

| CONTRACTING AUTHORITY COMPLAINT AGAINST | ISSUE WITH PROCUREMENT | DESCRIPTION OF COMPLAINT | OUTCOME OF CASE / RECOMMENDATIONS |
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| Skills Funding Agency (SFA) | Pre-competition Engagement | A local consortium raised concerns about the procurement process for further education services at the Newton Rigg site of the University of Cumbria. Concerns were raised about the procurement taking place when the disposition of the assets on the site had not been finalised and when funding for services over the next period had not been established. | <p>The SFA explained that they had to run a procurement exercise because the existing provider, who continues to operate from parts of the site providing higher education, had served notice under their contract to withdraw from providing further education.</p> <p>We recommended, in line with the findings of the Cabinet Office's lean procurement work that effective pre-competition engagement would have alerted potential bidders of all shapes and sizes of the SFA's requirement for robust financial planning. We also recommended that the procurement should not have taken place until the disposition of assets had been finalised and until funding streams had been established.</p> <p>The SFA explained that funding of these services is established on an annual basis, hence their requirement for robust financial plans. They are taking steps on other shared sites to ensure clear disposition of assets. They accepted the other recommendations but explained that the funding agreement timetable meant they had to proceed quickly. We suggested the SFA consider timing issues in the light of this case.</p> |
| Ministry of Defence (MoD) | Sub-contractor Payments | A small supplier of medical locums, who was a sub-contractor to a larger supplier, was experiencing delays in payments in a contract for medical locums for the armed services. | We worked with MoD to ensure that payments were made. We recommended that MoD remind operational units of the need to deal promptly with invoices and purchase orders, identify and tackle any training needs of staff using their purchase and payment system and ensure that the contract, including payments to sub-contractors, is actively managed. MoD accepted these recommendations and have strengthened their processes to ensure these problems do not recur. |

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| Ministry of Defence (MoD) | Supply Chain | An SME supplier challenged MoD after failing to secure a contract. The supplier had been responsible for providing biometric solutions as sub-contractor. That arrangement was ended by the prime-contractor and the SME was unsuccessful when bidding for a new contract and the supplier wished to receive a comprehensive de-brief. | We contacted the MoD who arranged a full de-brief for the supplier. |
| Bradford & Airedale NHS Primary Care Trust | Consultation with Service Users | A General Practitioner was concerned that there had not been a formal patient consultation prior to a contract for health services being tendered and questioned why a tendering process was being undertaken. | We obtained and provided information on the Primary Care Trust's reasons for their procurement approach, which had included consultation in line with Department of Health guidelines, and gave the General Practitioner information about how he could formally appeal to NHS Competition and Co-operation Panel. |
| Solent Supplies Team / Portsmouth Hospitals NHS | Contract Management and e-Procurement Systems | A small supplier of Surgical Instrument Repair Services to Portsmouth Hospitals NHS was alerted at a late stage that his arrangement to repair instruments was coming to an end. He then experienced difficulties with the e procurement system used for the new procurement. | <p>Working with the Department of Health we arranged a meeting of the parties to discuss the issues. Solent Supplies Team explained that they are planning a larger framework contract for this requirement in their area. We made the following recommendations:</p> <p>That incumbent suppliers are advised by the contract manager when an arrangement is coming to its end with clear signposting as to what the incumbent supplier should do to compete for the new contract or arrangement if there is to be one.</p> <p>That Solent Supplies Team investigate with Bravo the use of an "answer back" facility and in this case double check that the system sent e mails to the address given by the supplier (suppliers may wish to consider the use of generic in boxes or their arrangements to ensure that individuals' e mails are</p> |

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| | | | <p>covered when away).</p> <p>For the forthcoming procurement of a framework agreement we recommended that:</p> <p>Solent Supplies Team engage with the supply market before competition begins to firm up their requirement. This should help ensure that the requirement is based on knowledge of what the market can provide and also that it enables the supply base to gear up to respond to the forthcoming opportunity.</p> <p>When evaluating the financial strength of potential suppliers to the new framework that the holistic approaches set out in Cabinet Office's Supplier Financial Appraisal guide - http://www.cabinetoffice.gov.uk/sites/default/files/resources/financial-appraisal-guidance.pdf are followed and that the Cabinet Office's model Pre-Qualification Questionnaire is used.</p> <p>NHS bodies using the framework ensure that robust contract management arrangements are in place.</p> <p>Solent Supplies Team agreed with all these recommendations and are taking steps to action them.</p> |
| Highways Agency (HA) | Pre-Qualification Questionnaire (PQQ) | A supplier raised concerns about the health and safety and financial requirements in an HA PQQ. | <p>HA commented that for above OJEU threshold contracts they test health and safety and financial checks in accordance with public procurement regulations and PAS 91 (the construction industry standard) requirements. For below OJEU threshold they test both the requirements to a level that is commensurate to the size, nature and risk profile for the particular contract.</p> <p>The HA also stated that all expressions of interest had to comply with certain health and safety and financial requirements. They said they had recently engaged with SMEs to identify potential barriers in their procurement processes and were developing an</p> |

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| | | | HA SME Internal Delivery Plan in support of the DfT's SME Action Plan to be rolled out shortly. |
| Government Procurement Service (GPS) | Consortia and Pre-competition Engagement | An SME raised concerns about a contract for Civil Service Learning and Development. They were concerned that the approach to financial assessment and the speed of the procurement process did not enable consortia of SMEs to form to bid. Concerns were also raised about large bidders insisting on exclusive sub-contracting arrangements with individual smaller supplier. | We recommended that in future GPS actively engages with the supply market before advertising to enable consortia and partnerships to form. We also recommended that in future that clear signals are given to prime contractors about sub-contractor exclusivity so that small suppliers would not be tied to one potential prime contractor. GPS accepted these points. |
| London Borough of Hammersmith and Fulham Council (LBHF) | Procurement Strategy | A mystery shopper raised concerns about a procurement for a facilities management services framework agreement for the London Boroughs of Hammersmith and Fulham, Kensington and Chelsea and Westminster. The feedback related to the size and scope of the procurement and in particular the impact on SMEs, who it was argued would not be able to compete. The Mystery Shopper also commented on the wide range of organisations who would be able to access the framework. | <p>We pointed the council towards a procurement policy note which sets out our recommended approach to naming contracting authorities in framework agreements. We looked at how a diverse range of suppliers, including SMEs, could be involved in the supply chain of large contract and framework agreement being developed.</p> <p>We suggested that could happen in two ways either through a consortium of SMEs forming to bid as a prime contractor or through active and visible participation in the supply chain. We suggested that opportunities for consortia and scrutiny of prime contractors plans for their supply chains should be an important element of this procurement.</p> <p>LBHF made the following points:</p> <p><i>A comprehensive business case was commissioned to identify the most effective way to procure these services across the three councils which concluded that procuring a Total Facilities</i></p> |

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| | | | <p><i>Management solution and adopting a single client-side arrangement was the best option.</i></p> <p><i>In devising the procurement strategy the three councils were mindful of the part played by SMEs in the economy. The Pre-Qualifications Questionnaire (PQQ) specifically addresses the issue of bidding organisations and consortia, which may include SMEs, as well as nominated supply chains.</i></p> <p><i>On 30 April 2012 more than 130 delegates from 60 small and medium-sized businesses packed out Kensington Town Hall at an open day to explore the business opportunities being created by a the procurement exercise.</i></p> <p><i>The Tri-Borough councils recognise the importance of engaging with SMEs and as such this forms one of the criteria for evaluating the submissions prepared by all of the bidders.</i></p> |
| Department of Work & Pensions (DWP) | Procurement Strategy | A small organisation raised concerns about the financial assessment process concerning a bid for funding to deliver supported employment programmes with Job Centre Plus. | The organisation was able to obtain the financial guarantees required and DWP have advised Jobcentre Plus to make the financial tests to be applied to organisations seeking grants more transparent at the start of the process. |
| Department for Transport (DfT) | Specification | Two suppliers raised concerns about the conditions of grant funding offered to police forces for the procurement of laser scanning equipment for road traffic accidents. | The grant funding from DfT to enable the police to procure laser scanners, will only be made in respect of equipment that meets certain specifications. The suppliers questioned the specifications for the range and speed of the equipment. We explored the process for deciding the specification of the grant funding with DfT who assured the standards were established through trials conducted by the police and objective business needs. |

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| Ministry of Defence (MoD) | Pre-Qualification Questionnaire (PQQ) | Concerns were raised by a supplier regarding the procurement of advice and support for the sale of Defence UK radio frequency spectrum. The supplier had particular concerns about financial guarantees and the incentives in the contract for suppliers. | The supplier was concerned that the model proposed would not incentivise the winning bidder and that the gain share model they proposed would deliver greater benefits. MoD also required a bankers bond as a financial guarantee. MoD explained they had taken advice from Ofcom on the model for payment of suppliers. We explored the need for a bankers bond with MoD pointing them towards the Cabinet Office's Supplier Financial Appraisal Guide. MoD explained that as the supplier was a very new company that they did require assurance of its financial capacity to fulfil the contract. MoD explained this to the supplier. |
| Coventry University Enterprises | Costly Tender Process | An SME was concerned that a tender exercise for an exhibition stand (estimated contract value of £5,000) which they said was advertised on Contracts Finder would result in disproportionate bid costs. | We established that Contracts Finder was not used to advertise this contract. Coventry said they needed to see potential designs for this type of design contract and so had to request them from suppliers. We found no fault with their approach. |
| Department for Transport (DfT) | Tendering Costs and Withdrawal of Contracts | An SME was asked to take part in a competitive tender for the A14 Challenge Logo Development. They estimated the costs of tendering for the work were 40% of the value of the contract. After reviewing the tenders DfT withdrew the contract. | DfT have accepted our recommendation and will implement a staggered request for quotation mechanism into their procurement process for low value contracts. DfT have carried out their own internal review to ensure lessons are learned. These lessons will be applied in the shared Communications Needs hub with other departments. |
| Government Procurement Service (GPS) – G-Cloud | Pre-Qualification Questionnaire (PQQ) | An SME was concerned at the use of certification levels as requirements in procurement exercises and in particular the increasing use of impact levels. The SME cited the G-Cloud procurement as an example. | The G-Cloud team gave a detailed response to a number of points raised. They explained that the tender had been broken into lots to enable SMEs to participate and that 74% of suppliers on the G-Cloud Framework are SMEs. They then explained the approach to data security and impact levels. The mystery shopper was grateful for the response but maintains his view that the use of impact level accreditation is disadvantageous to SMEs |

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| Merseyside Police | Procurement Strategy | An SME who had provided laundry and dry cleaning services for a number of years raised concerns because the police were creating a new framework agreement for these services. | We recommended that in future as part of their contract management processes the police keep communication lines open with incumbent providers and update them on any planned changes to a contract. An agreement was reached between the two parties to put the work out to tender rather than using an established framework agreement. |
| Derbyshire County Council | Specification | A small supplier raised concerns that a specification for vehicle parts did not allow for equivalents to manufacturers own brand parts. | Derbyshire withdrew the original tender and reviewed it to take into account the need to allow for equivalents in the specification. |
| NHS East Of England Procurement Hub | Procurement Strategy | A small supplier questioned the procurement approach in a contract for support for clinical leadership, which he believed worked against SMEs. | We investigated the Mystery Shopper's concerns and found that NHS East of England had designed their procurement in a way that enabled SMEs to compete. They were taking an holistic approach to the financial assessment of suppliers. 10 of the suppliers appointed are either SMEs, have SME partners or a mixture of both of these categories. |
| Doncaster Council | Administrative Errors with e-Procurement Systems | A supplier had not heard the result of a tender he had submitted and questioned if there had been a problem with the e procurement system. | The council told us they received a number of responses to their original advert but decided none of them met the specification they had set out so they abandoned the procurement and re-thought their approach. The council accepted our recommendation about being sure about what they want to buy before advertising and keeping suppliers informed of progress. |
| South Gloucestershire Council | Procurement Strategy | We received feedback from a supplier concerning the arrangements for vehicle parts procurement in South Gloucestershire Council. Concerns were raised about the transparency of the council's arrangements for procuring parts and the abandonment of a single supplier | We explored these issues with the council who told us that an internal business review had led to the change of approach. The council accepted our recommendations that non genuine parts, which are equivalent to manufacturer's parts, should be allowed for in the specification for their new procurement. We also recommended that pre-competition engagement with the market takes place, both to test the likely appetite for supply from the market, and to gather any ideas from suppliers that |

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| | | procurement in favour of a framework agreement. | <p>could be included in the procurement approach. We also suggested that when developing future business cases and procurement strategies that care is taken to ensure that plans are robust and that wider developments in the council are taken into account to minimise the risk of procurement projects not proceeding and thus minimising wasted effort on behalf of suppliers and the council.</p> <p>The council accepted these recommendations. In particular they intend to carry out some market research and testing in advance of the final competition.</p> |
| UK Borders Agency | Selection Criteria | A supplier raised concerns about a new contract for accommodation and other services for asylum seekers which he said was weighted against SMEs. | We reviewed the approach taken by UKBA. We found that the approach to assessing financial strength was reasonable but did recommend that they be very transparent with suppliers about this in future procurements. (The supplier said they would not have proceeded as far as they did if they had been clear about financial requirements at an earlier stage). UKBA accepted this recommendation. |
| Metropolitan Police Authority | Specification | A mystery shopper contacted us about a specification for parts for boats. | The police had specified Volvo parts but adjusted this to allow for equivalents. |
| Her Majesty's Revenue & Customs (HMRC) | Supply Chain | A small training supplier in a supply chain for an HMRC contract complained that he was not receiving payment of his invoices within 30 days. | The Minister for the Cabinet Office wrote to the Mystery Shopper's MP setting out the policy on 30 day payment terms for sub contractors and by the time we contacted the Mystery Shopper the prime contractor had already agreed to meet 30 day payment terms. |
| Worcestershire County Council | Pricing Arrangements for e-auctions | A small supplier of e auction services questioned why his offering which relied on a monthly charge rather than a charge for each e auction was not accepted. | The council explained that they had provided feedback to the supplier and that they considered that other solutions provided better value for money. They commented that they awarded the contract to another SME. |

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| Her Majesty's Revenue & Customs (HMRC) | Pre-Qualification Questionnaire (PQQ) | An SME provided us with feedback on a procurement for relocation services. They believed the procurement favours larger organisations because of the high level of financial requirements which had been set. | <p>Mapeley (who were conducting the procurement on behalf of HMRC) commented that they sought to be inclusive of SMEs and increased the number of lots to facilitate this however as the work flow in all lots was inconsistent they considered that the financial stability of suppliers was important.</p> <p>We recommended for future procurements that a more holistic approach to the assessment of financial capability is taken. We pointed towards the approach set out in Procurement Policy Note 01/12 for Central Government contracts which builds on the approaches set out in our Supplier Financial Appraisal Guidance. This procurement had commenced before the issue of that note but Mapeley will adopt these recommendations for future procurements.</p> |
| National Savings & Investments | Pre-Qualification Questionnaire (PQQ) | A supplier objected to a £1billion minimum turnover threshold for the re-competition of a major outsourcing contract. | National Savings and Investments made a technical assessment of the bidders response without applying the turnover threshold. |
| Government Procurement Service | Pre-Qualification Questionnaire (PQQ) | A supplier complained about the scoring of his response to a PQQ for an ICT contract. | We investigated the approach to the assessment of PQQs and were satisfied that a fair and robust process was in place. When GPS received an initial complaint they ensured that a review was conducted by an individual who was not concerned with the original scoring process. |
| Environment Agency (EA) | Transparency | A supplier raised concerns about short deadlines for responses to adverts on Contracts Finder which did not give sufficient time to submit a tender. | We were advised by the EA that, on this one occasion, an appropriate amount of time to enable suppliers to respond to adverts on Contracts Finder was not given. The EA commented that in most cases, where contracts over £10,000 are advertised, sufficient time is given. All central government contracts over £10,000 must be advertised on Contracts Finder and sufficient time for response needs to be incorporated into project plans and EA are committed to do this in future. |

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| Government Procurement Service | Pre-Qualification Questionnaire (PQQ) | A small supplier raised concerns about the approach to selection in the Consultancy ONE procurement. | We clarified the points the supplier made with GPS and explained to the supplier the PQQ was scored on a pass/fail basis and not on a weighted scoring system. The supplier was content with this explanation. |
| House of Commons | Invitation to Tender (ITT) | A supplier of pest control services raised concerns because their tender was rejected because they had not made allowances for any TUPE transfer implications. | We recommended that, in future, the application or potential application of TUPE regulations should be flagged in the advert in the Official Journal of the European Union. The House of Commons will consider the individual requirements and circumstances of each project when preparing an OJEU notice and will only refer to TUPE in it where they feel that this adds value to the notice and does not have the potential to confuse. They are building into their contracts an obligation on the part of the sitting contractor to provide TUPE information prior to the re-tender process. They said that this would probably not have helped in this case where the sitting contractor had not been selected to tender for the replacement. The House said they would consider our recommendation in future procurements and apply it as considered appropriate. |
| Warrington & Halton Hospitals NHS Foundation Trust | Pre-Qualification Questionnaire (PQQ) | A supplier raised concerns about the complexity of a PQQ for a contract for a digital archiving solution. | We examined the PQQ used by the Trust and recommended they make use of the model Cabinet Office PQQ questions. They are considering how to incorporate it in a review of their existing processes. |
| Department for Culture, Media & Sport (DCMS) | Invitation to Tender (ITT) | A supplier raised concerns after he was excluded from a Broadband Delivery UK tender, which is part of DCMS. The supplier was excluded because they did not meet the criteria regarding experience and capability and for the lack of case studies supplied with the tender. The supplier felt that the requirement for case studies had | On investigation it was found that the requirement for case studies was clearly marked in the PQQ as well as there being an explanation on what to include in supplementary documentation issued by the contracting authority. The tender had been advertised on Tenders Electronic Daily (TED) as well as on the department's own eDelta system. Even though they had acted correctly, we made recommendations to the Department to further improve their service in the future. |

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| | | not been made clear in the documentation and also complained that the tender had not been advertised clearly. | We recommended that a member of their team register on the Department's eDelta system as a supplier to understand the user journey from the supply side and the service that is provided. We also suggested that the implementation of an e-alert notification system from eDelta is considered and that all contract opportunities over £10,000 in value are advertised on Contract Finder as well as on their own systems. The Department have accepted these recommendations. |
| North East Purchasing Organisation (NEPO) | Procurement Strategy | A supplier raised concerns about a procurement process which they believed they had won but was then stopped. | NEPO were conducting a market benchmarking exercise in respect of travel services. The supplier had not realised that this was a benchmarking exercise. NEPO have committed to give suppliers a clearer understanding that they are conducting a benchmarking exercise when they next do one. |
| Derbyshire County Council | Procurement Strategy | A mystery shopper queried the Council's procurement arrangements for the restoration and development of Elvaston Castle.. | Derbyshire County Council explained that they have decided to terminate the appointment of their preferred development partner and are taking steps to begin a remarketing exercise in whole or part by the end of July 2012 for the restoration and development of the Castle. |
| North West IT | Procurement Strategy | A small supplier questioned why his patient data system was not taken up. | NHS North West provided a detailed explanation of why they had opted for another system. |
| North Tyneside Council | Transparency | A supplier of vehicle parts raised concerns about the extension of a deadline for a tendering exercise when he worked to a tight deadline to submit a bid. | The council confirmed that an extension of time had been granted to all suppliers as only one bid had been received and they wanted to ensure value for money through a degree of competition. The supplier who raised the concerns was subsequently awarded the contract. |
| Crawley Borough Council | Pre-Qualification Questionnaire (PQQ) | A Supplier reported that it was not possible to bid for a procurement unless it had two years audited accounts. | Crawley Borough Council revised the financial criteria. This enabled bidders to submit a business plan (including financial projections) covering the period of the contract and an indication of the financial resources that the organisation can call on if |

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| | | | <p>necessary. As a result, revised documentation was issued.</p> <p>The Council had already started reviewing its selection criteria to accommodate potential expressions of interest under the Localism Act and had identified the need to amend financial criteria to allow newer organisations to bid.</p> |
| North West London Cluster of NHS London | Pre-Qualification Questionnaire (PQQ) | A small supplier raised concerns about being passed through to the tender stage of two stage procurement and then at that stage being rejected on financial grounds | We recommended the trust adopt the Cabinet Office model PQQ and the approaches set out in Procurement Policy Note 1/12 to financial assessment of suppliers. In two stage processes we recommended that the question of financial assessment is settled before invitations to tender are made. NHS London accepted these recommendations and will follow them in future procurements. |
| Branston Community Academy Lincoln | Transparency | A mystery shopper raised concerns about various works contracts valued below the EU threshold which had been let without an open tendering process. | The Academy procured the works contracts in line with its financial regulations. We pointed them towards the advice for academies on the Department for Education website which includes a decision tree which we recommend is followed in future procurements of this type. This suggests a framework or open tendering process is used for contracts above £40,000. The Academy will refer to this decision tree when letting future contracts. In line with long standing practice most new projects currently being procured by the Academy are using the 'frameworks' model. |
| MOD | Specification | A small supplier raised concerns about the potential specification of "genuine" vehicle parts which may not include "non genuine" parts of equivalent quality. | As part of pre-competition engagement, MoD discussed the issue with the supplier and advised the procurement unit to allow for equivalents to genuine parts in any Invitation to Tender. |

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| Government Digital Service | Early Market Engagement | A supplier approached us about how they could play a role in the Individual Electoral Registration Data Matching Pilots. | We put the supplier in touch with the appropriate team in the Government Digital Service. |
| University Hospitals Birmingham (UHB) | Pre-Qualification Questionnaire (PQQ) | A small supplier submitted a PQQ late because of IT problems and asked for it to be considered. | UHB explained that they did contact the supplier to ask why the PQQ was late but did not receive a response until 3 weeks after their initial contact by which time the other PQQs submitted had been assessed. |
| NHS North West London Hospitals | Pre-Qualification Questionnaire (PQQ) | A small supplier raised concerns about a contract where payment would be entirely on a contingency fee basis as they would not have the resources to wait several months for payments | The Trust reviewed its approach and now plans to introduce a new fee system based partly on contingency fees, but taking into account points raised in the feedback received. |
| Nottingham University Hospitals NHS Trust (NUH) | Procurement Strategy | A supplier queried why an office equipment contract had been advertised when a GPS framework appeared to offer a suitable route to contract | NUH explained that they had to have arrangements in place by 1 April and that the GPS Framework did not become available until 6 March which meant there was insufficient time to make use of it. They are confident that the approach they have taken will deliver value for money. |
| Government Communications Headquarters (GCHQ) | Specification | A small ICT supplier was unsuccessful in a tender process and sought more clarity and information for the reasons why. | We contacted GCHQ who ensured that detailed feedback was given to all participants in this procurement. |
| Health Trust Europe | Pre-Qualification Questionnaire (PQQ) | Two suppliers raised concerns about the selection criteria for a framework for medical locums. | Following investigation, Health Trust Europe acknowledged that an error had been made and both companies were invited to tender. |

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| Rochdale City Council | Transparency | A Chartered Surveyor specialising in flood protection for houses and homes was finding it difficult to access opportunities from various Local Authorities who had received government grants for flood defence works. | Rochdale Council advised they have a strategic partner " http://www.impactpartnership.com " who are responsible for property, highways and engineering for the Council. Therefore any surveys undertaken would be via the partnership. All other opportunities are advertised via their tender portal The Chest " https://www.the-chest.org.uk ". The Impact Partnership also advertises their contracts through the chest. The Council advised us they are bringing this service back in-house. |
| West Lindsey District Council | Transparency | A Chartered Surveyor specialising in flood protection for houses and homes was finding it difficult to access opportunities from various Local Authorities who had received government grants for flood defence works. | West Lindsey District Council received grants for two property level schemes in Waddingham and Scotter. Both schemes are now being managed by Lincolnshire County Council. As these contracts were relatively low value, tenders were invited from three suitably competent companies. In general, suppliers can check potential contracts by accessing the http://www.sourcelincolnshire.co.uk website. |
| Shropshire County Council | Transparency | A Chartered Surveyor specialising in flood protection for houses and homes was finding it difficult to access opportunities from various Local Authorities who had received government grants for flood defence works. | Shropshire Council advised that they did not advertise the work in this instance, due to its relatively low value, however they did comply with their internal contract rules. In future Shropshire will look to advertise similar opportunities on their website. |
| East Riding of Yorkshire | Transparency | A Chartered Surveyor specialising in flood protection for houses and homes was finding it difficult to access opportunities from various Local Authorities who had received government grants for flood defence works. | East Riding of Yorkshire said this type of service has primarily been delivered by its own staff, but when additional assistance is required this is provided through the EU advertised YORconsult framework. This framework was advertised to actively seek and encourage SME involvement and 3 of the 6 successful firms for these services are local small enterprises. |

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| Halton Borough Council | Specification | A supplier was concerned that a specification National Cycle Training did not extend to organisations with Bikeability training status. | The Council took account of the feedback and decided to re-run the process ensuring that Bikeability providers could bid. The Council pointed out they are committed to ensuring that low value contracts are widely advertised through The Chest procurement portal. |
| Environment Agency | Transparency | A Chartered Surveyor specialising in flood protection for houses and homes was finding it difficult to access opportunities from various Local Authorities who had received government grants for flood defence works. We asked the Environment Agency about the arrangements in place for these contracts. | The Environment Agency responded by explaining they currently have a framework agreement for property level flood protection surveying, which is comprised of a number of smaller-sized contractors and consultants as well as medium-sized enterprises. They told us they are now just over 12 months into a potential 48 month agreement. They told us the framework contained a number of small-sized companies. At the time of letting the framework, they had one firm of surveyors which operated with less than 5 employees, and a further 3 contractors that operated with 15 or less employees. |
| Ryedale Council | Transparency | A Chartered Surveyor specialising in flood protection for houses and homes was finding it difficult to access opportunities from various Local Authorities who had received government grants for flood defence works. | The Council responded by advising that they had recently advertised 2 flood protection schemes (Kirby Mills and Pickering) via their regional (Yorkshire and Humberside) procurement portal SCMS https://scms.alito.co.uk |
| Rotherham Council | Transparency | A Chartered Surveyor specialising in flood protection for houses and homes was finding it difficult to access opportunities from various Local Authorities who had received government grants for flood defence works. | The Council were not sure of any flood protection schemes that they had been involved in, however like all of their tenders, they do not have an approved supplier list, therefore all suppliers, large and small, have the opportunity to express an interest in their work. Their tenders are advertised and completed via the SCMS procurement portal. |

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| Oxford City Council | Transparency | A Chartered Surveyor specialising in flood protection for houses and homes was finding it difficult to access opportunities from various Local Authorities who had received government grants for flood defence works. | The Council said as the value of spend was less than £10,000 under their regulations (http://www.oxford.gov.uk/constitution) quotes were obtained from three suppliers. Following the receipt of tender submissions a supplier was appointed to do the work. The Council is now adopting e-procurement as a standard approach and seeks quotations through the South East Portal. Organisations can now record their interest in tendering for future work, and receive notification of tenders that are invited, by registering through that route https://www.businessportal.southeastiep.gov.uk . |
| Somerset County Council | Transparency | A Chartered Surveyor specialising in flood protection for houses and homes was finding it difficult to access opportunities from various Local Authorities who had received government grants for flood defence works. | The council told us they were awarded a grant of £38,250 to provide property-level flood protection measures to 10 homes in the parish of Pitcombe. After considering their options and considering value for money the council decided to use their existing framework agreement to source surveying work. The construction element of the work was put out to a competitive tender. |
| Leeds City Council | Transparency | A Chartered Surveyor specialising in flood protection for houses and homes was finding it difficult to access opportunities from various Local Authorities who had received government grants for flood defence works. | The Council explained the original survey company was procured by tender from four firms chosen from the Environment Agency framework list and National Flood Forum. The last survey has been undertaken in house, as the grant was only sufficient to cover the cost of the works. |
| Portsmouth City Council | Transparency | A Chartered Surveyor specialising in flood protection for houses and homes was finding it difficult to access opportunities from various Local Authorities who had received government grants for flood defence works. | The Council told us that they had recently received property level flood protection grant in aid from the Environment Agency for areas that are unlikely to benefit from community level schemes. The council made an application with respect to a number of properties within the city and were successful in obtaining funds for a small number within the highest risk area. The Council presently has a term contract with two suppliers to cover this type of work. This was advertised appropriately and awarded in |

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| | | | <p>2008 and will expire in 2012. One of the suppliers had significant experience in carrying out property level surveys on behalf of the Environment Agency and was appointed to carry out the surveys required. The Council has recently been included in a framework for the supply, of professional services for flood and coastal erosion issues which covers 11 local authorities. This will be used once the term contract has expired. There is no obligation to use these suppliers and if an independent surveyor can demonstrate better value for money, then this route would be preferred. The council said they would encourage any surveyor to make contact in order to provide information regarding their expertise.</p> |
| Cheltenham Council | Transparency | <p>A Chartered Surveyor specialising in flood protection for houses and homes was finding it difficult to access opportunities from various Local Authorities who had received government grants for flood defence works.</p> | <p>The Council said that for their Whaddon Scheme, six suitable companies were approached and invited to tender. This was a low value contract and the council selected companies based on the knowledge of the Council's consultants had of delivering these schemes over the past few years.</p> |
| Essex County Council | Transparency | <p>A Chartered Surveyor specialising in flood protection for houses and homes was finding it difficult to access opportunities from various Local Authorities who had received government grants for flood defence works.</p> | <p>The total value of the work in Bowers Gifford, Essex, was no more than £17,000 split into two segments (a survey of the properties and then installation of the requirements). Given the low value of the contract and in accordance with the Council's procurement regulations a small number of companies were invited to tender. For future opportunities Essex are implementing an e-sourcing platform which will enable increased transparency of opportunities and engagement of potential suppliers. Suppliers may register for future opportunities by visiting http://www.essex.gov.uk/Business-Partners/Supplying-Council/Pages/default.aspx</p> |

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| Selby Council / Scarborough | Transparency | A Chartered Surveyor specialising in flood protection for houses and homes was finding it difficult to access opportunities from various Local Authorities who had received government grants for flood defence works. | The Council responded by advising that they had recently advertised 2 flood protection schemes (Kirby Mills and Pickering) via their regional (Yorkshire and Humberside) procurement portal SCMS https://scms.alito.co.uk |
| City of York Council | Classification of contract | A supplier raised concerns about a number of issues concerning a contract for home to school transport for disabled children. A statutory standstill period had not been applied to this procurement because the council had classified the procurement as "Part B" services which do not attract a standstill period. | We recommend that City of York review the process by which contracts are classified when procuring new goods and services. The City may wish to pay particular attention to all contracts for goods and services that have previously been classified as Part B services, and give careful consideration to what is procured, not who uses it and where necessary, amend the classification that has previously been used when services are re-tendered. The Council accepted these recommendations. They have undertaken an internal review and will continue to monitor future procurement in line with these recommendations. |
| Liverpool City Council | Pre-Qualification Questionnaire (PQQ) | A Supplier raised concerns about how their financial strength to perform a contract may be assessed. | We drew the Council's attention to our Supplier Financial Appraisal Guide and policy action note PPN 01/12 on PQQs. The Council responded that they are supportive of the approach set out in these documents and are reviewing their approach to financial assessment to ensure that SMEs and some other types of organisations are not disadvantaged. The review will be complete by the end of May and its findings will be rolled following the training of staff. |
| Epsom and Ewell Borough Council | Invitation to Tender (ITT) | A small supplier raised concerns about the scoring of a tender. | The Council accepted our recommendations that in future tenderers scores are moderated where a number of different markers have been involved in the marketing process. On this occasion the three scores associated to this tender were averaged to provide a final score, the same as the scores associated to the other tenders. |

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| Surrey County Council | Procurement Strategy | A supplier queried why a project for the replacement of desktop printers was not looking to use a new Government Procurement Service (GPS) framework agreement. | The Council explained that Surrey County Council, Kent County Council and Guildford Borough Council have been working on a project over the last year to replace the current desktop printers, some of which are 10 years old. The council considered the new GPS framework but decided putting in place their own arrangements will provide a better solution. The Council stated that they have been talking directly to suppliers throughout this process and are doing everything with the market to ensure that they have input from suppliers before going to the market. We approved of the council's approach on pre-competition engagement which is in line with the 'lean' standard operating processes which are published on the Government Procurement website. |
| Uttlesford District Council | Concern over Credit Check Limit | A supplier raised concerns that they had to pass a check by a third party business information service for an aggregate value for a supply contract of £1m. This was as part of the Economic and Financial Standing section of a pre-qualification questionnaire for Design and Build Services. They were concerned that this was higher than the contract limit. | Appleyards (the consultants running the procurement) confirmed that the contract value was actually likely to be significantly higher than the supplier's understanding (depending on Council funds). The supplier was happy with this explanation. |