

# Procurement

## Operating Procedures November 2022



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1	30/01/19	Annual Review 2.3 updated DPO list 3.4.4 Threshold and procedure for Health and Social inc Care and Support Contracts 3.5.2 Maximum term for contracts inc extensions increased from 4 years to 5 3.8 reference to Tender Waiver Process.	Head of Procurement
2	12/08/19	Added para 6.5 and 6.6 to the STANDARDS OF BUSINESS CONDUCT FOR NHS STAFF for the new Declaration of Interest process	Head of Procurement
3	07/01/20	Change to EU Procurement Thresholds	Head of Procurement
4	19/02/2021	Remove references to OJEU and ESPD Add Find a Tender and SPD Update DPO list Update links Update Appendices	Head of Procurement
5	21/11/22	Added requirement to use Quick Quote facility on PCS for £10,000 - £50,000 Quotes, where possible, and agreed from Head of Procurement where not possible Removed list of DPOs within document and kept list at Appendix 1 Amended Procurement Thresholds and these are now inclusive of VAT	Head of Procurement

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		<p>Removed categories that require tenders and amended to be in accordance with The Public Contracts (Scotland) Regulations 2015 exceptions</p> <p>Added further statement on the required Conflict of Interest Statement and where this should be retained</p> <p>Removed need for SPD to be included in tenders between £50,000 – UK Threshold, as per Procurement Legislation</p> <p>Network Devices updated to reflect current requirements</p> <p>Added requirement for Loan and Free Issue Equipment to be checked by Information Governance and IT Security</p> <p>Added statement that all IT Equipment to be returned to Digital Services for disposal and Digital Services responsible for disposal</p> <p>Appendix 1 updated with current DPOs</p> <p>Removed Appendix 3(a) (b), 4(a),(b) and 5.</p>	
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## 1 INTRODUCTION

This document sets out the procedures which must be followed by the Procurement Department and all other staff with Delegated Purchasing Authority (DPA) when purchasing Goods and Services. It is important to set out procedures which are simple and practical, whilst ensuring that procurement decisions on contracts are robust, defensible and based on Value for Money (VFM) through competition.

These procedures must be read in association with NHS Ayrshire and Arran Standing Financial Instructions - Sections 19 and 20.

The Procurement Toolkit

NHS Ayrshire and Arran Procurement Policy Manual

Procurement Operating procedures as laid out in this document shall have regard to all relevant policies and procedures for public procurement as set out by the Scottish Procurement Directorate (SPD) refer.

<http://www.scotland.gov.uk/Topics/Government/Procurement>

Notwithstanding the foregoing, the Health Board NHS Ayrshire & Arran Standing Financial Instructions (SFI's) shall have precedence except where superseded by Scots law or relevant regulations.

### **The Public Contracts (Scotland) Regulations 2015**

<http://www.legislation.gov.uk/ssi/2015/446/made>

### **Procurement Reform (Scotland) Act 2014**

<http://www.legislation.gov.uk/asp/2014/12/contents>

### **The Procurement (Scotland) Regulations 2016**

<http://www.legislation.gov.uk/ssi/2016/145/contents/made>

It should be noted that for the procurement and management of pharmaceutical products the Pharmacy Department utilise the JAC pharmacy and prescribing system. The market and constraints associated with this specialist field also means that detailed procedures set out in this document cannot be fully complied with. However, the Pharmacy Department follow procedures which are compliant with the overarching spirit of this document

**LINKS TO FURTHER GUIDANCE AND DOCUMENTS REFERENCED IN THESE OPERATING PROCEDURES ARE AVAILABLE BY ACCESSING THE PROCUREMENT DEPARTMENT SITE ON ATHENA.**

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## 2 GOVERNANCE AND SEPARATION OF DUTIES

**2.1** In order to ensure that Procurement procedures are defensible and for the protection of both NHS Ayrshire and Arran and the staff concerned, it is essential that key procurement decisions involve more than one person. In the procurement process there are 2 key distinguishable roles for all purchases.

**2.1.1** The budget holder/customer who perceives the need and makes out the business case to obtain any necessary approval to spend then commissions the procurement service and normally gives final approval to the recommended choice

**2.1.2** The purchaser who fulfils the procurement role (including making the legally binding commitment to the chosen supplier) and is responsible for ensuring that the procurement process fully complies with procurement law, SFI's and secures best Value for Money (VfM).

**2.2** NHS Ayrshire and Arran Procurement Department has responsibility for governance with regard to Procurement Operating procedures and best procurement practice.

It is therefore vital that the Procurement Department is involved at some stage of each and every procurement made on behalf of NHS Ayrshire and Arran.

This 'involvement' takes different forms dependant on the value and complexity of the procurement exercise.

**2.2.1** The Procurement department works with Directorates and National Procurement to ensure that NHS Ayrshire and Arran is involved in the National Contracting Process, so products on the contract meet NHS Ayrshire and Arran requirements and the contract provides best VfM.

Once in place, these contracts can be 'called off' and used by Directorates and Departments in line with their scheme of delegation and authorised signatory arrangements.

Budget holder approval of specifications for certain externally supplied products or services shall be delegated to Clinical Heads of Service or Managers of designated specialist support departments. Clinical Heads of Service or designated specialist support managers shall be responsible for ensuring that input into objective specification criteria for product or service specifications under national contract developments is provided and/or for

ensuring that NHS Scotland and/or the Health Board's peer selection decision making processes are applied to the process for determining relevant fit for purpose product or service specifications in their area of clinical or technical expertise. This should take account of clinical and other risk factors and should include consideration and input into the management of risk in product or service specification use or change. Given the foregoing, Clinical Heads of Service or designated specialist support managers are responsible and accountable for influencing peer compliance with relevant product or service selection and compliance with national or local contracts

- 2.2.2** To buy anything (not on national contract) of £50,000 or more a Tender exercise must be carried out.

**Staff must work with, either the Procurement department directly or with an Officer with Delegated Purchasing Authority, i.e. a Designated Purchasing Officer.** These are people who have the necessary knowledge and experience to fulfil the procurement role, (see Appendix 1), ensuring compliance with procurement law, SFIs and how to achieve best VfM.

- 2.2.3** For goods, services and works which are  $\geq$ £10,000 and  $<$ £50,000 at least 3 formal quotes must be sought. Check with the Procurement department or appropriate DPO that there are no national, regional or local contracts for these goods or services and to get help with sourcing suppliers. The Public Contracts Scotland Quick Quote facility must be used for these where possible. Where the PCS Quick Quote facility is unable to be used, agreement must be sought from the Head of Procurement. Anyone not having access to this system should contact the Procurement Department who will help them with the QQ process.

**The Procurement department can help to set staff up on the Public Contracts Portal, so the on line fully auditable "Quick Quote" facility can be utilised.**

- 2.2.4** For goods, services and works which are  $>$ £0 and  $<$ £5,000 a minimum of one formal quotation is required.
- 2.2.5** For goods, services and works which are  $>$  £5,000 and  $<$  £10,000 a minimum of two formal quotes are required
- 2.2.6** Following these procedures will ensure that the Procurement Department will have cognisance of all expenditure with third

Parties, that best practice is being followed and those risks are minimised.

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**2.3 Designated Purchasing Officers are detailed in Appendix 1.**

2.4 To purchase goods and services from National Contracts and for purchases less than £50,000 Departments, have staff with 'approved signatory' authority which details the level of expenditure they can authorise.

2.5 All contracting and procurement must be carried out in accordance with relevant national public procurement process, regulations, directives and guidelines.

By definition, a contract is an agreement between the Board and other party/parties that is enforceable by law. Contracts can be formed orally, in writing or even by conduct; it is therefore vital to consult the Procurement Department when considering any procurement or contracting.

- 2.6 Standard or model conditions of purchase or contract appropriate to each class of products and services, or for the execution of Works, shall be utilised for all purchase orders or contracts. Such standard terms and conditions shall be based on national public sector and/or national procurement model forms where appropriate. The Procurement Department shall be responsible for prior approval of proposed terms and conditions of purchase prior to their use for tendering purposes and any material exceptions to same prior to contract award should be referred to the designated officer for approval. All purchase orders or contracts entered into shall incorporate the appropriate set of agreed conditions.
- 2.7 Consultants appointed by the Health Board, responsible for the supervision of a contract on its behalf shall comply with the SFI's and these operating procedures as though they were officers of the Health Board.
- 2.8 **All external commitments** for the supply of products or services with suppliers and contractors **shall be made through the issue of a valid purchase order. This includes all call offs against contracts.** Contractors shall be notified that they must not accept orders unless on an official form.
- 2.9 There must also be a segregation of duties between the Activities of external ordering/call off, receipting and paying for goods and services.
- 2.10 All financial limits referred to in this document will be **inclusive of VAT.**

### 3 VALUE FOR MONEY AND COMPETITION

Procurement processes should be proportionate to the total contract value, complexity, sensitivity and strategic importance of the goods services or works being procured.

- 3.1 Prior to deciding on what procurement process to follow, if the Goods, Services or Works are available on NP (National Procurement) National Contracts, then these **must** be used.
- 3.2 If available on government (Crown Commissioning Services CCS or similar) contracts then the procurement process will not be as time consuming or involve as many steps as a tender or (FTS) Find a Tender Service may prove to represent best value.
- 3.3 Where there are several suppliers of the same Goods or Services within the National Contract or CCS framework agreements, then the quotations or estimates should be sought from those companies to ensure best value

is achieved. For more complex contracts, a “mini competition” exercise should be carried out.

Advice and assistance on what Goods and Services are available on National/Government Contracts and on carrying out a “mini competition” exercise is available from the Procurement Department.

**3.4** In reference to the NHS Ayrshire and Arran Standing Financial Instructions:

**3.4.1** Purchase of goods or services of a value or a contract of term value more than or equal to £10,000 and up to £50,000 – requires a minimum of 3 quotations, using PCS Quick Quote, where possible. Where PCS Quick Quote cannot be used, agreement from the Head of Procurement is required to progress without using PCS Quick Quote.

**3.4.2** Purchase of goods or services of a value or a contract of term value of £50,000 or more – requires a competitive tender. (Sub-threshold) PCS web portal must be used.

**3.4.3** In line with Public Procurement, UK tenders processes apply for contracts for “Products and Services” with an annual or contract term value of £138,760\* or more, or all requirements for works with an annual or contracted term value of £5,336,937\* or more.

**3.4.4** There are different thresholds and processes for Health and Social Care and Support contracts e.g. GP practices, Medical or Nursing staff. Please contact the Procurement department for guidance.

\* These are the current threshold limits, including VAT, and DPOs will be informed of Changes to thresholds by the Head of Procurement

**3.5** To calculate the value of the purchase or contract, all associated costs over the full term of the contract must be included.

**3.5.1** For the purchase of goods or services the total volume of goods required must be included, e.g. if there are plans to purchase 8 pieces of equipment at £7,700 each, buying 6 at a cost of £46,200 and later buying 2 at £15,400 is not correct. A tender for the 8 pieces of equipment must be carried out.

**3.5.2** For the purpose of services, the cost over the full term of the contract or term value must be estimated (i.e. how long the contract

will be in place). The term of the contract must be agreed including possible extensions **BEFORE** advertising the tender.

**The maximum term for most contracts will be 5 years including extensions.**

**3.5.3** For best value it is necessary to identify the need for Goods, Services or Works over the whole organisation (aggregation of requirements), as for several parts of the same organisation to procure the same service or goods via a series of quotes or local tenders can be seen as ‘breaking up’ a requirement in order to avoid UK competition.

**3.6** Contracts and purchase orders should not be placed in a manner which could be interpreted as being devised to avoid financial limits specified within these Operating Procedures and UK legislation.

**3.7** For purchases of below £10,000 a formal quotation is required, the procuring officer should however make every effort to ensure that Best Value is achieved, by assessing the market and available suppliers and through comparing prices and estimates. PCS Quick Quote may still be used for these quotes.

In all procurement where the Board requires to “test” the market out with and prior to formal quotations or tendering procedures, firms may be asked to supply written or verbal estimates.

**3.8** Exemptions from the competition process will only apply in exceptional circumstances or in cases of emergency where it is neither practicable or would put patients at risk or where delay would result in significant additional expense to the Health Board.

Such exceptional cases must be dealt with in line with NHS Ayrshire & Arran’s Standing Financial Instructions Section 19.10 **Waiver Process**

**3.9** Written permission from the Assistant Director of Finance is also required to purchase any NP national contracted goods or services from a non contract supplier and will only be considered if the Head of Procurement confirms that the department wishing to purchase has worked with the Procurement Department and exhausted all possible means by which the contracted supplier could be used.

Process charts outlining the main procurement processes are included in **Appendix 2**.

*Appendix 2 which comprises 6 charts, is a quick overview of the Procurement Process and is also available to view within the Procurement site.*

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## 4 QUICK QUOTES

- 4.1** Where a minimum of 3 formal quotations is required (=>£10,000 to <£50,000), an auditable record of these must be completed using the PCS web portal **Quick Quote** facility, where possible. Where PCS Quick Quote cannot be used, agreement from the Head of Procurement is required.

[www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk)

**4.1.1** Get registered as a user on the portal.

**4.1.2** Ensure the companies you wish to quote for goods or services are registered on the portal (this Portal is free of charge) set up the Quick Quote advert with a return date. When returns are viewed, you choose best value quote. The auditable record is kept in the system.

During the period between asking for quotes and the opening date, the bidders can email questions for clarification to you and both the questions and your reply are sent out automatically to all bidders.

- 4.2** For higher value procurements and more complex requirements standard tender procedures and documentation should be used. When using the Quick Quote Service on Public Contract Scotland (PCS) you have to invite the suppliers when advertising an Invitation to Tender (ITT) this will be sent to the market.

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## 5. TENDERING PROCEDURES

- 5.1** Tenders over £50,000 must comply with the Procurement Reform (Scotland) Act 2014 and Tenders with a contracted term value of over £138,760 or more for goods and services, or £5,336,937\*or more.for works must comply with The Public Contracts (Scotland) Regulations 2015.

These Directives specify detailed procedures, including adherence to strict timetables, requirements for advertising, invitations to tender and the award of contracts. DPOs are required to ensure that any UK tender complies with all current UK Directives. Further information, advice and assistance are available from the Procurement Department.

Local tenders are still subject to Public Procurement Regulations and Procurement Best Practice. The following documentation must be included as a minimum with all tenders:

- Invitation to Tender which includes the Conditions of Tender
- Specification (Schedule 1)
- Conditions of Contract
- Appendices as follows:

Form of Tender  
Tender Response  
Detailed Costings;

*NHS Ayrshire and Arran standard Tender documentation templates are available on the Procurement Toolkit on Athena*

<http://athena/kmeh/ClinSupServ/CorpServ/Pages/Default.aspx>

*Or by contacting the Procurement Department*

- 5.2** Standard appendices may include but is not limited to areas such as the Health Board's policies and procedures relative to Contractors responsibilities under Health and Safety, Equality and Diversity, Sustainable Procurement, Fair Work Practices, Canvassing and Corrupt Practices.

All invitations to potential contractors to tender shall also include the over the value of £138,760 for goods and services and £5,336,937 for works, Single Procurement Document (SPD) and tenderers will be made aware of the mandatory and discretionary exclusions which apply and minimum standards for participation.

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**5.3 The opportunity must be advertised on the Public Contracts Scotland advertising Portal. It is the responsibility of the Procurement Department or appropriate Designated Purchasing Officer (DPO) to ensure that an advert is placed.**

**5.4** Care must be taken to follow UK Directive and National Regulatory procedures with regard to Advertising, Pre qualifications Evaluation criteria, feedback to unsuccessful bidders and contracting with successful bidders.

DPO's and the Procurement Department will be able to advise and assist at each step in the process.

**5.5** Except where existing national or local contracts already exist (check with the Procurement Department to determine this) or where other arrangements have been approved by the Director of Finance, and where the term value of the contract exceeds £50,000, formal competitive tenders, on the PCS web portal, in accordance with these tendering procedures must be followed.

**5.5.1** Tenders shall be invited for the following all spend, with the exception of those contracts listed as exclusions in the Public Contracts (Scotland) Regulations 2015

A minimum of 3 formal tenders in each case must be obtained. Where less than 3 tenders/quotations are received the Designated Purchasing Officer will as far as practicable, ensure that the price to be paid is fair and reasonable.

**5.5.2** Specific requirements and procedures including advertising in the Find a Tender UK Portal will be followed where the value of the contract exceeds the level determined from time to time (currently £138,760 for goods and services and £5,336,937 for works).

**5.5.3** All competitive tenders will be advertised on the National Advertising Portal [www.publiccontractsscotland.gov.uk](http://www.publiccontractsscotland.gov.uk)

All UK adverts will be placed using this portal.

The tendering process can then be carried out electronically.

### **PCS Process**

Before publication of a Quick Quote or Tender on PCS a Contract Reference number must be obtained from the Procurement Department. This Contract Reference number must be entered as reference in the advert and on attached documents.

Complete the PCS advert with date and times for opening and address or contact for questions, further information etc.

A Designated Purchasing Officer must be identified to open the electronic post box after the return date and time

Electronic copies of the bids can then be sent to all those on the evaluation team.

Prior to the evaluation process, all those who will be evaluating a Quick Quote or a Tender must complete a Conflict of Interest Statement and this must be returned to the Procurement Department prior to any evaluation. Where Quick Quotes and Tenders are conducted without support from the Procurement Department, this form must be retained by the DPO.

Once the evaluation process has taken place the Procurement Department must be notified in writing/e-mail of the Company to whom the tender is to be awarded and giving the scorings against the criteria and who carried out the scoring.

## **5.6 e-Tendering**

**5.6.1** The Public Contracts Regulations 2015 necessitates all requirements for Goods, Services and Works that fall within the appropriate tender thresholds for each be submitted to the Find a Tender Portal in a pre-determined electronic format. This is a mandatory regulatory stipulation. It must now be completed using the **Public Contracts Scotland advertising Portal**.

**5.6.2** Timescales for advertising and receiving noted interests through the UK procurement process are also prescribed but can be

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reduced subject to setting out and making requirements accessible electronically. The full regulatory, policy and procedural requirements, including electronic receipt and controlled recording and opening of sealed tenders can also be administered more effectively and efficiently by utilisation of national or Health Board approved e-tender systems.

**5.7.3** Training and guidance on the use of electronic e-tendering systems will be provided by the procurement department. Tendering processes utilising these e-tendering systems shall be administered by the procurement department. All budget holding officers are therefore required to ensure that their Goods, Services or Works requirements are directed accordingly.

## **5.8 Suppliers' Charter**

The Review of Public Procurement 2006 (McClelland Report) recognised that "The existence of a base of high quality and cost competitive suppliers is the optimum environment in which to achieve Best Value in procurement expenditure."

**5.8.1** Scottish Government has established a Suppliers Charter for use by all public sector contracting authorities, including NHS Ayrshire and Arran. It defines the generic standards, which suppliers can expect from contracting authorities, and the standards that will in turn be expected of suppliers to the public sector.

**5.8.2** The Charter sets out a number of commitments, including:

- Adequate publicity of contract opportunities
- Use of a core qualification questionnaire
- Provision of tender debriefing to any supplier that requests it

It also commits NHS Ayrshire and Arran to ongoing dialogue with business to achieve change.

**5.8.3** The Charter commits business organisations to encourage their members to adhere to the Charter, recognise the legislative framework in which the public sector, therefore NHS Ayrshire and Arran, operates and makes effective use of their skills and resources in bidding competitively for and providing specified quality / delivery on public sector, including NHS Ayrshire and Arran, goods, services and works.

**5.8.4** NHS Ayrshire and Arran, through National Procurement, is a signatory to this Suppliers Charter and therefore it should be used by all NHS Ayrshire and Arran procurement functions and promoted to all potential NHS Ayrshire and Arran suppliers. It is available at:

<http://www.scotland.gov.uk/Topics/Government/Procurement/Selling/Supplierscharter2>

## **5.9 Standards expected of suppliers**

Suppliers to NHS Ayrshire and Arran are expected to maintain high standards of business and professional conduct e.g. in relation to legislative and policy requirements on the environment, equality issues, health & safety, employment and taxation. When bidding via tender for business with NHS Ayrshire and Arran, suppliers should generally be required to disclose any recent adverse court or tribunal rulings regarding their business/professional conduct. Where a bidder fails to comply with relevant legal obligations, consideration should be given to whether it should be excluded from competition on grounds of its unsuitability. In deciding whether or not a bidder should be excluded, account should be taken of the seriousness of the ruling/offence, whether or not the ruling/offence indicates that the bidder is of poor reputation and whether or not the bidder has taken appropriate action to remedy the problem which was subject to the ruling.

## **5.10 Corporate Social Responsibility**

Corporate Social Responsibility (CSR) in NHS Ayrshire and Arran procurement, including sustainable procurement, is essentially about how, as part of overall value for money and affordability considerations, NHS Ayrshire and Arran takes account of the economic, social, environmental and equality impacts of its purchasing activity, maximising the positive outcomes and minimising the negative.

**5.10.1** It is essential that when NHS Ayrshire and Arran buy goods, services and works, it spends public funds in a way that achieves value for money. NHS Ayrshire and Arran corporately and end-users can make a significant contribution towards meeting wider CSR objectives by including, wherever it is sensible and legitimate to do so, such objectives within the overall assessment of value for money and affordability.

**5.10.2** Generally CSR issues can be taken into account only where they are directly related to the subject matter of the particular contract in question. Under Scottish Government guidance it is generally not permissible to take into account aspects such as NHS Ayrshire and Arran's overall policy on CSR or the environment, where such

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policies are not directly relevant to the performance of a particular contract. Each contract should therefore be assessed independently.

**5.10.3** The key messages are that it is possible and very often desirable to incorporate economic, social and environmental issues in NHS Ayrshire and Arran procurement, provided that doing so offers a value for money outcome, complies with legislative and regulatory requirements and is directly related to the subject matter of the contract. The greatest impact will be obtained by considering such issues at the outset and building them in at the beginning of the procurement process. It is vital therefore to work with the Procurement Department or DPO when developing Tender specifications. Further guidance on CSR issues is available at:

<https://www.gov.scot/policies/public-sector-procurement/community-benefits-in-procurement/>

The Office of Government Commerce's Centre of Expertise on Sustainable Procurement can be accessed at:

<https://www.gov.scot/policies/public-sector-procurement/sustainable-procurement-duty/>

## **5.11 Equality and Diversity Duties**

**5.11.1** There is a range of equality legislation protecting people from discrimination on the grounds of race, disability, gender, age, sexual orientation and religions or belief. In addition, there are public sector equality duties which require NHS Ayrshire and Arran to take proactive steps to eliminate discrimination and harassment and to promote equality of opportunity with regard to race, disability and gender.

**5.11.2** The race, gender and disability equality duties apply to public functions, which are carried out through all NHS Ayrshire and Arran procurement as well as those carried out generally and directly by NHS Ayrshire and Arran. This means that a private or voluntary organisation must have due regard to the general duties relating to race, disability and gender when carrying out a function on behalf of NHS Ayrshire and Arran.

**5.11.3** NHS Ayrshire and Arran is required to comply with all relevant equality legislation. Where a contractor is carrying out a public function on behalf of NHS Ayrshire and Arran, they must also comply and indemnify the board against all costs, claims, charges, demands, liabilities, damages, losses and expenses incurred or suffered by the authority arising out of or in

connection with any investigation conducted or any proceedings brought under the Anti-discrimination Legislation due directly or indirectly to any act or omission by the contractor or its agents, employees or sub-contractors. This must be included in contract terms and conditions.

**5.11.4** The degree to which equality and diversity requirements are specified and incorporated within procurement documentation will vary according to the goods, services or works being purchased and should be assessed on a case by case basis. This will ensure that full consideration is given to the needs of, and the likely impact on, all users and others who are affected by the contract.

**5.11.5** Further information on equality legislation, including guidance on the public sector equality duties, can be found on the Equality and Human Rights Commission (EHRC) website at:

<http://www.equalityhumanrights.com/scotland/>

## **6 STANDARDS OF BUSINESS CONDUCT FOR NHS STAFF**

- 6.1** In any circumstances where an officer has an interest, pecuniary or otherwise, in the outcome of a tender or quotation, the officer concerned must declare his/her interest, and withdraw from all contracting/purchasing arrangements concerning that item.
- 6.2** Health Board staff are prohibited from ordering or obtaining goods for their personal use through the Board's ordering system or in such a way as to take advantage of Health Board discounts or other privileged purchasing arrangements. Thus, all goods obtained through the Board's auspices shall be for the official use of the Board in the delivery of patient care.
- 6.3** Accounts with suppliers to the Health Board must never be used for personal purchases by members of staff or anyone using their name. Where discounts are offered to NHS Ayrshire and Arran staff by companies, these will be agreed with the Board for all NHS Ayrshire and Arran employees and be advertised on ATHENA/ the Intranet.
- 6.4** Visits by officers at suppliers' expense to inspect equipment, etc. must not be undertaken without the prior approval of the Chief Executive or Director of Finance.
- 6.5** All staff should be made aware of, and comply with, the requirements of 1989(GEN)32 "Acceptance of Financial Assistance, Gifts and Hospitality and Declaration of Interest" as re-stated and reinforced by NHS MEL(1994)80

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“Corporate Governance in the NHS” with regard to acceptance of financial assistance, gifts and hospitality and declaration of interest.

To access this site click: <http://www.sehd.scot.nhs.uk> and search under title.

**6.6** For any tendering exercise involving an evaluation then a Declaration of Interest Statement form must be signed by all participants and kept on record by the DPO.

This form is part of the tender pack.

**6.7** In addition to this the DPO must check the department register of gifts and hospitality to identify any conflicts.

## 7 APPROVED SUPPLIERS

**7.1** Every external party who wishes to supply goods and services or works to NHS Ayrshire and Arran shall be subject to meeting minimum qualification criteria, which shall vary depending on the nature and value of the requirement. The minimum qualification criteria shall include Financial Standing, Technical Competence and Operational Capability.

**7.2** Procurement regulation now requires that for all tenders over the UK Threshold a Single Procurement Document (SPD) is completed by each supplier covering Mandatory and Discretionary exclusion Criteria. The requirements for being excluded covering the SPD questions and any additional local or tender specific exclusion clauses or professional and technical minimum requirements must be explained in the Contract Notice.

**7.3** The Estates and Capital Planning departments have a procedure in place whereby a form is completed and there are certain requirements which must be met for construction companies.

This enables the department to maintain a list of the pre-approved suppliers which can make the process for tendering less time consuming.

Application for inclusion on the list is available on the NHS Ayrshire and Arran website, [www.nhsaa.net](http://www.nhsaa.net) and the National Advertising Portal. Forms are available for Estates and non-Estates work and the forms are available on Athena or by contacting the Procurement department.

**7.4** This process will in no way circumvent the need to issue adverts for contracts under the UK process or National Procedures, ensuring that procurement opportunities are suitably publicised to encourage open and fair competition. Companies interested in any procurement opportunity will be vetted for financial, technical and operational capacity prior to being issued with an Invitation to Tender.

**7.5** Companies included on National Purchasing Contracts are deemed to be approved contractors/suppliers and there is no requirement for the procuring department to carry out a separate review or assessment of these companies.

**7.6** In all other cases, i.e. for non-construction contracts, **7.1 and 7.2** apply as per National and UK Regulation.

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## 8 ORDERING, RECEIPT AND PAYMENT PROCEDURES

A contract should be in place or an NHS Ayrshire and Arran purchase order raised in advance of receipt and invoice of all goods, services or works by NHS Ayrshire and Arran. This applies to all goods, services and works.

### 8.1 Ordering

A valid purchase order (PO) must be raised in one of the two operating systems, Cedar eFinancials or PECOS, for all goods, services or works to be procured by NHS Ayrshire and Arran. PECOS is regarded as the default system for all non-stock ordering, with the exception of Pharmacy who use JAC. POs must be raised at the earliest opportunity and will form an instruction for the supply of the goods, services or works. They must be raised, authorised and received by the supplier prior to the receipt of the goods, services or works by NHS Ayrshire and Arran.

### 8.2 Receipt (Goods Receipt Notes) or Returns

The processes for receipting are an important element of the approach to risk and fraud management implemented by NHS Ayrshire and Arran and are also an important enabler for end-to-end P2P process efficiency.

**8.2.1** The submission of an invoice that does not match the original PO and does not have a valid GRN recorded on the appropriate system, Cedar or PECOS, will result in an invoice mismatch exception process and will create unexpected and significant workload in processing the invoice through to payment.

**8.2.2** It is imperative that end-users who order goods, services or works undertake their responsibilities in ensuring that the goods, services or works are receipted as soon as possible after fulfilment, either in part or full as is necessary. Likewise, any Returns to suppliers must be entered on the appropriate system, Cedar or PECOS at the time the return is made.

Guidance on PECOS and Cedar purchase ordering and goods receipt functions are available from the Procurement Department.

## 8.3 Invoices

- 8.3.1** All invoices should be paid on time. As with all public sector organisations, NHS Ayrshire and Arran is bound by the Late Payment of Commercial Debts (Interest) Act 1998, under which suppliers have a right to claim interest on payments made out with agreed terms, or 30 days after receipt of a valid invoice where no payment terms are agreed. Where there is no contractual provision or other understanding to the contrary, suppliers should therefore be paid within 30 days of receipt of a valid invoice or similar correct and due demand for payment.
- 8.3.2** As part of its plan for supporting economic recovery in Scotland, the First Minister announced on 9 October 2008 that the Scottish Government would aspire to a 10-day target for paying bills to businesses in Scotland. Paying supplier bills within ten working days is seen as a key objective, and an important expression of the Scottish Government's commitment to supporting business. Improvements in methodology have been introduced and continue to be introduced to aspire to the 10 day target of paying suppliers. NHS Ayrshire & Arran have this aspiration above and beyond the contractual commitment to pay suppliers within 30 days.
- 8.3.3** The payment of invoices that do not have a pre-requisite contract or order for goods, services or works provided tends to facilitate unofficial buying by allowing the procurement function and processes to be bypassed. It also means that authority to procure is retrospectively given rather than pre-approved. Therefore, suppliers should be given notice that goods, services and works should only be provided on receipt of appropriate contract or purchase order reference information and within that same written notice, informed that invoices received without contract or purchase order references will require special approval if they are to be paid and that this will delay payment. The payment cycle should not commence until a valid invoice with all required data is received by NHS Ayrshire & Arran.

## 8.4 Cedar efin

### 8.4.1 Stock Requisitioning

Stock items include stationery and National Distribution Centre stock items. List of all stock items are maintained on the Athena Procurement Department, Customer Services section, or can be provided by Procurement Department on request.

**Stock Requisition Form** (Code STA0543),

It is vital to complete a **Stock Requisition Form** for stationery items separate from that for NDC items, as they are processed separately.

### 8.4.2 Ward Product Management (WPM)

Wards and departments who are receiving a Level 1 or Level 2 WPM service are not required to complete Stock Requisition forms as the Customer Services Assistant will maintain stock levels for them. If amendments to these levels or new items are required then staff on these wards or departments should contact the Customer Services Assistant.

Wards or Departments who are receiving a level 3 WPM service will have a Stock Requisition form developed with the Customer Services Assistant for their workforce.

### 8.4.3 Non Stock Requisitioning

On completion of a VFM exercise, i.e. Estimates, Quotations or Tender the Goods, Services or Works are ordered using either:

- non stock requisition to Procurement Department
- eProcurement system order.

#### 8.4.4 Non Stock Requisition to Procurement Department

A **Non Stock Requisition Form** (code STA0545)

- proforma unique numeric identifier
- name, department and hospital of authorised requisitioner
- transfer (charging) point number
- full description of item/service required
- quantity required
- indicative cost (including VAT)
- suggested suppliers
- delivery address
- reason for request, i.e. routine requirement; new requirement; replacement due to (loss/theft/condemned);
- signature and designation of requisitioning officer
- signature and designation of authorised requisitioning officer (budget holder)
- financial coding information.

For all requisitions of a value greater than £10,000, a **copy of the quotation form** must be attached and for a value greater than £50k, the **tender reference number** must be included.

**8.4.5** These forms will be sent to the Procurement Department where orders will be raised using Pecos. This order will be distributed as follows:

<b>Computer Generated (2 part)</b>	
Purchase Order	sent to supplier direct using Pecos
Copy of Purchase Order	sent to ordering department for completion and return to Procurement when goods received.

## 8.5 eProcurement System Order

Follow system procedure and process as per training provided. Any issues please e-mail [pecosupport@aapct.scot.nhs.uk](mailto:pecosupport@aapct.scot.nhs.uk)

8.6 All purchase orders must be authorised by an officer so designated by the Chief Executive. A copy of the authorised Ordering Officers List showing:

- name
- designation
- specimen signature *and*
- financial limits

will be monitored by the Director of Finance.

8.7 No goods, services or works other than utilities, contracts or SLAs for healthcare and purchases from petty cash shall be ordered except on an official purchase order (including e-ordering) and contractors shall be notified that they should not accept orders unless on an official form.

## 8.8 Goods Received Notes

8.8.1 A copy of the purchase order acts as a Goods Received Note (GRN) and must be completed by the officer who received the goods/services from the supplier.

8.6.2 Goods Received Notes for orders raised by Procurement must be fully completed and forwarded to Procurement within 2 working days of receipt of goods/services to allow the receipt to be processed on the system.

8.6.3 The Goods Received Note is as important as the Purchase Order and must be completed with extreme care. While the Purchase Order is a request to a supplier for goods or services, the GRN is the final authority to pay an invoice. It is important, therefore, to ensure that the goods have actually been received and are in good condition **before** completing a GRN.

8.6.4 In order to comply with the Late Payment Interest Act 1998, prompt issue of GRNs is crucial to the payment process. Failure to comply with this will result in discounts being lost and inaccurate management statements.

## 9 PURCHASING AND INFECTION CONTROL

It is vital that infection control is considered in the procurement of equipment used for the treatment of patients.

### 9.1 New Equipment

The department who wish to buy new equipment must follow the procedures detailed within this operating procedures document and for surgical Instruments contact the Central Decontamination Unit see 9.2 for Electrical Medical equipment contact Medical Physics see 9.3 otherwise;

9.1.1 Contact the procurement department to first ensure that the product is not already available through national contract. Items on national contract have been passed as fit for purpose by a Commodity Advisory Panel.

9.1.2 If not on contract and a new product then the risks associated with using the product must be assessed and complete and clear instructions for decontamination of the product must be provided by all prospective suppliers.

9.1.3 Prior to purchase the following conditions must be satisfied:

- Equipment chosen must be of a design that facilitates effective decontamination
- The manufacturer must provide detailed decontamination instructions including what decontamination agents are suitable e.g., chemicals, heat, etc. This may require to be translated into a local protocol
- The purchasers must ensure that the manufacturers decontamination instructions can be carried out locally
- If the manufacturers' instructions cannot be carried out locally then suitable arrangements must be put in place to ensure decontamination can be performed off site either by NHS Ayrshire & Arran, e.g. Central Decontamination Unit, or by an approved 3<sup>rd</sup> party
- All COSHH risk assessments in relation to the decontamination process must be undertaken
- Responsibility for decontamination must be clearly identified
- Staff training in the use of and decontamination of the equipment must be undertaken.
- Single use devices will not be re-used

9.1.3 If there are any doubts about the suitability of the product and the organisations ability to suitably decontaminate the product then contact the Infection Control Team or the Sterile Services Manager.

## 9.2 Surgical instruments

- 9.2.1 It is NHS Ayrshire and Arran's policy that all Medical Devices purchased should be CE marked. Any items of new equipment to be purchased shall be fit for intended purpose, easy to clean and be compatible with existing decontamination equipment. All new equipment must be accompanied with the manufacturers' decontamination instructions.
- 9.2.2 For new instruments / kits manufacturers are required to comply with BS ISO 17664-2:2021 and the Medical Devices Directive. These should only be purchased through the Central Decontamination Unit and comply with that Departments' policies, procedures and associated regulatory requirements. Any new instrumentation sent to CDU for reprocessing must include Manufacturers' decontamination guidance. New instrumentation must be CE or UKCA marked and be in its original packaging
- 9.2.3 Clinicians when hiring On-loan equipment must inform the Central Decontamination Unit of the arrangements and specialist instructions at the earliest possible time.

## 9.3 Electrical Medical Equipment

This must be procured through the Medical Physics Department who will ensure that decontamination and infection control issues are addressed throughout the procurement process.

## 9.4 Service Contracts

It is necessary to ensure that the requirement to prevent and control Healthcare Associated Infection, including assurance process, is explicit in all contracts with external clinical and non-clinical service providers.

- 9.4.1 This can be addressed by including appropriate requirements in the specification of services and monitoring compliance through Service Level Agreements (SLAs) and the contract management process.



## 10 ELECTRICAL SAFETY

All electro medical equipment, electrical goods and equipment requiring ongoing maintenance must be delivered to the relevant maintaining Department (Medical Physics/Estates) so that appropriate electrical safety and acceptance tests can be undertaken prior to use. These checks are required by the Electricity at Work Regulations (1989) and to ensure compatibility with the electrical supply.

## 11 NETWORKED DEVICES

Before there is any committed investment in equipment that has the potential to connect to any of the organisations networks an assessment must be carried out by both Information Governance and IT Security to ensure compliance with the appropriate standards, local IT/Cyber Security and Information Governance policies and requirements. The networks include the corporate network, medical device network, or associated wireless networks including the public networks, this list is not exhaustive. This assessment is to ensure product suitability with legal requirements placed upon the organisation including but not limited to the Network Infrastructure Standard (NIS)(EU) Directive, Data Protection Act (2018) and UK General Data Protection Regulation (GDPR). Information Governance and IT Security will also assess the necessary supplier risk, where the proposed development involves the processing of personal data a Data Protection Impact Assessment (DPIA) must be carried out in conjunction with Information Governance, this is a statutory requirement.

Action plans will be developed to mitigate any identified risk. These risks must be signed off by Information Governance IT Security management and the Director of the requesting department prior to any committed investment.

Networked equipment must comply with IT Security requirement which assist the Board in ensuring compliance with the Cyber Resilience Framework. This includes the installation of NHS Ayrshire & Arran supplier antivirus software, and the requirement for critical security updates to be applied within 14 days of release. In addition, NHS Ayrshire & Arran will undertake regular vulnerability scans, and the solution/device provided must be able to support this.

All devices must be running on supported operating systems. An Action Plan on how migration to a supported operating system is required to be undertaken when the operating system becomes obsolete. Responsibilities and costs involve in this must be clearly stated within the Action Plan.

All devices must only have supported software installed. The supplier must have a plan in place to address obsolete software prior to the end of life date.

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Remote support of these devices, where required, will be implemented in line with NHS Ayrshire & Arran requirements. Direct access to devices will not be permitted.

## 12 EQUIPMENT ON LOAN OR FREE ISSUE

- 12.1** In order to protect the interests of NHS Ayrshire and Arran where such equipment is lost or damaged whilst in NHS Ayrshire and Arran's possession, the undernoted procedure should be observed at all times.
- 12.2** All proposed arrangements for the free issue or loan of equipment from suppliers must be notified to the appropriate "maintaining department", i.e. Medical Physics for all electro medical equipment and Estates for all other equipment.
- 12.3** The "maintaining departments" will then liaise direct with the suppliers and arrange for delivery of equipment, following which:
- the equipment will be appropriately checked, including a check by Information Governance and IT Security.
  - an Indemnity Agreement will be signed by the supplier. Where appropriate, central Master Indemnity Agreement arrangements will apply, other NHS Ayrshire and Arran's own Indemnity Agreement will apply.
  - Where "special conditions" are being applied for electro medical equipment, NHS Ayrshire and Arran's Area Physicist will determine the acceptability of same, in conjunction with appropriate parties, and for all other equipment, NHS Ayrshire and Arran's Head of Procurement will similarly determine acceptability.

This equipment will be delivered by the "maintaining department" to a named individual within the department using the equipment.

- 12.4** All equipment will be returned to the supplier via the appropriate "maintaining department". Returns will only be accepted by the "maintaining department" from the named individual within the department utilising the equipment. They will be recorded as received within the "maintaining department", checked and recorded when returned to the supplier.
- 12.5** Any arrangements in relation to the free issue or loan of equipment which is not subject to the above procedures will be deemed to be "unauthorised" and NHS Ayrshire and Arran will not be held liable on an individual basis.

## 13 DISPOSALS

### 13.1 Introduction

Officers with responsibility for stock, equipment and materials should be aware of the need to release them for sale should they become obsolete or surplus to requirements. Items not suitable for re-sale should be disposed of in the most economical manner possible.

In arranging for disposal, the objective is to maximise the benefit to NHS Ayrshire, either in cash terms or alternatively by putting the material to good use in a way that would benefit NHS Ayrshire and Arran. In assessing the economy of repairs or refurbishment, the value of staff time involved must be added to the repair cost. Many of the skills and techniques and particularly the ethics of purchasing also apply to disposals work.

A note of items disposed of or scrapped must be made against the relevant entry in the assets register (only items with original value above £5,000 are included in Asset Register), stock account or similar record, with identification details of the authorising officer. These should be notified to finance department. The item(s) being disposed of may exceptionally give rise to a notifiable loss within the terms of Government Accounting and will need to be formally written off by the Director of Finance.

### 13.2 Approval of Disposal of Surplus Material

Irrespective of the value of the items, formal approval **must** be Obtained from a senior manager prior to any disposal. The proposals for disposal of surplus material should include:

- ascertaining that materials are surplus to requirements;
- checking that the method of disposal is fully accountable and likely to maximise the benefit to NHS Ayrshire and Arran;
- assessing the minimum sale price to ensure that at least a reasonable return will be obtained, whilst retaining the likelihood of making a sale.
- all IT equipment should be returned to Digital Services for disposal under the processes operated by Digital Services contracted supplier.

### 13.3 Responsibility for Disposals

Once formal approval has been given to the proposals for disposal of surplus material, the officer responsible for the disposal should make the necessary preparations.

To ensure that the highest possible price is obtained for materials sold, it is usually advisable to invite quotes or competitive tenders from as many likely purchasers as possible and this must be undertaken with the assistance of the Procurement Department.

Digital Services are solely responsible for the disposal of all IT Equipment and storage media. All such surplus or redundant equipment must be notified to Digital Services for collection.

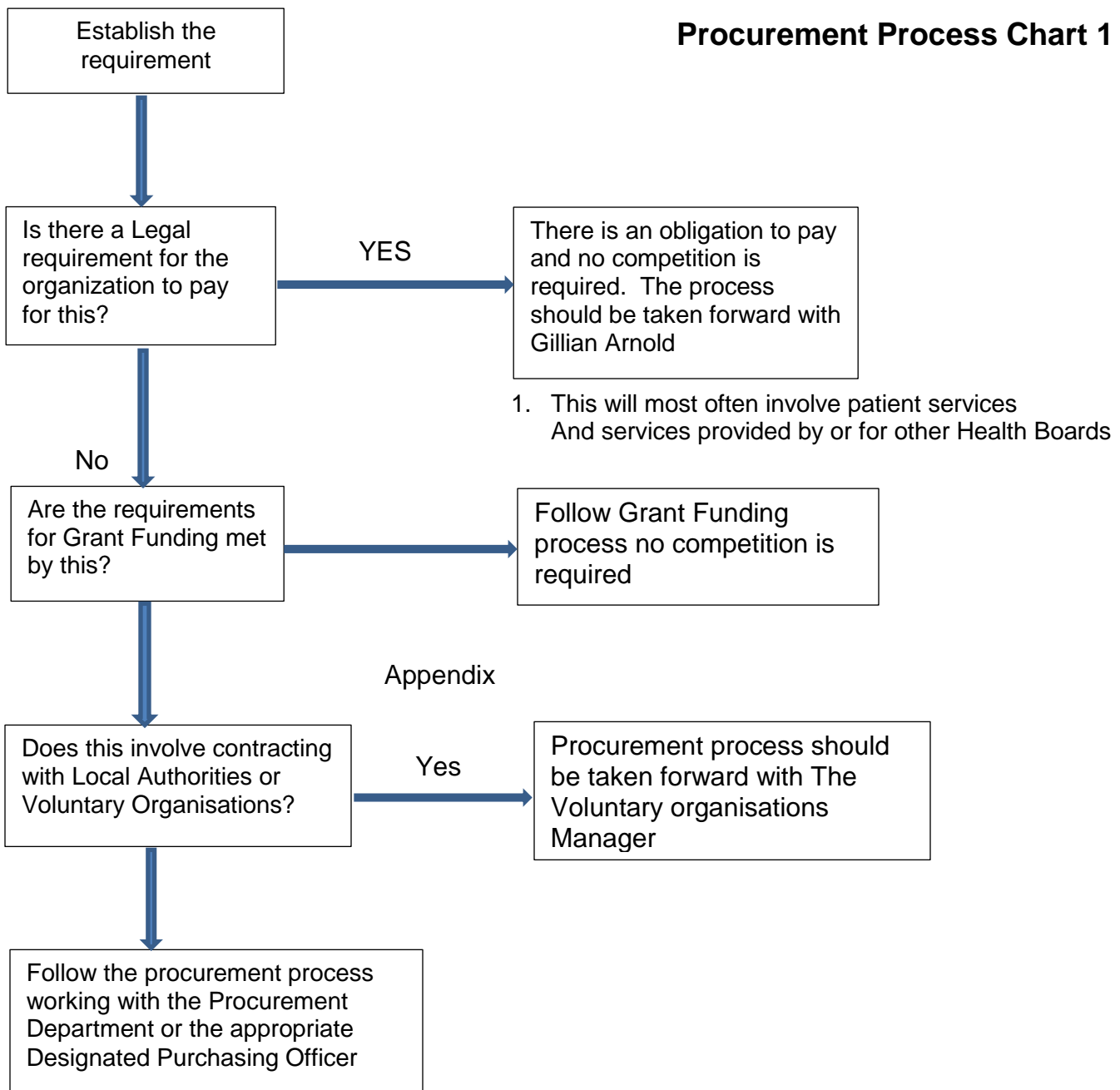
**PROCUREMENT POLICY  
DESIGNATED PURCHASING OFFICERS**

**THE FOLLOWING ARE THE OFFICERS IN THE DEPARTMENT WITH OVERALL RESPONSIBILITY FOR ANY CONTRACTUAL MATTERS AND THE LINK WITH THE PROCUREMENT DEPARTMENT TO MAINTAIN INFORMATION ON PROCUREMENT REGULATIONS AND GOVERNANCE**

<b>DESIGNATED PURCHASING OFFICERS</b>	<b>AREAS OF RESPONSIBILITY</b>
Head of Procurement <b>ZOE FANCE</b>	<ul style="list-style-type: none"> <li>• All Commodities/Services with the exception of licensed products (medicines) procured via Stock and Non Stock Purchase Orders.</li> <li>• Stores (General, Estates and Theatres).</li> <li>• Contracting for all Supplies and Services.</li> </ul>
Procurement & Systems Manager <b>GARY KEAN</b>	<ul style="list-style-type: none"> <li>• All Commodities/Services with the exception of licensed products (medicines) procured via Stock and Non Stock Purchase Orders.</li> <li>• Stores (General, Estates and Theatres).</li> <li>• Contracting for all Supplies and Services.</li> </ul>
Contract & Compliance Manager <b>LESLEY MARSHALL</b>	<ul style="list-style-type: none"> <li>• All Commodities/Services with the exception of licensed products (medicines) procured via Stock and Non Stock Purchase Orders.</li> <li>• Stores (General, Estates and Theatres).</li> <li>• Contracting for all Supplies and Services.</li> </ul>
Senior Planner (regional) SLAs <b>GILLIAN ARNOLD</b>	<ul style="list-style-type: none"> <li>• Service Level Agreements with other Health Boards.</li> </ul>
Medical Physics <b>MANI MAIVANNAN</b>	<ul style="list-style-type: none"> <li>• Medical Physics Supplies/Services and Electro medical equipment procured via Non Stock Purchase Orders.</li> <li>• Contracting for Medical Physics Supplies/Services</li> </ul>
Head of Capital Planning <b>DOMINIQUE SCLATER</b>	<ul style="list-style-type: none"> <li>• All Capital Planning contracts</li> </ul>
Biochemistry Laboratory Manager <b>GORDON TAYLOR</b>	<ul style="list-style-type: none"> <li>• Laboratory Stationery procured via Stock Purchase Orders.</li> <li>• Laboratory Supplies/Services provided via Non Stock Purchase Orders.</li> <li>• Stores (Laboratory)</li> <li>• Managed Lab Services</li> </ul>
Principal Pharmacist Pharmacy Manager <b>ANMARIE CROWE</b>	<ul style="list-style-type: none"> <li>• Pharmaceutical Commodities/Services (including medicines) procured via Stock and Non Stock Purchase Orders.</li> <li>• Stores (Pharmacy).</li> <li>• Contracting for Pharmaceuticals.</li> </ul>
Estates Manager <b>FRASER McNEIL</b>	<ul style="list-style-type: none"> <li>• Estates Commodities/Services procured via Non Stock Purchase Orders.</li> <li>• Contracting for Estates Services/Commodities.</li> </ul>
Sterile Services Manager <b>LAURA BURNSIDE</b>	<ul style="list-style-type: none"> <li>• Surgical Instruments/kits</li> </ul>
Digital Services <b>ANDREW MAITLAND</b>	<ul style="list-style-type: none"> <li>• Digital Services Equipment.</li> </ul>
Digital Services, Head of Systems, Development & Implementation <b>MICHELLE MCLUCKIE</b>	<ul style="list-style-type: none"> <li>• Digital Services Systems</li> </ul>
Digital Services, Head of Infrastructure Services <b>IAN SEY</b>	<ul style="list-style-type: none"> <li>• Digital Services Infrastructure</li> </ul>
Digital Services, Head of Service Delivery <b>KAREN LAMBERT</b>	<ul style="list-style-type: none"> <li>• Digital Services, Delivery</li> </ul>
O & HRD <b>CLAIRE BULLOCH</b>	<ul style="list-style-type: none"> <li>• Local Clinical Staff and Agency Staff.</li> </ul>
Community Equipment	<ul style="list-style-type: none"> <li>• As agreed with Community Equipment Group.</li> </ul>

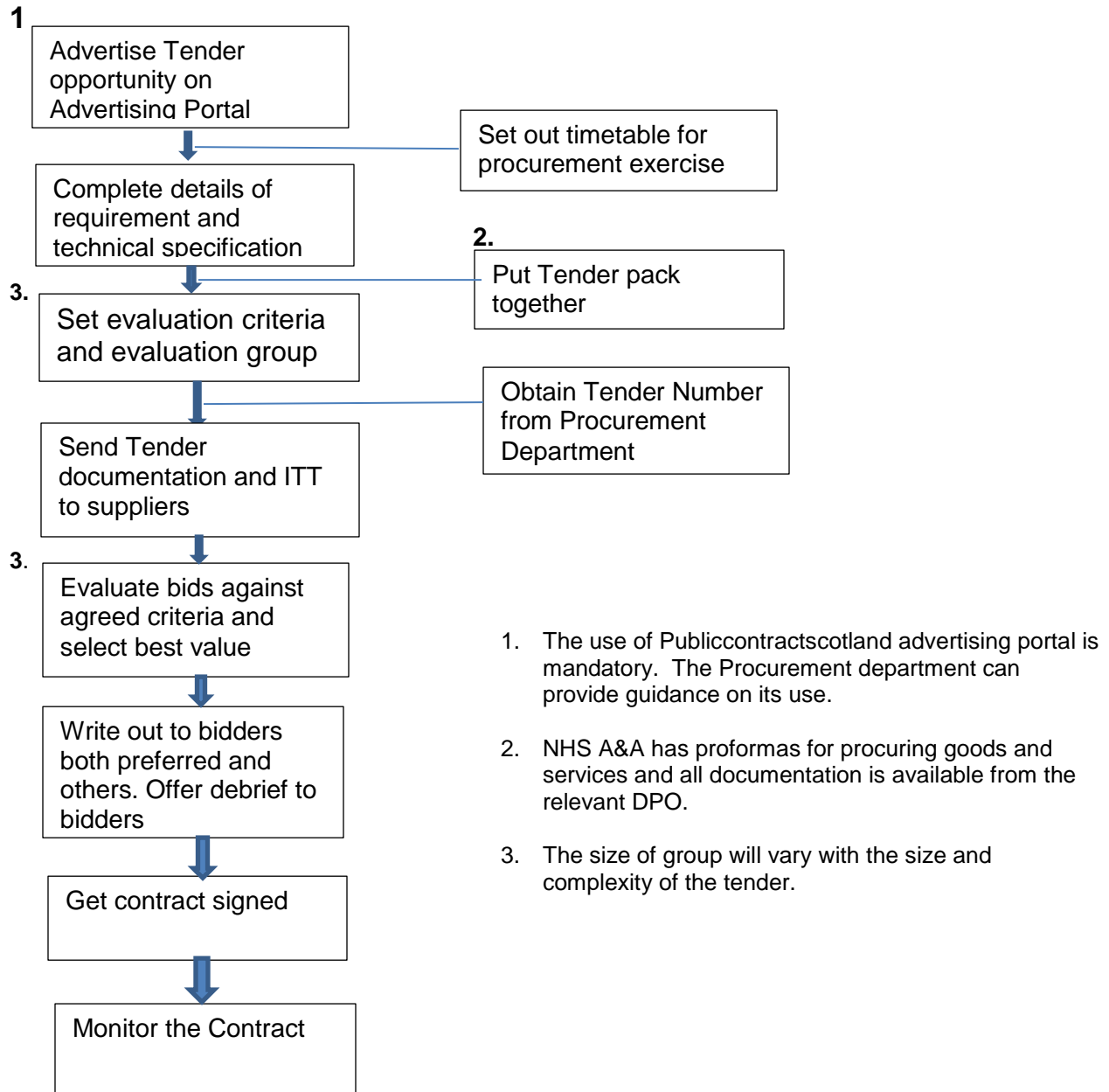
<b>TRACEY MCRUM</b>	
Public Health <b>ELAINE YOUNG</b>	<ul style="list-style-type: none"> <li>• Procurement relating to Public Health services.</li> </ul>
Facilities <b>NICOLA MCIVOR, AUDREY FISHER, JANICE GILLAN</b>	<ul style="list-style-type: none"> <li>• Hotel Services consumables.</li> </ul>
Voluntary Contracts <b>LINDA JONES</b>	<ul style="list-style-type: none"> <li>• Voluntary Organisations Contracts Manager</li> </ul>
Primary Care <b>JACQUI MCCALL</b>	<ul style="list-style-type: none"> <li>• Contracts relating to Primary Care</li> </ul>

# Procurement Process Chart 1



**If unsure at any stage ask the Procurement Department**

## Procurement Process Chart 3 Local Tender



It should be noted that the above process (and the one shown in UK process Chart 4 has been simplified and is for general guidance only.

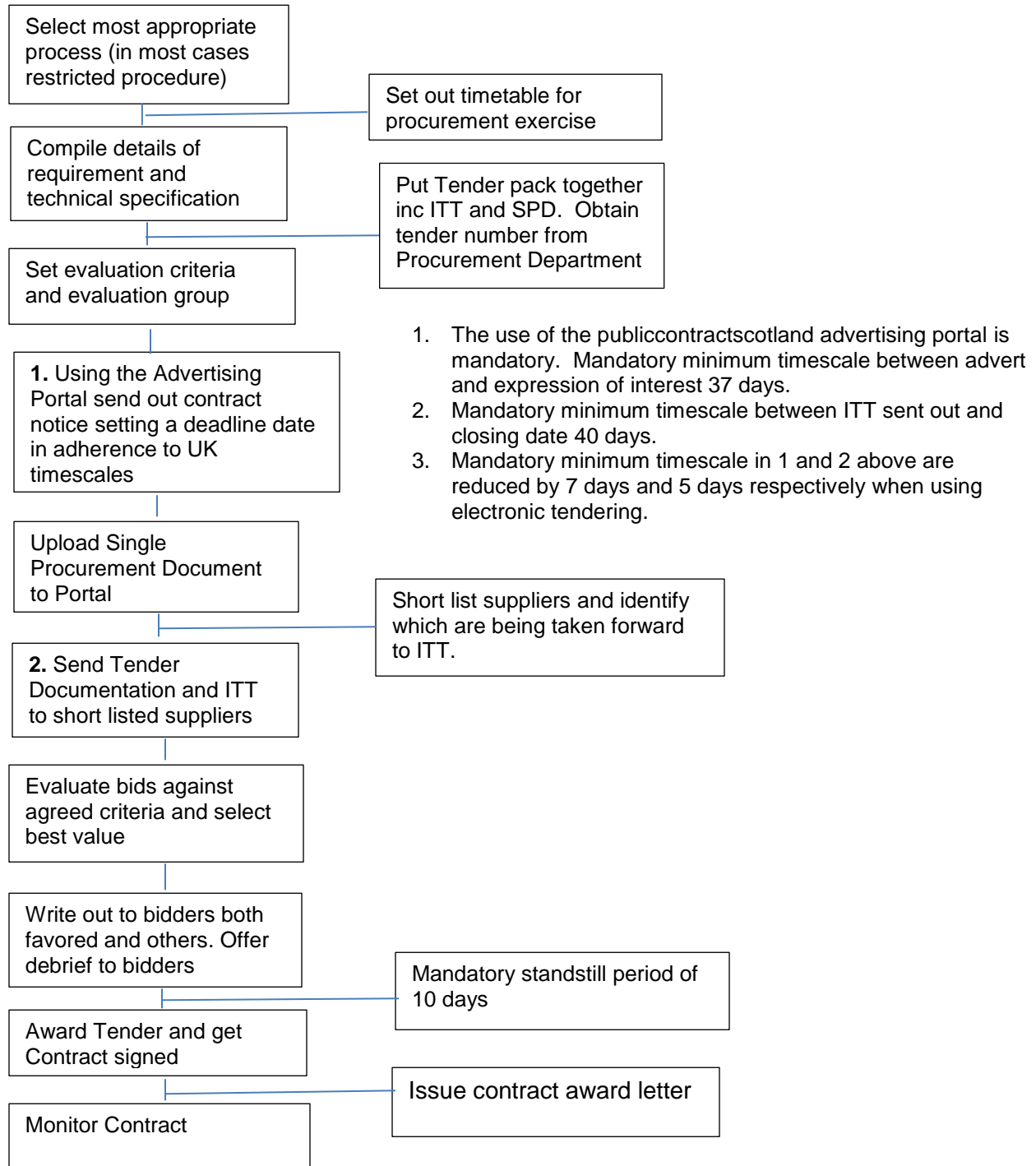
For specific guidance on working with voluntary organisations and local authorities contact the Voluntary organisations manager.

For more complex procurement n e.g. building and works and I.M. &T. etc., the process involves further steps and documentation.

**If unsure at any stage ask the Procurement Department**



## Procurement Process Chart 4 UK Find a Tender



**If unsure at any stage ask the Procurement Department**

# Service Level Agreement Process Map 1

