

## Mystery Shopper Publication Table April to June 2015

CONTRACTING AUTHORITY / PRIME CONTRACTOR COMPLAINT AGAINST	ISSUE WITH PROCUREMENT	DESCRIPTION OF COMPLAINT	OUTCOME OF CASE / RECOMMENDATIONS
<p><b>NEW</b> Middlesbrough Council</p>	<p>Procurement Process</p>	<p>A Mystery Shopper raised concerns about a framework for schools management information systems, particularly in relation to the transparency of the call off process and transitional arrangements for schools.</p>	<p>The Council confirmed that schools have been given clear information to assess supplier offerings on the framework and they are encouraging schools to make use of the new framework at the earliest possible opportunity, taking into account existing contractual arrangements. In the interim, Middlesbrough took the decision to extend their existing schools MIS contract for a further 1 year term to allow schools time to transition over. The Council accepted our recommendation to advise schools that the existing contract will not be extended beyond April 2016 to ensure a speedy take-up of the new framework offerings.</p>
<p><b>NEW</b> Sellafield Ltd (Site Licensing Company for the Nuclear Decommissioning Authority - NDA)</p>	<p>Procurement Process</p>	<p>A Mystery Shopper raised concerns that the process following an Award Decision Notice for the 'Supply of stainless steel boxes for intermediate level waste retrievals manufacture &amp; volume production' did not adhere to OJEU procurement processes.</p>	<p>The NDA confirmed that the procurement had been through a thorough and comprehensive governance and assurance review. The concern raised was in fact in relation to an advanced notification that was issued and not an Award Decision Notice (Standstill letter) - this advanced notification was to inform preferred bidders ahead of the formal issuing of standstill letters. The advanced notification was consistent with Sellafield's and the NDA's policy of open and transparent communication - it did not indicate the start of formal OJEU Standstill activity following the tender evaluation process. Formal and correct processes and procedures commenced following the issue of the standstill letters.</p>
<p>NHS Supply Chain</p>	<p>Registering on the supplier portal</p>	<p>A Mystery Shopper contacted the service to raise concerns that they had been unable to register their</p>	<p>We investigated this case with the NHS Supply Chain, who undertook an investigation into the difficulties the supplier had faced on the system. NHS Supply Chain informed us that the supplier needed to access the 'Innovation Scorecard' which is an online tool which allows</p>

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		company on the Supplier portal and were having limited success speaking to anyone at the NHS Supply Chain to try and resolve their issue and present their product to buyers.	potential suppliers to submit their innovative products for contract consideration within NHS Supply Chain. The NHS Supply Chain informed us that the 'Supplier Portal' was for existing suppliers only (hence why the new supplier was unable to access the system). Our advice to NHS Supply Chain was to ensure that the website is clear and explains to suppliers which route they need to go down, to avoid confusion in the future. We shared this with the Mystery Shopper, who was happy with the outcome. The mystery shopper met directly with a buyer at NHS Supply Chain to present their product.
BPM Project Management	Transparency	A Mystery Shopper raised concerns that a contract award notice for residential homes construction work had recently been published but the enquirer had not seen the original advertisement.	BPM Project Management Ltd were able to provide a link to the original contract notice which was advertised on 22 April 2014 both in the OJEU and on the Mytenders website. They advised that there were some delays during the process in obtaining planning permission and site acquisition which meant that the contract could not be awarded until January 2015.
Northern Housing Consortium	Technology	A Mystery Shopper raised concerns that the process for registering an expression of interest and bidding for two tenders for NCH Telecare Tender Opportunities was difficult to understand.	The Consortium Procurement Group had directly addressed the complainant's concerns by providing additional clarity on the process. They also extended the deadline for expressions of interest to ensure that no other supplier was disadvantaged.
National Institute for Health and Care Excellence - NICE	Cancellation of a contract notice	A Mystery Shopper raised concerns that the tender for 'Research and development services and related consultancy services' was	We investigated this case with NICE, who explained that at the time of release of the notice NICE had begun an internal consultation process looking at 2 departments within NICE and allocation of their internal resources. During this internal consultation it was identified that NICE had the capacity of internal resources to deliver the

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		<p>advertised in February 2015 and subsequently cancelled. The Mystery Shopper wanted to understand the reasons behind this.</p>	<p>evidence review elements of the work for certain guidance production. Therefore the Senior Management Team at NICE made a decision as to what work could be brought 'in-house' and what still required an external supply chain. This tender fell into internal delivery and as a result, the contract notice was pulled. NICE highlighted that all interested parties were sent a message to clarify the situation and apologise for any inconvenience placed on them. Ideally, in this sort of situation, our advice is that where there is any sort of internal review being carried out, which may result in the tender being pulled and brought 'in-house' , that all suppliers are notified of this possibility from the start and ideally, in the first instance, the contracting authority would not release any contract notice until they were confident that the work was required. This avoids suppliers spending time preparing a bid which is not necessary.</p>
Janet	Procurement Strategy	<p>A Mystery Shopper wished to establish how the organisation Janet meets the definition of a contracting authority.</p>	<p>Over 80% of Janet's funding comes from the UK Higher Education and Further Education funding bodies, with additional support coming from higher education institutions and as such met the definition of a contracting authority.</p>
Crown Commercial Service (CCS)	Procurement Process	<p>A Mystery Shopper contacted the service with concerns following communications received that detailed the use of credit ratings as part of the CCS financial assessment process. The supplier interpreted the communication to mean</p>	<p>CCS talked through the financial assessment process with the supplier and explained that credit scores were not taken in isolation. CCS demonstrated that the process it uses offers multiple entry points for suppliers to show their financial standing, but accepted the supplier's feedback that its communication should be improved to better explain how the process is used and to improve the way CCS communicates with potential suppliers.</p>

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		that credit scores were taken in isolation and poor scores would mean exclusion from the procurement process.	
Metropolitan Police Service	Lack of clarity about aspects of the tender documentation	A Mystery Shopper contacted the service to complain that they were unable to acquire detailed responses from the Police across a range of areas in the tender documentation in advance of the tender deadline.	We investigated this case with the Met Police, who clarified several of the points raised by the Mystery Shopper. We shared the responses back and the Mystery Shopper who agreed to close the case.
Public Health England (PHE)	Procurement Strategy	A Mystery Shopper raised concerns about PHE's use of G-cloud after receiving a confusing request to partner with another supplier on G-cloud for skills that they already had in house.	PHE have advised that the request was sent in error, due to misunderstanding between the technical and commercial divisions. The incorrect information was amended by the procuring authority as soon as the misunderstanding was identified. The clarification document, initially provided to all suppliers as part of the procurement process, was complete and accurate and did not attract any queries from other bidders. Six suppliers were shortlisted, their clarification responses were compared against the initial requirements, evaluated and scored in line with Crown Commercial Service guidance and final selections were made by the department which demonstrated no bias in the process.
Crown Commercial Service (CCS)	Contract Management	A Mystery Shopper contacted the service with concerns about a supplier on the Technology Products framework (RM1054)	CCS responded quickly to analyse the returns of the suppliers on this framework and no evidence was found of suppliers misquoting prices. Clarity on the terms of the framework that explain how suppliers can price services was provided to the Mystery Shopper.

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		misquoting prices	
Trafford Council	Procurement Strategy	A Mystery Shopper raised concerns that the council had awarded a contract for monitoring attendance data of Looked after Children without undertaking a competitive process.	The Council's shared procurement service, STaR, advised that Trafford Council felt that only one supplier could meet the Council's requirements and an exemption to the normal competitive process was granted. However, the contract was an interim arrangement that is due to expire in July 2015 and having revisited the market, STaR intend to embark on a new open competitive procurement process shortly.
Department of Health (DH)	Procurement Strategy	A Mystery Shopper raised concerns that the department had aggregated Payroll and HR functions into a single strategic contract for Electronic Staff Records (ESR), contrary to the Government's commitment to divide large strategic contracts into smaller lot to enable SMEs to participate.	The replacement ESR contract will deliver aggregated HR and Payroll functionality which is accessible to all NHS and Foundation Trusts. An options appraisal considered the disaggregation of the requirements, but was not considered the best choice to achieve value for money. We advise that where disaggregation is not feasible efforts should be made to encourage the use of SMEs in the supply chain. DH demonstrated the steps taken throughout the process to encourage the use of SMEs in the solutions and the winning bidder will be sub-contracting work to four different SMEs whilst saving a significant amount of money for the taxpayer.