

# Mystery Shopper Publication Table October and November 2017

## Contract Management

### New

#### Contracting Authority / Prime Contractor complaint against - Rotherham NHS Foundation Trust

**Issue:** A supplier contacted the Mystery Shopper team to advise that they were experiencing delays in being paid for work carried out for Rotherham NHS Foundation Trust, totalling over £3.5k.

**Outcome:** The Trust paid all outstanding invoices to the supplier and going forward, the Trust has agreed to work closely with the Department of Health and NHSI to ensure appropriate levels of funding are sought and received in as timely a manner as possible to enable supplier payments to be made efficiently.

### New

#### Contracting Authority / Prime Contractor complaint against - Retinue Solutions

**Issue:** A supplier who has been working as a sub-contractor under Neutral Vendor Retinue Solutions supplying temporary healthcare personnel to various the NHS Hospitals on the CCS [Multidisciplinary Temporary Healthcare Personnel](#) Framework (RM3711) raised concerns that Retinue Solutions were operating in collusion with Caritas Recruitment and that Retinue Solutions was disguising Caritas Recruitment as an independent subcontractor. The expressed concern that Retinue was not operating a true Neutral Vendor model.

**Outcome:** The Crown Commercial Service (CCS) Category Services Manager for Health Contingent Labour met with Retinue Solutions and confirmed that Caritas is not a subcontractor but are part of their company group and this relationship is transparent. It was confirmed that staff had not been offered more shifts to move agency and explained that Caritas employ more specialist staff than Retinue and staff see a move as an opportunity to explore a different area of nursing. Workers cannot be restricted to one particular agency and without any evidence it was difficult to substantiate this further. Retinue have offered the complainant the chance to meet and discuss the issues raised along with a representatives from the CCS Category Team.

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**New****Contracting Authority / Prime Contractor complaint against - St George's Universities Hospitals NHS Trust**

**Issue:** An agency that has supplied ICT staff to the Hospital via the Non-Medical Non-Clinical framework, contacted the Mystery Shopper team to raise concerns. Earlier this year the supplier was advised that staff should be provided via an intermediary, St Vincent's Health & Public Sector Consulting Limited. The supplier was beginning to experience problems with St Vincent's and their administrative/management requirements.

**Outcome:** The hospital confirmed that there is not a policy or any insistence that temporary staff are to be provided through St Vincent across their services. Specifically within ICT, St Vincent confirmed that they had been engaged via G Cloud 8 to deliver/deploy certain ICT services in addition to other providers that deliver services within the ICT department.

**New****Contracting Authority / Prime Contractor complaint against - North Yorkshire County Council**

**Issue:** A supplier asked the Mystery Shopper team to investigate the Schools MIS/FAS framework agreement established and managed by North Yorkshire County Council. The supplier suggested that the framework direct ordering procedures were not compliant with the requirements of the Public Contract Regulations, and that they would take legal action against any customer that sought to make direct awards from the framework.

**Outcome:** The Council responded promptly to our communication. The Council believe the direct award approach as detailed in the framework agreement is appropriate. However following discussions the Council has undertaken to advise framework users that they should not adopt a single supplier direct award approach but place orders only after carrying out a further competition between framework suppliers. This allowed the framework to continue.

**Contracting Authority / Prime Contractor complaint against - Retinue Solutions**

**Issue:** A supplier, a subcontractor to Retinue Solutions contacted the Mystery Shopper team regarding concerns over late / outstanding payments.

**Outcome:** The Crown Commercial Service (CCS) Category Services Manager for Health Contingent Labour met with Retinue Solutions for clarification on their payment policy. They confirmed that their policy was 30 days and that going forward, the CCS Category Services Manager will be the single point of contact between any agencies that are experiencing payment issues. The CCS Category Services Manager will take cases forward with the Operations Director of Retinue Solutions.

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## **Contracting Authority / Prime Contractor complaint against - Courts and Tribunals judiciary of England and Wales**

**Issue:** A supplier contacted the Mystery Shopper team to advise that they were experiencing a delay in being paid for work completed at the Judicial College in October 2017.

**Outcome:** The Mystery Shopper team looked into this and received a prompt response from the Courts and Tribunals Judiciary advising that payment had been made.

## **Contracting Authority / Prime Contractor complaint against - Countess of Cheshire NHS Foundation Trust**

**Issue:** A supplier asked the Mystery Shopper team to look at a procurement to establish a set of framework agreements for procurement consultancy services, as the supplier was unhappy that the Trust had specified that framework suppliers would have to pay a fixed annual charge for each year of the framework regardless of how much business they won through it.

**Outcome:** The Trust responded promptly to our communication, setting out the reasons why they considered the charging model adopted was appropriate in terms of managing business risk. We suggested that they should review the adoption of the model for future procurements, considering whether it was an equitable allocation of risk. The Trust confirmed that they will continue to review fees.

## **Payment**

### **New**

## **Contracting Authority / Prime Contractor complaint against - Crown Commercial Service**

**Issue:** A supplier contacted the Mystery Shopper team to tell us that they were struggling to receive payments as a subcontractor on a CCS framework agreement for Facilities Management Services. They were owed in excess of £30k by the Prime Contractor for work previously carried out and were chasing payments against invoices up to 5 months old.

**Outcome:** We contacted the framework team who own the relationship with the suppliers and advised them of the issues and delays to payment. They investigated these immediately and worked with the supplier to unblock the delays to ensure that all outstanding payments were made to the supplier. All £30k worth of invoices were paid within a few weeks of the case being raised. We were informed that these delays had occurred because of the internal approvals process with the Prime Contractor and they reassured us that this had been rectified and delays to payment should not occur again.

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## **Contracting Authority / Prime Contractor complaint against - Wandsworth Borough Council**

**Issue:** A supplier asked the Mystery Shopper team to investigate an issue they were experiencing with a delayed payment with Wandsworth Borough Council for an invoice of over 3 months old totalling £750. They had been contacting the finance department to chase the late payment with no success.

**Outcome:** We contacted the Council and asked them to investigate this. Although we received no direct response to our correspondence, the supplier informed us that they had been paid.

## **Contracting Authority / Prime Contractor complaint against - Department for Work and Pensions (DWP)**

**Issue:** A supplier contacted the Mystery Shopper team to advise that they were struggling to get paid on time for work carried out for DWP on the European Social Fund contract. They raised their concerns to us in June for a claim of over £400k that had been raised in February. In addition, they told us that previous payments had been received up to 3 months late.

**Outcome:** We contacted DWP who advised that they were looking into these delays and would ensure that payment was authorised as a priority. Due to an unforeseen absence of the Contract Manager, the supplier was allocated an alternative Contract Manager to talk through the issues directly to speed up the claim. The issues were systematically dealt with and the payment was issued and received in September 2017. DWP did explain that the European Social Fund is a grant-funding scheme, which means that when a claim is received the Contract Manager undertakes a series of validations to ensure the expenditure meets eligibility criteria and payment is subject to the Grant Recipient satisfactorily meeting any request for further information. As the Grant Recipient makes grant claims in arrears for each instalment period, DWP will normally meet a grant claim within 30 days of receipt. They also advised that lessons have been learnt for the future to ensure that systems are in place to have contingency arrangements to address any absences.

## **Contracting Authority / Prime Contractor complaint against - North Tees and Hartlepool NHS Trust**

**Issue:** A supplier asked the Mystery Shopper team to investigate problems they were having with payment of some overdue invoices.

**Outcome:** We contacted Department of Health colleagues and the outstanding sums were paid to the supplier.

## **Contracting Authority / Prime Contractor complaint against - Worcestershire County Council**

**Issue:** A supplier contacted the Mystery Shopper team to ask us to investigate problems they were having with payment of an overdue invoice.

**Outcome:** The outstanding sum was promptly paid to the supplier.

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<b>Procurement Process</b>
<p><b>New</b> <b>Contracting Authority / Prime Contractor complaint against - Lewisham Borough Council</b></p> <p><b>Issue:</b> A supplier contacted the Mystery Shopper team regarding an opportunity advertised by Lewisham Council for the Laurence House Refurbishment. Concerns were expressed that there was no contract value to understand if this opportunity was appropriate for an SME, the opportunity had not been advertised on Contracts Finder and despite several attempts communications had remained unanswered.</p> <p><b>Outcome:</b> Lewisham Council advised that there had been log in issues that were raised with Contracts Finder and were resolved as quickly as possible. One of the objectives of a design build process was to explore what the market has to offer in terms of price and design and whilst the Council has no legal obligation to publish a contract value, after receiving requests this was published via their portal. This case highlights the need for proactive communications and timely responses and we recommend to Lewisham Council that all communications should take place through their portal in order to provide an adequate audit trail.</p>
<p><b>New</b> <b>Contracting Authority / Prime Contractor complaint against - Department of Health</b></p> <p><b>Issue:</b> A supplier applied for an opportunity for a Senior Technical Architect via the Digital Marketplace and was one of the 21 completed applications. The contract was marked as commenced but the supplier had not heard any response to their application or feedback.</p> <p><b>Outcome:</b> The Department of Health confirmed that they had not altered the stage at which the procurement was at as they had yet to award the contract. To assist for the future we referred the case to the CCS Commercial Agreements team to provide guidance on the functionality within the system for the contracting authority to learn to use this for greater communication with suppliers.</p>
<p><b>New</b> <b>Contracting Authority / Prime Contractor complaint against - Guys and St Thomas NHS Foundation Trust</b></p> <p><b>Issue:</b> A supplier applied for an opportunity via the Digital Marketplace. They were then informed that the opportunity had been re-listed to “allow all bidders to compete”. The complainant was concerned that the withdrawal had been an attempt to allow a pre-set preferred bidder to win the contract.</p> <p><b>Outcome:</b> The CCS Commercial Agreement Manager spoke with the Authority and believed this to be the first time they had used the system and considered this to be genuine user error. The Authority confirmed that they would close the exercise and re-create the Q &amp; A and then launch the new advert once ready. They also confirmed that would create a plain tender vault box through Delta (their e-tendering portal) and that would enable all the suppliers to download the specification, and for clarity they will put in a link on the new advert with a note that the responses must be submitted through the DOS portal.</p>

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**New****Contracting Authority / Prime Contractor complaint against - College of Policing**

**Issue:** A supplier contacted the Mystery Shopper team regarding a Digital MarketPlace opportunity for the College of Policing to convert an existing Adobe Flash Site to HTML5. The opportunity had been presented in a way that prevented bids from suppliers who did not already hold NPPV2 vetting. Other suppliers had asked if the College of Policing would support bids from suppliers who would then need to go through vetting, and this has been denied as part of the bid. The complainant highlighted that this excluded bids from suppliers who did not already have this vetting, but were prepared to go through the vetting process.

**Outcome:** The College is an Arm's Length Body of the Home Office and as part of the funding stream there is a requirement to bid for funding for certain enhancements and projects. There is a clear understanding of the procurement timeline and the need not to specify the higher security clearance. However, this was an urgent requirement and there was a need to spend the allocated funding in a limited period. As it takes approximately 8 weeks to obtain the SC at NPPV2 and above, this at times cannot be achieved within the timeline of the requirement and therefore would put the project and funding at risk.

The CCS Commercial Agreements Team have advised them that if buyers are able to plan their procurements in advance and allow enough time between the procurement finishing and the project (the work) starting, then suppliers that don't have security clearance will be able to obtain them with the sponsorship of the buying authority. The College is aware of their obligations under the framework with regard to specifying the SC level, however on this occasion they needed the flexibility because the timelines/ funding pressures dictated. The College are aware that this is at their own risk of challenge.

The CCS Commercial Agreements Team will communicate with buying organisations about procurement timelines and the importance of not discriminating against suppliers.

**New****Contracting Authority / Prime Contractor complaint against - Babcock International Group / MOD**

**Issue:** A supplier had been invited to tender for 'Repair and Servicing of Various Electrical Assemblies' from the Vehicle Support Armoured Tracks Programme issued by Babcock DSG Ltd, acting as agent for and on behalf of the UK Ministry of Defence. After successfully progressing through the Pre-Qualification stage they were selected as 1 of 3 potential suppliers invited to quote. However, they were unable to provide a quotation as drawings were not issued for the parts required.

**Outcome:** Babcock DSG Ltd, liaising with the MoD, required additional time to investigate whether drawings would be available for use in the competitive tender. To accommodate the delay and ensure suppliers are not incurring costs they confirmed they would suspend the procurement process until such time as this work is completed.

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**New****Contracting Authority / Prime Contractor complaint against - Central London Community Healthcare Trust**

**Issue:** A supplier contacted the Mystery Shopper team to advise that they were experiencing delays in being paid for work carried out several months ago for Central London Community Healthcare NHS Trust, totalling over £1,500.

**Outcome:** The Trust looked into this and paid the outstanding invoice to the supplier within 2 weeks of the case being raised. They apologised for the delay and explained that there had been resourcing issues which meant that the purchase order was not receipted on time. They reassured us that this would not occur again.

**Contracting Authority / Prime Contractor complaint against - Reading Borough Council**

**Issue:** A supplier contacted the Mystery Shopper team to seek further clarification regarding the scoring system used in a recent procurement process for Advocacy Services in Reading.

**Outcome:** : Reading Borough Council confirmed that the tenders were evaluated in accordance with the evaluation methodology set out in the Invitation To Tender (ITT) documents issued on 30 September this year. They provided us with the document set including the evaluation scheme and confirmed that potential tenderers were able to raise any concerns about the evaluation scheme during the process. They did not receive any concerns during this period and in order to comply with the principles of transparency, non-discrimination and equal treatment (Public Contracts Regulations) the Council applied the evaluation scheme as published. Reading Borough Council confirmed that the winning supplier passed the economic and financial standing section of the selection stage. The tender price submitted in the winning tender fell within the range that the Council had identified as potentially financially sustainable. The evaluation panel had no grounds for rejecting the tender in accordance with the evaluation scheme as published. We reviewed the decision and confirm that the evaluation scheme was clear and has been applied correctly.

**Contracting Authority / Prime Contractor complaint against - London Borough of Croydon**

**Issue:** A supplier had been invited by London Borough of Croydon to participate in a G-Cloud 9 clarification session. The supplier was concerned that the request for clarification appeared not to meet the G-Cloud framework conditions, process and terms imposed on suppliers.

**Outcome:** The London Borough of Croydon responded promptly and fully to the case and further clarification was sought from the G-Cloud team. It was appreciated that SMEs often have restricted resources available for responding to tenders. G-Cloud is a catalogue from which buyers search and select services offering best value and using straightforward clarifications could avoid this situation happening again.

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## **Contracting Authority / Prime Contractor complaint against - Great Yarmouth Borough Council / Orwell Housing**

**Issue:** A supplier raised concerns about a procurement that Great Yarmouth Borough Council was running for the design of housing across three sites. The supplier felt there was information missing from the tender which would prevent them from being able to bid.

**Outcome:** The authority responded promptly and stated that there was an opportunity to raise queries during the tender process where further information could have been provided within the required timescales. Further information was uploaded onto the portal ahead of the tender deadline although this would not have been seen by a supplier that had decided to withdraw from the process prior to upload. We recommended that all information should be uploaded at the start of the process so all potential participants would have access to the same information at the same time. Whilst the authority did not have the resources internally to conduct an early feasibility study, this is something that should be considered in the future.

## **Contracting Authority / Prime Contractor complaint against - Cambridgeshire County Council**

**Issue:** A supplier complained that Cambridgeshire County Council were procuring schools MIS and Financial Accounting Systems in a way that was creating a framework within a framework. Additionally the criteria for choosing suppliers was not being made clear.

**Outcome:** We contacted Cambridgeshire County Council who as a result conducted an internal review of the issues raised. Following the review they decided not to proceed with the procurement in that form and planned a new commissioning strategy, which the market would be informed of.

## **Contracting Authority / Prime Contractor complaint against - NHS Property Services (NHSPS)**

**Issue:** A supplier contacted the Mystery Shopper team to advise that they were owed in excess of £100k from NHS Property Services for staff supplied under Lot 8 of a CCS framework for Non Medical Non Clinical staff. The majority of the payments were delayed by over 60 days and despite numerous attempts at getting this resolved directly with the NHSPS, the supplier still had not received their payments and were concerned that the level of money owed was threatening their liquidity and existence as a company.

**Outcome:** We immediately got in touch with Department of Health colleagues who contacted the Director of Finance at NHSPS and asked them to look into this and expedite the resolution. Within 9 days of raising the case, all outstanding debts were paid to the supplier. In addition, NHSPS told us that the cause of the delays was due to a change of software for invoice processing which caused some initial problems and delays. They have reassured us that these are being looked into and resolved so that this situation does not reoccur again.

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## **Contracting Authority / Prime Contractor complaint against - Canterbury Christ Church University**

**Issue:** A supplier asked the Mystery Shopper team to investigate a procurement for architectural services suggesting that the volume of procurement documentation was excessive.

**Outcome:** The University responded quickly to our communication, indicating that the bulk of the project documentation was purely for information, and that at the current stage of the procurement interested suppliers were only required to submit a completed Selection Questionnaire.

## **Contracting Authority / Prime Contractor complaint against - City of London Corporation**

**Issue:** A supplier raised concerns about a procurement process and subsequent award of the contract which would have seen delays to the service going live. The supplier felt that the contract was awarded to a supplier who could not deliver to the required timescales and that this was unfair to competing suppliers that could have performed to the required timescales.

**Outcome:** The City of London Corporation responded promptly and fully to the case. Following the award decision the Contract Management Team led by the Lead Commissioner at the Corporation embarked upon a standard set of discussions with the winning supplier Preventx to finalise the contract. A revised mobilisation plan was submitted as part of this finalisation process. The team scrutinised the revised plan and concluded that the time period presented was broadly consistent with those published in the tender, with the delay being due to the length of time taken to finalise the procurement process. On the basis of the information provided we did not see any grounds for further questioning the robustness of the London Sexual Health Transformation Programme e-Services procurement and therefore did not see grounds for pursuing the case further.

## **Contracting Authority / Prime Contractor complaint against - Trafford Council**

**Issue:** A supplier contacted the Mystery Shopper team to express concern over the evaluation of tenders issued for First Aid Training. Issues were raised regarding the application of the scoring system and the lack of clarity on what "good" means when tenders are assessed.

**Outcome:** Trafford Council have followed common practice in using a general (i.e. non-question specific) scoring scale. This means that it is essential for the questions themselves to clearly convey what the Council is looking for, and to bring out the considerations that evaluators will apply in deciding the score. The Council recognised more clarity could be provided on the scoring of these tenders. The Council have agreed a clearer scoring methodology for future procurement of similar tenders.

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## **Contracting Authority / Prime Contractor complaint against - National Crime Agency**

**Issue:** A supplier told the Mystery Shopper team that the National Crime Agency had advertised a £3m procurement for just 6 days and this had affected the chances of SMEs tendering.

**Outcome:** We contacted the National Crime Agency who explained that the opportunity had been advertised on TED and Bravosolution and suppliers had over 2 weeks to complete a tender and the market had been aware for over 2 months of the opportunity. The supplier accepted this explanation. The complaint was not upheld.

## **Contracting Authority / Prime Contractor complaint against - Ministry of Defence (MoD)**

**Issue:** A supplier was unsuccessful in a tender due to information not being uploaded correctly to the procurement portal. The supplier said they had been unaware it hadn't uploaded and asked if they could still provide evidence.

**Outcome:** We contacted MoD who explained the system automatically alerts bidders if information is missing and provided a screenshot of this message for this supplier. The supplier had missed the message on this occasion and the complaint was not upheld.

## **Contracting Authority / Prime Contractor complaint against - Highways England**

**Issue:** A small supplier wishing to work with a Tier 1 supplier to Highways England, was told that they had been unsuccessful in a tender bid but without feedback as to why. When they challenged and asked for feedback, they were told they could not be given detail as they were not directly supplying the Tier 1 supplier.

**Outcome:** We contacted Highways England who ensured the Tier 1 supplier gave the small business clear and detailed feedback. Highways England said although it is not a mandatory requirement, they do actively encourage their suppliers to give clear feedback to bidders.

## **Contracting Authority / Prime Contractor complaint against - HM Land Registry**

**Issue:** An incumbent supplier to HM Land Registry reported they had not been kept informed about planned changes to the communication services required by the department. The supplier was not informed that an interim service was being procured whilst the department reviewed its communication needs for future and as a result they missed the opportunity to bid for this interim service.

**Outcome:** HM Land Registry confirmed the level of engagement with their supplier had been inadequate and apologised to the supplier. The department had not wanted to raise the incumbent's hopes that they would win the interim contract or give unfair advantage. We recommended that the department keeps incumbent suppliers informed of planned changes in future, not to give them an advantage but to put them on a level footing with other suppliers.

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## **Contracting Authority / Prime Contractor complaint against - Home Office**

**Issue:** A supplier complained that they were being asked for pre-existing security clearance for a Home Office procurement for consultancy services on the Consultancy One framework. The supplier felt this went against Cabinet Office Guidance.

**Outcome:** The Home Office explained that this had been an urgent requirement, constrained by business need and budget implications. We reminded them of the Cabinet Office Guidance and the need not to preclude suppliers without valid business need reasons. The Home Office said for future procurements they will afford suppliers more time to gain security clearance and will also consider whether such clearance is always required if other confidentiality provisions are in place.

## **Contracting Authority / Prime Contractor complaint against - Home Office**

**Issue:** A supplier contacted the Mystery Shopper team regarding a recent advert for Digital Permission's Delivery Team, via the DOS 2 framework [https://www.digitalmarketplace.service.gov.uk/digital-outcomes-and-specialists/opportunities/4914?utm\\_id=20170727](https://www.digitalmarketplace.service.gov.uk/digital-outcomes-and-specialists/opportunities/4914?utm_id=20170727). They raised concerns about the way in which the framework has been used:

- They believed the advert had been written in a way which favoured larger suppliers because the requirements implied that teams were to be used on multiple unspecified projects, each with their own statements of work. They were concerned that this would be perceived as a 'framework within a framework' - which effectively means that only large IT firms will bid (as opposed to SMEs bidding on specified outcomes). They highlighted that this was going against the spirit of DOS 2, which is intended to be an agile solution for buyers and suppliers and focused on outcomes.
- In addition, there was a section that allowed the buyer to describe the work to be done on the Digital Marketplace ('Problem to be solved') and there was limited descriptive text in this field which meant that there was only brief information provided to suppliers.

**Outcome:** We contacted the Home Office who told us that they had designed the sourcing approach to allow them to work with SMEs. They told us that the future 'Statements of Work' will likely require a small number of resources and therefore be very attractive to SMEs. In addition, they acknowledged that there had been an error when loading the descriptive text onto the system (hence why there was limited information under the 'Problem to be solved') however this information was included within the project summary.

## **Contracting Authority / Prime Contractor complaint against - NHS North of England Commercial Procurement Collaborative (NOECPC)**

**Issue:** A supplier asked the Mystery Shopper team to examine a "Dynamic Purchasing System" (DPS) noting that direct awards seemed to be possible.

**Outcome:** NOECPC indicated that the "DPS" was not subject to Regulation 34 as the subject matter was services subject to the Light Touch Regime. However, the intention to permit direct awards had been set out in the procurement documentation and guidance was provided to customers on justifying a direct award.

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**Contracting Authority / Prime Contractor complaint against - Middlesex University**

**Issue:** A supplier asked the Mystery Shopper team to look at a consultancy framework undertaken by the University, suggesting that requirements for previous experience of the HE sector could represent a barrier to SMEs.

**Outcome:** We were advised that in this case there were benefits arising from previous sector experience. We noted that any such requirements must be proportionate and have sound business justification.

**Contracting Authority / Prime Contractor complaint against - North West Ambulance Service**

**Issue:** A supplier contacted the Mystery Shopper team to express concerns over the cancellation of a North-West Ambulance Service consultancy services requirement after they'd expended significant effort in producing a tender.

**Outcome:** The trust responded promptly to the case, indicating that the cancellation of the procurement was not done lightly but had been necessitated by significant organisational developments that called the basis for the requirement into question. We advised the trust to ensure that in future they should make every effort to ensure requirements had firm foundations before taking them to market.

**Contracting Authority / Prime Contractor complaint against - Derbyshire County Council**

**Issue:** A supplier asked the Mystery Shopper team to investigate a Council procurement for First Aid training services. The supplier was concerned at a change to supplier financial capacity requirements for the second iteration of a procurement, suggesting they were excessive.

**Outcome:** The Council responded quickly to our communication, explaining how the procurement had been re-structured from first running, and how this had been factored into financial capacity requirements that the Council considered were reasonable and proportionate.

**Contracting Authority / Prime Contractor complaint against - Norfolk and Suffolk NHS Foundation Trust**

**Issue:** A supplier asked the Mystery Shopper team to investigate a procurement for services in support of a leadership development programme suggesting the timescales for submission of tenders were unreasonably short.

**Outcome:** The Trust responded quickly to our communication, clarifying that two weeks had in fact been allowed for submission of tenders which was considered reasonable for this scale of requirement.

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## Procurement Strategy

### New

#### **Contracting Authority / Prime Contractor complaint against - Gloucestershire County Council**

**Issue:** A supplier contacted the Mystery Shopper team to express concerns over Gloucestershire County Council's Corporate GIS Mapping procurement. This new four-year framework with two Lots valued at c. £60,000 and £300,000 respectively appeared contrary to Government guidance to use existing frameworks to reduce burden on both buyer and suppliers (Lot 11 of the Local Authority Software Applications (LASA) Framework (RM1059) provides for GIS systems). They felt that suppliers were being asked to undertake a disproportionate amount of effort to respond to a tender for this value.

**Outcome:** The Authority responded fully to the points raised and confirmed that they had previously used Lot 11 of RM1059 to provide GIS services for the Council. The decision not to use RM1059 in the future is reflective of the Council's two categories of users: Super Users who are GIS experts and secondly, the general public and other staff users whose needs are much less extensive. There is a requirement for the successful Bidder(s) of the two lots to work together as they will need to access and write to the same database, this has been captured both in the Terms and Conditions as well as the specification, further contractual safeguards have been incorporated, which were not available under the LASA Framework. The Authority considers that this approach will enable SMEs to bid and a chance to win at least part of their requirement.

#### **Contracting Authority / Prime Contractor complaint against - The National Energy Hub (TNEH)**

**Issue:** A supplier asked the Mystery Shopper team to investigate a Contract Notice for a pan-public sector energy supply framework published by the National Energy Hub (TNEH). The supplier questioned whether TNEH met the requirements for a Central Purchasing Body.

**Outcome:** TNEH responded quickly to our communication, accepting they did not satisfy the requirements to function as a CPB and withdrew the relevant contract notice.

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## Transparency

### **Contracting Authority / Prime Contractor complaint against - Warrington Borough Council**

**Issue:** A supplier contacted the Mystery Shopper team to express their dissatisfaction with the Council's requirement that bidders for a contract for support of Avaya telephony equipment, should hold Avaya Diamond Partner status. The supplier contended that this requirement unnecessarily limited the competition and would exclude otherwise capable SMEs.

**Outcome:** The Council responded promptly to our communication, providing the rationale for the relevant requirement. Analysis of the various options suggested that Diamond Partner status was desirable for a contract concerned with support of business-critical infrastructure.