropriate training and support is provided.

All procurements that went out to tender before 11 December will be completed in BMS.

As part of the Corporate Services Improvement Programme (CSIP), we are launching the new Tendering and Contract Management solution, Bravo.

Initially the changes will take place within the Commercial Directorate; all new DH procurements will be undertaken through Bravo which will provide the Commercial Directorate with an improved tool to undertake the tendering of goods and services.

Eventually it will enable the evaluation of tenders and the management of contracts to be undertaken electronically. All staff will be involved in these activities where they need to procure something over £4k or where they manage a contract. The Commercial Directorate will ensure that appropriate training and support is provided.

All procurements that went out to tender before 11 December will be completed in BMS.

The Department of Health's Agencies and Partner Organisations

Updated information about the Department's Agencies and Partner Organisations has been released and can be accessed [here](#).

Legal Case: Seriousness of breach not relevant for award of damages (*Fosen-Linjen AS v AtB AS*)

In E-16/16 *Fosen-Linjen AS v AtB AS* the EFTA Court found that a simple breach of public procurement law may in itself be "sufficiently serious" for damages to be awarded.

Fosen-Linjen operates ferries. They had tendered to operate a ferry service in Norway. Fosen-Linjen lost the procurement and brought a claim for damages as the authority could not have properly assessed the tenders and so was in breach of the Norwegian Procurement Act. Fosen-Linjen was initially successful and AtB appealed.

Whilst the decision is not directly binding on UK courts, the ruling contradicts our Supreme Court which held in *EnergySolutions EU Limited v Nuclear Decommissioning Authority* that a "sufficiently serious breach" is required to trigger the liability of a contracting authority.

Important points to note are

- It is open to the contracting authority to choose the criteria on which it will base the award of a contract provided that the purpose of those criteria is to identify the economically most advantageous tender
- Such criteria must not confer an unrestricted freedom of choice

- The award criteria must therefore be formulated in such a way as to allow all reasonably well-informed tenderers of normal diligence to interpret them in the same way
- The principle of equal treatment entails that the award criteria must be applied objectively and uniformly to all tenderers. Evaluation is conditional on being able to verify effectively the accuracy of the information provided in bids

The EFTA Court is for non-EU countries within the European Economic Area (EEA). This is of interest as jurisdiction by the EFTA Court is a possible transitional or even permanent outcome in Brexit negotiations.