



7.0	Deputy Director of Procurement	09/10/0
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developing supplier and customer relationships, utilising the appropriate route to market, competitive processes and ensuring that the associated whole life costs are considered.

Following the UK exit from the EU the current procurement rules are being reviewed with an objective to achieve a more flexible transparent

noted that Public Contracts Regulations may be amended prior to a standard review should the Government decide to do so especially as we have now left the EU.

More details can be found here:

<https://www.gov.uk/guidance/public-sector-procurement-policy#public-contracts-regulations-2015>

Specific roles and responsibilities are as follows:

The Chief Finance Officer at SFT has overall responsibility for ensuring good procurement practice throughout the Trust.

The Director of Procurement and Commercial Services reports monthly to the Chief Finance Officer on procurement performance and twice a year to the Finance & Performance Committee, culminating with an annual report.

It is also the responsibility of the Procurement Department to develop procedures to cover all the Trust's non-pay expenditure that encompass the requirements of Standing Financial Instructions, Standing Orders, Public Contracts Regulations

The placing of a physical order with suppliers prior to receipt of goods and invoice is good business practice. Standing Financial Instructions state that an official order must be placed in advance of receipt of goods.

It is an offence not to comply with the Standing Financial Instructions of the Trust and illegal not to comply with Public Contracts Regulations, a breach could result in an individual being disciplined and / or held personally liable in a Court of Law.

An order is a legally binding contract between the buyer and seller. It is important for both parties to understand which terms and conditions of contract they are working on. A formal order in advance of purchase means the supplier is working from the Trust's terms and conditions. Goods purchased without a formal order from the Trust results in the Trust

Authorisation for purchase is built within the Oracle systems and therefore purchases undertaken outside the agreed processes are undertaken outside the Trust Standing Financial Instruction, for which the Trust does not accept liability.

Invoices for items/services without a valid order number may be returned to suppliers or become the personal liability of the person who placed the order.

Threshold limits represent the contracts lifetime value.

3. Competition and Sourcing Procedures

All procurement activity throughout the Trust will be conducted under the professional and ethical guidance provided by the Chartered Institute of Purchasing and Supply. Public Contracts Regulations will also be adhered to, in conjunction with local Trust Standing Orders and Standing Financial Instructions.

Prior to undertaking any competition, a review of goods or services available through National and Regional Contracts / Framework Agreements should be performed and consideration of requirements across Trusts within our Integrated Care System (ICS).

A Framework Agreement is the outcome of a competitive procurement process that has been subject to the legal requirements of Public Contracts Regulations. The outcome of a framework agreement is a pre-tendered list of suppliers who are available for the Trust to contract with. If using a framework agreement the Trust is already compliant to Public Contracts Regulations, however the procurement process followed is still required to comply with Trust Standing Financial Instructions. The Framework itself is not a contract but the 'call off' from the Framework is a contract. Frameworks can be used for services, supplies and works.

Before undertaking procurement process a review and evaluation of the range of products held on the NHS Supply Chain catalogue should also be undertaken along with a benchmarking exercise against price with other Trusts. This in addition to the consideration and understanding of the quality and service provided by the supplier and the proposed purchase is also valuable and supported by the Procurement Department.

Through the STP and the Procurement Department's contacts in other Trusts, there may be the opportunity for both formal and informal collaboration. For some products and services, combining demand can improve the commercial outcome and ensure better value for the Trust whilst reducing unwarranted variation and standardising products in line with recommendations from the Carter report.

In order for a project to be validated and added to the procurement workplan, a Quality impact Assessment (QIA) should be completed, in accordance with the Trust Cost Improvement Policy by the lead Directorate for the workstream, to ensure any risk to quality can be mitigated as part of implementing the proposed change.

Tendering

Once the appropriate procurement process is established the Trust should seek to obtain best value for money through competition.

Depending on the contract value a competitive procurement

Table 1 – Procurement Thresholds and Process

Contract Value (Excl VAT)	Quotations/Tenders	Min number invited to Quote/Tender where available	Form of Contract
<£10,000	Single Quotation may be obtained by end user	1	Purchase Order
£10,000 - £24,999	Quotation Authorisation required from Procurement prior to obtaining quotes	2	Purchase Order
£25,000- £75,000	Quotation To be obtained by Procurement with appropriate advertising and market engagement	3	

		system approval hierarchy approval
£10,000 – £24,999	Recommendation report required only if contract has not be awarded to the most economically advantageous offer	As per purchase order system approval hierarchy approval
£25,000 - £99,999	Yes	Head of Procurement
£100,000 – £350,000	Yes	Director of Procurement

Public Sector Contracts

When entering into contracts the Trust will refuse to include contractual terms which purport to restrict the disclosure of information held by the Trust and relating to the contract beyond the restrictions permitted by the Act. Unless an exemption provided for under the Act is applicable in relation to any particular information, the Trust will be obliged to disclose that information in response to a request, regardless of the terms of any contract.

When entering into contracts with public or non-public authority contractors, the Trust may be under pressure to accept confidentiality clauses so that information relating to

private organisation processing personal data. Established key principles of data privacy remain relevant in the new data protection legislation but there are also a number of changes that will affect commercial arrangements, both new and existing, with suppliers.

2. The Data Protection Legislation comprises: i) the General Data Protection Regulation (GDPR) which comes into force on 25 May 2018; and ii) the Data Protection Act (DPA) 2018; and iii) the Law Enforcement Directive.

4. Capital

Capital Control Group

Under the chairmanship of the Director of Finance, this group considers and prioritises capital bids for equipment, which have been supported by the relevant sub group, and advise the Trust Management Committee Trust Management Committee and Trust Board accordingly. The Trust Board approves the annual Capital Programme and monitors it in year.

Medical Equipment

Through a range of sub groups organised by the Medical Devices Management Committee, under the chair of a Consultant, bids for medical equipment are considered and prioritised. They will receive professional support from procurement in defining the procurement plan, best value and development of a policy for equipment standardisation and product rationalisation.

Information Technology Systems

Under the chairmanship of the Director of Informatics, this group will consider and prioritise bids for the purchase, lease and or installation of all IT equipment, software and IT systems, and will advise the Chief Executive accordingly. In addition all purchases or introductions to the Trust by any means, of IT equipment, software and IT systems, outside of the capital bid process must also obtain prior approval from the Director of Informatics. Priority will be given to projects which have obtained appropriate approval and where approval has not been obtained, the deployment or installation of the IT item/s in question may be denied.

Buildings and Works

Under the chairmanship of the Facilities Director, this group considers and prioritises bids for developments and improvements to the fabric of the Trust.

5. New Products

Technology Working Groups and New Products

The Medical Devices Committee (MDC) will be responsible for co-ordinating the activity within the Trust of all medical device trial related matters, both capital and revenue. MDC will be responsible for coordinating the within the trust for all medical devices both capital and revenue working with procurement to ensure we are compliant with all

regulations and the trust Standing Financial Instructions to ensure Value for Money is delivered for the devices used.

To achieve this aim, 6 Technology Working Groups (TWG) have been established as sub-groups of the MDC. The portfolio areas for the group are:

Critical Devices

Imaging

Assistive Technology

Pathology and Laboratory

Implants Active and Passive

Supplier c



Procurement, including but not limited to support through professional qualifications, such as CIPS.

Procurement staff has access to the newly established NHSI/E learning environment library and skills assessment framework which provides procurement specific opportunities for learning. Procurement staff also undertake mandatory training via the Trust's Man

All staff involved with the procurement process must be fully conversant with this policy, and all related policies and procedures.

13 Communication Plan

This policy will be communicated through the Trust Cascade Brief, the Operational Management Board, Broadcast and will be available on the Trust Intranet.

This Policy will also need to be published on the Trust's external website.

14 Equality Analysis

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APPENDIX A

PROCUREMENT POLICY V6.0

IMPLEMENTATION PLAN

INTRODUCTION

Fundamentals:

The Procurement Policy V7.0 requires that the following fundamentals be present:

- * An endorsement of the Policy by the Trust Board
- * Dissemination of the Policy to all staff levels

Frequency of Review

The Procurement Policy will be reviewed annual to ensure the content is relevant and up to date and an in depth review will be conducted in advance of 31st October 2021 to reflect any changes and/or regulatory amendments.

IMPLEMENTATION PLAN

The key elements of this strategy will be implemented as follows:

Task Activity	Responsible	Start End	Status
1 Policy Approval	OMB October	November 2021	pending
2 Policy Ratification	TMC October	January 2022	Pending
3 Uploaded to Trust Intranet	Information Governance	February 2022	pending
4 Published on front page of staff intranet site	Information Governance	February 2022	pending
5 Article for communication	Procurement Team	March 2022	pending
6 Audit of Policy Compliance	Policy Owner	ongoing	

Appendix B - Summary of Threshold Levels from August 2021

The Public Contracts Regulations

NHS Foundation Trusts, NHS England and NHS Business Services Authority are now required to follow the full public procurement regime for supplies and services contracts where the total value is above £122,976, which includes publishing these contracts on Find a Tender Service.

the Thresholds for services procured under the "light touch regime" is currently £633,540 and works (currently £4,733,252).