



DOING BUSINESS WITH NHS EDUCATION FOR SCOTLAND

A SUPPLIER'S GUIDE

"A skilled and sustainable workforce for a healthier Scotland"

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INDEX

1. Introduction
2. Regulation & Legislation
 - 2.1 Counter Fraud
 - 2.2 Hospitality
3. NES Procurement and Commissioning Procedures
4. Advertising Opportunities
5. Best Value Quotations
6. Competitive Written Quotations
7. Tenders
 - 7.1 Single Procurement Document (SPD) Scotland
 - 7.2 Invitation to Tender (ITT)
 - 7.3 Presentation Stage
8. Award of Contract
9. Contract Performance
10. Promoting Fair Work Practice including Equality & Diversity
11. Whistleblowing
12. Further Support
13. Feedback
14. Hints & Tips

1. INTRODUCTION

NHS Education for Scotland “NES” is a national health board, responsible for supporting NHS frontline services delivered to the people of Scotland by developing and delivering education, training and workforce development for those who work in NHS Scotland. Our business covers the undergraduate, postgraduate and continuing professional development continuum supported by effective research. NES works closely with the education sector and we are developing our role across health and social care and within the wider public sector. NES aims to achieve equality and diversity and PFPI (patient focus, public involvement) in all our work.

Headquartered in Edinburgh, we are a national organisation with regional offices in Edinburgh, Glasgow, Aberdeen, Dundee and Inverness. Our website will give you additional information about our role: www.nes.scot.nhs.uk

NES continues to work closely with the wider NHS Scotland and NHS National Procurement (NP) around the development, appointment and compliance with national contracts initiatives aligned to ‘the Procurement Journey’ ensuring that collaborative best practice is shared across National Health boards and the wider public sector.

As a public sector organisation, we have a duty to secure value for money in procuring goods and services. We aim to achieve non-discrimination and equal treatment of all potential suppliers. This guide has therefore been produced to ensure that suppliers fully understand our procedures, as well as providing some useful hints and tips to help suppliers get the best out of the commissioning process.

2. REGULATION & LEGISLATION

As a public sector organisation NES is under obligation to procure goods and services within UK regulations. Current legislation is found in:

- UK and Scottish Procurement Legislation

The Legislation demands that all procurement activity is conducted on the basis of:

- non-discrimination on the grounds of nationality
- equal treatment of all potential bidders and suppliers
- fair competition
- transparency

The legislation also sets financial thresholds which decree that if the estimated total value of a contract is expected to exceed the threshold (currently £122,976), public sector organisations are duty bound to advertise the tender notice in the UK Government’s Find a Tender platform (formerly the Official Journal of the European Union or OJEU prior to 1st January 2021).

Further information can be found at : <https://www.crowncommercial.gov.uk/news/customer-guide-to-the-find-a-tender-service-get-ready-for-eu-transition>

In addition, NES must also procure all its supplies, services and works within the confines of its own Standing Financial Instructions (SFIs). The SFIs detail the financial responsibilities, policies and procedures to be adopted by NES. The associated commissioning procedures are outlined in section 3 below.

2.1 Counter Fraud

As with the Scottish Government (<http://www.gov.scot/Topics/Government/Finance/spfm/fraud>) and NHS Scotland Counter Fraud Service (www.cfs.scot.nhs.uk), NES has a zero-tolerance approach to fraud: there is no acceptable level of fraud. There is a role for all members of staff and all suppliers in establishing an effective counter fraud culture by engaging and being alert to the risk of external and internal fraud; identifying suspicious activities and control weaknesses; and reporting any suspicions quickly and appropriately.

Our approach to counter fraud aims to ensure that a zero-tolerance culture to fraud is maintained and that fraud is effectively managed at all levels of NES service delivery as follows:

- Committing to clear ethical standards through a formal counter fraud policy
- Communicating our attitude to fraud by raising awareness of our counter fraud policy to all staff and suppliers
- Supporting all staff and suppliers in their responsibilities in preventing and detecting fraud through guidance and training
- Providing specialist support in designing, operating and reviewing internal controls
- Maintaining comprehensive procedures for preventing and detecting fraud that is carefully followed and monitored
- Protecting members of staff and suppliers through a robust process for reporting suspicions of fraud
- Responding to fraud effectively through a comprehensive fraud response plan
- Using data and technology efficiently in the systems in place to combat fraud
- Sharing knowledge of vulnerabilities and lessons learned through strong communication channels

2.1 Hospitality

NES has a published Hospitality Policy which is available on request. It is intended to provide guidance to all NES staff on the receiving of gifts and/or hospitality and establishes clear guidance regarding the NES Register of Gifts, Hospitality and Interests. The provisions of the policy are held to be applicable to all employees, secondees and associates of NES. There is no seniority threshold.

It is the responsibility of all staff to ensure that they are not placed in a position which risks, or appears to risk, conflict between their private interests and their NHS duties. This applies to both staff who commit resources directly, e.g. the ordering of goods or services, or indirectly by policy development and in accordance with NES Standing Financial Instructions, section 11.27.

3. NES PROCUREMENT AND COMMISSIONING PROCEDURES

Our SFIs outline the following procedures to be followed when procuring or commissioning goods or services on behalf of NES: -

Thresholds	Commissioning Procedure
Order value < £10,000 (exc VAT)	Achievement of value for money should be demonstrated. In order to do this, we will seek 2 or 3 quotations.
Order value ≥ £10,000 and < £25,000 (exc VAT)	Competitive written quotations (CWQs) to be received from reputable suppliers.
Order value ≥ £25,000 (exc VAT)	Formal competitive tendering process applies
Order value ≥ £122,976 (exc VAT)	UK 'Find a Tender' procedures apply

4. ADVERTISING OPPORTUNITIES

In accordance with Public Sector Procurement Directives, NES tender opportunities over the UK threshold (currently £122,976) are posted onto the UK Government's Find a Tender system. To review the full details of current adverts please go to: [Public Contracts Scotland](http://www.publiccontractsscotland.gov.uk).
(www.publiccontractsscotland.gov.uk)

Tender opportunities below this threshold are carried out in accordance with NES Standing Financial Instructions. Details of opportunities over £25,000 are published on [Public Contracts Scotland](http://www.publiccontractsscotland.gov.uk). Registration on this site is free of charge and you are strongly recommended to register, as this is where you will find the majority of public sector contract opportunities.

Suppliers wishing to bid for an advertised tender opportunity can download an appropriate pack from Public Contracts Scotland. The pack will provide you with detailed submission instructions, a specification of the goods/services to be provided and a copy of the evaluation criteria to be applied. The packs will also contain details of who to contact at NES should you require further details/clarification around the tender/CWQ.

5. BEST VALUE QUOTATIONS

In line with our SFIs, we will seek 2 or 3 quotations for low value, low risk procurements, i.e., anything up to £9,999. Sealed bids are not required, but the quotations must be in writing (emails are acceptable).

6. COMPETITIVE WRITTEN QUOTATIONS (CWQs)

Where the value is between £10,000 and £24,999, we will advertise an appropriate specification and bidders will be provided with a CWQ Pack which will fully describe the submission process to be followed and the specification of the goods/services required. A small panel will assess each bid received objectively against prescribed evaluation criteria.

CWQs are a less formal way of obtaining comparable bids than tenders, however, a sealed written quotation is still required.

7. TENDERS

Any instances where the total contract value of goods or services exceeds £25,000 must be tendered for. Tendering is a formal procedure whereby suppliers are asked to follow a series of stages and provide a sealed bid in response to an advertised need.

The NES tendering process may take a few months and are likely to involve two stages (Invitation to Tender and Presentations). For high value or complex tenders we may introduce a third stage (pre-qualification) at the start of the process. The tender advert will clearly state which route we are taking.

7.1 Single Procurement Document (Scotland).

To ensure compliance with current legislation, suppliers expressing an interest in a tender opportunity greater than £50,000 will be requested to complete a Single Procurement Document Scotland (SPDS).

The SPDS will replace the requirement for suppliers to provide up-front evidence or certificates by allowing them to self-declare that they meet the relevant selection and exclusion criteria. Bidders will be asked to provide proof of this at a later stage.

From 2021 all Scottish public bodies have issued and accepted the SPDS for all procurements worth more than the UK thresholds. This will replace the standard pre-qualification questionnaire (sPQQ) and any local PQQs used by public bodies.

Further information on the changes to the SPDS can be found in [SPPN 11/2020](#) - Changes to procurement legislation at the end of the EU Exit Transition Period.

Please also note that, where appropriate, as a Public Sector Organisation NES deems supplier DPA registration as mandatory. Details of how to apply for registration can be obtained from: <https://ico.org.uk/for-organisations/register/>

7.2 Invitation To Tender (ITT)

At this stage suppliers will be issued with an ITT pack (alternatively you may download a copy yourself from the sources referred to in section 4) containing the following:

- submission instructions – guidance on how to complete the tender documentation
- specification – description of goods or services required
- evaluation criteria – details of what your bid will be evaluated on
- tender response – instructions on how bids should be constructed

Supporting documentation to substantiate bids should be provided (for example CVs, company accounts).

Bids will be evaluated by a tender panel using the criteria detailed within the ITT pack. Typical evaluation criteria include: -

- value for money
- understanding the purpose of the work
- experience and reputation in undertaking similar work
- organisational capacity to undertake the work given other commitments

7.3 Presentation Stage (if required)

If required and where appropriate, a presentation will normally take place on NES premises and allow bidders to build on/clarify the information provided within their written bids. The letter inviting you to attend will normally indicate which area(s) of your bid we would like you to concentrate or expand upon. Typically, agendas for presentations comprise the following:

- 5-minute introduction by the bidder
- 15-20-minute explanation of the bid

- 30-40 minutes for question/answer time.

Presentations are evaluated using the evaluation criteria used at the ITT stage.

At each stage of the process we will aim to inform you whether or not you have been successful as soon as we possibly can. Unsuccessful suppliers are entitled to a full debrief and we will provide you with a named individual who can provide constructive feedback to assist you with future bids.

8. AWARD OF CONTRACT

Successful bidders will be required to enter into a contract with NES, under NES Terms & Conditions. The opportunity will be provided to attend a contract meeting so that these terms can be explained to you and discussed fully. The contract will not be signed until both parties are in full agreement with the terms and conditions to be applied.

Where the tender process has been carried out in line with UK Legislation, a contract award notice is placed in the UK Government's Find a Tender service on completion of the tender evaluation and after the 10-day mandatory standstill period. (The standstill period allows unsuccessful bidders the chance to obtain more information on the award of the contract and take appropriate action if they believe they have been prejudiced by a breach of the regulations. Further information is available at <http://www.gov.scot/Topics/Government/Procurement>

Details of awarded contracts which fall within the thresholds detailed previously will be published on Public Contracts Scotland website. Details of UK threshold contracts will also be posted on the Find a Tender service. <https://www.gov.uk/find-tender>

9. CONTRACT PERFORMANCE

Suppliers and Contractors providing goods and/or services to NES will be monitored to assess their compliance with pre-defined performance criteria, which will be clearly stated within the contract. You will be provided with clear milestones, outputs and deliverables expected within the delivery of the contract, and these will normally be linked to a payment schedule. Performance may be monitored through the submission of regular reports or attendance at a Steering Group.

Any supplier who fails to meet the agreed criteria will be given a grace period to remedy their performance. Suppliers who consistently provide sub-standard performance levels may find that their contract is subject to termination in line with the terms and conditions that will be clearly stated within the contract.

10. PROMOTING ETHICAL PROCUREMENT, FAIR WORK PRACTICES, INCLUDING EQUALITY AND DIVERSITY

When commissioning, NES will operate fair contracting and procurement policies and will monitor compliance with equality requirements. We will also encourage and support contractors to develop best practice through fair work practices including equality, diversity and sustainability. NES's procedures support our commitment to all fair work practices, and this is demonstrated by the questions asked in the ITT.

Organisations which are awarded contracts are acting on behalf of NES and are expected to comply with all current fair work practice, equality and diversity legislation and actively adopt equalities in employment and service delivery. More information about Equality & Diversity within NES is available from: <http://www.nes.scot.nhs.uk/about-us/equality-and-diversity.aspx>

NES is committed to ensuring a high standard of ethical trade practices, across its commissioning and procurement activities. In accordance with our Ethical Procurement Policy, NES expects its suppliers, service providers and contractors to observe the policy's provisions and to demonstrate a similar commitment to an ongoing programme of ensuring and, where necessary, improving ethical practices locally and globally.

NES will proactively work to ensure that all goods and services it procures are sourced ethically in terms of both the way the NES procures and in terms of the standards that we expect our suppliers, service providers and contractors to meet.

11. WHISTLEBLOWING

The **Public Interest Disclosure Act 1998 (PIDA)** is known as the Whistleblowing law and is designed to encourage and enable employees to "speak out" and to report suspected wrongdoing at work. Whistleblowing is generally the term used when someone who is employed in an organisation reports a concern about suspected wrongdoing, malpractice, illegality or risk in the workplace.

The National Whistleblowing Standards set out how the Independent National Whistleblowing Officer (INWO) expects all NHS service providers to handle concerns that are raised with them and which meet the definition of a 'whistleblowing concern'.

These Standards are underpinned by a suite of supporting documents, which provide instructions on how the INWO expects concerns to be handled. Together these documents form a framework for the delivery of the National Whistleblowing Standards.

The Standards consist of:

[Whistleblowing principles](#)

- The principles underpin and drive how concerns raised by staff or those working in NHS services are handled. They also include definitions of whistleblowing and whistleblower.

[The whistleblowing procedure](#)

- Definitions and explanations of what is a whistleblowing concern, who can raise a concern, and a description of the procedure for handling these concerns.

[Governance](#)

- Information for NHS boards and staff on their own responsibilities, requirements regarding recording and reporting concerns and expectations for external contractors.

[Training, guidance and resources](#)

- Supporting information setting out how the INWO expects the procedure to be applied, together with the governance arrangements that must be in place.

The Standards are applicable across **all NHS services**. This means that they must be accessible to anyone working to deliver an NHS service, whether directly or indirectly. This includes current (and former) employees, bank and agency workers, contractors (including third sector providers), trainees and students, volunteers, non-executive directors, and anyone working alongside NHS staff, such as those in health and social care partnerships.

NES encourages individuals, including employees, contractors and anyone else who interacts with NES to use internal mechanisms for raising any malpractice or illegal acts or omissions and as further set out in the **National Whistleblowing Standards**, has robust procedures in place to allow this to happen. Individuals can be assured that concerns raised in good faith will be protected under current legislation.

This can include:

- criminal offences;
- failure to comply with a legal duty;
- miscarriages of justice;
- fraud or corruption;
- abuse of authority;
- serious breaches of NES policy or procedure;
- unethical conduct and actions deemed unprofessional or inappropriate;
- victimisation (that is, discriminatory treatment or harassment of those who have raised complaints in regards to any of the various legal instruments -- eg anti-discrimination legislation, labour, health & safety, human rights issues or made whistleblowing complaints and it expects those standards to be upheld and maintained by its supply chain);
- the health and safety of any individual has been, or is likely to be, endangered;
- the environment has been, is being or is likely to be, damaged (as a result of NES's actions or inactions and those of its supply chain); and information about any of the above has been, is being, or is likely to be, deliberately concealed.

NES is committed to the highest possible standards of honesty, openness and accountability and will not tolerate malpractice or wrongdoing and expects that its suppliers, service providers and contractors are committed to and have in place a similar policy for its employees and subcontractors which seeks to protect those individuals who make certain disclosures about any instance of malpractice or wrongdoing and to investigate them in the public interest.

12. FURTHER SUPPORT

If at any time **during** the commissioning process you feel that you may need further help regarding the details of a specification, please contact the Officer named on any documentation you have been supplied with.

If at any time **outwith** the commissioning process you have any queries with respect to any aspect of the procedures, please contact our Procurement Team at: procurement@nes.scot.nhs.uk.

We also have a Frequently Asked Questions section on our website: <http://www.nes.scot.nhs.uk/about-us/procurement/faqs.aspx>

13. FEEDBACK

NES are committed to ensuring that our commissioning processes are transparent and easy to understand. We are therefore interested in seeking your views. You are invited to complete our Supplier Satisfaction Survey at: <https://www.nes.scot.nhs.uk/about-us/procurement/supplier-guidance/>

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14. HINTS & TIPS

We generally receive a good response to our tender advertisements. To help you in the submission process, we would suggest that you bear the following in mind:

- ✓ We provide suppliers with guidance on all contracts above £10,000 on the NES website: <http://www.nes.scot.nhs.uk/about-us/procurement.aspx>.
- ✓ All opportunities above £25,000 will be advertised on [Public Contracts Scotland](#) (PCS). Please check this site regularly for the most up-to-date contract opportunities.
- ✓ Read all documentation carefully – keep bids relevant to what is required.
- ✓ Ensure you are fully conversant with all Scottish Government principles and policies on Counter-fraud and NES policy on Hospitality.
- ✓ Complete all responses in a legible typeface – do not submit a handwritten questionnaire.
- ✓ Follow the precise format of the original questionnaire and use the same headings and number sequence.
- ✓ Complete and return the documents by the given time and date and be sure to sign anything that requires a signature.
- ✓ Provide all the information requested. If you cannot provide some of the information, for whatever reason, ask us for advice or state clearly the reason why the information has not been provided. Failure to supply requested information without good reason may mean that your bid is withdrawn from the process.
- ✓ Where relevant, cross-reference answers and appendices in your response to the questions in the ITT/CWQ. This will help us in the evaluation process.
- ✓ Seek more information if you are unsure about something. Appropriate contact details will be given in the instructions provided with the documentation. In the interests of fairness, we will always publish an anonymised list of all questions and answers on PCS and PCS-T.
- ✓ Ensure that bids submitted show all associated costings.
- ✓ Our evaluation panels will be made up of a cross-section of relevant stakeholders, some of whom may be external to NES. Therefore, do not assume that the panellists will have an inherent knowledge of any previous work you have completed for NES. If you have successfully completed a project for NES be sure to include this in the 'Previous Experience' section.
- ✓ Learn from your mistakes! If you were unsuccessful ask why. NES provides a debriefing after each tender exercise if requested.
- ✗ Do not bulk out responses with irrelevant glossy brochures and sales literature.

Further copies of this document are available, on request,
in audio and large print formats and in community languages.
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