

# Framework

## Statement of Works

### Purpose

The purpose of this document is to detail the basic activities that the framework team will undertake to support the contracting authority, during the procurement of a new managed equipment services provider. For the purpose of this document the contracting authority could be the Trust or the network.

Contracting authority teams should review the section at the end of the document which contains some observations that should be considered pre-requisite to enable the procurement to move at pace and hit the timelines that the Contracting authority is looking for.

### Strategy (Structure of Procurement Guidance Document)

The first element of the procurement is to agree the strategy. This will determine timescales and key trigger points during the project. The framework team will work alongside the contracting authority to determine the optimum strategy given the work they have done to date.

The contracting authority should also confirm which commercial model of delivery (e.g. hub and spoke/cost per reportable test etc), they are adopting as greater savings can be achieved if a clear direction of travel can be described rather than a like for like replacement. This approach supports Lord Carter of Coles Report **Review of NHS Pathology Services in England: Key Drivers for Change**

- *the service needs to be developed to meet people's changing expectations with regard to high quality, safe and efficient health care services, delivered closer to home;*
- *the service needs to be redesigned and streamlined around people and the main users' requirements for pathology-based investigations;*
- *the service needs to embrace competitiveness and plurality of provision and a commissioner-led focus;*
- *the service requires strong local clinical leadership and a business orientated management infrastructure;*
- *the service needs to focus on productivity through matching the workforce not only to activity and workflow, but also to the roles and functions that are needed to deliver it; through improving systems and processes and realising the benefits of new technology, with faster adoption;*
- *the core information required to enable the service to be run efficiently and effectively needs to be defined, and steps taken to collect, record and use such data;*
- *the service needs to be recognised as a core clinical service in relation to its impact on the patient's journey and therefore should be planned, commissioned and delivered as part of an integrated health care system.*

Once the strategy is determined the framework team will help construct a procurement guidance document which will set out this strategy and have the key trigger points and expected dates for each stage of the process (this is in essence the ITT document). As part of this stage the evaluation teams should be identified so that written clarifications can be responded to quickly during the process.

## Specification, Key Performance Indicators and Evaluation Criteria

The specification and associated procurement documents will need to be designed from a clinical, workflow, technical and business as usual perspective. As part of the offering the framework team will provide clinical and analytical support from appropriately trained and experienced staff to develop the following:

1. Service requirements by facilitating a number of discipline specific workshops to create fit for purpose specifications;
2. Creation of test repertoires for each discipline based on local requirements and needs;
3. Agreed evaluation criteria and associated evaluation descriptions (based on framework standards);
4. KPI and associated priority test lists; and
5. Financial evaluation models including current costing and baseline of current spend.

It is essential that the specifications and test repertoire/descriptions are formally reviewed by the contracting authority as the market is continually developing and new products/tests available. The framework team have found that if this area is not well defined the amount of clarifications questions increase significantly.

The framework team will support the contracting authority by providing:

- A maximum of two “kick off” workshops to agree clinical/technical specification processes and principals;
- One clinical/technical workshop per discipline. These workshops will typically be hosted by a clinical pathologist provided by the framework team; and
- Analytical support to baseline current spend and activity.

Following these supported sessions, the contracting authority will be expected to deliver the remaining workshops to formalise their specifications and test repertoires. The framework team will remain available to the contracting authority to provide support as required. The framework team will work with the contracting authority to validate the output of these workshops once complete. Should the contracting authority require further support from the framework team additional workshops for each discipline can be discussed with the framework team.

## Pre-Market Engagement, Procurement Activity & Supplier Responses

It is highly recommended that any competition held under the framework does not include any reference site visits, as attendance at these events and their subsequent evaluation prolong the procurement process.

This being the case, once the framework team have been engaged, they will inform the suppliers on the framework that a procurement opportunity is going to be advertised and that they should liaise with a (named) individual at the contracting authority to discuss reference site visits prior to the procurement starting (pre procurement information gathering exercise). These will be visits to UK and European sites and will be fully paid for by the suppliers. Attendance at these visits should be managed so that evaluation teams/discipline managers are in attendance.

In addition to this, the contracting authority must ensure that, prior to start of the procurement, all appropriate suppliers have the opportunity to conduct due-diligence by visiting all relevant parts of

the laboratory to fully understand the requirements. A visit at each location will usually be for three hours with no more than three representatives from the supplier being in attendance.

There may be occasions when the contracting authority wishes to include all enabling work costs within the procurement. In this situation, it is highly advisable that the contracting authority engages with the suppliers to allow architects/builders to attend these visits. This will ensure that all costs received via the procurement process will be accurate. The contracting authority will need to ensure that the local estates team are available for these visits.

The contracting authority is required to capture any questions asked during these visits and feed them back to the specification workshop teams for incorporation if required. If a network approach is being adopted, or the required solution will be sited at a number of different locations, the organisations must ensure that visits are available to all sites involved in the procurement process.

Suppliers may be given a second opportunity to undertake due-diligence visits during the formal procurement process. The contracting authority should view this second visit as a clarification visit.

The framework team do not attend these site visits but are available for clarifications by the contracting authority team as required.

## Supplier Completed Responses

Once the completed responses are returned the evaluators should in isolation, evaluate the responses and submit their responses on the templates provided by the framework team. The contracting authority should pull these responses into a master summary document template provided by the framework team for use at the evaluation workshops.

The quality element of the evaluation will be moderated by the framework team with the support of the contracting authority's local procurement/business team. This initially takes on average a two-day workshop per discipline with subsequent telecoms for re-evaluation. The financial element must be conducted by the contracting authority. This will be facilitated by the framework team.

The contracting authority's local procurement/business team will need to ensure appropriate facilities are available along with all nominated evaluators for the specific lot. Following the evaluation each bidder will be invited to present their solution to the organisation and answer any outstanding clarification questions.

## Clarification Questions (from the evaluation workshops)

Following the evaluation workshops, the contracting authority will release to the framework team the consolidated feedback and questions resulting from the workshops.

At this stage it is very important to ensure suppliers questions are responded to quickly by the contracting authority to allow the process to remain on track.

## Contractual Documentation

The framework utilises the central government model services contract which has been tailored for pathology. A large proportion of this has been set at the framework stage with only areas affecting local commercial considerations left for completion. This approach should reduce the amount of time and costs employed to deliver this aspect of the procurement.

The framework team are experienced in the use of this contract and will support the contracting authority in the construction of this document to reflect the local requirements. This document will be required alongside the clinical specification for issue to the suppliers due to the way in which the evaluation scoring methodologies are constructed.

This approach also reduces timelines to contract signature and ensures all suppliers are treated equally during the process.

Importantly the Framework team are not legally qualified and as such cannot provide legal advice on the contract, this is for the Authority to perform at its discretion during the procurement process and at the final stage with the preferred supplier.

## Procurement Outcome

Prior to any conformation of preferred supplier, the framework team will agree with the contracting authority any and all conditions of award of contract. These typically being:

- Board approval;
- Completion of due diligence; and
- Project kick off within a certain period of time otherwise the offer is withdrawn (and the supplier who was the runner up will be offered the contract).

Clearly these conditions are specific to the contracting authority and can be tailored to suit.

ALL communications will need to be published by the Trust via their portal once completed and approved by the local Trust team.

## Final Due Diligence Exercises

Following the appointment of the preferred supplier, the supplier and the contracting Authority teams will come together to perform final due diligence on the proposed solution from a clinical, operational and commercial perspective. The framework team can support all of these as required and in particular the commercial review where following any updates to the contract the final review will take place normally with all stakeholders committing to the review until such a time that agreement is reached. The intent is to remain until both parties agree the document or remove the offer. This approach ensures the supplier remains highly motivated however, the contracting authority must have key staff able to make decisions available or involved in these meetings.

Clearly these meetings will require some preparation, again the framework team can support the Authority team in getting the information ready for these events.

## In Summary

Additional day to day support is available and will be delivered via technology (webx/phone) as well as in person at agreed locations to both parties. The framework team and contracting Authority should use all available tools at our disposal to work efficiently and effectively to maintain the project timelines. The framework team have a teleconference facility that consumes minutes from the bundled minutes on mobiles which works well and can be utilised as well as webx but can also join most webx facilities on the market.

# Pre-Requisites

*(Things an organisation needs to consider prior to moving to a procurement exercise)*

## Governance

The governance of how the project will be managed post go-live will need to be agreed prior to the contract signature and ideally before procurement. The shape of what is required by the contracting authority will inevitably shape the procurement and the contract. If the governance is not agreed prior to the procurement the contracting authority could have a product and solution that all parties will not sign up to, which could therefore lead to a material change of requirements which would mean a challenge being lodged by a supplier.

The framework team recommends that the senior management teams of each contracting authority agree governance as early as possible to ensure we can move to contract award as quickly as is possible at the end of the procurement.

## Specification Evaluation

This is dealt with in more detail in the evaluation approach document, however it is essential that there is a consistent team (per discipline) available throughout the evaluation. This means being able to attend the teleconferences, and evaluation workshops, as well as having dedicated time to undertake individual evaluation.

To ensure the specification is reviewed and responses evaluated quickly the contracting authority should divide the specification into key areas and form key speciality groups to perform these updates.

These evaluation groups should have a lead person who then has a place on the evaluation team and takes responsibility to pass any feedback from that group to the board and also is that clinical disciplines representative at any demonstration/presentation and reference site validation meeting.

## Delivery Method

The contracting authority needs to agree how this solution will be delivered e.g. hub and spoke and confirm that is the contracting authority model.

This delivery method needs to be agreed before moving to procurement as it will have an impact on the supplier's solution design, costings and even ability to respond with a compliant solution.

Recommendation is to have the technical stakeholders agree a high level delivery approach which becomes the consortium approach and is supported by a lead technical sponsor who becomes the consortium solution design authority. This can then feed into the governance, scope and evaluation elements of the procurement

## Contractual Model

How the contract will be managed post go-live will be fundamental and agreed between the teams as part of the governance arrangements. However, an agreement needs to be reached by the contracting authority prior to going to procurement on which Trust will sign the contract as the lead customer. This is vital to be agreed prior to the procurement "the customer" must be identified and

stated and any nominated beneficiaries who can also benefit from the contract. There is of course a possibility of all Trusts having a contract.

The framework team recommends having a nominated lead trust to sign on behalf of the contracting authority and lead on the business as usual contact management. This should ideally be by a dedicated team (two or three staff) which is paid for by the contracting authority who's day job is to manage the delivery of the solution and allow the local team to manage day to day delivery onsite. The contracting authorities should agree this and if possible, recruit for this as soon as practical.

### **Final Thought...**

The delivery of a procurement of this scale requires a variety of decisions to be agreed prior to moving to the "active" phase of the procurement. Without these decisions, some fundamental to the success of the project being made before formal supplier engagement, the procurement is not assured success, even worse could be leaving the contracting authority open to challenge. While it is clear that teams wish to proceed at pace, if a solid strategy is not in place there will not be a solid procurement which could provide a supplier the opportunity of challenge. The framework team do agree that it is 100% impossible to stop a procurement challenge however with detailed planning, a solid scope, specification and evaluation approach, the risk of challenge can be mitigated as far as is reasonably possible.