



DOING BUSINESS WITH NHS EDUCATION FOR SCOTLAND

A SUPPLIER'S GUIDE

“Quality Education for a Healthier Scotland”

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1. INTRODUCTION

NHS Education for Scotland (NES) is an education and training body and a special health board within NHS Scotland, with responsibility of developing and delivering education and training for the healthcare workforce in Scotland. NES has a Scotland wide role in undergraduate, postgraduate and continuing professional development and maintains a local perspective through centres in Edinburgh, Glasgow, Dundee, Aberdeen and Inverness.

NES also cooperates and collaborates with regulatory bodies and other organisations that are concerned with the development of the health and care workforce for example the General Medical Council, universities and other professional bodies.

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

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 EU and UK regulations. Current legislation is found in:

- EU Treaty Principles
- EU Procurement Directives
- UK and Scottish Procurement Legislation

EU 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 £106,047/€135,000¹), public sector organisations are duty bound to advertise the tender notice in the Official Journal of the European Union (OJEU).

Further information regarding EU regulations can be found on the SIMAP website: <http://simap.ted.europa.eu>

In addition, NES must also procure all of 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.

¹ For one year starting from 1st January 2016

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 with regard to 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 ≥ £106,047 (exc VAT)	OJEU tendering procedures apply

4. ADVERTISING OPPORTUNITIES

In accordance with EU Public Sector Procurement Directives, NES tender opportunities over the EU threshold (currently £106,047/€135,000) are posted onto the OJEU (Official Journal of the European Union) 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 the national advertising website for Scottish public sector organisations - [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.

Details of current tenders and competitive written quotation (CWQs) opportunities can also be viewed within the NES Tenders section of the NES website: <http://www.nes.scot.nhs.uk/about-us/procurement.aspx>. Archived tender advertisements and details of awarded tenders can also be found there.

Suppliers wishing to bid for an advertised tender opportunity can download an appropriate pack from either the NES Website or 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 normally involves two stages (Invitation to Tender and Presentations). Occasionally for high value or complex tenders we will 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 European 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 European Single Procurement Document.

The ESPD (Scotland) 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 Monday 18 April 2016 all Scottish public bodies must issue and accept the ESPD for all procurements worth more than the EU 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 ESPD can be found in the [Scottish Procurement Policy Note 01/2016](#) and FAQ's on <https://www.sdpscotland.co.uk/wp-content/uploads/2016/03/ESPD-Supplier-Communication-23-March-2016.pdf>

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

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 particular 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. You will be offered the opportunity 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 EU Legislation, a contract award notice is placed in the Official Journal of the European Union on completion of the tender evaluation and after the 10-day mandatory standstill period. (The standstill period was introduced to allow 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 rules. 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 OJEU threshold contracts will also be posted on TED Supplement to the Official Journal of the EU at <http://ted.europa.eu/TED/main/HomePage.do>

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 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>

11. 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>

12. 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: <http://www.nes.scot.nhs.uk/about-us/procurement/supplier%60s-guide.aspx>

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13. 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 these sites 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 publish an anonymised list of all questions and answers on both our website and on PCS.
- ✓ Ensure that bids submitted show all associated costings fully, with nothing hidden.
- ✓ Make sure that the package containing your tender does not name your company – remember to turn off any logo stamps on your franking machine! If delivering by courier, ensure they do not affix a label to the package that names your company.
- ✓ 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.
- ✗ 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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