FOI 3295

Date 13/11/2024

Dear Requester,

Thank you for your Freedom of Information request. Please note, this is a cross-site response for Bedford site and Luton site.

You asked:

1. Compliance with Public Contracts Regulations 2015: Please provide information on how the Trust ensures that the awarding of contracts under Lot 1 of the Workforce Alliance RM6281 framework adheres to the Public Contracts Regulations 2015.

The trust uses a number of NHSE approved frameworks. The trust works with the framework provider to ensure that appropriate call-offs are in place as per the terms of the relevant framework and NHSE agency rules.

1. Non-discrimination and Fairness: How does the Trust ensure that it does not discriminate or act unfairly towards suppliers when selecting contractors under this framework?

The Trust has existing arrangements in place under several frameworks as the awarding of a new framework agreement does not require previous award decisions to be revisited. Depending on the agreement being used the trust works with the framework provider to ensure it complies with the call-off procedure as per procurement rules and regulations.

1. Supplier Invitation: Does the Trust invite all approved suppliers under the framework to bid or supply services, as stipulated by the framework’s rules? If so, could you provide evidence or examples of this process in practice?

The Trust uses a number of NHSE approved frameworks ensures that appropriate call-offs are in place as per the terms of the framework. The trust works with the framework provider by staff type who will share analysed detail of suppliers approved under the appropriate framework lot by performance and cost.

1. Supplier Selection Process: Please outline the legal justification the Trust uses when selecting certain suppliers while excluding others under the Workforce Alliance RM6281 framework.

No decision has been made on the future framework that the trust will use, however, it will work with the framework provider to ensure that it complies with the call-off procedure as per procurement rules and regulations. For ad hoc urgent requirements where the trust has not had Bank fill, it may run a live Expression of Interest, this is circulated to all relevant suppliers on the appropriate Lot.

1. Compliance with Selection Criteria: Could you explain the process by which suppliers are selected under the framework, particularly concerning ensuring compliance with the selection criteria set out in the Workforce Alliance RM6281 framework and the Public Contracts Regulations 2015?

The Trust uses a number of NHSE approved frameworks and will work with the framework providers to ensure that appropriate call-offs are in place as per the terms of that framework. The Trust will work with the framework provider by staff type who will share analysed detail of suppliers approved under the appropriate framework lot by performance and cost.

1. Further Competition Process: Could you describe the process your Trust follows for further competition under the Workforce Alliance RM6281 framework? Specifically, do you use direct awards, or do you invite suppliers for further competition for Lot 1? Please provide evidence to support your response.

The trust uses a number of NHSE approved frameworks and will work with the Framework provider to ensure that appropriate call-off’s are in place as per the terms of the framework we will work with the framework provider by staff type who will share analysed detail of suppliers approved under the appropriate framework lot by performance and cost.

1. Evidence of Compliance: Kindly provide any documentation or evidence demonstrating how the Trust ensures compliance with the aforementioned regulations and framework rules when awarding contracts under Lot 1 for the provision of temporary nurses and clinical staffing.

Please see attached an example of an Expression of Interest template which is sent to all suppliers on the relevant Lot for ad hoc or urgent requirements.

1. Legal Queries and Proceedings: Please provide contact details (department and individual, if available) for submitting legal queries or initiating legal proceedings related to procurement processes under this framework.

Exempt under Section 40 – Personal information

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Please note that the Trust has a formal internal review and complaints process which is managed by the Information Governance Manager/Data Protection Officer. Should you have any concerns with our response, you can make a formal request for an internal review. Requests for internal review should be submitted within three months of the date of receipt of the response to your original letter, and should be addressed to: dataprotectionofficer@ldh.nhs.uk. This option is available to you for up to three calendar months from the date your response was issued.

If you are not satisfied with the Trust review under the Freedom of Information Act 2000 you may apply directly to the Information Commissioners Officer (ICO) for a review of your appeal decision. The ICO can be contacted at: ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF www.ico.org.uk

Yours sincerely,

*FOI Officer*

Bedfordshire Hospitals NHS Foundation Trust