

CONTRACTING AUTHORITY COMPLAINT AGAINST	ISSUE WITH PROCUREMENT	DESCRIPTION OF COMPLAINT	OUTCOME OF CASE / RECOMMENDATIONS
Durham Constabulary	PQQ	Durham Constabulary's procurement for 'Leadership Development Services' was raised as an example of a tender process not being SME friendly. It was an extensive PQQ (38 pages - 163 pieces of separate information) for a £90k contract.	Durham Constabulary agreed to use the simplified Cabinet Office PQQ for future procurements.
Department for Transport	Procurement Strategy and Lots	Cabinet Office received feedback about the Department for Transport's implementation of a 'one stop shop' all embracing framework for consultancy services. The supplier said this effectively prevented SMEs from working directly with the Department for Transport for four years. The supplier stated that if a specialised company was to stand a chance of working with the Department it would have to be as a sub-contractor to a larger company.	Department for Transport reviewed the procurement and made significant changes by breaking 'Technical and Engineering Advice' and 'Research Services' into lots. A Product Surgery was also held.
Child Maintenance & Enforcement Commission (CMEC)	PQQ	A supplier challenged the PQQ questions and scoring relating to levels of turnover and insurance for CMEC's contract for Bailiff Services, as he believed they penalised SMEs.	CMEC have withdrawn the PQQ and re-issued a revised version to all suppliers.

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Social Housing Provider - Places for People	Supplier Financial Appraisal	Cabinet Office received feedback about the PQQ issued by Places for People for an ICT procurement that required any company bidding to have a minimum turnover of £100,000,000.	Places for People stated that they had appropriately justified the requirement in light of the scope and breadth of the proposed contract in question. Cabinet Office referred them to the guidance on Supplier Financial Appraisal, which calls for an analytical approach and discourages the use of rigid formulae and thresholds, when assessing a supplier's financial standing. Places for People will take this advice on board in future procurements.
Alder Hey Children's NHS Foundation Trust / Liverpool Women's Hospital	Tender Evaluation and Scoring	A supplier of security services to a Liverpool Women's Hospital re-tendered for a contract and were then advised it had been awarded to a competitor. They believed there was evidence that the scoring process was flawed, as the Trust had stated that the scoring was based on 'ability to meet the specification', 'price', 'quality of service', 'support' and 'risk', but no sub criteria were used.	The complaint was investigated. It was found that a transparent approach had been taken, which was in accordance with the Public Contract Regulations.
London Borough of Hammersmith & Fulham	Lack of Advertising	A supplier raised that London Borough of Hammersmith & Fulham may have breached the Public Contracts Regulations 2006, in the way that they had awarded a contract for 'Out of Hours' Emergency Service. Their staff were told that the contract had been awarded on the basis that it had been a 'negotiated procedure without having to advertise a contract'.	Cabinet Office investigated and concluded that the London Borough of Hammersmith & Fulham's use of the negotiated procedure was within the rules.

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Metropolitan Police Authority	Re-Opens Contract After Award	A contract for pullovers was advertised on the basis of a four year contract with a stipulation that there would be a review of the contract price, on each anniversary of the date of the agreement. A supplier raised the issue that a change in the fixed price period and the quantity required should have resulted in the authority withdrawing the contract and re-commencing the tendering process.	The Metropolitan Police agreed to take the procurement back to the PQQ stage. There have been subsequent developments including increases in wool prices, leading to the cessation of this procurement.
MTC Ansty Park Coventry	Transparency	A supplier raised that there were two calls for tenders that were written around one sole equipment supplier in each case. The supplier believed that these were outside EU procurement rules and regulations. The contracts were for Solderability Tester and Aqueous Cleaning Equipment for solder paste stencils.	MTC Ansty Park explained they had taken academic advice when drawing up their specification and also offered to talk to the supplier about his products.
Surrey County Council	Admin error with e-Procurement System	A supplier completed PQQ and then sent a copy to Surrey County Council via their e-Procurement system and subsequently received no response. They had difficulty in obtaining documents and getting more time to complete their action.	The e-procurement system was scrutinised by the Council, following which the supplier was given more time to complete the tender because of a problem in communication which was beyond the control of the council.

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Doncaster Council	Admin error with e-Procurement System	A supplier completed a PQQ and supporting documentation then uploaded it to the Council's e-Procurement system and subsequently received no response. The supplier then sent an email to Doncaster Council expressing disappointment that they had not been requested to participate in tendering and requested feedback on their PQQ submission. When they received the feedback it was discovered that their PQQ was not downloaded and evaluated. As far as the Council was concerned, the procurement had been formally completed and conducted based on information available at the time of the evaluation of submissions.	The Council agreed to accept the PQQ and then proceed with the procurement and to give extra time for any subsequent invitation to tender action. The Council has reviewed its procedures to prevent any future problems.
NHS Supply Chain	Tender Withdrawn - No Explanation	The supplier completed the tender process for a urology contract and then NHS Supply Chain cancelled the tender. The entire tender process had taken the supplier 6 months – the NHS would not give the supplier a reason why the tender was cancelled.	NHS Supply Chain consulted with supplier trade-bodies (Urology Trade Association & British Healthcare Trades Association) regarding the most suitable way forward. All suppliers that tendered or expressed an interest were invited and 18 companies attended a meeting. Feedback and recommendations on NHS Supply Chain's tender plans were incorporated into the tender planning process. The tender process has been simplified and a further meeting with the trade associations is planned, prior to the launch of a new tender process for the urology framework.

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Department for Education	Market Share	A supplier raised concerns about the absence of central funding for Management Information Systems to provide electronic data returns in UK schools. The supplier highlighted a report by BECTA in 2010 on School Management Information Systems and Value for Money, which made a number of recommendations on the operation of the market for schools MIS.	Cabinet Office investigated and explained that the Department for Education are committed to implement the main points of BECTA's report. Relevant contracting authorities have been reminded by BECTA to advertise new contracts when an existing contract ends. A new framework agreement is currently being procured by the Government Procurement Service which will put schools MIS procurement on a better footing.
House of Commons / Parliament	Lengthy & Costly Tender Process	A supplier of facilities management software to the House of Commons complained about the length and cost of the tendering process (using the Competitive Dialogue Procedure), which is disproportionate to the cost and value of the contract.	The Parliamentary authorities agreed that better pre-competition engagement would avoid the need for using the Competitive Dialogue Procedure in future contracts of this nature.

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Buying Solutions Environment Framework	PQQ	Three complaints were received about the PQQ for a Buying Solutions (now Government Procurement Service) framework for 'Environment and Sustainability Advice, Support and Delivery'. The framework had been divided into lots, however each consultant or consortium would have to deliver the entire range of services in each lot, and this excluded specialist providers.	<p>Buying Solutions (Government Procurement Service) took the following actions:</p> <ol style="list-style-type: none"> 1) Permitting bidders to cite examples of sub-contracting as experience (this enables organisations to partner effectively to meet the specified requirements). 2) Reducing the level of professional indemnity insurance required from £5m to £2m, to reduce costs and assist in removing barriers to entry for SMEs. 3) The removal of Nuclear-Related Services and Legal Services from the list of required services within the 'Waste and Built Environment' lots (thereby enabling more suppliers to participate in this lot). 4) Buying Solutions (Government Procurement Service) held two face-to-face PQQ Briefing events to clarify the requirements of the PQQ stage, assisting those who are unfamiliar with Public Sector procurement processes. 5) Buying Solutions (Government Procurement Service) extended the PQQ deadline to provide bidders with more time to complete their PQQ response to incorporate the changes made.

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Cheshire East Council	PQQ	A supplier highlighted concerns about the use of incorrect financial details provided by a financial analysis supplier to Cheshire East Council.	Cabinet Office recommended that in future all unsuccessful suppliers are debriefed, which would give them the opportunity to point out mistakes in the marking of PQQs. Cabinet Office also recommended that the Council address concerns over their financial analysis supplier using out of date information. The Council accepted these recommendations and is reviewing this case to learn lessons to improve its procurement services.
Ministry of Justice	Frameworks (as the favoured procurement process)	A supplier of 'Interim Managers' complained that the supply of this service to the Ministry of Justice is being transitioned to a large supplier and that there was no competition or other opportunity for SME's to attempt to retain their own interims.	There were meetings between Buying Solutions (now Government Procurement Service) and the Ministry of Justice with the supplier. They explained the government's approach to this market, which is to bring contingent labour spend under management by asking Departments to choose between the DWP Cipher framework, the Home Office CIX framework or any other mechanism that offers equivalent value. This will enable the impact on the market to be fully tested and inform future procurement strategy. They also explained that in the future, low value procurements will be carried out through the open market via the GEM system, which will dispense with frameworks and open up competition for lower value contracts. There will also be a standardised approach to payment terms. Buying Solutions (Government Procurement Service) agreed that they need to improve communication about this process.

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Buying Solutions	Cancellation of the Commercial Resources Framework	A trade association raised concerns over the imminent expiry of the Buying Solutions (now Government Procurement Service) Commercial Resources framework.	A meeting took place between the supplier and senior managers in Buying Solutions (Government Procurement Service), who explained the reasons for the approach.
Cabinet Office / ERG	Technical Issues searching for tender opportunities on Contracts Finder	A supplier raised issues with the system functionality, especially the search tool when looking for contract opportunities.	The Contracts Finder team (within the Cabinet Office) contacted the supplier and reviewed, and then addressed his concerns. Enhanced search capability will be available in November 2011 reflecting feedback from users.
Buying Solutions	Lack of use of the model 'Terms and Conditions',	A software supplier complained about the terms and conditions for a Buying Solutions (now Government Procurement Service) framework not being aligned with the Cabinet Office's ICT model contract.	Buying Solutions (now Government Procurement Service) adjusted the terms and conditions to align them with the model contract.
DWP	Turnover Threshold	An SME (who had held a contract for this work for some years) seeking to bid for one of DWP's 'Access to Work' Contracts believed that a financial test, which related the amount of contract value to their turnover, was unfair in assessing their financial strength.	DWP explained that there was no bar to this supplier under the threshold. The supplier is now developing their bid. DWP have agreed to review their approach taken in assessing the financial strength of suppliers for this type of contract.
Social Housing Provider - Places for People	Accreditation	A tenant housing association was concerned about a 'Gardening Services' tender, where a local gardener would have to apply for special accreditation (involving paperwork and a fee) before being able to tender.	Places for People explained that there had been confusion and that the accreditation is not mandatory and they will accept alternatives.