



Black Country Pathology Services

Buyers Guide

Pathology Managed Service Contract Framework (MES)

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Background

The Pathology Managed Services Framework is a national framework agreement which offers NHS organisations the solution to procure complex Pathology Managed Services quickly, ranging from single site extension of current contracts through to network multi lot tenders.

The framework is offered to the market at no charge and provides contracting authorities with the ability to make direct awards as well as allowing mini competition.

Any competition can be restricted to a sub-set of framework suppliers based on any pre-market engagement conducted prior to approaching the framework team.

The framework team are able to provide support that fits the contracting authority's needs. This ranges from simple advice allowing the contracting authority to manage the entire process via the contracting authority's electronic portal or to a supported role where we become an "extended team member".

The framework team are here to enhance and support local procurement teams purchasing these solutions. The team has over 25 years' experience of purchasing pathology systems and clinical personnel who have extensive experience of working in laboratories across all disciplines. The framework team members have experience in procuring network pathology service solutions and understand what is required to facilitate a successful procurement.

Should the contracting authority need the framework team to manage areas of the procurement not covered by the framework agreement, this is possible, however, there will be an additional charge for this. The contracting authority should discuss this requirement with the framework team as part of the strategy for the procurement.

Use of the framework provides the additional unique advantages:

- clinical support in specification finalisation
- analytical support to support production of baseline costs and test volumetric
- procurement support to moderate evaluation process

Route to Market

In making a decision on the route to market the contracting authority should consider carefully the following elements:

- What is the experience of the framework team?
- Have the framework team delivered any network pathology procurement successfully?
- How will changes in the procurement landscape affect the framework operator?
- What subject matter laboratory technical expertise will the framework provide?

- What financial and analytical resources will be available from the framework team?

These questions (and more) should be considered when looking at a route to market. The market is due to go through some fundamental changes and contracting authorities should be assured that a framework operator will still be viable and operational for the term of their contract.

Without a framework operator's support during the term of the contract customers must resolve any and all issues on their own. While this could be expected the support of a framework operator and their senior management team to support colleagues in the NHS and wider healthcare providers, will always add value as they represent the wider demand and not a single end user organisation.

Who Can Use the Framework Agreement?

The agreement is available to:

- All NHS organisations
- Any other NHS entity
- Any government department, agency or other statutory body (including local authorities).

The agreement is free to use and contracting authorities as the customer pay no fees.

Procurement Process

Direct Award

To make a direct award the contracting authority should have completed the framework process and be satisfied that the supplier is capable of meeting the contracting authority's requirements, the financial offer is satisfactory and the framework contract that the Authority is signing provides robust commercial coverage for the duration of the contact term.

Typically, but not always, a direct award is made to an incumbent supplier (e.g. to renew an existing support contract) and is made for local technical or resource reasons. However, a direct award is also possible where the contracting authority has researched the market and identified a single supplier, the contracting authority is comfortable that only one supplier can meet the contracting authority's requirements.

In all cases the contracting authority will need to seek internal approval in line with the contracting authorities local financial standing instructions and protocols.

Even if a direct award is being used customers are required to follow the process outlined in Appendix 1.

Re-Open of Competition

This process (defined in Appendix 1) can be with all framework suppliers or, where the contracting authority has completed market research, some of the framework suppliers.

There are standard framework templates that can provided to assist the contracting authority. If the contracting authority chooses to manage the procurement process itself, the contracting authority can choose to use these documents in the best way for the contracting authorities requirements.

The most important part of this element is the procurement strategy. Once the strategy is defined and agreed the process should be followed to mitigate any possibility of challenge.

Contractual Documents & Award

The framework team provide template contractual documents which the framework team have over 30 years' experience completing. These templates represent how the service will be delivered over its term and its vital to ensure they are completed correctly.

Every Contract will be reviewed to ensure that, all elements for discussion are highlighted and reviewed with the Authority. This level of diligence is unique to this framework agreement.

The Authority will make an award of contract by requesting a framework reference number from the Framework team. The reference number can be quoted on the contract and keeps the procurement compliant.

Once issued, the Authority can then start the next stage of the process; contract signature, implementation etc.

Importantly, the award should be made conditionally to allow the Authority the ability to conduct final due diligence and on conclusion the Authority can formally make the award. If this is not completed, the Authority have the right to remove the award and award to the second-place supplier.

The details of this will be part of the strategy set out at the start of the process.

Ways to Engage

To start the engagement process the contracting authority should first complete the framework access agreement contained within the "Terms of Use and Access Agreement" document that is included within the Framework Information Pack.

The contracting authority can engage the framework team at any stage; however, it is recommended the contracting authority contact the framework team as early in the process as possible. The framework team can provide a bespoke and flexible service to meet the contracting authorities requirements.

Appendix 1

Pathology Managed Service Contract Framework Procurement Process Flow

Outlined below are the stages of the process that the contracting authority will progress through if this route to market is selected. While the steps are not mandatory, it's recommended that by following these stages the contracting authority will progress through the process efficiently.

The contracting authority will produce a unique tender guidance document to show suppliers how the procurement will progress and provide information to suppliers as to factors that may cause a supplier to be eliminated. This document is a unique process route and allows suppliers to fully understand the steps being performed; the contracting authorities procurement strategy. The framework team can help the contracting authority build this strategy. This will allow the contracting authority to engage the market and identify suppliers that can meet their requirements, therefore removing the need to engage with suppliers that can't meet these requirements. The focus of this process is to ensure the closest possible technical and clinical fit against the contracting authorities key requirements.

The next stage is to engage with these shortlisted suppliers in a competitive process to ensure good value for money is obtained. A more detailed description of these stages is listed below:

During all stages of the process, the framework team are available for consultation and advice on any aspect of the procurement activity; just email rwh-tr.framework@nhs.net.

Pre-Document Issue (Scoping)

Step Zero: Pre-market engagement

At this point the contracting authority commences the re-procurement activity and the contracting authority should ask a number of questions about the objectives. For example:

1. Does the contracting authority want to simply extend the current contract or is a full market test required (strategic acquisition)?
2. Has the formal scope of the requirement been agreed?
3. Have all suppliers been engaged in pre-procurement engagement activities or is this still required?
4. If appropriate, has any network reconfiguration been undertaken and is the contracting authority in a position where requirements are fully understood?
5. Has the contracting authority undertaken any work on the baseline financial costs to understand the current spend?

Once the contracting authority has answered all questions, a kick-off meeting with the framework team can be arranged so the requirements are understood. The framework

team will gather and agree information required to complete the next stage in the process at this meeting.

Also during this stage, the contracting authority should use trade shows and peer reviews of solutions available in the market to gain an overview of suppliers and new technology available. If supplier engagement has not commenced this should be started immediately.

Step one: Contracting Authority Mandatory Requirements (optional)

The contracting authority should identify a number of key requirements that if a supplier can't deliver will allow the contracting authority to exclude them from the process at that point. These questions must be specific to the contracting authority and should reference the unique elements that make up the environment. This can include but not be limited to:

- Laboratory/network configuration and size
- Required test repertoire
- The ability to reference the solution in a live clinical environment of similar scale and size to the contracting authority
- Specific turnaround times/KPI requirements
- Any commercial requirements.

The contracting authority should consider questions from all key stakeholders including but not limited to:

- Clinical teams
- Specific operational teams
- IT teams
- Estates teams
- Finance team

The contracting authority should collate these questions and provide them to the framework team. These will be included in a template which also includes a management summary and overview of the contracting authority. This gives suppliers an understanding of the contracting authorities aims and expectations.

The contracting authority should consider the requirements carefully at this stage as asking non-specific and ambiguous questions will reduce the chance of being able to narrow down the number of suppliers contracting authority has to interact with. The contracting authority should ensure these can be answered with either a yes or no.

The framework team can review these questions with the contracting authority to ensure they are targeted enough to achieve their stated requirements. The framework team can provide advice based on previous experience of these questions from other procurements.

Once distributed, the contracting authority should give suppliers five working days to respond. Once reviewed the responses to the mandatory requirements, suppliers who are able to give satisfactory answers to all questions will be informed of their successful progression to the next stage by the framework team.

Step Two: Output Based Specification (OBS)

The purpose of this stage is to ensure contracting authorities clinical, technical and operational requirements are captured. At this stage only the stated specification should be considered for evaluation with the remaining commercial and operational elements considered at a later stage. This stage is about ensuring that the contracting authority identifies the suppliers with solutions that can meet the contracting authority's specific clinical and operational requirements.

This stage is the point the contracting authority will issue the tender guidance document that will tell suppliers how the procurement activity will be managed, provide timescales and key expectations to allow suppliers to complete an OBS response successfully. It should ensure that suppliers fully understand what is expected of them and allows key procurement milestones to be set.

Before the contracting authority embarks on the creation of the OBS in the templates provided by the framework team, the contracting authority should first request and review the OBS issued as part of the framework. These questions have already been asked of the suppliers and need not be duplicated in the contracting authorities OBS requirements. However, if the contracting authority requires additional detail to a question already asked, this is permitted. The contracting authority is encouraged to include the framework team in these reviews of the OBS documents before distribution to suppliers to ensure the contracting authorities requirements are sufficiently detailed and comprehensive enough to meet contracting authorities objectives.

The framework team need to identify the disciplines which are specific to this opportunity and confirm which suppliers are best placed on the framework to support the contracting authority's requirement. This should include all clinical, technical and operational requirements at this point and look to ask questions in an output-based way. This will allow contracting authority to focus on the requirements of the solution rather than how the solution achieves these requirements. Clearly at this point the contracting authority can be as detailed as required to ensure the response from the suppliers is sufficiently specific. This will be accomplished via a number of meetings and workshops with discipline specific staff using templates based on prior procurements and if required facilitated by experienced technical staff provided by the framework team. The outcome of these workshops will be the following:

- Identification of appropriate disciplines required for the mini-competition;
- Identification of test repertoire;
- Agreement of key performance indicators;
- Understanding of evaluation approach, methodology and criteria; and
- Appreciation of evaluation criteria descriptors

The procurement templates, once finalised, should set out how the contracting authority

will evaluate supplier responses, exclude suppliers at each stage and how suppliers would pass forward to the following stages. Typically, this is done by allocating scores to the specific OBS elements and other activities such as demonstrations and site visits.

Whilst the contracting authority will be supported by the framework team during the creation of this OBS stage (with experience gained from assisting other trusts and experience derived from other procurements) the final decision in any OBS evaluation process will be made by contracting authority.

Whilst constructing the OBS, the contracting authority should consider how suppliers will respond and the resulting document set that will need to be reviewed. The contracting authority is encouraged to use the documentation provided and the contracting authority are free to amend these as required.

Once the OBS is published, the contracting authority should allow suppliers to submit clarification questions up to one week prior to the OBS deadline and all non-commercial responses should be sent to all suppliers. The framework team can act as the post box for this service and maintain a clarification log so the contracting authority can efficiently respond to all questions posed by the suppliers.

Typically for a new requirement the deadline for full OBS completion by the supplier community is four weeks (30 working days) from distribution.

The contracting authority should evaluate the submissions in line with the plan. This is laid out in the evaluation approach document provided as part of the framework documents.

Post Document issue (Evaluation Steps)

Step Three: Evaluation Workshops

The purpose of this stage is to bring evaluators together to consolidate the scores and information submitted by the suppliers in a two-day workshop per lot.

The time taken to complete this process depends on the number of suppliers being asked to participate and the number of lots being tendered for. The contracting authority should set dates for each workshop and ensure these dates are known as soon as is practical to avoid holiday clashes and resource conflicts. These dates should be issued in line with project plan.

If a supplier has not successfully progressed through a minimum criterion set as documented in the procurement template, further shortlisting can take place.

Step Four: Evaluation Workshop Conclusion

This stage is to review the clarification responses to those clarifications which have resulted from the evaluation workshops. This is a tele conference and is managed by the framework

team (with support from the local procurement team) and takes two hours per lot.

Step Five: Supplier Interviews

This stage affords the suppliers the opportunity to present their proposal to the contracting authority. In addition, the interviews provide the evaluation team the ability to interrogate any supplier responses they feel further investigation. Following the interviews, it's anticipated the supplier confirms any verbal responses in writing.

Stage Six: Interview Conclusion

This stage is to review the clarification responses to those clarifications which have resulted from the interviews. This is a half day workshop per discipline and is managed by the framework team (with support from the local procurement team).

This will result in the final quality score enabling the customer to complete the quality stage of the process.

Stage Seven: Fiscal Evaluation

As part of the interview the suppliers will be asked to submit their final offer for the contracting authority. The contracting authority's local finance team will be required to complete this fiscal evaluation in-line with the stated evaluation criteria set out at the start of the process.

Following the fiscal evaluation, the contracting authority is in a position to award the preferred supplier based on any conditions of award they stipulate (as stated previously in this document).

Contact Us

Should you have any questions or queries, please feel free to contact us on the details listed below:

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