PROCUREMENT GUIDANCE

**THE PURCHASING PROCEDURES MANUAL**

24th April 2017, Version 2.

**Document Control**

**Revisions**

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# OVERVIEW

## Purpose of this Manual

The Purchasing Procedures Manual (the Manual) shall provide clear guidance for all Trust employees in relation to procurement activity. The Manual will contribute to the Trust building its level of procurement maturity as required by the 2013 Department of Health (DH) paper, National Health Service (NHS) Standards of Procurement.

The Manual incorporates procurement ‘best practice’ regarding the way the Trust will manage its activities, business relationships with suppliers, and our corporate social responsibilities together with the engagement, utilisation, and authority of the key stakeholders at all stages in the procurement cycle.

The Manual shall ensure the consistent, transparent and robust application of Section 18. Tender and Contracting Procedure of the Trust’s Standing Financial Instructions (SFI’s) Section D of the Standing Orders, Reservation and Delegation of Powers and Standing Financial (as amended).

The SFI’s shall take precedence in all instances of conflict between the Manual and the SFI’s. The Public Procurement (UK) Regulations 2015 SI No. 102 (as amended) (the Regulations) shall take precedence in all instances of conflict between the SFI’s and the Regulations. In case of uncertainty as to which policy or procedure should take precedence, advice from Procurement must be sought before proceeding with a procurement process.

It is important to note that The Manual will not provide step by step ‘how to’ instructions as each procurement will have its own unique requirements and circumstances. In all instances, advice from the Trust’s Deputy Director Purchasing is advised.

It is mandatory for all Trust employees to comply with the SFI’s, this Manual, the Regulations, and the principles of the European Union (EU) Procurement Directives.

## Distribution of the Manual

The Manual will be published on the Procurement & E-Commerce intranet webpage.

## Procedure for Review and Update

The Deputy Director of Purchasing will be responsible for reviewing and updating the Manual on an annual basis as a minimum. Updates will be incorporated into the Manual when they have been approved following a change control process, signed off by the Deputy Director of Purchasing.

# PRINCIPLES OF PROCUREMENT

## Value for Money

As a Public Body, the Trust is required to seek and demonstrate Value for Money (VFM) of all its’ spend. VFM is about obtaining the maximum benefit with the resources available. It is getting the right balance between quality and cost; as well as achieving the right balance between economy, efficiency and effectiveness, known as the 3E’s.

VFM is best determined through the competition of a robust specification for goods, services or works in an appropriate market place and evaluated using the Most Economically Advantageous Tender (MEAT) methodology.

## ****Procurement Principles****

Procurement is governed by a set of EU and UK principles that set out to ensure a ‘level playing field’ for buyers and suppliers in which to conduct business. These principles legally apply to procurement activity above the EU Public Procurement Thresholds, currently circa £164k, however, the Trust will endeavor to apply the principles proportionately to all procurement activity regardless of spend. These principles are outlined in Tables 1.0 and 1.1 below:

|  |  |
| --- | --- |
|  | **EU Derived Principles** |
| ***Transparency*** | Procurement activity shall be advertised appropriately to ensure market visibility and provide clear information with regards to the process, contractual requirements, performance and the method/s of evaluation being used in the determination of a successful bid. |
| ***Proportionality*** | The approach taken in any given procurement activity will be proportionate to the level of complexity, impact, risk and value of the activity as to not prevent or discourage bidders. |
| ***Equality*** | Ensuring that all providers and sectors have equal opportunity to compete where appropriate, that financial and due diligence checks apply equally and are proportionate, and that pricing and payment regimes are transparent and fair. |
| ***Non-Discriminatory*** | The consistent application of the Regulations and Trust rules to all procurement activity to ensure that no member state supplier is prevented from participating in an EU Tender on the grounds of nationality, or subject matter of the contract. |
| ***Mutual Recognition*** | Member states will recognise equivalent measures of qualifications, standards etc. |

*Table 1.0 – EU Principles of Procurement*

|  |  |
| --- | --- |
|  | **UK Principles** |
| ***Favour Competition*** | Procurement activity should be undertaken in a competitive environment to aid in demonstrating the EU and UK principles as well as VFM. |
| ***Robust*** | Procurement activity should be legally robust to ensure compliance and account of decisions made and/or actions taken. The specification of the services and the terms and conditions shall ensure the Trust and its patients are safeguarded appropriately. |
| ***Accountability*** | All procurement activity will have an accountable officer of the Trust to sign off on the compliance of the procurement process/es used. |
| ***Value for Money*** | All procurement activity will seek and demonstrate the balance between quality and cost reflecting in a VFM decision. |
| ***Quality*** | Procurement activity will set out the minimum quality of goods, works or services / outcomes to be achieved by though the specification of the contract. |

*Table 1.1 – UK Principles of Procurement*

## ****Effective Competition****

The Trust shall ensure the effective competition of its’ spend with suppliers to demonstrate VFM. The level and scale of competition shall be proportionate to the level of spend, complexity and risk associated with the procurement activity. The method of competition may vary according to the procurement process being undertaken (see section 5) and SFI set out the minimum requirements for competition relative to the value of the activity. Where uncertain as to what level of competition is appropriate, advice must be sought from Procurement.

## ****Contracts Finder****

The government’s Contracts Finder portal is to aid the UK in complying with the EU Directives for transparency and the simplification of procurement for businesses. The Trust will adhere to these requirements. The requirements are detailed within the 2015 Public Contract Regulations (PCR Part 4 Chapter 8 – 112) (<http://www.legislation.gov.uk/uksi/2015/102/contents/made>).

## Exemptions to Competition

The Trust shall endeavor to undertake competitive processes wherever possible however there are a few exemptions that can be granted. The grounds for exemptions. In addition, the UK and EU procurement legislation also provides grounds for exemption from competition in specific circumstances. Wherever exemption from competition is being sought, advice must be taken from Procurement.

## eProcurement

The Procurement & E-Commerce Department is responsible for building the Trust’s local eProcurement architecture in line with the DH NHS eProcurement Strategy April 2014. The architecture currently consists of Purchase 2 Pay (P2P) systems (Oracle and Integra), a Catalogue Management System (GHX) and an eSourcing Solution (ProContract by Due North Ltd/CTM). Trust aspirations include inventory management, adoption of the national messaging requirements for a Exchange Services Solution and a Spend Analysis Solution. Securing the local eProcurement architecture is vital in linking to the national infrastructure and global standards as required by DH.

The SFI’s mandate the use of the eProcurement solutions to accurately capture and report upon all non-pay spend.

## Separation of Duties

Procurement activity undertaken shall ensure the separation of duties to increase the protection from fraud and errors. This is achieved through dividing a process between two or more people so that no one person is responsible for the entire purchasing process.

Within procurement, the three areas of authority are;

* Budget holder authority,
* Authority to seek quotations / tenders, negotiate and commit and
* Authority to accept and pay.

In addition to the authority areas, a procurement activity will ensure a number of Key Control Points such as those listed in Table 2.0 to reinforce the separation of duties:

|  |  |
| --- | --- |
|  | **Examples of Key Control Points** |
| ***Specification / Requisition Process*** | Duly authorised representative to approve the specification or raise a requisition. |
| ***Selection Process*** | Terms of Reference of evaluation panels, the use of consensus and moderated scoring. |
| ***Contract Award*** | SFI’s mandate who or which Board are duly authorised to approve/ratify the recommendation to award a contract. |
| ***Goods Received*** | The requisitioner is responsible for ensuring the goods, services or works received match those orders in all aspects. |
| ***Services Performed*** | The named Contract Manager / Authorised Officer in the contract is responsible for ensuring the performance of the services to the specified / agreed standards. |
| ***Payment Process*** | The payment process is ultimately approved by matching the Good Receipt Number (GRN), Purchase Order (P/O) and invoice value having been processed through the Trusts Procurement 2 Pay (P2P) process. |

*Table 2.0 – Separation of Duties: Examples of Key Control Points*

## Environmental Consideration

All procurement activity will take into consideration the impact upon the environment with a view to supporting the Trust in delivering its sustainability programme and being a Good Corporate Citizen. Procurement decisions will take into consideration the environmental matters when creating a specification and evaluating bids including; Greenhouse Gas emissions / energy consumption, Water consumption, Waste and recycling, Transport , Biodiversity, nature conservation and greening , Noise, land and water pollution , Air quality, and Responsible consumption.

## Social Value

The Public Services (Social Value) Act 2012 sets out the requirement for public spend to consider the Social, Economic and Environmental impacts. Procurement activity within the Trust shall endeavor to ensure that Social Value is built into all contract specifications.

# PROCUREMENT PLANNING

## Procurement Delegated Authority

The Trust’s SFIs cover in detail the Delegation of Authority and Scheme of Delegation. Within a procurement activity, a procurement project team will establish a terms of reference in accordance with the SFIs in determining delegated authority.

## Conflict of interest / Declaration of Interest

The Trust’s SFIs cover in detail Conflict of Interest. Within a procurement activity, a procurement project team will establish with all members involved in the evaluation of bids being required to sign a Declaration of Interest Form. A copy is to be retained with the tender file and general declaration of interest to be registered with the Trust Director of Corporate Services.

## Procurement Ethics / Code of Conduct

All staff involved with procurement must undertake to comply with the ethical code of purchasing provided by the Chartered Institute of Procurement and Supply (CIPS).

# PROCUREMENT OVERVIEW

## Definition of Procurement

Procurement is defined as the acquisition of goods, services or works through a compliant process in order to obtain Best Value by evidencing value for money to meet the needs of the Trust in terms of product, quality, people, time, performance, location and price. Purchasing is a subsection of the procurement process and generally refers to the process involved in ordering goods such as requisitions, approvals, creation of purchase orders and the receipting of goods.

## The Procurement Processes

The procurement process for public sector bodies is governed by the UK Public Contract Regulations 2015 (Statutory Instrument Number 102) as amended. These are further supported by the Trust’s Standing Financial Instructions (SFI’s). For each of the following processes a flow chart diagram is included in the appendices:

|  |  |
| --- | --- |
|  | ***Description of Procurement Processes*** |
| ***Open Procedure***  ***(PCR Regulation 27)*** | Where a notice is placed in the Official Journal inviting tenders from those that meet declared minimum capacity levels, all of those who submit their tender by the date specified in the notice must be considered. **(Appendix 1)** |
| ***Restricted Procedure***  ***(PCR Regulation 28)*** | Where a contract notice is placed in the OJEU inviting expressions of interest along with proof of capacity. Only suppliers that meet the minimum capacity requirements, and are shortlisted using the rules for further selection, will be invited to tender. **(Appendix 2)** |
| ***Competitive with Negotiation***  ***(PCR Regulation 29)*** | Where a notice is placed in the OJEU and from those who respond participants are chosen following the same process as the restricted procedure, above. Competitive with Negotiation allows greater flexibility when the needs of the contract cannot be met without adapting readily available solutions, where it involves design or innovative solutions, where the subject matter requires complex negotiations or where a specification cannot be defined with adequate precision.  This procedure is only available where the Trust is looking to award a particularly complex contract (as defined in the relevant Regulation) and where the Trust feels the open and restricted procedures will not allow the award of that contract. **(Appendix 3)** |
| ***Competitive Dialogue***  ***(PCR Regulation 30)*** | Where a notice is placed in the OJEU and from those who respond participants are chosen following the same process as the restricted procedure, above. A dialogue is then begun with the selected participants with the aim of establishing how the Trust’s needs can be best satisfied.  Throughout the process, the Trust must take care to ensure the principles of equal treatment and transparency are adhered to and that a genuine competition has taken place.  This procedure is only available where the Trust is looking to award a particularly complex contract (as defined in the relevant Regulation) and where the Trust feels the open and restricted procedures will not allow the award of that contract. **(Appendix 4)** |
| ***Innovation Partnership***  ***(PCR Regulation 31)*** | Innovation partnerships are a new concept in EU procurement law. They are intended to be long term partnerships which allow for both the development and subsequent purchase of new and innovative products, services or works.  The term "partnerships" is not used in a technical sense to mean legal partnerships as defined under UK law. The term is used to indicate the partnering type approach to working together.  The process is similar to the restricted procedure. Advice from Procurement must be taken prior to selecting this process. **(Appendix 5)** |
| ***Negotiated Procedure***  ***(PCR Regulation 32)*** | Where a contract notice is placed in the OJEU inviting expressions of interest along with proof of capacity. Only suppliers that meet the minimum capacity requirements, and are shortlisted using the rules for further selection, will be invited to negotiate the contract (usually using a tendering round). This procedure is only available in very limited circumstances (principally relating to uncertainty of the requirement) which are similar to those permitting the use of the competitive dialogue procedure. In certain very limited instances, the negotiated procedure is available without publishing a call for competition. Trusts which use these procedures must be able, if challenged, to justify their decision and show that the grounds set out in the regulations have been met. It is important that there is an audit trail including, where relevant, why the open and restricted procedures were not considered appropriate. **(Appendix 6)** |
| ***Accelerated Procedure*** | The accelerated procedure is to be used exceptionally, and the Trust must indicate its reasons in the notice to the Official Journal. Generally the reasons for urgency should be external, i.e. not resulting from delay by the purchaser. Also, it is important to regard the 10/15-day periods as minimum periods: the contracting authority should allow the maximum time practicable. **(Appendix 7)** |
| ***Frameworks and Mini Competitions*** | Where an existing, EU compliant contractual Framework exists which the Trust can access, the requirements set out in the Framework will be adhered to in undertaking any further competition.  Options available under a Framework are typically, a) Direct Award, undertaken without further competition of the business or b) a mini-competition amongst the suppliers on the Framework / Lot of the Framework. Where mini-competitions are undertaken, the Trust shall fulfill the requirements of the Framework and ensure all other, over-arching compliance requirement are met. **(Appendix 8)** |
| ***Dynamic Purchasing Systems*** | Where a EU compliant Dynamic Purchasing System (DPS) is available for the Trust to use, the requirements as set out in the DPS will be adhered to. Where further competition is undertaken (i.e. a mini-competition), the Trust shall fulfill the requirements of the DPS and ensure all other, over-arching compliance requirement are met. **(Appendix 9)** |
| ***Electronic Auctions*** | Where a reverse auction style platform is established with bidders able to place bids of reducing amounts in order to secure the opportunity. These events require specialist input from the Procurement Department and third party auction provider. **(Appendix 10)** |
| ***Formal Quotes*** | Where the value of the purchase including VAT is between £10k and £50k, formal quotes must be sought in accordance with the Trust’s SFI’s. **(Appendix 11)** |
| ***Prior Information Notices (PIN)*** | A Prior Information Notice (PIN) when used in accordance with the UK Public Contract Regulations 2015 can be used to reduce the timescales applicable to tenders above the EU threshold. In such instances, the PIN must be published at least 35 calendar days prior to the publication of the Contract Notice but not greater than 365 calendar days. |

*Table 3.0 – Procurement Processes*

Timescale Tracker - Public Contracts Regulations 2015

Version 1.01 February 2015

This document sets out key timescales relating to the main contract award procedures under the Public Contracts Regulations 20015. Please note that it **is only applicable for procurements that were commenced on or after 26 February 2015**,

The overriding requirement when setting timescales is to allow sufficient time for suppliers to prepare appropriate responses, taking account of the subject of the proposed contract, the contract award procedure to be used and the need, for example, for site visits. The table below sets out the minimum permitted timescales and the maximum permitted reductions. You must also take into consideration the general rules around setting of time limits that are set out at Regulation 47 of the Public Contracts Regulations 2015.

An appropriate time period will also need to be allocated for other aspects of the procurement process, e.g. evaluation of tender responses.

Regulation 84 of the Public Contracts Regulations 2015 (See Appendix 24 plus Guidance Notes). This document must be completed (where applicable) at the start and during the process of the tender exercise. Hard copy to be retained in the Tender Project File.

**Minimum timescales:**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Choice of procedure** **and stage** | **Standard timescales** | **Options for sub-central contracting authorities** | **Tenders submitted** | **Requirement is** **urgent and longer time limit is impractical as a result** | **PIN published no** **more than 12 months and no less than 35 days from dispatch of contract notice** |
| **electronically** |
| **OPEN** | | | | | |
| Dispatch of contract notice to receipt of responses | 35 days |  | 5 day reduction | Period reduced to 15 days | Period reduced to 15 days |
| Standstill | 10 days |  |  |  |  |
| **RESTRICTED** | | | | | |
| Dispatch of contract notice to receipt of responses | 30 days |  |  | Period reduced to 15 days |  |
| ITT to receipt of bids | 30 days | May agree time-limit with tenderers – in absence of agreement minimum period is 10 days | 5 day reduction | Period reduced to 10 days | Period reduced to 10 days |
| Standstill | 10 days |  |  |  |  |
| **COMPETITIVE WITH NEGOTIATION** | | | | | |
| Dispatch of contract notice to expressions of interest | 30 days |  |  | Period reduced to15 days |  |
| ITN to receipt of initial tenders | 30 days | May agree time-limit with tenderers **—** in absence of agreement minimum period is 10 days | 5 day reduction | Period reduced to 10 days | Period reduced to 10 days |
| Standstill | 10 days |  |  |  |  |
| **COMPETITIVE DIALOGUE** | | | | | |  |  |  |
| Dispatch of contract  notice to expressions of interest | 30 days |  |  |  |  |
| Standstill | 10 days |  |  |  |  |
| **INNOVATION PARTNERSHIP** | | | | | |  |  |  |
| Dispatch of contract notice to expressions of interest | 30 days |  |  |  |  |
| Standstill | 10 days |  |  |  |  |

## Receipt and Reconciliation

Receipting and reconciliation of statements is primarily managed by Accounts Payable.

# PROCURE TO PAY (P2P) PROCESS DETAILS

## Supplier Approval and Appraisal

For a supplier to receive a Purchase order from the Trust they must be listed within the supplier database of the Oracle/Integra purchasing systems. This database is managed by the Catalogue Compliance Team, Procurement & E-Commerce Department.

When a new supplier has been requested Procurement will check if the supplier is already listed within Oracle or if the goods or services can be obtained from an alternative supplier.

Where new suppliers have been requested the following information must be contained within the requisition: supplier name and address, contact name, telephone number and email address. This will enable Procurement to contact the supplier to obtain the correct information for the Catalogue Compliance Team to set up a supplier account.

## Goods Specification

All requisitions must contain accurate information reflecting the goods and services being requested such as: full description of the item or service, product code(s), contract period, unit or total cost. Providing this information will enable Procurement to process your requisition in a timely manner

## Purchase Requisition

A purchase requisition needs to be created for all goods and services required. Once a requisition has been raised within Oracle/Integra this will then automatically move to the Line Manager(s) within the hierarchy for approval. A workflow email will be sent to the Line Manager (s) notifying a requisition needs approving. Once approved Procurement can process the requisition into a purchase order.

## Purchase Order

A purchase order is required for all goods and services being purchased and must be provided to the supplier before any goods or services are provided. A purchase order is created from an approved requisition.

## Goods Receipt

Where goods have been delivered or services provided against a purchase order, a Goods Receipt Note (GRN) will need to be created. This confirms that the goods or services have been completed and no problems have arisen.

A workflow email will be sent to the requisitioner notifying a GRN needs completing. Failure to GRN in a timely manner will have an impact on the payment authorisation process.

## Supplier Invoice

When goods have been delivered or services provided, the supplier will raise an invoice to the value of what has been supplied (inclusive of VAT) for the Trust to pay.

All supplier invoices must state an in date purchase order number, sent directly to the purchasing hospital addressed as follows:

**CMFT Accounts Payable**

**Procurement & E-Commerce Department**

**Central Manchester University Hospitals**

**NHS Foundation Trust Wilmslow Park, K Block**

**211 Hathersage Road**

**Manchester**

**M13 0JR**

**UHSM Accounts Payable**

**University Hospital of South Manchester NHS Foundation Trust**

**Accounts Payable Finance Department**

**Baguley House**

**Wythenshawe**

**Manchester**

**M23 9LT**

## Payment Authorisation

Once a GRN has been completed and matched to the correct supplier invoice and purchase order number the invoice is authorised for payment and will be included on the next available payment run.

# INVITATION FOR BIDS / PROPOSALS

## Pre-Offer Engagement

The purpose of Pre-Offer Engagement is to ensure:-

• Candidates (i.e. potential suppliers who are invited to submit an offer) understand the requirements of the Trust and its customers.

• To ensure the competitive process offers results in effective purchasing arrangements.

• To reduce, or preferably eliminate, the need for post-offer clarification.

• To ensure candidates have all the information they need to submit their most competitive offer.

The Purchasing Lead must complete the Pre-Offer engagement document (Appendix 0) which requires authorisation prior to engagement by Procurement Director or Deputy Director of Purchasing or Head of Purchasing.

**Protocol – Pre-Offer Discussion**

Pre-offer discussions may be held between the Trust and potential candidates to ensure that there is a mutual understanding of the prevailing market conditions.

Notwithstanding the legal prohibition on ‘negotiations’ (see the statement from the European Commission in Procedure 1-13), in practice there will be occasions when discussions on price will be necessary. All pre-offer discussions with a potential candidate specifically dealing with prices must be kept on file

As there is a risk of a legal challenge to such actions, purchasing managers should always assess the risk of such a challenge and act accordingly. In order to minimise these risks, a clear audit trail must be maintained to show that all potential candidates were treated fairly and none was given any advantage over the others.

**Pre-Offer Discussion Meeting**

All shortlisted candidates should be invited collectively to a pre-offer discussion meeting before the Invitation to Offer documents are issued. In circumstances where there is a need, candidates may be seen individually.

The Purchasing Lead should be accompanied by a colleague from the Trust or a representative of the customer.

If the pre-offer discussion is taking place the Purchasing Lead should cover the following issues:

• prices

• the service needs of the CMFT and its customers

• the offer evaluation process

• the offer documentation

• the Trust standard terms and conditions of contract

• the contract specification

• income (rebates and/or commissions, where appropriate)

• geographical coverage

• (for existing contracts) a review of trends and developments during the course of the contract

• (for new contracts) a discussion of the strategic aim of the contract.

For complicated procurements it may be appropriate to provide potential candidates with copies of the invitation to offer and specification documents prior to (or at) the meeting and invite their feedback within a certain period. (Important: All such documents must be clearly marked with the word ‘Draft’.)

If the specification is finalised in the light of comments made by a potential candidate, care must be taken to maintain the objectivity of the procurement process. Any changes to the draft specification must not give one potential candidate any undue advantage over any other.

Pre-offer discussion meetings must be properly minuted by the Purchasing lead. This is necessary to demonstrate that all potential candidates have been treated fairly and consistently. The minutes must be signed by the Purchasing lead and his or her colleague or the customer representative and copied to everyone who was at the meeting.

Following the pre-offer discussion the Purchasing Lead will issue the indicative pricing documents or alternatively will issue the Invitation to Offer documents.

## Prior Information Notices (PIN)

A Prior Information Notice (PIN) can be used to prepare the market for upcoming opportunities within the next 12 months. Publishing a PIN in the Official Journal of the European Union (OJEU) allows for some reductions in the minimum timescales required during certain procurement processes. In order for a PIN to be valid, it must be issued at least 35 calendar days prior to the contract notice and be less than 12 months old.

## Contract Notices (call to competition)

The Contract Notice acts as a call for competition for a specific contract and should be published via the Official Journal of the European Union (OJEU) as soon as possible after the intention to tender has been formed. It provides specific details of the contract as well as criteria for applicants to be selected for invitation to tender in the restricted and competitive procedures. Publication is mandatory other than for contracts covered under the Light Touch regime (Regulation 74 of PCR 2015).

## Letter of Invitation

A covering letter must be included in all Invitation To Tender (ITT) opportunities. The Letter should provide a summary of the key points regarding the opportunity and the contact details for the lead procurement officer. Procurement has a standard template available upon request.

## Instructions to Bidders

The ITT documents must include a clear and explicit set of instructions to all bids regarding how to bid, how bids will be assessed and details of any mandatory requirements / exclusive criteria. Procurement has a standard template available upon request.

## Currencies and Payments

All ITT documents must state that prices submitted must be in Great British Pounds (GBP) Sterling (£) and show the total value excluding Value Added Tax unless otherwise specified.

## Submission of Offers

The Instructions to Bidders document must make it explicitly clear as to how offers must be received including details of method (i.e. electronic, paper etc), deadlines and the consequences of failing to adhere to the requirements. Procurement has a standard template available upon request.

## Receipt of Offers

The Declarations and Form of Tender documents must accompany all bids in order for them to be received as a bona-fide offer. Procurement has a standard template available upon request.

## Bidder Queries

ITT documents will make it explicitly clear as to the methods and deadlines applicable to all tender activity communication during the tender. Information shared with bidders should be always followed up in writing and where appropriate, shared openly with all bidders as to comply with the principles of procurement. Procurement has a standard template available upon request.

## Modification to Bids / Proposals

Bidders are free to make amendments or modifications to their bids prior to the submission deadline and the Trust shall take the latest submission received prior to the deadline as the final submission. No further modification to the bids will be permitted.

The Evaluation Panel and/or the Purchasing Lead will have discretion as to whether to seek clarification in relation to bids from the bidders in certain circumstances including arithmetic errors, unclear / uncertain responses or incomplete submissions.

The decision to permit clarifications lies with the procurement lead and if in doubt, advice should be sought from the Head of Procurement.

# EXEMPTIONS FOR IN-HOUSE / JOINT CO-OPERATIVE CONTRACTS

## Regulation 12 of the PCR 2015

A contract will be regarded as an exempt in-house contract under the PCR 2015 where;

* the contracting authority exercises over the contractor concerned a control which is similar to that which it exercises over its own departments (“similar control” in this context means the contracting authority exercising “a decisive influence over both strategic objectives and significant decisions” of the contractor. It includes where this control is exercised by another body, provided that other body is itself controlled by the contracting authority); and
* more than 80 % of the activities of the contractor are carried out in the performance of tasks entrusted to it by the controlling contracting authority or by other bodies that are themselves controlled by that contracting authority; and
* there is no private sector ownership of the contractor, with certain exceptions.

A contract between contracting authorities will be regarded as an exempt joint co-operative contract under the PCR 2015 where;

* the contract establishes joint co-operation in the performance of public services with a view to achieving mutual objectives; and
* the implementation of the co-operation is governed only by the public interest; and
* the participating authorities perform “on the open market” less than 20% of activities concerned by the co-operation.

# EVALUATION OF OFFERS

## Purpose of Evaluation

Evaluating offers / bids ensures the application of the principles of procurement to evidence the Best Value offer. The ITT documents will have set out the composition and application of the evaluation methodology including the use of paper-based assessments, presentations, interviews, site visit and demonstrations.

Following the methodology is an essential and integral requirement as feedback to unsuccessful suppliers must include the details of the evaluated scores in comparison to the winning bidder. The Purchasing Lead will ensure the application of the evaluation methodology as described in arriving at a recommendation for award.

## Terms of Reference

The Evaluation Panel will agree a Terms of Reference (ToR) for the tender activity. This will be issued to all panel members in writing. Procurement has a standard template available upon request.

## Conflict of Interest / Declaration of Interest

Any and all conflicts of interest will be disclosed by Evaluation Panel members prior to commencing the evaluation of bids. Panel members will sign the declaration and the Procurement Lead will retain these documents with the procurement project file. Declaration of Interest forms are available on the Trust Intranet.

Where it becomes apparent that a conflict of interest exists by an Evaluation Panel member, the Procurement Lead will seek the advice of the Purchasing lead to determine how to proceed.

In all instances, conflicts of interest must be properly managed by The Trust to ensure that the integrity of the Procurement cannot be called into question.

## Non-Disclosure

Evaluation Panel members will also sign a confidentiality agreement covering the non-disclosure of information in relation to the tender activity. The Procurement Lead will retain the signed document with the procurement project file. Procurement has a standard template available upon request.

## Evaluation of Quotations or Proposals

In evaluation quotations or proposals, the requirements for evaluating bids is significantly reduced although the principles of procurement will apply. In determining a recommendation, the project lead must only demonstrate Best Value and the fair and transparent treatment of bidders.

## Opening of Bids, Quotations or Proposals

The opening of bids, quotations or proposals must be undertaken in accordance with the Trust’s SFI’s.

## Evaluation of Bids

The evaluation of formal bids must be undertaken in accordance with the methodology defined within the tender documents and in accordance with Section 8.

## Lowest Price vs. Most Economically Advantageous Tender

Under the 2015 Public Contract Regulations, the choice of evaluation method between Lowest Price or Most Economically Advantageous Tender (MEAT) has been removed, instead, all tenders will be evaluated using MEAT where the criteria for evaluating bids must have been set in advance of receiving bids and the weightings and sub criteria used must have also been disclosed.

## Financial Evaluation of Suppliers

Bidders will be evaluated for financial stability using the Government’s SID4GOV – Supplier Intelligence Database for Government (<https://sid4gov.cabinetoffice.gov.uk/>) wherever possible. The tender documentation will set out all other financial assessments that will be undertaken against the bidders at various stages with the process.

## Awarding Contracts

## ****Intention To Award****

Following approval, an Intention To Award (ITA) letter should be issued to all bidders involved disclosing the result of the evaluation and the decisions proposed. The letter will go to both successful and unsuccessful bidders and provide all information required to meet the EU Remedies Directive including:

* Name of the ‘Winning’ supplier/s
* Details of the Award Criteria used
* The ‘Winning’ suppliers scores shown against the Award Criteria
* Their scores shown against the Award Criteria

Procurement has a standard ITA template letter that meets the requirements and should be used in all instances.

## ****Standstill Period****

Where applicable, the Trust will, upon dispatching of an ITA letter, include the details of the 10 day standstill period before which, the Trust cannot enter into a contractual relationship. The full range of remedies is available to the court at this stage, (i.e. before the contract is let) including the power to suspend the procurement process or to overturn the award decision. Once the contract is in existence (concluded) damages are the only remedy available in the UK courts.

A contract cannot be concluded with the winning supplier until at least the 11th calendar day at the earliest following notification. If a supplier commences legal action against an authority, consideration should be given to deferring the conclusion of the contract.

For the Trust, the Standstill Period, if started on a Friday or on a public holiday, will commence from the next working Monday or Tuesday.

## Legal Challenges to Processes

Bidders have a number of remedies available to them where authorities breach the regulations. These include:

* Suspension of the contract award procedure
* Setting aside of unlawful decisions
* Correction of documents to remove discriminatory clauses
* Damages, including costs of tendering and possible loss of profit

The bidder must notify the Trust of the alleged breach and intention to bring proceedings. An application to the High Court must be made promptly and within 3 months of the grounds arising, (unless the Courts allow longer).

Bidders can also make complaints to the European Commission, which can investigate the complaint and if necessary take action against the Member State (represented by the Office of Government Commerce) in the European Court of Justice (ECJ).

Where a supplier brings a challenge, an automatic suspension of the award of the contract comes into place. The contracting authority has the ability to request an interim order to end this suspension.

Where a legal challenge is received, support must be immediately sought from the Procurement Department.

## Performance Evaluation Questionnaire

At the end of the Tender Process, following the Award Notice, the Purchasing lead to issue the Performance Evaluation Questionnaires to the Supplier and the Trust Divisional lead(s).

Please see link <https://www.surveymonkey.com/r/RPWWMMG>

Appendix: 13.27 and 13.28.

# PROCUREMENT GROUP

## Purpose

To be a forum to agree the Purchasing savings plan and to facilitate, promote and drive forward opportunities to save money through Procurement lead programmes.

## Roles and Responsibilities

* To regularly attend meetings or send a deputy, and to actively contribute to the activities of the group, including the generation of ideas in support of the Group’s key functions.
* To act as representative of their Specialty/Department/Divisional Management Group, and to communicate with colleagues and to ensure issues are raised with the Group as appropriate.
* To ensure that decisions of the Group are effectively communicated and implemented in a timely manner.

## Terms of Reference and Key Functions

* To review and agree the Purchasing savings work plan, aligned with the overarching Trust CRES programme and targets for Procurement.
* To identify priorities in relation to procurement work plans and contract timetables, facilitating & aligning such plans in line with agreed Divisional and Trust Strategies.
* To agree a robust savings reporting methodology and to review and report savings performance.
* To establish and monitor appropriate sub-groups co-opting service/clinical leads where appropriate to undertake specific projects.
* To review and approve policies relating to procurement activities within the Trust.
* To communicate the activities and decisions of the Group throughout the Trust as appropriate.
* To consider and promote clear Governance and Risk management issues that may surround any product selection in line with current legislation and guidance.
* To support competitive tender and quotation exercises where appropriate including the evaluation of offers.
* To review Terms of Reference and membership on an ongoing basis.

## Composition

The Group shall consist of the following members:

* Divisional Finance leads
* Procurement Director/Deputy Director Purchasing (Chair)
* Head of Purchasing (Deputy Chair)
* Procurement lead
* Divisional Directors (or nominated deputies)
* Appropriate Service Leads (co-opted as required)
* Infection prevention (as required)
* Governance/Health & Safety lead (as required)

## Quorate

The Group will be quorate if five (5) members attend including the Chair or Deputy Chair.

## Submission / Inputs to the Procurement Group

Minutes of meetings will be submitted no later than five (5) days prior to the meeting. All agenda items must be submitted in writing to the Head of Purchasing no later than seven (7) days prior to the meeting.

## Frequency of Procurement Group Meetings

The frequency of meetings will be determined by the Group, but is likely to be at least quarterly.

## Documentation

The Head of Purchasing will be responsible for the retention and accurate keeping of all documentation relating to the Group and the meeting held.

# CONTRACT MANAGEMENT

## ****Description****

Contract Management is an essential and vital component of Procurement. Each contract will define and list the authorised representatives and their respective role/s within the contract. The contract will also define the requirements of contract monitoring and key performance indicators and/or measure, including escalation processes and any consequences of poor performance and/or failure.

## Active and Enabling Model

The procurement team will adopt an Active and Enabling contract management model. This will mean that high value and/or high risk contracts will involve procurement support in the contract management process. In all other contracts, procurement will provide the necessary training, tools and knowledge to enable the contract lead to perform the contract management requirements.

## Payment and Taxes

The payment of the contract will be governed by the terms and conditions of the individual contract.

## Breach and Termination of Contract

Breach of contract and termination clauses will be governed by the terms and conditions of the individual contract.

# PROCUREMENT RECORDS

## ****Policies for Procurement Records****

The Trust must retain records at each stage of the procurement process in case of challenge in the courts or for reporting to the European Commission. There records must detail all decisions made on individual contract awards and will be recorded on the electronic tender database. These include:

* Justification for the use of competitive dialogue procedure or the negotiated procedure (with or without call for competition)
* Decisions relating to the admission of candidates and choice of tenderers
* Assessment of tenders
* Dates and copies of notices sent to the Official Journal of the European Union
* Unsuccessful bids (tender submissions)

## ****Archiving Records****

Hard copies of active records should be kept on site where possible with electronic copies saved to the appropriate Trust networked drives. All archived records should be stored with the Trust’s approved document storage provider/s.

## ****Retention of Documents****

Hard copies of documents to be retained on the tender files should include (where possible) the following signed documents:

* Pre-Tender Strategy Document
* Award Recommendation Report
* Award Letter
* Signed Contract / Signed Service Level Agreement or Memorandum of Agreement
* Copy of the Official Order
* Completed Copy of Regulation 84 Template (Appendix 24).

# PARTNERING WITH ORGANISATIONS

## ****Significant Partnership Working Arrangements****

The Trust must ensure that all partnership working arrangements are compliant with the strategic aims, objectives and values of the Trust. See Flow Diagram in Appendix 22.

# APPENDICES

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## ****Appendix 1 – Procurement Route Planner Page 28****

## ****Appendix 2 – EU Open Procedure Page 29****

## ****Appendix 3 – EU Restricted Procedure Page 30****

## ****Appendix 4 – EU Competitive with Negotiation Procedure Page 31****

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## ****Appendix 25 – Regulation 84 Template Pages 52-53****

## ****Appendix 26 – Performance Evaluation Questionnaire – Supplier Pages 54-55****

## ****Appendix 27 – Performance Evaluation Questionnaire – Trust Pages 56-57****

|  |  |
| --- | --- |
| Description: https://www.breast-screening.uhsm.nhs.uk/files/greater_manchester_NHS_logo.gif | **C Manc Uni Hospitals col A** |

**APPENDIX 0: Pre-Tender Offer Engagement Form**

**PRE-OFFER ENGAGEMENT**

**Project title:**

**Project ref:**

**Estimated total value:**

**Proposed Pre-Tender Strategy (please tick one or more)**

No detailed engagement with shortlisted suppliers

One-to-one meetings with all shortlisted suppliers

Group meeting with all shortlisted suppliers

Market pricing request to all shortlisted suppliers

Formal indicative pricing request to all shortlisted suppliers (can only be authorised by Procurement Director/Deputy Director Purchasing/Head of Purchasing)

Comments / Justification

Requested by:

Pre-Offer Engagement

£0 - £10k

£10k - £50k

£50k - £EU

**|--------------------Operational Purchasing Team--------------------|**

**|----------Strategic Purchasing Team----------|**

**APPENDIX 1: CMFT/UHSM Standing Financial Instructions - Procurement Route Planner**

Non EU Tender (3)

Formal Quote (3)

Existing Framework / DPS

Appendix 19

Appendix 18

Contracts Finder

Appendix 12

Appendix 10

eAuction

Appendix 14

Appendix 6

Appendix 5

Appendix 4

Appendix 3

Appendix 2

Appendix 1

Light Touch

Negotiated

Innovation Pnr

Comp. Dialogue Diaglogue

Comp. Negotiation

Restricted

Open

Exemptions & Waivers

Appendix 8/9

Appendix 13

Appendix 11

Mini Comp.

Direct Award

EU Tender

Formal Quote

**Raise Requisition (Appendix 16)**

**Publish Contract Notice**

**Receive Expressions of Interest (EoI)**

**Issue Tender Documents to Each (EoI)**

**Deadline for Receipt of Tender Submission**

**Evaluate Tender Submissions and Determine the Winning Bid**

**Gain Approval of Recommendation and Award**

**Mandatory Standstill Period**

**Award and Sign Contract**

**Publish Contract Award Notice**

10 calendar days minimum

30 calendar days maximum

30 calendar days minimum. Less 5 days if tender documents are available for immediate download.

15 calendar days minimum where a PIN has been issued

**APPENDIX 2: Open Procedure within the Public Sector**

6 calendar days maximum to respond per EoI request if the documents are not available electronically and downloadable.

No prescribed timescales but estimate 30 calendar days to complete

No prescribed timescales but estimate 60 calendar days to complete

Publish the award decision/s on Contracts Finder within reasonable timescales.

**Raise Requisition (Appendix 16)**

**Publish Contract Notice**

**Deadline for Receipt of Pre-Qualification Questionnaire**

**Issue Tender Documents**

**Deadline for Receipt of Tender Submission**

**Evaluate Tender against AWARD CRITERIA to determine the Winning Bid**

**Gain Approval of Recommendation and Award**

**Mandatory Standstill Period**

**Award and Sign Contract**

**Publish Contract Award Notice**

10 calendar days minimum

30 calendar days maximum

30 calendar days minimum. Less 5 days if tender documents are available for immediate download and/or less 15 days with the publication of a PIN. Minimum timescales with electronic discounts is 10 days

**APPENDIX 3: Restricted Procedure within the Public Sector**

No prescribed timescales but estimate 30 calendar days to complete

No prescribed timescales but estimate 60 calendar days to complete

**Evaluate PQQ against SELECTION CRITERIA**

**Notify Un/Successful Bidders**

30 calendar days minimum. Less 5 days if tender documents are available for immediate download.

15 calendar days minimum where a PIN has been issued

Publish the award decision/s on Contracts Finder within reasonable timescales.

**Raise Requisition (Appendix 16)**

**Publish Contract Notice**

**Deadline for Request To Participate (RTP)**

**Open Negotiation Phase**

**Gain Approval of Recommendation and Award**

**Mandatory Standstill Period**

**Award and Sign Contract**

**Publish Contract Award Notice**

10 Calendar Days Minimum

30 Calendar Days Maximum

**APPENDIX 4: Competitive with Negotiation**

30 calendar days minimum (if notice sent in approved electronic format)

No prescribed timescales but estimate 90 calendar days to complete

No prescribed timescales but estimate 60 calendar days to complete

**Close Negotiation Phase**

**Issue Tender Documents**

**Deadline for Receipt of Tender Submission**

**Evaluate Tender against AWARD CRITERIA**

No prescribed timescales but estimate 30 calendar days to complete

**Issue Invitation To Tender (ITT)**

**Deadline for ITT Submission**

30 calendar days minimum. Less 5 days if notice sent in approved electronic format and reduced to 10 days with a PIN

Publish the award decision/s on Contracts Finder within reasonable timescales.

**Raise Requisition (Appendix 16)**

**Publish Contract Notice**

**Deadline for Pre Qualification Questionnaire (PQQ)**

**Evaluate PQQ’s against SELECTION CRITERIA**

**Publish Invitations To Participate in Dialogue (ITPD)**

**Commence Dialogue**

**Gain Approval of Recommendation and Award**

**Mandatory Standstill Period**

**Award and Sign Contract**

**Publish Contract Award Notice**

10 Calendar Days Minimum

30 Calendar Days Maximum

**APPENDIX 5: Competitive Dialogue Procedure within the Public Sector**

No prescribed timescales but estimate 90 calendar days to complete

No prescribed timescales but estimate 60 calendar days to complete

**Close Dialogue: Solution Found**

**Issue Tender Documents**

**Deadline for Receipt of Tender Submission**

**Evaluate Tender against AWARD CRITERIA**

No prescribed timescales but estimate 30 calendar days to complete

Include publication to Contracts Finder if the anticipated lifetime value of the contract will exceed £25k.

Publish the award decision/s on Contracts Finder within reasonable timescales.

**Publish Contract Notice**

**Deadline for Request To Participate (RTP)**

**Issue Phase 1 Innovation Design**

**Deadline for Receipt of Phase 1 Innovation Design Submission**

**Evaluate Phase 1 Submission**

**Gain Approval of Recommendation and Award**

**Mandatory Standstill Period**

**Award and Sign Contract**

**Publish Contract Award Notice**

10 calendar days minimum

30 calendar Days Maximum

**APPENDIX 6: Innovation Partnership**

No prescribed timescales but estimate 60 calendar days to complete

**Evaluate RTP against SELECTION CRITERIA**

**Notify Un/Successful Bidders**

30 calendar days minimum.

**Issue Phase 2 Develop Contract**

**Deadline for Receipt of Phase 2 Contract Submission**

**Evaluate Phase 2 Submission**

**Issue Final Tender Documents**

**Deadline for Receipt of Final Innovation Partner Submission**

**Evaluate Final Tender**

**Raise Requisition (Appendix 16)**

Publish the award decision/s on Contracts Finder within reasonable timescales.

**Raise Requisition (Appendix 16)**

**Publish Contract Notice**

**Deadline for Pre Qualification Questionnaire (PQQ)**

**Evaluate PQQ’s against SELECTION CRITERIA**

**Publish the Invitation To Tender (ITT) Document**

**Gain Approval of Recommendation and Award**

**Mandatory Standstill Period**

**Award and Sign Contract**

**Publish Contract Award Notice**

10 Calendar Days Minimum

30 Calendar Days Maximum

**APPENDIX 7: Negotiated Procedure within the Public Sector**

30 calendar days minimum (if notice sent in approved electronic format)

No prescribed timescales but estimate 30 calendar days to complete

No prescribed timescales but estimate 60 calendar days to complete

**Deadline for Receipt of Tender Submission**

**Evaluate Tender against AWARD CRITERIA**

No prescribed timescales but estimate 30 calendar days to complete

**Negotiate Best And Final Offer (BAFO)**

Publish the award decision/s on Contracts Finder within reasonable timescales.

**Publish Contract Notice**

**Deadline for Receipt of Pre-Qualification Questionnaire**

**Issue Tender Documents**

**Deadline for Receipt of Tender Submission**

**Evaluate Tender against AWARD CRITERIA to determine the Winning Bid**

**Gain Approval of Recommendation and Award**

**Mandatory Standstill Period**

**Award and Sign Contract**

**Publish Contract Award Notice**

10 calendar days minimum

20 calendar Days Maximum

10 calendar days minimum

**APPENDIX 8: Accelerated Procedure within the Public Sector**

No prescribed timescales but estimate 10 calendar days to complete

No prescribed timescales but estimate 60 calendar days to complete

**Evaluate PQQ against SELECTION CRITERIA**

**Notify Un/Successful Bidders**

15 to 10 calendar days minimum. See the Head of Procurement for further information

**Raise Requisition (Appendix 16)**

Publish the award decision/s on Contracts Finder within reasonable timescales.

No prescribed timescales but estimate 20 calendar days to complete

**Apply Framework Instructions**

**Issue Tender Documents**

**Deadline for Receipt of Tender Submission**

**Evaluate Tender against AWARD CRITERIA to determine the Winning Bid**

**Gain Approval of Recommendation and Award**

**Optional Standstill Period**

**Award and Sign Contract**

10 calendar days minimum

**APPENDIX 9: Frameworks - Mini Competitions**

No prescribed timescales but estimate 10 calendar days to complete

The minimum calendar days will be detailed in the Framework guidance. The instructions may vary from Framework to Framework and even between the Lots of a Framework.

**Identify the Supplier on the Lot**

**Identify the Lot Required**

**Value >£50k?**

**No**

**Raise Requisition (Appendix 16)**

Publish the award decision/s on Contracts Finder within reasonable timescales.

**Raise Requisition (Appendix 16)**

**Publish Contract Notice**

**Issue Tender Documents**

**Issue Tender Documents**

**Deadline for Receipt of Tender Submission**

**Evaluate Tender against DPS AWARD CRITERIA to determine the Winning Bid**

**Gain Approval of Recommendation and Award**

**Optional Standstill Period**

**Award and Sign Contract**

**Publish Contract Award**

10 calendar days minimum

10 calendar days minimum, 15 calendar days maximum

**APPENDIX 10: Dynamic Purchasing Systems**

No prescribed timescales but estimate 10 calendar days to complete

No prescribed timescales but estimate 60 calendar days to complete

**Any new Supplier to the DPS must complete European Single Procurement Document (ESPD)**

**Notify Un/Successful Bidders**

ESPD must be evaluated within 5 calendars of being received.

The DPS Award Criteria can be varied where appropriate to meet the need.

Publish the award decision/s on Contracts Finder within reasonable timescales.

40 calendar days minimum timescales – 30 days for participation requests and 10 days minimum of submission of ITT / Bids.

**Raise Requisition (Appendix 16)**

**Publish Contract Notice**

**Deadline for Receipt Expressions of Interest & PQQ**

**Commence eAuction**

**Conclude eAuction**

**Evaluate eAuction to determine the Winning Bid**

**Gain Approval of Recommendation and Award**

**Mandatory Standstill Period**

**Award and Sign Contract**

**Publish Contract Award Notice**

10 calendar days minimum

30 calendar Days Maximum

Minimum timescale (minutes) for eAuction will be determined on an individual case basis

**APPENDIX 11: Electronic Auctions (eAuctions)**

No prescribed timescales but estimate 10 calendar days to complete

No prescribed timescales but estimate 60 calendar days to complete

**Evaluate PQQ against SELECTION & AWARD CRITERIA**

**Notify Un/Successful Bidders**

There is no minimum timescales for eAuction notices, but a reasonable length of is advisable.

Publish the award decision/s on Contracts Finder within reasonable timescales.

**Publish Contract Notice**

**Issue Request To Quote (RFQ)**

**Deadline for Receipt of RFQ Submission**

**Evaluate RFQ to determine the Winning Bid**

**Gain Approval of Recommendation and Award**

**Optional Standstill Period**

**Award and Sign Contract**

10 calendar days minimum

**APPENDIX 12: Formal Quotes**

No prescribed timescales but estimate 10 calendar days to complete

No prescribed timescales but estimate 20 calendar days to complete

Formal Quotes are not subject to the EU timescales and therefore, no minimum timescale apply. It is advisable that a reasonable length of time be afforded to the market to respond.

The SFI’s state that a minimum of three quotes must be sought. If insufficient bids

**Raise Requisition (Appendix 16)**

Publish the award decision/s on Contracts Finder within reasonable timescales.

**Publish Contract Notice**

**Issue Tender Documents**

**Deadline for Receipt of Tender Submission**

**Evaluate Tender against AWARD CRITERIA to determine the Winning Bid**

**Gain Approval of Recommendation and Award**

**Optional Standstill Period**

**Award and Sign Contract**

10 calendar days minimum

**APPENDIX 13: Non EU Tender**

No prescribed timescales but estimate 10 calendar days to complete

Non EU Tenders are not subject to the EU timescales and therefore, no minimum timescale apply. It is advisable that a reasonable length of time be afforded to the market to respond.

**Raise Requisition (Appendix 16)**

Publish the award decision/s on Contracts Finder within reasonable timescales.

**Confirm Direct Award option**

**Complete the Call Off of the Framework paperwork**

**Gain Approval of Recommendation and Award**

**Optional Standstill Period**

**Award and Sign Contract**

10 calendar days minimum

**APPENDIX 14: Direct Award under a Framework**

No prescribed timescales but estimate 60 calendar days to complete

Ensure that a Direct Award is an option under the Framework. Guidance will be provided by the Framework operator.

**Raise Requisition (Appendix 16)**

Publish the award decision/s on Contracts Finder within reasonable timescales.

**Publish Contract Notice**

**Issue Tender Documents**

**Deadline for Receipt of Tender Submission**

**Evaluate Tender against AWARD CRITERIA to determine the Winning Bid**

**Gain Approval of Recommendation and Award**

**Optional Standstill Period**

**Award and Sign Contract**

**Publish Contract Award Notice**

10 calendar days minimum

**APPENDIX 15: Light Touch Procurement**

The Light Touch regime is governed under Section 74 of the Public Contract Regulations 2015 – Statutory Instrument 102 (as amended). The process shown here is reflective of an indicative best practice approach only. Section 74 relates specifically to a small set of contractual categories and may not be available in all circumstances. Advice must be sought from Procurement prior to undertaking use process.

**Raise Requisition (Appendix 16)**

Publish the award decision/s on Contracts Finder within reasonable timescales.

**New Supplier Route**

**APPENDIX 16: Procurement To Pay (P2P) Process**

**End User contacts procurement helpdesk to discuss goods/services required**

**Requisition Received by Procurement**

**Requisition Approved**

**Requisitioner creates Requisition**

**Supplier Paid**

**Invoice included on payment run**

**Invoice authorised by Finance for inclusion on payment run**

**AP match invoice to GRN & P/O**

**Requisitioner receives notification to create a GRN**

**Invoice registered on ledger or scanned.**

**Supplier invoices CMFT**

**Supplier receives the P/O and supplies the Goods/Services**

**P/O sent to the Supplier**

**Procurement process Requisition into a Purchase Order (P/O)**

**Existing Supplier Route**

Ensure that the requisition is completed fully and accurately including any Procurement Reference Numbers and supporting narrative to reduce potential delays in processing.

**E-New Supplier Form sent to Directorate Manager or equivalent for authorisation, then to Procurement for final approval.**

**End user completes E-New Supplier Form, including spend, cost centre & justification to allow procurement checks.**

**.**

**Procurement advise of contracted suppliers, if none suitable, alternative is sought.**

**New supplier details uploaded into Oracle and end dated where appropriate.**

**End user notified supplier now available to select in Oracle.**

**APPENDIX 17: CMFT/UHSM Standing Financial Instructions - Procurement Approval Process**

**Above £1m**

**£250k - £1m**

**£10k - £50k**

**£50k - £250k**

**£0 - £10k**

**Audit Committee\***

**Budget Holder**

*\* Management Board may take place at any point between EMT and Trust Board*

*\*\* At any point in the approval process, the Trust’s Audit Committee can request the project for scrutiny*

**Trust Board**

**Investment Committee**

**Quality Governance & Risk Committee**

**Management Board\***

**Executive Management Team (EMT)**

**Divisional Management Meeting**

**APPENDIX 18: Creation of a Dynamic Purchasing System (DPS) PRC Regulation 34**

**Publish Contract Notice**

**Deadline for Receipt of European Single Procurement Doc (ESPD)**

**Issue Tender Documents**

**Deadline for Receipt of Tender Submission**

**Evaluate Tender against AWARD CRITERIA to determine the Winning Bid**

**Gain Approval of Recommendation and Award**

**Mandatory Standstill Period**

**Award and Sign Contract**

**Publish Contract Award Notice**

10 calendar days minimum

48 calendar days maximum

10 calendar days minimum

No prescribed timescales but estimate 30 calendar days to complete

No prescribed timescales but estimate 60 calendar days to complete

**Evaluate ESPD against SELECTION CRITERIA**

**Notify Un/Successful Bidders**

30 calendar days minimum. No further timescales for requests to participate apply.

All successful bidders are accepted to the DPS. Unsuccessful bidders can reapply for future opportunities under this DPS.

This Award Criteria is set for the life of the DPS. It will apply to all future opportunities under this DPS. See Appendix 9

**Raise Requisition (Appendix 16)**

Publish the award decision/s on Contracts Finder within reasonable timescales.

**APPENDIX 19: EU Tender – Choice of Procedure**

**Q1: Can you evidence that there is only one supplier capable of meeting the requirements?**

**Negotiated Procedure without Notice (PCR 32) – Appendix 6**

**Q2: Is the requirement extremely urgent and genuinely unforeseeable?**

**Q3: Do you need to “pre-qualify” suppliers?**

**Q4: Can you completely define the requirement now?**

**Q5: Are you in one of the situations listed in PCR 25(4)?**

**Question 1**

**Open Procedure (PCR 27) – Appendix 1**

**Restricted Procedure (PCR 28) – Appendix 2**

**Question 3**

**Question 4**

**Competitive Dialogue (PCR 30) or Competitive with Negotiation (PCR 29) – Appendix 4 or 3**

**Question 2**

**Undertake pre-procurement market engagement to help define requirements then restart**

**Yes**

**No**

**Yes**

**No**

**Yes**

**No**

**No**

**Yes**

**No**

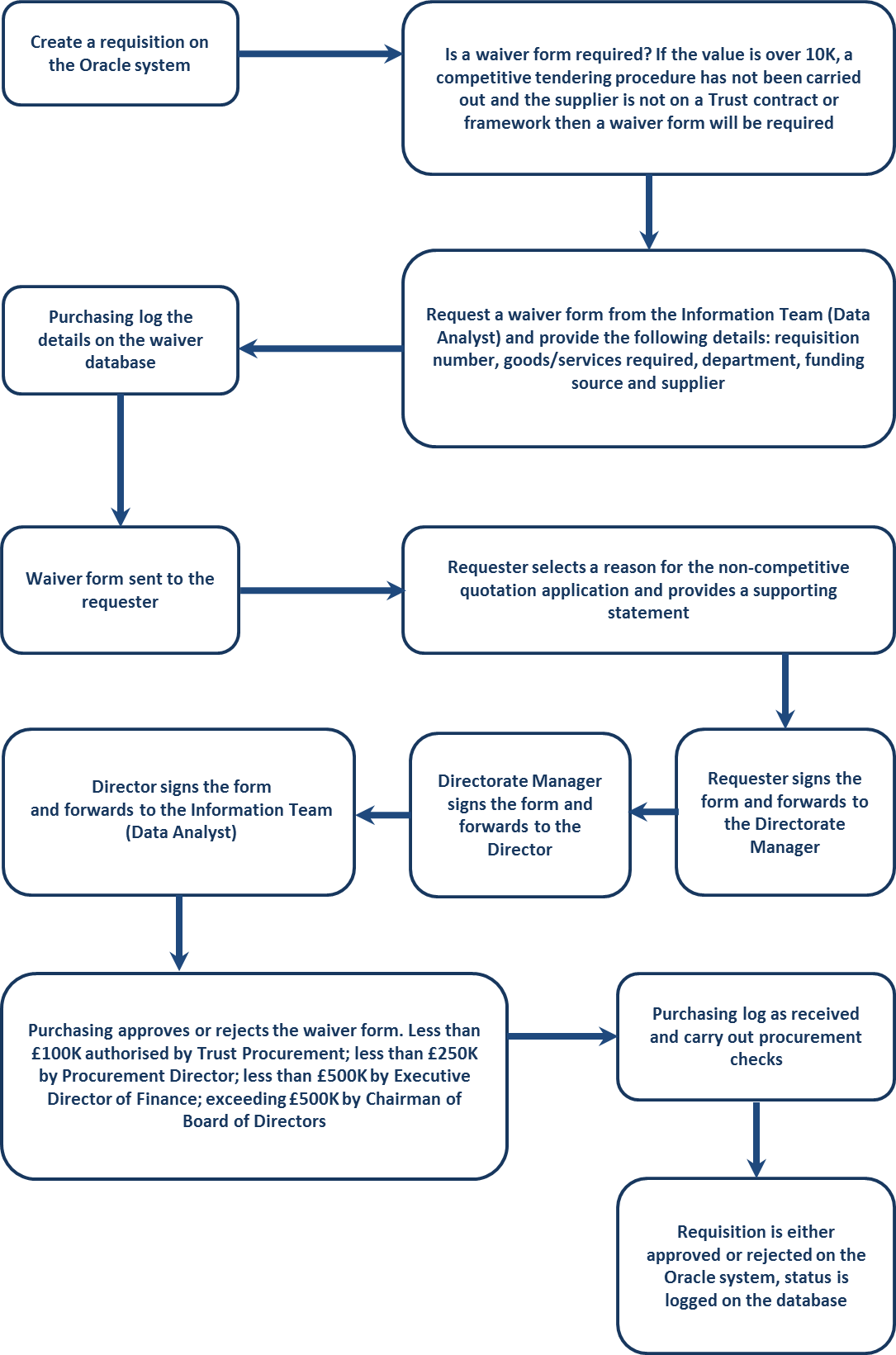
**Yes**

Only available in very rare circumstances, strong justification is required and will be reported in the PCR 84 report

**Question 5**

* It is not possible to adapt readily available solutions; or
* The requirement includes design/innovative solutions; or
* The contract cannot be awarded without prior negotiation due to its complexity or legal risk profile; or
* It is not possible to define the technical specification with precision ; or
* An open/restricted procure has already been run but only irregular/unacceptable tenders were received.

**APPENDIX 20: Exemptions and Waiver Process**



**APPENDIX 21: Contract Management part 1**

Planning & Governance

People

Administration

Relationships

Supplier

Relationship Management

Supplier Development

Performance

Payment

Risk

Contract Development

Market Management

Be Proactive

1

2

3

4

5

6

7

8

9

10

11

12

Contract Management

Essentials

Contract Management

**To get the best out of a contract, it needs to be managed.**

The following 12 elements help ensure you have the right resources, skills and knowledge to do just that.

1. **Planning and Governance**

Schedule regular meetings and control processes to support the contract.

1. **People**

Resource the task appropriately and determine roles, functions, who and how they will interact with each other from both buyer and supplier sides.

1. **Administration**

Agree the content, frequency, format etc of information and who will be the administrator for both the buyer and the supplier and keep an audit trail.

1. **Relationships**

Understand the type of relationship you have, i.e. are they a critical supplier, are we their biggest customer etc and build a good reputation.

1. **Performance**

Monitor the performance of the supplier using KPI’s and T&Cs to ensure acceptable levels of performance.

1. **Payment**

Verify and validate payment against the contracted values, then benchmark.

1. **Risk**

Understand the risks within the contract and proactively mitigate them through meetings, systems and controls.

1. **Contract Development**

Refine the contract as it progresses to increase its value and performance.

1. **Supplier Development**

Work with the supplier to develop their performance and business.

1. **Supplier Relationship Management**

Craft a solid and professional relationship with the supplier to further enhance the contract delivery.

1. **Market Management**

Engage with the market to understand the forces in play including, new suppliers, innovation, alternative solutions etc.

1. **Be Proactive**

Plan ahead to manage risks and impacts before they grow.

**APPENDIX 22: Contract Management part 2**

**Core Principles**

**Understand the Contract**

Ensure you are clear and familiar with the contract prior to engaging the supplier.

**Understand the Relationship**

Know the position you are in as well as the one the supplier and determine an approach.

**Aim for Continual Improvement**

Seek to make improvements to the benefit of both parties.

**Share Knowledge**

Ensure the Trust is informed of key information relating to the contract or the supplier.

**Make use of Procurement**

Liaise with Procurement to maximize the contract value and assist with disputes.

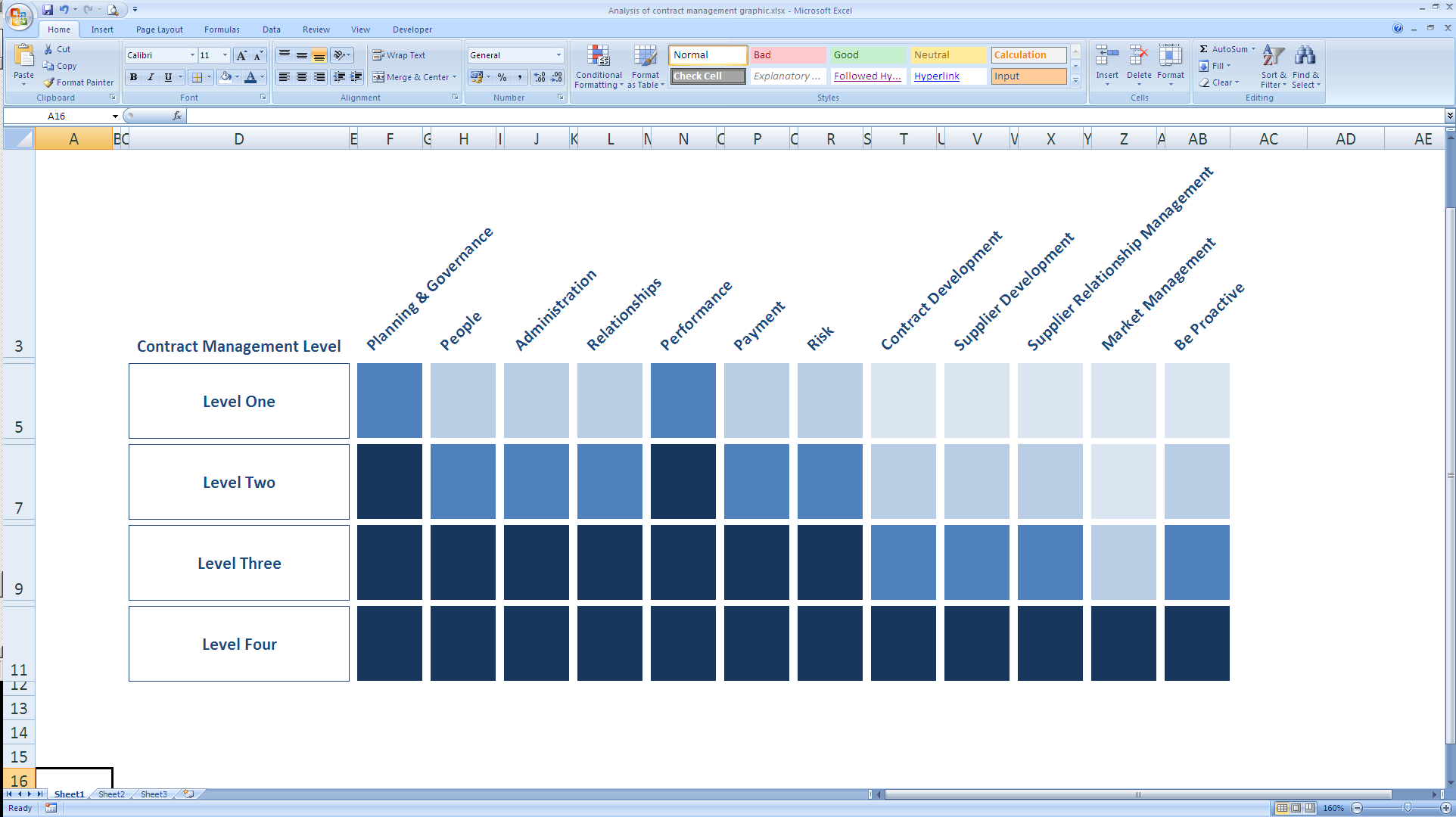
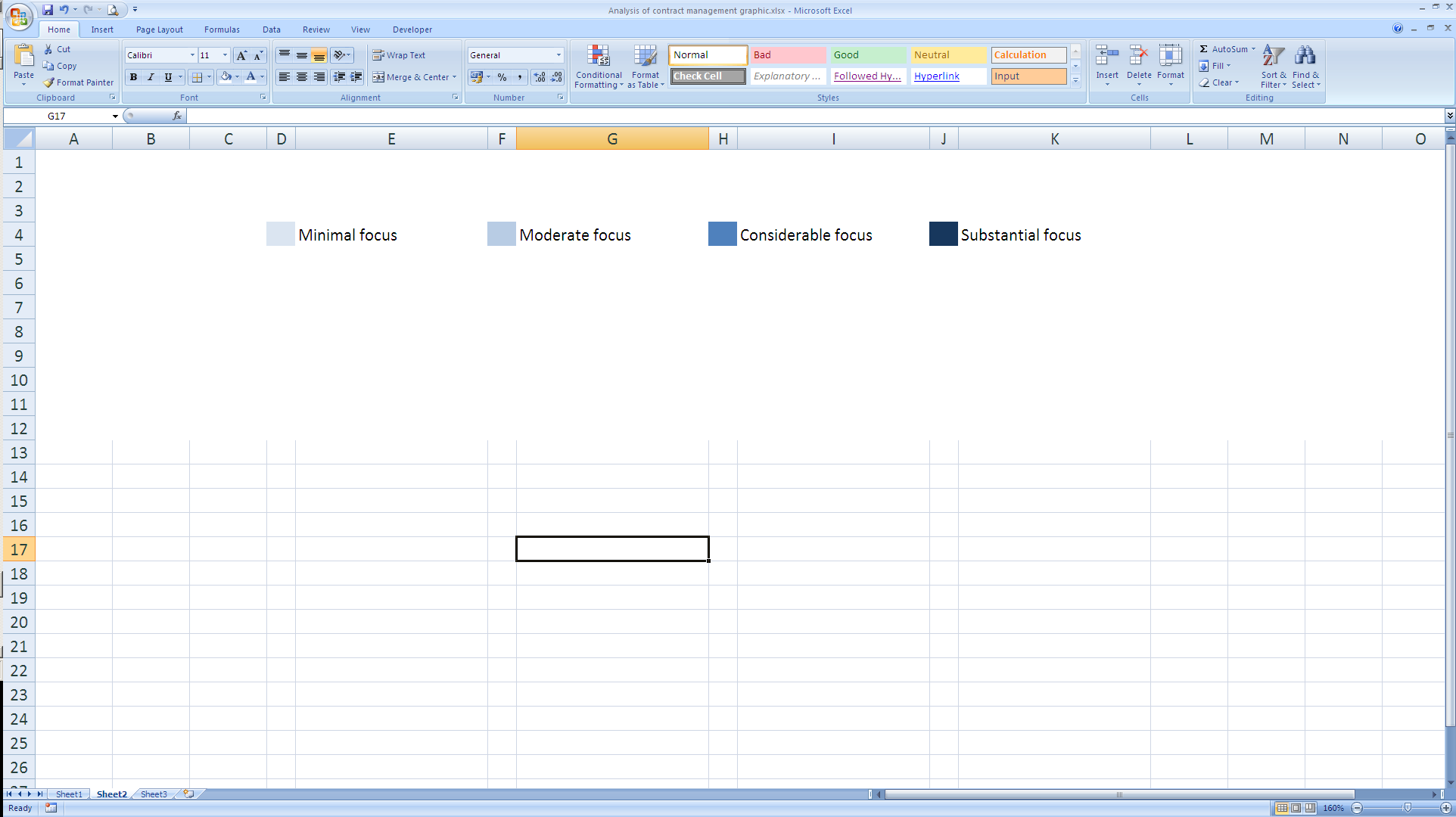
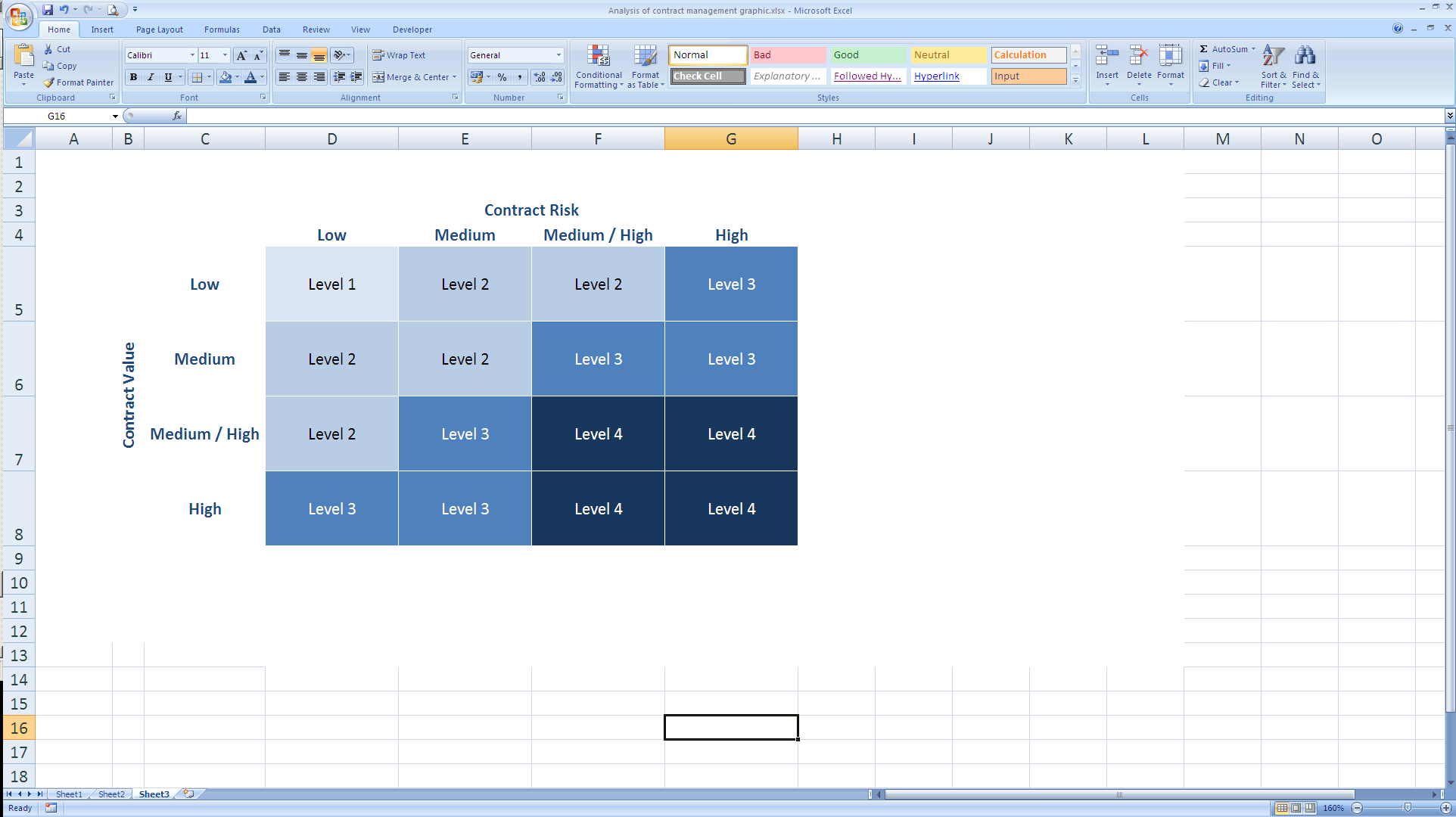
Contract Management

**Contract Management should be proportionate.**

The matrix to the left provides a rough guide to the level of Contract Management appropriate to a contract based upon the contract’s value and risk.

**Degree of focus on the 12 Contract Management elements**

The below matrix shows the required focus and attention each of the Contract Management elements should be given based upon the determined Contract Management level.



**APPENDIX 23: Partnering with Organisations**

Terms to include defined KPI’s to monitor and manage improvement

**Q1: Has the Business Case been approved at the required board level?**

**Q2: Has the Terms of Partnership been signed by all parties involved?**

**Yes**

**No**

**Yes**

**No**

**Identify potential Partnership opportunity**

**Identify Lead officer**

**Develop Business Case and submit to appropriate Boards for approval**

The lead officer will be responsible for ensuring compliance and management of the Partnership Agreement over its life and any extensions.

Identify type of Partnership Agreement and potential Partner(s) ensuring a cultural fit.

**Question 1**

**Update Business Case in line with Board feedback and resubmit for Board approval**

**Develop, support and formalise the Terms of the Partnership, submit for sign off between parties**

**Question 2**

**Update Terms of Partnership and resubmit for approval between both parties**

**Contract Manage Partnership**

**Publish Contract Notice**

**Implement Partnership Agreement**

**APPENDIX 24: Regulation 84 Guidance Notes**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **What is a Regulation 84 Report?** | | | | | | | | | |
| Regulation 84 requires contracting authorities to prepare and retain a written report (a "Regulation 84 Report") covering specified information about the procurement process for every over EU threshold contract, framework agreement and dynamic purchasing system which is awarded or established. | | | | | | | | | |
|  |  |  |  |  |  |  |  |  |  |
| **When is a Regulation 84 Report needed?** | | | | | | | | | |
| Contracts awarded under a framework agreement (Regulation 84(2)): | | | | | | | | | |
| A Regulation 84 Report is not required for contracts awarded under framework agreements: | | | | | | | | | |
| 1. Where the framework agreement is with an single economic operator | | | | | | | | | |
| 2. Where the framework agreement is with more than one economic operator and the award of the contract is made without a mini-competition | | | | | | | | | |
|  |  |  |  |  |  |  |  |  |  |
| **Filling in the report** | | | | | | | | | |
| There are mandatory sections of the report which must be filled in | | | | | | | | | |
| For the sections that are to be completed where applicable, please ensure all sections have been read and considered and complete where appropriate | | | | | | | | | |
| Where not applicable, please complete with "not applicable" and any other relevant information | | | | | | | | | |
| Please save with the CMFT ref number and contract name (e.g CMFT 1020 XXXX Tender) in the Regulation 84 Report Folder and save a copy to the project folder | | | | | | | | | |
|  |  |  |  |  |  |  |  |  |  |
| **Cross referencing to the contract award notice (Regulation 84(3)):** | | | | | | | | | |
| If the contract award notice contains information required for the Regulation 84 Report then it is acceptable to cross refer to the contract award notice rather than repeating the information in the Regulation 84 Report | | | | | | | | | |

**APPENDIX 25: Regulation 84 Template**

|  |  |
| --- | --- |
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|  |  |  |  |
| --- | --- | --- | --- |
| **Regulation 84 Report** | | | **Applicable Regulation** |
| **Basic information** | | **Complete Information** |  |
| **Mandatory** | Name and address of contracting authority | Central Manchester University Hospitals NHS Foundation Trust | 84(1)(a) |
| **Mandatory** | Subject matter of the contract, framework agreement or dynamic purchasing system (DPS) |  | 84(1)(a) |
| **Mandatory** | Value of the contract, framework agreement or DPS |  | 84(1)(a) |
| **Choice of procedure** | | **Complete Information** |  |
| **Mandatory - Choose from drop down** |  |  | 84(1) ( e ) (f) / 26 (4) / 32 |
| **Conduct of the procurement process** | | **Complete Information where applicable** |  |
| Where applicable | **Electronic communication:** Where applicable, state reasons why means of communication other than by electronic means have been used for submission of tenders |  | 84(1)(h) / 22 |
| Where applicable | **Conflicts of interest**: where applicable, conflicts of interest detected and subsequent measures taken |  | 84(1)(i) / 24 |
| Where applicable | **Prior involvement of candidates or tenderers:** measures taken to ensure that competition is not distorted by the participation of a candidate or tenderer which had prior involvement |  | 41 |
| Where applicable | **Division of contract into lots:** main reasons for decision not to subdivide contracts into lots if not done so |  | 46(2) |
| Where applicable | **Light regime:** decision and reasons for the decision not to conduct the procurement in conformity with specified information in the contract notice or prior information notice |  | 76(4)(b)(iii) |
| 84(7)&(8) |
| **Selection stage** | | **Complete Information where applicable** |  |
| Where applicable | **Setting minimum turnover requirements:** reasons for setting minimum yearly turnover requirements above twice the estimated contract value (alternatively can set out the reasons in the procurement documents) |  | 58(9) |
| Where applicable | **Qualitative selection (where applicable)** |  | 84(1)(b) / 56 to 64 |
|          Names of the selected candidates or tenderers and reasons for their selection |  |
|          Names of the rejected candidates or tenderers and reasons for their rejection |  |
| Where applicable | **Reduction in number of qualified candidates (i.e. shortlisting)** |  | 84(1)(b) / 65 & 66 |
|          Names of the selected candidates or tenderers and reasons for their selection |  |
|
|          Names of the rejected candidates or tenderers and reasons for their rejection |  |
| **Award stage** | | **Complete Information where applicable** |  |
| Where applicable | **Abnormally low tenders:**  Reasons for rejection of tenders found to be abnormally low |  | 84(1) / 69 |
| **Tender award** | | **Complete Information where applicable** |  |
| **Mandatory** |          Name of successful tenderer |  | 84(1)(d) |
| **Mandatory** |          Reasons why successful tenderer's tender was selected |  | 84(1)(d) |
| Where applicable |          Where known, the share (if any) of the contract or framework agreement which the successful tenderer intends to subcontract to third parties |  | 84(1)(d)(i) / 71 |
| Where applicable |          Where known the names of the main contractor's subcontractors |  | 84(1)(d)(ii) / 71 |
| **Decision not to award** | | **Complete Information where applicable** |  |
| Where applicable |          Reason why contracting authority has decided not to award a contract or establish a framework or DPS |  | 84(1)(h) |

**APPENDIX 26: Performance Evaluation Questionnaire – Supplier**

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**CMFT Performance Evaluation Questionnaire**

Procurement and E-Commerce Department

As a supplier to Central Manchester University Hospitals NHS Foundation Trust we are keen to establish your feedback on the range and quality of support you received in order to inform our future activities.

The Purchasing Department recently worked with

on the

Contract/Project.

Your response will be used to review and assess our effectiveness and to ensure a high quality service is provided to all our clients. Thank you for your co-operation.

**How satisfied were you with the following aspects of the project (please tick)**

Strongly Agree Agree Neutral Disagree

1. At the outset of the project you had the opportunity

to engage with the Purchasing Manager about the

process.

2. Procurement staff were both easily accessible during the Project and responded promptly to contact from you.

3. The Purchasing Manager provided all the project

information required in a timely manner to ensure time

-lines were met.

4. You were informed of the various stages of the

Procurement process to ensure that your organisation

could submit an informed proposal.

5. Purchasing staff conducted themselves in a

professional manner during the course of the Project.

They were credible and authoritative.

6. Purchasing staff provided your company with an

opportunity to demonstrate/present your goods/services to the user departments.

7. You were given the opportunity to raise any concerns or make suggestions during the course of the project.

8. Purchasing Staff provided support at the

implementation stage of the contract.

9. The Key project timelines were met.

10. If your company was invited to a de-brief, was this

of use?

**Please give any comments about the project -**

**APPENDIX 27: Performance Evaluation Questionnaire – Trust**

|  |  |
| --- | --- |
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**CMFT Performance Evaluation Questionnaire**

Procurement and E-Commerce Department

|  |  |  |  |
| --- | --- | --- | --- |
| Name |  | Date |  |

The Purchasing Department recently worked with your department on the \_\_\_\_\_\_\_\_\_\_\_ Contract.

I am keen to establish your thoughts on the range and quality of support you received in order to inform our future activities.

Your response will be used to review and assess our effectiveness and to ensure a high quality service is provided to all our clients. Thank you for your co-operation.

**How satisfied were you with the following aspects of the project (please tick)**

Strongly Agree Agree Neutral Disagree

1. At the outset of the project I took the time to understand the procurement process with the Purchasing Lead.

2. Procurement staff were both easily accessible during the Project and responded promptly to contact from you.

3. I (or my directorate) provided all the project information required by Procurement in a timely manner to ensure timelines were met.

4. You were informed of the various stages of the

Procurement process to ensure that you felt appropriately involved.

5. You felt consulted and supported throughout the

Project.

6. Procurement staff conducted themselves in a professional manner during the course of the Project. They were credible and authoritative.

7. You were given the opportunity to raise any concerns or make suggestions during the course of the project.

8. The advice given by Procurement staff was both practical and realistic.

9. The project delivered the results and quality that were agreed at the beginning of the project.

10. The Key project timelines were met.

**Please give any comments about the project -**

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