

## Mystery Shopper Publication Table July 2015

CONTRACTING AUTHORITY / PRIME CONTRACTOR COMPLAINT AGAINST	ISSUE WITH PROCUREMENT	DESCRIPTION OF COMPLAINT	OUTCOME OF CASE / RECOMMENDATIONS
<p><b>New</b></p> <p>Crown Commercial Service (CCS) &amp; Government Digital Service (GDS)</p>	<p>Procurement Process</p>	<p>A Mystery Shopper raised concerns that the process for submitting a bid for G-Cloud 6 was overly complex as suppliers were expected to provide submissions on two separate systems. The enquirer was particularly concerned that the process for submitting a service on the Government Digital Service platform did not make it clear when a service had been formally submitted.</p>	<p>We found that instructions for using the two systems were clear and appropriate to the audience of IT suppliers and CCS had contacted all bidders prior to the deadline reminding suppliers to submit their services and tenders on time. We did consider that having two separate systems added additional complexity to the process. We recommended that CCS/GDS consolidate the process into one system. We also made a number of recommendations to improve the usability of the GDS platform in the interim. GDS have accepted these recommendations and are already redesigning the system to make it simpler to use for G-Cloud 7 submissions which are expected to begin in August. GDS will be discussing improvements to this process through a blog at: <a href="https://digitalmarketplace.blog.gov.uk/">https://digitalmarketplace.blog.gov.uk/</a> . The Mystery Shopper team will continue to monitor progress of addressing these concerns through our programme of spot checks.</p>
<p><b>New</b></p> <p>Natural England</p>	<p>Procurement Process</p>	<p>A Mystery Shopper raised concerns that Natural England's financial assessment of suppliers in its procurement for Genesis IT hosting application system disadvantaged SMEs.</p>	<p>There was a substantial level of risk in this contract relating to disallowance under the Common Agricultural Policy (CAP) regulations. In layman's terms, the IT application is used to manage the grant payments under the CAP. The implications of an IT failure could result in a significant cost to the government in lost grant payments (in the region of £300 million). Natural England therefore applied a stronger assessment of the financial standing of suppliers on the basis that the level of risk, both in financial and business criticality terms arising from the procurement, is far in excess of the actual value of the contract. We found that the assessment was appropriate under the circumstances, but nevertheless reminded Natural England to take a proportionate approach to financial assessment in other, less risky, procurements.</p>
<p><b>New</b></p> <p>Ministry of Defence (MoD)</p>	<p>Contract Management</p>	<p>A Mystery Shopper raised concerns that a number of invoices had not been paid</p>	<p>The MoD investigated this quickly and were able to say that this was due to a Procure to Pay (P2P) process error. Payment to the supplier concerned was then paid promptly.</p>

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		within 30 days.	
<b>New</b> Social Care Institute for Excellence (SCIE)	Procurement Process	A Mystery Shopper raised concerns that Social Care Institute for Excellence (SCIE) had requested three hard copies of tender submissions in addition to an electronic copy.	The SCIE were reminded that the Public Contracts Regulations 2015 established the principle that communications during the bid process should be made electronically unless there are specific circumstances where an electronic bid would not be feasible- such as where scale models need to be constructed. These principles should also apply to procurements below the EU threshold. SCIE have agreed to remove this requirement and have communicated this change to bidders.
<b>New</b> Midlands and Lancashire CSU	Procurement Process	A Mystery Shopper raised concerns about the provision of translation services to a number of NHS bodies.	NHS Midlands and Lancashire Commissioning Support Unit (the CSU) and their internal service Bespoke Interpreting Language & Communication Services (BILCS) was able to provide clarity on their service level arrangements for providing interpreting and translation services to individual NHS bodies within the Birmingham, Solihull and Sandwell area. Services are provided both directly through a panel of in-house interpreters and through a number of EU compliant contracts. The CSU provided justification for two single tender actions that were a concern of the Mystery Shopper and outlined steps they were currently taking to replace all of their contracts that are due to expire at the end of March 2016.
<b>New</b> NHS Bodies	Procurement Process	A Mystery Shopper was concerned that three NHS bodies in the Birmingham area were using translation services provided by Midlands and Lancashire CSU (BILCS) without conducting an open competition.	BILCS offers a 'One Stop Shop' for interpreting and translation support from within the NHS. Bespoke Interpreting Language & Communication Services (BILCS) provides interpretation services to Birmingham Community Healthcare NHS Trust on an NHS to NHS basis. The also provide service under a service level agreement to four CCGs that together cover Birmingham, Solihull and Sandwell. Birmingham Queen Elizabeth Hospital is covered by NHS Birmingham South Central CCG. Services are provided both directly through a panel of in-house interpreters and through a number of EU compliant contracts managed by BILCS. By centrally managing the provision of interpreting and translation, CCGs and NHS Trusts are able to benefit from collective buying power and economies of scale. CCGs are free to use the services of BILCS and can also use alternative means of procuring interpreting services.
<b>New</b> Health Trust Europe	Procurement Process	A Mystery Shopper was concerned that Midlands and	NHS Midlands and Lancashire Commissioning Support Unit (the CSU) and their internal service, Bespoke Interpreting Language and Communications

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(HTE)		Lancashire CSU was bidding to supply interpretation services on a framework agreement being established by Health Trust Europe. They felt that BILCS did not have the skills in house to provide services and would instead be reliant on subcontracting services with local interpreters, suppliers who could be bidding for places in the framework directly.	Service (BILCS) were able to demonstrate that they provide a mixture of contracted and in house interpretation services and are moving more towards providing in-house provision. Health Trust Europe (HTE) advised that the evaluation of the 'Technical' Envelope in the PQQ also included various experience and reference requirements, which a potential supplier may not be able to meet if they were a wholly sub-contracting organisation. BILCS bidding for a place would also not prevent small suppliers from tendering directly or partnering with other NHS bodies. HTE demonstrated that there was no bias in favour of NHS bodies.
<b>New</b> Cabinet Office	Procurement Process	A Mystery Shopper raised concerns with a procurement for consultancy services that had very short timescales for tendering. The supplier also had concerns that the tender documents showed unconscious bias towards the supplier, who had provided the services on a pro-bono basis prior to the competition. The supplier commented further that pro-bono work was uneconomical for small businesses and was a barrier to entry.	<ol style="list-style-type: none"> <li>1. We advised the Cabinet Office that for future procurements the new directive has now reduced minimum timescales to 35 days without a PIN but recommended that where project timescales are challenging, alternative routes to market are considered such as using a framework.</li> <li>2. To ensure fairness to all suppliers and that for future procurements additional measures are put in place such as a statement at the start of the documentation explaining where any pilot has taken place, what was involved and how the new work is connected to this and that if the documentation provided does not offer enough detail as identified by the market then additional Q&amp;A should be added to the procurement timetable.</li> </ol>
<b>New</b> Crown Commercial Service (CCS)	Procurement Process	A Mystery Shopper raised a concern that the number of man-hours needed to qualify for the Non Clinical/Non Medical	CCS has explained that the number of man-hours has come from discussions with the market and with customers and that the use of sub-contracting hours can be utilised as part of a potential provider's submission. CCS accepted a recommendation that any future NMNC procurement exercise

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		(NMNC) Framework equated to a pseudo-turnover threshold and was a barrier for small and new suppliers.	would look to use any appropriate Selection and Award criteria in addition to previous supply, and that CCS would engage with a range of stakeholders pre-procurement to consider alternative approaches.
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