

The Newcastle Upon Tyne Hospitals NHS Foundation Trust

Medical Devices Procurement Procedure

Effective: March 2011

Review Date: March 2012

1. Introduction

The Medical Devices Procurement Procedure has been established to ensure that all Trust staff are aware of the procedures required to ensure that medical devices are procured in accordance with Trust Standing Financial Instructions, Public Contract Regulations (January 2006) and that goods and services are procured in a way that achieves value for money on a whole-life basis not only generating benefits to the organisation but also to society and the economy, whilst minimising damage to the environment. These procedure notes are provided as an appendix to the [Medical Device Management Policy](#) and the [Medical Devices Procurement Policy](#)

2. Identifying a customer's requirements

Purpose and scope of procedure:

To ensure that a customer's requirements are identified accurately

2.1 A customer's new requirements can be identified and conveyed in a variety of ways:

2.1.1 Through feedback from customers themselves. Customers may bring to the attention of purchasing staff repetitive equipment purchase or areas of high consumable spend that might benefit from purchasing activity.

2.1.2 From presentations by suppliers. Supplier representatives might contact purchasing staff to make them aware of needs which they may have become aware of or opportunities which might benefit the Trust e.g. competitively priced alternative products.

2.1.3 Through research undertaken by purchasing staff. Buyers might identify areas of equipment which may benefit from product rationalisation or areas of high consumable spend which might benefit from or require competitive tendering e.g. purchasing activity.

2.1.4 From consultation groups. Working groups established within the Trust or together with other Trusts might identify through review, additional or replacement equipment required or areas of high consumable spend which might benefit from purchasing activity.

2.2 The initial steps to be taken within the department are as follows:

2.2.1 Identify and categorise the requirement to ensure that action is taken by the appropriate specialist purchasing staff.

- 2.2.2. Confirm that no similar contract or purchasing agreement already exists by checking websites and data bases. There may be existing Trust, NHS Supply Chain (NHSSC) or Office of Government Commerce (OGC) contracts. The Trust's policy is to utilise existing contracts established by NHSSC or OGC and to concentrate purchasing resources on areas not covered by such contracts. However, this policy acknowledges that the Trust will still act in a challenging manner and if purchasing staff consider that an NHSSC or OGC contract does not provide value for money then this should be brought to the attention of the Assistant Supplies Manager (Purchasing).
- 2.2.3 Identify any possible linked items (via internet, user/supplier, historical purchase data). This might involve extending the range of equipment or consumable products identified initially.
- 2.2.4 Consider whether any benefit might be achieved by undertaking the proposed purchasing activity on a Consortia basis with other NHS Trusts.
- 2.2.5. Ensure that there is approval to proceed with purchasing activity. Whilst further approval will be necessary before a contract can be awarded or an official order placed, there will also be some approval required at this stage. If the requirement is for existing consumable items then the approval of the appropriate Directorate Manager/Head of Department and the Assistant Supplies Manager (Purchasing) should be obtained. If the requirement is for new consumable items which will incur additional expenditure then approval to proceed should also be sought from the Service Accountant to the directorate or department concerned.
- 2.2.6. Determine how the Trust's [Standing Financial Instructions](#) relate to the particular requirement. Section 8 of Trust Standing Financial Instructions deals with tendering and contracting procedures and the following details are of particular importance:
- Formal competitive tenders should be sought where the estimated expenditure is expected to be in excess of £50,000 inc VAT.
 - Competitive quotations are required where the estimated expenditure is expected to exceed £5,000 inc VAT.
 - Neither tenders nor quotations are required where existing contracts are in place.
 - The requirement for tenders or quotations can be waived with approval from the Trust Board for the reasons detailed in SFIs 8.5.3
- 2.2.7 Determine how the Trust's legal obligations under Public Contract Regulations (2006) relate to the particular requirement. It is of particular importance to note that contract award to an individual supplier with an aggregate value exceeding £101,323 exc. VAT (threshold as at

January 2011) must be awarded in full compliance with these regulations.

- 2.2.8 After clearly identifying the requirement, the potential usage, the value and any regulatory regulations, and in the absence of any existing contract, purchasing staff should prepare a detailed specification and produce a contract timetable.

2.3. Adequacy of existing requirements

With supplier markets and user department requirements constantly changing, buyers should not assume that existing contracts and purchasing arrangements will adequately reflect future requirements. When considering the renewal of existing arrangements the buyer must re-examine the base requirements (in terms of products and quantities required) and determine whether they are accurate or need updating. This should be done in consultation with the user department and should also take into account the views of new and current suppliers. In addition, the buyer should examine new product developments, revisions to the appropriate regulations and have a thorough knowledge of the market.

3. Devising a specification to meet the customer's requirements

Purpose and scope of procedure:

To ensure that goods and/or services are described and specified clearly, in a non-discriminatory manner, and with reference to the appropriate national and international standards, where available.

3.1 Devising a new specification

- 3.1.1 After identifying the customer's requirements the buyer must ensure that a specification (a detailed description of the required device) is produced for the required goods and/or services which is:
- 3.1.2 **a true reflection of the customer's needs.** User departments should be closely involved in the production of the specification. User representatives must be asked to agree the final specification prior to its inclusion in an Invitation to Offer Package.
- 3.1.3 **non discriminatory.** References to particular brands, sources, trade marks, patents and processes can unfairly favour some suppliers. Therefore generic descriptions should be used wherever possible. In cases where it is impossible to avoid the use of brand names it must always be qualified with the words 'or equivalent' so as to allow alternative offers to be made.
- 3.1.4 **based on appropriate national and international standards.** The Trust is committed to using International Standards (ISO) and British Standards (BS) wherever these are available. European Union (EU)

rules require specifications to be defined by reference to 'European specifications' wherever these exist. European specifications are defined as 'common technical specifications, British Standards implementing European Standards, or European technical approvals'.

- 3.1.5 Based on **model specifications** made available by NHSSC, tailored to the particular requirements of the user department (e.g. funeral services, patient transport services).
- 3.1.6 **Clear and concise.** The buyer should ask themselves whether, were they the supplier receiving the specification, they would fully understand the requirement. If in doubt the buyer should ask the senior buyer to examine the specification for clarity.

3.2 Use of British and International Standards

- 3.2.1 If a British Standard is quoted in a specification, the words 'or direct International Standard' should be added to cover EU/ISO/other equivalents. The only exceptions are when:
 - 3.2.2 the use of EU or other standards is precluded by national technical rules (e.g. health and safety legislation).
 - 3.2.3 applying a European specification would conflict with other EU directives (e.g. telecommunications directives).
 - 3.2.4 a known incompatibility, disproportionate technical difficulties or disproportionate costs would arise if a European specification were to be used.
 - 3.2.5 it is technically impossible to establish that the goods and/or services conform to European specifications.

3.3 Existing specifications and new developments

- 3.3.1 Whereas specifications used previously might represent a good template on which to base a new specification, buyers must not assume that these specifications use the latest or most appropriate standards. They should check with all bodies appropriate to the goods and/or services in question to ensure that any new or revised standards are incorporated into the specification.
- 3.3.2 Specifications can be developed after consultation with a number of different sources, such as, suppliers, working groups, user departments and publications.
- 3.3.3 If suppliers have been consulted, care must be taken not to draw up a specification which unduly favours or discriminates against one supplier.

- 3.3.4 Once the specification has been agreed with the user representative, any amendment to it should be agreed with the user representative. A note of such agreement and the reasons for the change, should be kept on file.

3.4 General

- 3.4.1 To encourage competition, innovation and sustainable procurement specifications should be expressed in terms of performance outputs rather than design requirements, wherever possible.
- 3.4.2 Specifications should take account of the key environmental issues associated with the product/service and management of the contract. In particular, due consideration should be given to the minimisation of 'waste' throughout the life-cycle of the product/service and throughout the management of the contract. This should be achieved through the application of value engineering principles and through ensuring that standards are of the appropriate quality to meet the user's need and are not of the highest available standard.

4. Issuing a tender invitation package

Purpose and scope of the procedure:

To ensure tenders are sought effectively and in accordance with Trust Standing Financial Instructions and all legal obligations.

4.1 Introduction

- 4.1.1 In order to receive competitive tenders the buyer must first issue an Invitation to Tender Package that complies fully with Trust Standing Financial Instructions. The documents in this package must be presented professionally, and set out the requirements with absolute clarity.
- 4.1.2 Unless otherwise indicated, this procedure applies to tenders being sought in accordance with Public Contract Regulations and to tenders below the Public Procurement threshold. Trust Standing Financial Instructions require that all contracts with a value in excess of £50,000 inc. VAT are subject to competitive tendering. Public Procurement Regulations require that all contracts in excess of the threshold within the regulations (currently £101,323 exc VAT) are subject to competitive tender in accordance with procedures detailed in the regulations. This invitation to tender package should be utilised in both cases.

4.2 Contents of the Invitation to Tender Package

The Invitation to Tender Package must contain all or some of the following documents (as appropriate):

- Covering letter
- Form of Offer
- Specification
- Offer Schedule
- NHS Terms and Conditions (as applicable)
- Supplementary Conditions of Contract (as applicable)
- Pre-Purchase Questionnaire
- Return Envelope

4.3 Completing the Invitation to Tender Package

4.3.1 The buyer should utilise the Trust's tender database when completing the tender invitation package. This database contains the template for the tender invitation documents and completing the required fields will partly populate the tender invitation document template.

4.3.2 The buyer should enter the tender database and should complete the following fields:

- Date raised
- Closing date
- Tender title
- Buyer name
- User contact (if applicable)
- User telephone extension number (if applicable)
- Contract period
- Tendered companies
- Address line 1
- Tendered suppliers – control sheet
- Invitation to treat documents
- Specification (if applicable)

4.4 Tender Returns & Opening

4.4.1. The returns envelope provided as part of the Invitation to Tender Package is addressed to the Chief Executive and also details the tender reference number and the tender closing date. The envelope must not be endorsed in any way which might identify the name of a company.

4.4.2 Immediately on issue of tender invitations, a Tender Opening Record should be completed and sent to the Chief Executive's Office.

4.4.3 Tenders are opened to an agreed timetable and rota by a Senior Officer and a Senior Manager nominated by the Chief Executive. Details of the offers are recorded on a Tender Opening record and retained on the tender file.

5. Contracting timetables, including OJEU advertising periods

Purpose and scope of the procedure:

This procedure is concerned with the production of a structured timetable covering the key areas of the contracting process. It is designed to ensure (1) adequate time is allowed for each stage of the process, and (2) that purchasing staff comply with the minimum and maximum period requirements of the Public Contract Regulations 2006.

5.1 The need for a contract timetable

- 5.1.1 A contract timetable should be produced for all new contracts and all renewals of existing arrangements.
- 5.1.2 The contract timetable should be produced by the buyer at the start of the procurement process. The timetable should be agreed with the user department to ensure that it meets their timetable requirements.
- 5.1.3 Some procurements are required to be undertaken in accordance with Public Contract regulations. In brief, the contract threshold is £101,323 exc. VAT and if procurement exceeds this threshold, the obligations of complying with the regulations need to be built into the contracting timetable.
- 5.1.4 Trust Standing Financial Instructions require that all procurements in excess of £50,000 inc. VAT in value are subject to competitive tender except in exceptional circumstances. Tender reports must be submitted for approval to the Supplies and Services Procurement Committee or the Trust Board (depending on the value of the contract – Tenders valued up to £1m are reported to the Supplies & Services Procurement Committee; over £1m to the Trust Board). Compliance with these obligations must be built into the contracting timetable.

5.2 Minimum and maximum timescales

- 5.2.1 Except for the minimum and maximum periods dictated by the EU directives for placing advertisements, issue and return of tenders and award notices in the Official Journal of the European Union (OJEU), all other timescales are flexible. Therefore sufficient time should be allocated at each stage to ensure that the process can be completed in a comprehensive and professional manner.
- 5.2.2 The minimum and maximum timescales which must be allowed for advertisements, issue/return of tenders and award notices in the OJEU are as follows:

5.3 Restricted procedure:

- 5.3.1 Following despatch of the advertisement to the OJEU, the minimum period for the receipt of expressions of interest is 37 clear days (i.e. excluding the date of despatch) to expire on a business day. If the deadline expires on a Saturday or Sunday it should be extended to the next business day.
- 5.3.2 There is no restriction on the timescale for the consideration of expressions of interest and drawing up a shortlist.
- 5.3.3 Following despatch of the invitation to offer, the minimum period for the receipt of offers is 40 clear days (i.e. excluding the date of despatch) to expire on a business day. If the deadline expires on a Saturday or Sunday it should be extended to the next business day. Note: The Publication of a prior indication notice (PIN) can reduce this to 26 days.
- 5.3.4 An award notice must be published in the Official Journal of the European Union (OJEU) within a maximum of 48 days from the contract award date.

5.4 Open procedure

- 5.4.1 Following despatch of the advertisement to the OJEU, the minimum period for the receipt of returned offers (i.e. the closing date) is 52 clear days (i.e. excluding the date of despatch) to expire on a business day. If the deadline expires on a Saturday or Sunday it should be extended to the next business day. Note: The publication of a PIN can reduce this to 36 days.
- 5.4.2 There is no restriction on the timescale for posting an invitation to offer but it must be sent to a potential supplier within 6 days of the receipt of their request.
- 5.4.3 An award notice must be published in the OJEU within a maximum of 48 days from the contract award date.
- 5.4.4 The timescales detailed above can be reduced in accordance with the accelerated procedure but only in exceptional circumstances and approval to use the accelerated procedure must be obtained from the Purchasing and Supply Manager and the reasons documented on file.
- 5.4.4 Note: Apart from IT procurements which should be undertaken using POISE (Procurement of Information Solutions Effectively) – negotiated and accelerated procedures can only be used in exceptional circumstances and are therefore not included.

5.5 Competitive Dialogue

5.5.1 This procedure should only be used when there is a particularly complex contract and the open or restricted procedures will not allow the contracting authority to award the contract. When using the competitive dialogue procedures buyers must remember:

5.5.2 the needs and requirements must be defined in the OJEU notice;

5.5.3 all aspects of the contract may be discussed during the dialogue period;

5.5.4 they should not provide information in a discriminatory manner or reveal to other participants proposed or confidential information from other candidates participating in the dialogue without agreement;

the final tenders are to be submitted on the basis of the solution(s) presented and specified during the dialogue, however they may be clarified or fine-tuned as long as it does not involve changes to the basic feature of the tender or have a discriminatory effect;

the contracting authority may specify prices or payments to the participants in the dialogue;

the tenders will be assessed on the award criteria in the OJEU notice

6. Selecting potential suppliers

Purpose and scope of procedure

To aid the selection of potential suppliers who will be secure and capable of meeting the tender requirements

6.1 Public bodies are obliged under the Public Contract Regulations (2006) regulations to seek potential suppliers for goods and services exceeding the threshold specified in the regulations, currently £101,323 exc. VAT by placing in and receiving responses to an advertisement in OJEU and evaluating responses to that advert.

6.2 Where a potential supplier has previously approached the Trust about contracting, the buyer may notify the supplier that an advertisement has been placed in the OJEU.

6.3 Process for shortlisting

6.3.1 Under the restricted and negotiated procedures, only those suppliers who express an interest may be shortlisted to take part in the tendering process. If the supplier is an existing supplier to the Trust, it may be added to the candidates without the need for a formal expression of interest.

6.3.2 The number of potential suppliers that a buyer may wish to shortlist may be included in the OJEU contract advertisement but this is not mandatory. It is advisable to state a range rather than a fixed number. For the restricted procedure, the permissible range is 5-20 candidates. Unless a maximum number is stated, candidates may only be rejected if they do not meet the shortlisting criteria. Where a maximum number is stated the list is produced using a suitable weighted scoring system.

6.3.3 Where pre-qualification and tender support information is required from suppliers, some will provide it directly to the Trust, some will notify the Trust that they have lodged the information on NHS-Sid4health which is a supplier information data base maintained on behalf of the NHS, the purpose being to reduce the burden on the supplier to respond with pre-qualification information to each and every Trust for each and every tender.

6.4 Shortlisting Criteria

6.4.1 Information to be requested from the supplier – The evidence that will be taken into account for shortlisting purposes should be stated clearly in the OJEU contract notice advertisement. The supplier is required to provide information as detailed in section 111.2 (conditions for participation) of the OJEU advertisement.

6.4.2 It is on the basis of the information requested in the OJEU advertisement that the buyer must select the candidates who will be invited to offer if the restricted procedure advertisement is being used. If the open procedure is being used, the buyer must review this information before considering the tenderers' offer.

6.5 Compiling a shortlist

6.5.1 The issues may be legitimately examined at the shortlisting stage and must be 'generic' in nature, i.e. they must relate to a candidate's circumstances generally. Buyers must not ask questions about a candidate's approach to the particular procurement under consideration. Such questions must be confined to the offer stage.

6.5.2 In determining the shortlist of candidates to be invited to offer, the buyer is free to set whatever standards he or she considers appropriate, providing these are proportionate to the contract and included in the OJEU advert. But the rules do prescribe the factors that must be considered in determining whether individual candidates meet these standards. For supplies, services and works procurement these factors include:

- 6.5.2.1 appropriate bankers' statements
- 6.5.2.2 financial accounts

- 6.5.2.3 statements of turnover relevant to the goods, services or works concerned
- 6.5.2.4 any other information demonstrating a candidate's economic and financial standing that is appropriate to the procurement in question
- 6.5.2.5 statements of previous relevant experience
- 6.5.2.6 the presence of recognised quality assurance systems
- 6.5.2.7 the acceptability of their goods and/or service
- 6.5.2.8 their track record of past service

6.6 Disqualification

6.6.1 The circumstances in which a candidate may be disqualified include the following:

6.6.2 if they are bankrupt or the subject of a winding-up order or have had a receiver, manager or administrator (or Scottish equivalent) appointed in respect of their business, etc.

6.6.3 if they have been convicted of a criminal offence relating to the conduct of their business.

6.6.4 if they have committed an act of grave professional misconduct (e.g collusion with another party who may be in a position to affect the award of business)

6.6.5 if they have not paid their taxes or social security contributions

6.6.6 if they are guilty of serious misrepresentation when providing information to the buyer as part of the competition

6.6.7 if they are not registered in the relevant professional or trade register.

6.7 Suppliers must tick the appropriate box in all questions a-g in the 'Company Details' section of the NHS-Sid4health. This is regarded as a declaration by the suppliers of their circumstances regarding the disqualification criteria and if no criteria apply this may be sufficient. The buyer needs to make an assessment based on risk of whether evidence to support the declaration needs to be sought from the supplier.

6.8 The nature of the disqualification criteria is such that evidence can be sought and criteria applied at any stage of the procurement process, including contract monitoring.

6.9 Level of vetting

6.9.1 The submission of a profile by a supplier onto NHS-Sid4health does not constitute that such a supplier is on a vetted list. Where the same suppliers respond regularly, the frequency of vetting should be assessed against the risk to the Trust of suppliers failing to provide the

goods or services. The risk assessment underpinning the decision to vet those suppliers in regular intervals should be recorded and filed.

6.9.2 All candidates should receive a minimum level of vetting. Any additional vetting over and above the 'standard' NHS-Sid4health profile should be considered carefully and communicated to a new potential supplier. This should be based on the goods and/or services required, associated risk, contract duration, financing arrangements and value of the proposed contract. When the level of additional vetting has been agreed it should be recorded and applied consistently to all candidates.

6.9.3 It is the responsibility of the buyer to extract the relevant information from NHS-Sid4health (or web site) and confirm with the supplier that the status of the information is current.

6.10 Inspection Visit

6.10.1 If an inspection of the candidate's premises is considered to be necessary, the specific areas of concern should be identified in advance. These concerns should be examined thoroughly in a written report that must be kept on file.

6.10.2 Any inspection visit to a potential supplier should meet with any relevant Trust policies and procedures.

6.11 Financial Accounts

6.11.1 Candidates may be required to submit their annual accounts in accordance with the requirements of the advertisement in the OJEU (or other advert notice). The buyer may obtain such financial data from within NHS-Sid4health or the candidate may refer the buyer to their Web site.

6.11.2 In normal circumstances an external financial appraisal should only be requested for a candidate which:

6.11.3 is not an established supplier, or

6.11.4 is being considered for an award of business, or

6.11.5 is under formal review, or

6.11.6 has given rise to a specific concern

6.12 Interpretation of candidate's financial accounts must be undertaken, or verified by, a qualified accountant.

6.12 Legal advice

Buyers who feel that they need legal advice must first discuss their requirements using the appropriate channels within their Trust.

6.13 Completion of the shortlisting process

6.13.1 The shortlisting process should be recorded and filed. Hardcopy printouts or a saved 'disc' copy of each final supplier profile submitted should be maintained, together with the vetting criteria used. These should be kept with the tender documents.

6.13.2 Candidates who are not shortlisted must be notified in writing and are entitled to be told the reason why their application was unsuccessful. In case where the candidates requested feedback on the outcome of their application a response should be sent within 15 days of the receipt of the request.

7. Evaluating returned offers

Purpose and scope of procedure

This procedure describes how to establish which of the returned offers meet the specified requirements and ensures appropriate consultation with customers and award recommendations are made in accordance with Trust Standing Financial Instructions.

7.1 The evaluation process

7.1.1 The evaluation of offers is the process of establishing which of the returned offers meets the specified requirements, affords the best value for money (within the terms of the predetermined contract award criteria) and should be recommended for the award of contract or purchasing agreement.

7.1.2 The evaluation of offers must be carried out with reference to the awards criteria as specified in the advert placed in the OJEU. No new evaluation factors can be added at this stage.

7.1.3 All award recommendations must be made in accordance with Trust Standing Financial Instructions and will therefore be subject to the approval of the Supplies and Services Procurement Committee or the Trust Board.

7.1.4 The Supplies and Services Procurement Committee is a Standing Committee of the Trust. Its purpose is to exercise the executive powers of the Trust Board in respect of Tendering and Contract procedure; to ensure compliance with the Trust's Standing Financial Instructions and legal obligations in respect of Tendering and Contract procedure; to ensure compliance with guidance, codes of conduct and good practice in respect of procurement and supply. The Trust Board remains accountable for all the functions of the Committee and for contract awards with a value exceeding £1m.

7.2 Commercial evaluation of offers

The Supplies Department will commercially evaluate the offers and summarise their results on a schedule to be provided to the customer/user. The commercial evaluation not only addresses the capital cost of the equipment but takes account of whole-life costs, to include all maintenance and consumable costs associated with the running of the equipment, providing such costs have been obtained in the tender.

7.3 Clinical & technical evaluation of offers

7.3.1 The customer/user and any other appropriate staff will provide input to the clinical and technical evaluation process. All offers will be scored against a pre-agreed criteria scoring matrix to establish the best offer in terms of specification compliance and functionality.

7.3.2 Environmental considerations should be taken into account during the evaluation process, using the information requested in the specification. Sufficient weight should be given to enable these considerations to influence the award.

8. Recommending a contract award

Purpose and scope of this procedure

This procedure is designed to ensure that all new contract awards are authorised in line with Trust Standing Financial Instructions and that details of the contract are documented for reference and audit purposes.

8.1 A contract award recommendation report must be produced for each contract awarded by the Trust. The report requires the approval of either the Supplies & Services Procurement Committee or the Trust Board depending on the value of the contract (Tenders valued up to £1m are reported to the Supplies & Services Procurement Committee; over £1m to the Trust Board).

8.2 The recommendation report should contain information relating to the tender process undertaken, to include: background to the request, number of companies invited to tender, number of offers received, evaluation process, commercial evaluation, clinical and technical evaluation, evaluation results (evidence to be provided) and contract award recommendation.

8.3 Following approval of the recommendations by the Supplies and Services Procurement Committee/Trust Board, the contract can be awarded.

9. Awarding a contract

Purpose and scope of this procedure

This procedure is to ensure that tenderers (successful and unsuccessful) are notified of the outcome of the tender in accordance with the timetable relevant to the tender process undertaken

- 9.1 If a contract is to be awarded following the full requirements of the Public Contract Regulations (2006), a minimum ten calendar day mandatory standstill period is required between communicating the award decision to all tenderers (successful and unsuccessful) and contract conclusion. The mandatory standstill period does not apply to below threshold procurements or to procurements otherwise outside the full scope of the Regulations. The contract conclusion letter will be sent to the successful tenderers at the end of the standstill period assuming it has been decided to award the contract. A schedule must be attached to the contract conclusion letter which must include: the contract name, reference number, period of the contract and full details of the items awarded with their contract prices.
- 9.2 A rejection letter must be issued to each unsuccessful tenderer advising them of the mandatory standstill period and should contain an invitation to receive a de-brief in respect of their unsuccessful bid. The rejection letter should also detail the contract name and reference number, award criteria and supporting reasons for the recommended contract award.
- 9.3 For contracts that are not subject to the Public Contract Regulations, contract award and rejection letters can be issued without the mandatory standstill statement but should include the additional information as detailed above.

10. Debriefing unsuccessful and successful tenderers

Purpose and scope of this procedure

This procedure is designed to assist all tenderers in identifying shortcomings in their pricing policies, product specifications or service levels that will make them more competitive in the future.

- 10.1 Debriefing is the process of advising successful and unsuccessful tenderers of the reasons why they have or have not been awarded business. All tenderers should be given the same opportunities for a debriefing and accorded the same conditions of confidentiality. Commercial confidentiality should be respected and information that has been provided to the Trust on the understanding that it would not be disclosed to a third party should not be discussed at a debriefing meeting.

11. Publishing an award notice

Purpose and scope of this procedure

This procedure is designed to ensure compliance with the contract award requirements of the Public Procurement Regulations.

11.1 If a contract has been awarded subject to the Public Procurement Regulations, a contract award notice must be published in the OJEU within 48 days of the contract award date. The advert can be placed on-line using the Trust's service provider (SIMAP). The form is standard and details the areas that require completion prior to submitting the advert. Once the advert has been published the service provider will e-mail a copy to be retained on the tender file.

References:

[Medical Device Management Policy](#)

[Medical Devices Procurement Policy](#)

[Trust Standing Financial Instructions](#)

Public Contract Regulations (2006)

Authors:

Assistant Supplies Manager (Purchasing)

Deputy Assistant Supplies Manager

THE NEWCASTLE UPON TYNE HOSPITALS NHS FOUNDATION TRUST
IMPACT ASSESSMENT – SCREENING FORM A

This form must be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

Policy Title:	Medical Devices Procurement Procedure	Policy Author:	Lesley Fallon
		Yes/No?	You must provide evidence to support your response:
1.	Does the policy/guidance affect one group less or more favourably than another on the basis of:		All medical devices are procured in accordance with NHS Terms and Conditions of Contract which include a section on Equality and Non-Discrimination Compliance
	• Race	No	
	• Ethnic origins (including gypsies and travellers)	No	
	• Nationality	No	
	• Gender	No	
	• Culture	No	
	• Religion or belief	No	
	• Sexual orientation including lesbian, gay and bisexual people	No	
	• Age	No	
	• Disability – learning difficulties, physical disability, sensory impairment and mental health problems.	No	
2.	Is there any evidence that some groups are affected differently?	No	
3.	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	n/a	
4(a).	Is the impact of the policy/guidance likely to be negative? <i>(If “yes”, please answer sections 4(b) to 4(d)).</i>	No	
4(b).	If so can the impact be avoided?	n/a	
4(c).	What alternatives are there to achieving the policy/guidance without the impact?	n/a	
4(d)	Can we reduce the impact by taking different action?	n/a	

Comments:	Action Plan due (or Not Applicable):
	N/A

Name and Designation of Person responsible for completion of this form: Lesley Fallon Deputy Assistant Supplies Manager Date: 23/2/2011

Names & Designations of those involved in the impact assessment screening process: Lesley Fallon Deputy Assistant Supplies Manager

(If any reader of this procedural document identifies a potential discriminatory impact that has not been identified on this form, please refer to the Policy Author identified above, together with any suggestions for the actions required to avoid/reduce this impact.)

For advice on answering the above questions please contact Helen Lamont, Director of Nursing, or, Christine Holland, Senior HR Manager. On completion this form must be forwarded electronically to Steven Stoker, Clinical Effectiveness Manager, (Ext. 24963) steven.stoker@nuth.nhs.uk together with the procedural document. If you have identified a potential discriminatory impact of this procedural document, please ensure that you arrange for a full consultation, with relevant stakeholders, to complete a Full Impact Assessment (Form B) and to develop an Action Plan to avoid/reduce this impact; both Form B and the Action Plan should also be sent electronically to Steven Stoker within six weeks of the completion of this form.