

Public Procurement Review Service Publication Table January 2019

Payment
<p>Contracting Authority / Prime Contractor complaint against - Ministry of Justice</p> <p>Issue: A supplier contacted us regarding an outstanding invoice for translation services totalling £48,000.</p> <p>Outcome: The Authority made full payment and the case was closed.</p>
<p>Contracting Authority / Prime Contractor complaint against - Northern Lincolnshire & Goole NHS Foundation Trust</p> <p>Issue: A supplier contacted us regarding an outstanding invoice for translation services totalling £2,760.60.</p> <p>Outcome: The Authority made full payment and the case was closed.</p>
<p>Contracting Authority / Prime Contractor complaint against - Manchester University NHS Foundation Trust</p> <p>Issue: A supplier contacted us regarding outstanding payments totalling £1,493.60.</p> <p>Outcome: All outstanding invoices have now been paid.</p>
<p>Contracting Authority / Prime Contractor complaint against - South Warwickshire NHS Foundation Trust</p> <p>Issue: A supplier contacted us with outstanding invoices totalling £7,832.70.</p> <p>Outcome: All outstanding payments have now been made by the trust.</p>
<p>Contracting Authority / Prime Contractor complaint against - London Ambulance Service</p> <p>Issue: A supplier contacted us regarding outstanding invoices totalling £14,977.38.</p> <p>Outcome: The Authority made full payment and the case was closed.</p>

Public Procurement Review Service Publication Table January 2019

<p>Contracting Authority / Prime Contractor complaint against - University Hospital of North Midlands</p> <p>Issue: A supplier contact us with unpaid invoices of £4,942.17.</p> <p>Outcome: The authority has now paid the outstanding amount in full.</p>
<p>Contracting Authority / Prime Contractor complaint against - London Ambulance Service</p> <p>Issue: A supplier had not been paid by the London Ambulance Service for work carried out at ambulance stations across South London. Six invoices totalling over £41,000 had not been paid and the supplier could not find anyone able to help them.</p> <p>Outcome: PPRS contacted London Ambulance and the 6 invoices were paid.</p>
<p>Contracting Authority / Prime Contractor complaint against - University of Bristol</p> <p>Issue: A supplier contacted us regarding an outstanding invoice for £879.</p> <p>Outcome: The University advised that they had put in place a new finance system. The delay occurred because of a discrepancy between the invoice and purchase order. Once resolved, the invoice was paid in full.</p>
<p>Contracting Authority / Prime Contractor complaint against - Royal Brompton & Harefield NHS Foundation Trust</p> <p>Issue: A supplier contacted us regarding outstanding invoices totalling £19,200.</p> <p>Outcome: Once approved the Trust paid all the outstanding invoices.</p>
<p>Contracting Authority / Prime Contractor complaint against - Croydon Health Services NHS Trust</p> <p>Issue: A supplier contacted us regarding an outstanding invoice for translation services totalling £1,177.80</p> <p>Outcome: The Authority made full payment and the case was closed.</p>

Public Procurement Review Service Publication Table January 2019

Contracting Authority / Prime Contractor complaint against - West Yorkshire Police

Issue: A supplier of translation services to West Yorkshire Police had not been paid for their services two months after their invoice was submitted.

Outcome: The PPRS contacted West Yorkshire reminding them of government's payment policy and they explained that there had been an administrative error which had led to late payment. They apologised to the supplier and made the payment and provided the associated interest.

Contracting Authority / Prime Contractor complaint against - Food Standards Agency

Issue: A supplier of IT services had not been paid by the Prime Contractor for work on an FSA contract and was not able to contact the right people to help with payment being made.

Outcome: The Public Procurement Review Service made FSA and Prime Contractor aware of the situation, reminded them of the payment obligations and government's SME agenda. The outstanding invoices were paid.

Procurement Process**Contracting Authority / Prime Contractor complaint against - Central Bedfordshire Council**

Issue: The PPRS team received a complaint regarding a Central Bedfordshire Council procurement - Lot 1 of CCS RM3731 Framework - Insurance Services II (Proc Ref CBC- 0928-T-KH). The supplier was concerned that the Invitation To Tender documentation limited the procurement exercise to A+ rated insurers.

Outcome: The Council advised that the procurement is being run under an open procedure and as such is not governed by the CCS RM3731 Framework. This decision was already taken to open up competition as it was appreciated that not all potential insurers are listed on the current framework. The security level (which is part of insurance) was requested in the ITT is a minimum of A-. The financial security of an insurer is fundamental to the security of the placement of long tail liability policies and the Council confirmed that this was not an attempt to limit competition based on anything other than the financial security of an insurer and their ability to pay claims.

Public Procurement Review Service Publication Table January 2019

Contracting Authority / Prime Contractor complaint against - Southwark Council

Issue: A supplier contacted us regarding an opportunity advertised on the Digital Marketplace for "Discovery on housing repairs and defining a common service pattern" advertised by Southwark Council. Shortlisting had been completed and the supplier was excluded. The supplier felt that the scoring and evaluation had not been conducted fairly.

Outcome: The Crown Commercial Service Commercial Agreement team referred this matter to the buyer. The overall view was that the marking of the criteria and responses was appropriate but in some cases the approach could have been made clearer. The final score seemed reasonable based on the supplier's responses on demonstrating evidence of designing services but not specifically addressing the range of skills and confidence. The buyer is responsible for fairly assessing the responses as given, along with the other supplier responses. The complaint was not upheld.

Contracting Authority / Prime Contractor complaint against - London Borough of Merton

Issue: A supplier contacted us regarding a Lot 'leadership & management apprenticeships' from London Borough of Merton, under a framework operated by ESPO. The supplier had requested feedback but had received no response.

Outcome: The authority provided detailed feedback and the supplier was satisfied with the content.

Contracting Authority / Prime Contractor complaint against - NHS Business Services Authority

Issue: A supplier raised concerns about an NHS Business Services Authority (NHS BSA) contract for IT IS Network Service Telephony on the CCS framework RM1045. The supplier questioned whether a procurement could be considered fair if mistakes had been made regarding scoring at the evaluation stage resulting in three standstill periods.

Outcome: PPRS found that NHS BSA had reviewed the scoring process and ensured there was a standstill period after scoring revisions were made. They also commissioned an independent organisation to conduct the evaluation following the complaint. The PPRS recommended that for future evaluations NHS BSA consider implementing quality gates once evaluation is finalised to ensure the methodology has been applied correctly. The NHS BSA has confirmed it is implementing this into its standard processes and has also appointed specialist Project Accountants who will be specifically supporting procurement activity going forward.

Public Procurement Review Service Publication Table January 2019

Procurement Strategy

Contracting Authority / Prime Contractor complaint against - London Borough of Hillingdon

Issue: A supplier raised a concern over an unlimited liability for insurance on the London Borough of Hillingdon: CDM Support Services for Low and Medium Size Projects View Full Contract Reference TKR-20181127-OJ-13621938.

Outcome: The contracting authority advised that they had stipulated values on the Invitation To Tender for the insurance level required. The PPRS team shared the detail of the level of insurance with the supplier as clarification of the requirement.

Contracting Authority / Prime Contractor complaint against - Oxfordshire County Council

Issue: A supplier contacted PPRS with regards to Oxfordshire County Council - Adults Advocacy Service Tender - Lot 2. The Supplier raised concerns regarding specification extract "The Individual Case Advocacy Services described below are required to be provided by the Service Provider as part of the Independent Care Act Advocacy Services but at no additional cost to the Council." The supplier sought reassurance that the Council understood that this element of the service would be costed by providers from the specific contract funding in exactly the same way as other elements of the tender requirement.

Outcome: The Authority responded promptly stating that they understood and expected the costing of this service to be included in the Price Schedule and confirmed that they would publish the response via their Portal for all potential suppliers to view.

Contracting Authority / Prime Contractor complaint against - Braintree District Council

Issue: A supplier complained about a framework run by Braintree Council for Website Design and Associated Services because they felt the turnover requirements for lots excluded SMEs. They also felt the fact the number of suppliers per lot was restricted, affected SME participation and value for money for other authorities using the framework.

Outcome: Braintree explained the turnover requirements were in line with the public procurement rules and that they used several financial assessments, not just turnover to evaluate supplier capability. PPRS consider that Braintree had complied with the procurement rules and had increased the number of suppliers allowed per lot. However, in line with government's commitment to helping SMEs better access to public procurement opportunities, PPRS recommended that Braintree Council ensure in future that there is significant pre-market engagement, this is to ensure the number of potential suppliers in the market is understood. PPRS also recommends that Braintree Council considers via peer review and through consultation with Authorities using the framework, whether there could be another potential increase in the number of suppliers per lot to ensure it is competitive and therefore provides value for money.

Public Procurement Review Service Publication Table January 2019

Contracting Authority / Prime Contractor complaint against - NHS Leadership Academy

Issue: A concern was raised by a supplier in relation to the levels of insurance set within the Invitation to Tender (ITT) for the Provision of a Faculty Framework being run by NHS Leadership Academy. The supplier felt that the requirement was contrary to PPN 02/13 and that a one size fits all approach had been used.

Outcome: The authority provided a thorough response explaining the consideration given to insurances during the design process for the development of the tender which complies with the Public Contract Regulations. They also advised that their approach had been developed with a view to be inclusive and that the Academy was seeking to work with all sizes and types of suppliers as part of this Framework. Clear examples of all types of suppliers that were welcome to tender was provided in the ITT.

Contracting Authority / Prime Contractor complaint against - Greater Manchester Mental Health

Issue: A supplier raised concerns over a requirement being too generic on Greater Manchester Mental Health Primary Care Psychological Therapies - e-CBT Service - Waiting List Initiative procurement under the DOS3 framework.

Outcome: The Digital Commercial Agreements Specialist contacted the Authority to explain the appropriateness of the DOS3 framework for digital outcomes and specialist requirements, as well as the benefits to writing a clear and concise requirement. The buyer was made aware of the challenges of listing too vague or generic skills and experience:

- 1) both for the buyer achieving value for money and limiting their competition,
- 2) the difficulty for suppliers to understand the requirement and apply to the opportunity.

The buyer insisted they had used the right platform for their requirement and that they were comfortable with the outcome. The buyer proceeded with the procurement.

Contracting Authority / Prime Contractor complaint against - Kent County Council

Issue: A supplier raised concerns over the requirement on Kent County Council Headstart Kent Knowledge Hub Website procurement under the DOS3 framework.

Outcome: The Digital Commercial Agreements Specialist contacted the Authority who explained that the buyer was new to DOS and had limited experience on how to go about drafting their requirement. Advice and guidance were provided to the buyer for future procurements. The buyer insisted they had been very transparent about combining the shortlisting and further evaluation stage via the link provided. Although this is not compliant with DOS guidelines, the buyer did not believe that this approach disadvantaged any suppliers in any way and would take the risk of proceeding with the requirement. The buyer acknowledged how to draft compliant requirements for DOS.

Public Procurement Review Service Publication Table January 2019

Contracting Authority / Prime Contractor complaint against - Her Majesty's Revenue and Customs (HMRC)

Issue: A supplier raised concerns about an HMRC Hard Facilities Management Services contract on the Crown Commercial Service (CCS) RM 3830 Framework. They felt the information provided in the tender documentation and clarification responses had been vague and limited, this made it difficult to accurately price the required work. The supplier wanted assurance that the evaluation process was thorough and sufficiently allowed for cost estimates.

Outcome: The CCS Category team met with HMRC and raised the concerns. HMRC were confident with the development and management of the procurement. The CCS category team offered to meet with the supplier to discuss the framework and evaluation further and hear any concerns.