

## **Procurement Awareness Raising Sessions**

### **(Frequently Asked Questions)**

#### **Who can apply?**

**Q. Will anyone be able to apply for a tender?**

A. In line with the EU Procurement Regulation, tenders will be open to all potential providers.

**Q. Will Health & Social Care Trusts be applying for tendering opportunities?**

A. HSC Trusts are eligible to apply for tenders, so long as staff from the Trust have not been directly involved in the development of the tender. The procurement process has to ensure equal treatment of all providers.

#### **Consortiums**

**Q. Will the PHA make organisations come together to form a consortium?**

A. The decision to form a consortium will be entirely the choice of the organisations involved.

**Q. Are consortium bids welcome and how will they be scored?**

A. Consortium bids will be welcomed. When applying, all organisations linked to a consortium will be asked to complete the General and Selection questions individually. All organisations must pass the Selection questions to progress to the Award stage of assessment. For the Award questions a single response will be requested on behalf of the consortium. There are no specific weightings for consortium bids and such bids are treated no more or less favourably than other bids.

**Q. What is the difference between a consortium bid and subcontracting?**

A. A consortium bid is where a number of organisations come together to deliver the full tender requirements and are accountable for meeting the terms and conditions of the contract award. A sub-contracting arrangement is where the successful tenderer enters into a separate

agreement to pay another organisation to deliver some of the work linked to the tender.

**Q. Can organisations apply individually and as part of a consortium?**

A. Yes, there is no problem in submitting separate bids.

**Information required for Tenders**

**Q. What are the main changes around the financial information requirements?**

A. The financial information required from organisations will be set out in the tender documentation and will be tailored to the specific requirements of the service being tendered. Tenderers may be asked to specify the total cost of running the service over a given time period or the cost per session, cost per day of providing a service etc. Tenderers must build into this cost any other associated overheads etc. The tender with the lowest cost will get the highest percentage score for cost and this will be worked out pro rata on all other tenders. Details on how this is calculated will be included as part of the Tender Methodology and Marking Scheme.

**Q. Do all goods, services, works and other supplies incur VAT or are there exceptions? The PHA has advised that they are moving away from Grants as they are difficult to stand over and that they are ‘buying a service.’ Does this indicate all services incur VAT?**

A. Organisations submitting tenders should seek their own VAT advice. PHA will ask organisations to identify VAT separately when submitting tenders. Details on how VAT should be reflected in the costing breakdown for the tender will be included in the Instructions to Tender.

**Q. What sort of quality questions will the PHA ask?**

A. All assessment criteria under the Award section of the tender are considered to be addressing individual elements of quality. The award criteria will be tailored to each individual specification and will be linked to the subject matter of the service being tendered.

**Q. Will the PHA ask for references?**

A. The PHA may include references as part of the tender evaluation. This will be agreed on a tender by tender basis and will be detailed in the Tender Evaluation and Methodology Marking Scheme.

**Q. Will the PHA ask for presentations?**

A. In most instances, it is unlikely that PHA will ask for presentations but reserves the right to do so if it is felt it would assist in the evaluation of bids. This will depend on the nature of the tender and will be decided by the CAG and detailed in the Tender Evaluation and Methodology Marking Scheme.

**Q. Is the requirement for previous experience to be with the PHA or in the general field?**

A. The PHA will ask for previous experience of providing the same/similar service to that being tendered, but this will not be restricted to the PHA only.

**Pre-Submission Information**

**Q. How will clarification questions be made available to tenderers?**

A. All answers to clarification questions will be e-mailed to all tenderers, where it is considered to be in the interest of all tenderers.

**Q. Will a tender price or value be given to bidders?**

A. This will be determined on a case by case basis depending on the type of service being tendered. The specification and Instructions to Tender document will provide details of the scale of the service to be provided and therefore allow tenderers to bid accordingly.

**Q. When will the amount of monies ring-fenced for each priority tender area be made known? Will it be at the same time as the tender specification is published? If not when will this happen?**

A. The specific amount of funding linked to individual tenders will not necessarily be made known. The specification will clearly detail the scale and quality of service that is to be provided. Tenderers will be asked to

submit tenders that will be assessed against both the Selection and Award Criteria, based on their best price and quality of service to be provided.

### **Submission of Tenders**

**Q. Will PHA tenders be advertised in the regional or local papers?**

A. All PHA tenders will be advertised on the PHA website. It will depend on the scope and scale of the service to be tendered as to what papers are used to advertise a tender.

**Q. The PHA has advised that tenders will be advertised on the PHA website in December. When might I expect to see tenders appear on the site?**

A. At the Procurement Awareness Session it was explained that some tenders will be progressing from December 2013 onwards. The PHA cannot give out specific dates as to when tenders will be publicly advertised as this may give one organisation an advantage over another. The PHA's advice is to continue to refer to the press and PHA website.

**Q. We were told the submission turn around will be between 4 – 6 weeks on all tenders. What determines how long the tender writing timeframe is, and therefore which tenders will be 6 weeks and which will be 4 weeks?**

A. The PHA recognises that reasonable time must be given to tenderers in order for them to submit high quality tender bids. The amount of time allowed will be considered on a case by case basis and will be highlighted in the Instructions to Tender. The response time will be determined by the complexity of the tender. More complex tenders will be allowed additional time to ensure that organisations have time to complete well written, quality bids. If the tender is above the EU value the PHA will follow an open tender approach which is a minimum of 40 days through the use of electronic means, including email.

**Q. Can the PHA provide clarity on how documents will be returned? If organisations update and reload/resend newer copies of completed tenders, how can they be sure that the PHA has assessed the most up to date version?**

A. The e- sourcing portal will be used for the Alcohol and Drug tenders as this tender will be managed directly through BSO PALS. Tenders managed directly by PHA will use a dedicated email for receiving tender responses. Instructions on how the application system will operate will be provided in the Instructions to Tender documentation.

No tender documents will be opened until the closing date has passed. If an organisation has already submitted their tender documents but want to re-submit an updated version before the closing date they should clearly mark, on the covering email with the revised documents, that the original submission should be ignored and that the version dated xxx is now the final submission. It will be up to the organisation submitting the documents to make it clear what version is to be considered for assessment.

**Q. Will tenderers receive a receipt for tenders submitted by e-mail?**

A. Yes a receipt will be issued via e-mail.

**Q. Will it be possible to see how many tenderers will be submitting bids?**

A. No.

**Q. What sort of software will be used for the documentation?**

A. The documentation will be issued in a Microsoft Word format and will be kept as simple as possible.

**Q. What happens if the tenderers technical capacity e.g. servers and email etc. is unable to manage the downloading and submission of tendering documents?**

A. Tenderers must plan ahead and ensure they have sufficient technical capacity to deal with the documents electronically. It is recommended

that tenderers do not leave the submission of tender documents to the last minute in case there are technical problems.

### **Errors in submission**

**Q. Is there an option to re-submit a bid before the closing date?**

A. Yes. A bid can be re-submitted, before the closing date, with a note by the tenderer to disregard any previous submission.

**Q. What happens if a tenderer submits a very low cost bid?**

A. If the PHA receives an abnormally low bid they can approach the Tenderer and ask them to justify it. The PHA can reject an abnormally low bid if necessary. A Tenderer however will not be allowed to submit a new bid if they have made a mistake.

### **Tender Documentation**

**Q. If there are multiple specifications, will each one have a different tender response form?**

A. Each specification will have an individual response form. Details on how to complete the tender response form will be found in the Instructions to Tender. Where possible, PHA will require providers to provide information only once and minimise the level of duplication when responding to specifications that have a number of lots.

**Q. Will the tender documentation be subject to Freedom of Information (Fol) requests?**

A. The information provided may be liable to disclosure under the Fol Act, subject to any relevant applicable exemptions.

### **Contract Periods and Service Delivery Models**

**Q. When procuring new services how long will the contract period be?**

A. The length of contract period will be considered on a case by case basis for each service area and will be detailed in the specification. It will either be for a fixed period or a fixed contract period plus possible

extension e.g. 3 years plus a possible 2 year extension. A primary objective of awarding tenders is to create stability for service users and providers by putting in place longer term contracts.

**Q. Will the tenders be regional or have a local focus?**

A. The preferred model of service delivery will be considered on a case by case basis. This will be determined by the CAG and will be primarily influenced by what approach will deliver the best outcomes for clients. Wider factors such as existing market capacity or structure and economies of scale will also be taken into account. Details of the service model will be detailed in the Instructions to Tender.

**Q. Are there options for different procurement models to give organisations the opportunity to apply for more than one geographical area?**

A. The preferred service model and number of individual contracts to be awarded under a specification will be stated clearly in the Instructions to Tender.

**Q. Will there be an opportunity to develop services by engaging with local people?**

A. The PHA has a statutory obligation under Patient and Public Involvement (PPI) to engage with the service users and the public to get their views and take these into consideration when commissioning services. This engagement will take place before the formal tender process is initiated.

**Scoring**

**Q. What will be the split between Quality and Price?**

A. This will be determined on a case by case basis for each specification. Details of the scoring available for the quality and cost elements of each tender will be clearly set out in the Tender Evaluation Methodology and Marking Scheme.

**Q. Will the lowest price bid get the top score?**

A. Each tender will be scored and awarded to the most economically advantageous tender which will be a combination of price and quality.

**Q. How do you mark past experience?**

A. Experience is part of the selection questions and is scored pass or fail.

**Q. Will tenderers who demonstrate previous experience with PHA receive more marks?**

A. No. All relevant previous experience will be evaluated at selection stage of the process and will be scored on a pass/fail basis.

**Q. Will tenderers receive any feedback on their score?**

A. Yes details of your score and the successful tenderers score will be available.

**Q. Will there be a pass mark?**

A. There may be a pass mark for the award criteria, linked to quality. If this is the case details will be provided in the Tender Evaluation Methodology and Marking Scheme.

**Awarding Contracts**

**Q. Will the awarding of tenders fall within the financial year?**

A. No, it will be a rolling process. Tenders will be issued and contracts awarded at any point of the financial year.

**Q. Is the name of the successful contractor made public?**

A. All tenderers both successful and unsuccessful will be notified by letter who has won the tender. A notice will be put in the Official Journal of the European (OJEU).

**PHA Procurement Processes.**

**Q. Does the PHA use a two staged procurement process?**

A. The PHA will mainly use an open process for procurement i.e. all the information will be submitted at one time and will be evaluated through a



selection and award process. If the tenderer fails to pass any of these stages they will be deselected and notified accordingly.

**Q. When deciding to tender is there any minimum amount?**

A. PHA is required to follow procurement regulations and policy, where they apply, for all contract awards over £5000. Any contract with a value over £30,000 must be open to tender.

**Q. What Social Clauses will be included as part of the tendering process?**

A. The PHA will consider the inclusion of Social Clauses on a case by case basis for each tender.

**Q. The PHA has indicated that further support and help is available on all areas of procurement from other external organisations, is there a charge for this?**

A. Details of wider support available have been put onto the PHA website. Some of the courses / sessions advertised may have a cost linked to them. Organisations should check with the course providers regarding any costs charged.

**Q. Who will be sitting on the Contract Adjudication Groups (CAG)?**

A. The CAG will be made up of the people, internal to the Health and Social Care, who have a knowledge and expertise in the service area and, if required, geographical area. Where a representative from a Trust is involved in a CAG, the Trust will not be able to apply for that tender.

**Q. What is the definition of a Conflict of Interest for a PHA member of staff?**

A. Members of staff on the CAG will be asked to declare if they have;

- Had any pecuniary interest in any Tenderer in the last 7 years (e.g. remuneration for lecturing, paid trips etc.);
- Had previous employment with any Tenderer;
- A friend/relation connected to any Tenderer; and
- A contractual relationship outside their normal employment with any Tenderer.

## **Existing Contracts**

### **Q. Will existing contracts be extended until after March 2014?**

A. PHA will extend existing contracts beyond the 31 March 2014, subject to satisfactory performance being achieved. As per the terms and conditions of the contract, PHA can terminate any existing contract by providing the agreed period of notice.

### **Q. Will there be a gap in service until new contracts are awarded?**

A. There will be no gap in the services provided to clients. Existing contracts will be rolled on until new tenders are awarded. Current providers will be given 3 months' notice, during which period existing clients can be transferred to the new provider and any staffing issues managed in a reasonable manner.

### **Q. The indicative timescale for tendering the services I provide is 2015; do I have to wait until then to apply?**

A. Yes, the tendering process is a rolling programme. Subject to satisfactory monitoring it is intended that existing contracts will continue to be extended until the outcome of the tender process is known. PHA does however reserve the right to terminate any contract in line with the terms and conditions of the contract.

### **Q. Will TUPE (Transfer of Undertakings Protection of Employment) apply?**

A. The PHA will alert tenderers if there are possible TUPE obligations when applying for a tender. The successful tenderer will be responsible for dealing with any TUPE implications that may rise.

## **Grants**

### **Q. Why is the PHA moving away from Grant and Grant in Aid?**

A. The PHA is bound by procurement policy. However, where appropriate, grant funding will still be considered. PHA is not able to provide grant in aid.

## **Funding of Specific Programmes**

**Q. The Public Health Agency has identified a number of funding priority areas. Will there be an opportunity to apply for other funds which do not sit under any of the identified themes?**

A. The areas for tender identified in the presentation only cover those areas of business where it has been agreed that a formal tender process will be taken forward. This does not cover all areas of PHA business where funding may be allocated. The Procurement Plan will be regularly reviewed and additional areas added when agreed. PHA will also continue to allocate funding via grant awards, where appropriate. All opportunities to apply for funding will be communicated on the PHA website and via media channels in the usual manner.

**Q. Where does older peoples' funding sit within the tendering exercises?**

A. The Procurement Plan only covers those areas of business where it has been agreed that tenders will be issued. Discussions regarding how future older peoples' services will be commissioned are still on-going on a joint basis between the PHA, HSCB and LCG's. If it is decided that specific services will be open to tender these will be added to the PHA Procurement Plan in due course.

**Q. Is a further breakdown of the mental health programme available?**

A. No, only indicative timescales are currently available at this stage.

**Q. When it states that there will be 3 phases for the NSD and Protect Life tenders – does this relate to staged releasing of tenders from within the portfolio, and if so will this happen by geographic area, thematic area? And which tenders will be released in what order?**

A. The 3 phases are based on staged releasing of tenders by thematic area. The PHA cannot give out specific dates as to when tenders will be advertised as this may give one organisation an advantage over

another. The PHA's advice is to continue to refer to the press and PHA website.