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2. Purpose

This document outlines the Procurement Evaluation Strategy (PES) for the procurement of primary care services.

The PES has been developed in the context of awarding a contract as a result of a competitive procurement, but the criteria is not exclusive to awarding a contract through competition and is capable of being used to support awarding contracts without competition.

The PES must be used for competitive procurements and considered for any non-competitive procurement of primary care services.

3. Context

This PES has been developed at a time of significant change to the rules that apply to the procurement of healthcare services. The PES is written on the eve of the incoming Provider Selection Regime (PSR) which will disapply healthcare services from the existing requirements of the Public Contracts Regulations 2015 (PCR2015) and the NHS Procurement, Patient Choice and Competition Regulations 2013 (PPCC2013) which shall be revoked.

The PES has been developed taking account of both the extant requirements of PCR2015 and PPCC2013 and the proposed future requirements of the PSR to the further extent possible at the time of writing. The PES shall be kept under review in relation to the full requirements of the PSR.

4. Requirements under PCR2015

Healthcare services fall under Schedule 3 of the PCR2015. As such, they are not subject to the entire scope of the regulations but to a reduced scope described as the Light-Touch Regime.

PCR2015 allows for a commissioner acting as a Contracting Authority to:

(8) In relation to the award of contracts subject to this Section, contracting authorities may take into account any relevant considerations including —

- (a) the need to ensure quality, continuity, accessibility, affordability, availability and comprehensiveness of the services;
- (b) the specific needs of different categories of users, including disadvantaged and vulnerable groups;
- (c) the involvement and empowerment of users; and
- (d) innovation.

5. Requirements under PPCC2013

The PPCC2013 Regulations place an Objective on Commissioners when procuring healthcare services:

Procurement: objective

2. When procuring health care services⁽¹⁾ for the purposes of the NHS (including taking a decision referred to in regulation 7(2)), a relevant body must act with a view to—

- (a) securing the needs of the people who use the services,
- (b) improving the quality of the services, and
- (c) improving efficiency in the provision of the services,

including through the services being provided in an integrated way (including with other health care services, health-related services, or social care services).

6. Principles of the PES

This PES has been designed based on the following principles:

- That the competition should focus on the patient-facing elements of the Service including the Key Service Differentiators identified by the ICB;
- That criteria relating to compliance with minimum contractual and / or legal and / or regulatory standards should not be weighted but evaluated on a minimum standard basis
- That bidders should be given the opportunity to demonstrate their understanding of requirements and come up with solutions to those requirements;
- That the evaluation should recognise past performance in other contracts as far as is possible to gain maximum confidence ;
- That the scoring methodology used for scoring weighted questions should allow evaluators to score responses differently more easily and give reasons for those differences

7. Selection Criteria

The standard approach will be to make use of the Standard Selection Questionnaire as published by the Crown Commercial Service with specific additions relevant to primary care services.

Bidder information

This will collect the standard information about the bidder including any name registered at Companies House

Mandatory and Discretionary Reasons for Exclusion

These cover the mandatory and discretionary reasons for exclusion as provided for in [Regulation 57 of the Public Contracts Regulations 2015](#).

Mandatory Reasons for Exclusion

These mandatory exclusions allow the Contracting Authority to disqualify bidders where they, their directors or persons with significant control have been convicted of serious criminal offences and significant non-payment of taxes in the past 5 years.

Discretionary Reasons for Exclusion

The discretionary reasons for exclusion allow the Contracting Authority to disqualify bidders that have shown significant or persistent performance issues in prior public contracts but **only** where the issues led to early termination of that contract and / or damages and / or other comparable sanctions within the past 3 years.

Other discretionary reasons for exclusion which allow the Contracting Authority to disqualify bidders are convictions of civil offences, professional misconduct, distortion of competition anywhere in the world in the past 3 years.

Self-Cleaning

For both the discretionary and mandatory reasons for exclusion, a bidder must be given the opportunity to demonstrate how it has 'self-cleansed' and is allowed to demonstrate its reliability despite the existence of the reason for exclusion.

Technical and Professional Ability

Economic and Financial Standing (EFS)

These EFS provisions allow the Contracting Authority to disqualify any bidder that does not have, in the reasonable opinion of the Contracting Authority, sufficient economic and financial standing such that the award of a contract would present a significant risk of contract non-performance.

Bidders will be required to submit copies of their financial statements and complete a Financial Assessment Template based on the information contained within the financial statements.

The approach will be to award an automatic pass for any bidder that meets the Automatic Pass Threshold in the table below.

Measure	Automatic Pass Threshold
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Turnover to Annual Contract Value (Turnover / Annual Contract Value)	=>200%
Net Profit Margin (Net Profit / Turnover)	=>0%
Net Assets (Total Assets – Total Liabilities)	>=0%

If any bidder does not meet the automatic pass threshold for any reason, including being a newly formed entity, further investigations can be made by the ICB. The ICB has discretion to do whatever is necessary to gain assurance from the Bidder over its Economic and Financial Standing, this may include performance guarantees or close monitoring during the life of the contract.

If the bidder cannot provide assurance to the ICB that it doesn't present an unmitigated risk of non-performance of the contract, it can be disqualified from bidding.

Previous Experience

Relevant experience and examples of contracts relevant to Primary Care Services in the past 3 years with named references from other Contracting Authorities. The below information will be obtained on previous contracts:

- Name of customer organisation
- Name of supplier who signed the contract
- Customer organisation contact name and contact details
- Contract start date
- Contract end date
- Estimated contract value
- Description of the services provided under the contract and the relevant experience

Where a bidder does not have any previous examples of experience of providing similar services, they will be required to provide an explanation as to how they meet they have appropriate technical and professional ability to provide the services.

Data Protection legislation compliance

The bidder will be asked to confirm whether in the last three years it has any data protection or information breaches. If a bidder answers 'Yes' it will be disqualified unless it can provide an explanation detailing what the breach was and any subsequent remedial action taken to mitigate the breach reoccurring.

CQC Registration

The bidder will be asked to confirm whether it is CQC registered and its registration number. Where it isn't registered it will be asked to confirm that it has taken steps to ensure that it will be registered in time for Services commencement.

Regulatory Action

The bidder will be asked to confirm whether it or any of its employees or contractors have been subject to regulatory action or comment, by the CQC or the General Medical Council. If a bidder answers 'Yes' it will be disqualified unless it can provide an explanation detailing

what the circumstances were and any subsequent remedial action taken to stop reoccurrence.

Litigation

The bidder will be asked to confirm whether it, its employees, or contractors are currently subject to any ongoing litigation that could affect this Service. If a bidder answers 'Yes', it will be disqualified unless it can provide a satisfactory explanation and/or evidence of mitigating action being taken to offset any potential impact on the ICB or service.

Breach of Health and Safety Legislation

The bidder will be asked if it or any of its directors or executive officers been in receipt of enforcement/remedial orders in relation to the Health and Safety Executive (or equivalent body) in the last 3 years. If a bidder answers 'Yes', it will be disqualified unless it can demonstrate to the Contracting Authority's satisfaction that appropriate and satisfactory remedial action has been taken to prevent future occurrences or breaches.

8. Award Criteria

Evaluation Methodologies

Evaluation of Bids against the award criteria shall deploy two different types of scoring methodology. The reason for this is to maximise the allocation of weighted marks and thus the competition to those criteria which relate directly to the provision of Services and the patient experience of them. This also allows for setting a minimum standard for areas where there is a clear contractual, regulatory or legal obligation for the Bidder to show it can comply with.

Weighted Questions

Where a question is 'Weighted' it shall be evaluated using the '[Weighted Questions Methodology](#)' where each defined grade awarded to a response will have a numerical score to which the weighting is applied.

Minimum Standard

Where a question is marked as 'Non-weighted minimum standard' it shall have its own scoring methodology unique to each question that will align to the ICB's minimum acceptable standard. Bids that fail to meet the minimum standard for one or more questions will be rejected entirely. Further development of the relevant minimum standard for each question is required.

Weighted Questions Methodology

The below text will be inserted into the Invitation to Tender:

Phrases used in the scoring methodology are defined as follows:

"Requirement" means for each question the relevant requirements of the Contracting Authority as set out in the Specification referred to in the relevant question and / or as defined in the question itself.

To **"address"** an aspect of a Requirement or an element of a question a Bidder must refer to its method of service provision in its response to the relevant question.

References to **"supporting information"** may include (but are not limited to) references and/or examples of where the Bidder has successfully completed such an activity previously with a description of the methodology used, information about systems and personnel who will be involved in delivery and equivalent information about sub-contractors. If a Bidder does not wish to use evidence of a solution being successfully used on another contract, it may provide alternative evidence that the solution is deliverable. Where example reports are requested in a question, Bidders may provide anonymised reports for confidentiality purposes.

Scoring Methodology	Evaluator Guidance	Score out of 100
Excellent Response	<p>Addresses all aspects of the requirement and addresses all elements referred to in the question; and</p> <p>Provides a complete and clear methodology and relevant supporting information each of which do not contain any substantive weaknesses; and</p> <p>Provides complete confidence in the Bidder's proposed delivery of the requirement.</p>	100
Strong Response	<p>Addresses all aspects of the requirement and addresses all elements referred to in the question; and</p> <p>Provides a clear methodology and relevant supporting information, but contains minor weaknesses; and</p> <p>Provides confidence in the Bidder's proposed delivery of the requirement, with no more than minor reservations.</p>	75
Acceptable Response	<p>Addresses almost all aspects of the requirement and almost all elements referred to in the question; and</p> <p>Provides a methodology and supporting information that contains no more than moderate weaknesses; and</p> <p>Provides a moderate level of confidence in the Bidder's proposed delivery of the requirement, with no more than moderate reservations.</p>	50

Scoring Methodology	Evaluator Guidance	Score out of 100
Poor Response	<p>Partially addresses the requirement and partially addresses the elements referred to in the question; and/or</p> <p>Provides a methodology and supporting information that are of limited or no relevance, or contain significant weaknesses; and/or</p> <p>The evaluators have significant reservations regarding the Bidder's proposed delivery of the requirement.</p>	25
Very Poor Response/No response	<p>No response or the response does not give the evaluators any confidence in the Bidder's proposed delivery of the requirement.</p>	0

High-Level Award Criteria

The table below sets out the high-level award criteria. The weightings for the individual award criteria shall be split equally as a proportion of the section they are in as standard, but can be flexed to suit the circumstances of a procurement.

Section (Indicative Weight)	Award Sub-Criteria	Scoring Methodology
Specification Delivery (30)	1.1 Provision of Essential Services and Additional Services	Weighted
	1.2 Patient Dignity and Consent	Weighted
	1.3 Medicines Optimisation and Prescribing	Weighted
	1.4 Health Promotion and Disease Prevention	Weighted
	1.5 Referral Management	Weighted
Workforce (10)	2.1 Proposed Staffing Model / Skill Mix	Weighted
	2.2 Recruitment, Retention and Training	Weighted
IM&T (10)	3.1 Practice IT infrastructure and support	Weighted
Service Differentiators (40)	4.1 Digital Enablement	Weighted
	4.2 Patient Centred Care	Weighted

Section (Indicative Weight)	Award Sub-Criteria	Scoring Methodology
	4.3 Service Quality	Weighted
	4.4 System Working and Collaboration	Weighted
Social Value (10)	5.1 Fighting climate change (Mandatory Social Value Theme)	Weighted
	5.2 Wellbeing and/or Equal Opportunities and/or Tackling Economic Inequality and/or COVID-19 Recovery (<i>Discretionary for a given Locality</i>)	Weighted
Compliance (Not weighted)	6.1 Information Governance	Non-weighted minimum standard
	6.2 Equity of Access	Non-weighted minimum standard
	6.3 Business Continuity	Non-weighted minimum standard
	6.4 Mobilisation	Non-weighted minimum standard
	6.5 Clinical Governance	Non-weighted minimum standard
	6.6 Safeguarding	Non-weighted minimum standard

Detailed Award Criteria

The detailed award criteria are outlined in the following sections. The criteria are expressed as the questions the bidder will be asked to answer as part of their tender submission.

Specification Delivery

The questions in the Specification Delivery section relate directly to requirements in the Schedule 2 Service Specification which forms part of the contract. For these questions the Bidder is expected to show that it is cognisant of the requirements and can meet them.

The purpose of the questions in this section is to give the ICB confidence that the Bidder can provide the Services at least in accordance with the Specification.

The questions are left at a deliberately high-level which allows the Bidder to demonstrate its understanding of the requirements and then show how it proposes to meet those requirements.

1.1 Provision of Essential Services and Additional Services

Please describe how you will provide the full scope of the Essential Services and Additional Services outlined in the Schedule 2 Service Specification.

1.2 Patient Dignity and Consent

Please describe how you will meet the Patient Dignity and Respect and Informed Consent requirements outlined in the Schedule 2 Service Specification.

1.3 Medicines Optimisation and Prescribing

Please describe how you will meet the Medicines Optimisation / Prescribing requirements outlined in the Schedule 2 Service Specification.

1.4 Health Promotion and Disease Prevention

Please describe how you will meet the Health Promotion and Disease Prevention requirements outlined in the Schedule 2 Service Specification.

1.5 Referral Management

Please describe how you will meet the Health Promotion and Disease Prevention requirements outlined in the Schedule 2 Service Specification.

2. Workforce

The questions in the Workforce section do not have a directly applicable Specification requirement so are phrased to draw out from bidders key information that the ICB needs for the purpose of evaluation.

2.1 Proposed Staffing Model / Skill Mix

Please outline your proposed staffing structure in order to deliver the Services in accordance with your Bid

Your response must demonstrate:

- Accountability and reporting structures
- How the Services are delivered using an appropriate mix of skills and roles
- How the proposed working patterns and ratios are sufficient to provide all Services during Opening Hours
- Proposed contingency arrangements to cover for Staff absences

- How you will monitor the staffing model to ensure that it continues to provide safe and effective services
- How you will support agile and flexible working arrangements and the benefits these provide to service provision

Your response to this question will be cross-referenced against your submitted Commercial Schedule and you will be asked to explain any discrepancies. You do not need to provide any cost information in your response to this question.

2.2 Recruitment, Retention and Training

Please describe how you will establish and retain the staffing structure to provide the Services

Your response must demonstrate:

- How you will establish the staffing structure in readiness for Service Commencement including any necessary recruitment and / or managing any TUPE transfer
- Your proposed contingency arrangements should recruitment and / or TUPE transfer be unsuccessful
- Your methods for supporting retention of staff through maximising their health and wellbeing
- Your methods for understanding the needs of your staff
- Your methods of supporting ongoing training for staff and supporting Protected Learning time

3. IM&T

3.1 Practice IT infrastructure and support

Please provide details of the IM&T technical infrastructure you intend to use to support the administrative and clinical systems to deliver the Service.

Your response must demonstrate:

- How you will utilise approved technologies to deliver and monitor the service including how you will engage with the PCN and ICB in this
- The proposed systems that you will use to deliver and manage this service (clinical and administrative) and describe how these systems will support management of urgent care in Primary Care.
- How you will ensure that staff are appropriately trained in the use of systems before they are deployed
- How you will protect against data loss and maintain security of infrastructure,
- How you will manage IT systems operationally on a daily basis, including IT business continuity, security, data quality and systems issues

4. Service Differentiators

The Key Service Differentiators section is to identify those providers that deliver Services in accordance with best modern general practice and to best meet the needs of patients. These four criteria have been designed to draw out from bidders the types of activities identified by the ICB representatives in a workshop that took place in May 2023.

4.1 Digital Enablement

Please describe your approach to digital technology to support improvement of patient care and how you will:

- Provide appropriate, accessible and easy to use digital tools for patients to access services
- Deliver efficiency in practice activities whilst maintaining a service with high levels of patient satisfaction
- Ensure the use of digital services are appropriate and accessible for patients with different needs
- Engage and collaborate with the Primary Care Network and the ICB to support service improvement through digital including promotion of digital tools
- Train staff and patients in the effective use of systems

Your answer may be supported with an example of you or your proposed team using digital technology to demonstrably improve patient care

4.2 Patient Centred Care

Please describe and demonstrate your approach to patient engagement and involvement in the improvement of services:

- Your understanding of the patient population and their needs
- How you will support continuity of provision for the registered population
- How you will engage with and improve access for inclusion health groups
- Your methods of educating patients, families and carers to support self-care
- How you can involve patients, families and carers in the co-design or enhancement of services offered

Your answer may be supported with an example of where you or your proposed team has involved patients in co-design activities which have led to service improvement and / or improved patient satisfaction.

4.3 Service Quality

Please describe your approach to the provision of high-quality services:

- The resources you will put in place to support service quality
- How you identify what quality service provision is
- How you ensure that services are safe and of the highest quality
- How you elicit and act upon feedback from a range of relevant stakeholders including patients and their carers to improve quality
- How you identify and monitor quality and address any underperformance

Your answer may be supported with an example of where you or your proposed team has taken steps to identify and improve quality of service provision.

4.4 System Working and Collaboration

Please describe your approach to system working within the local system:

For this question "System" refers to the relevant partners and stakeholders at PCN level.

- Demonstrate how you identify the relevant key partners, fora, and stakeholders in the System
- The challenges faced by the System and how you will support overcoming the challenges
- The benefits that you will seek to deliver by working with partners
- How you will overcome challenges to system working including how you will work with the ICB
- How you will safely share clinical information with partners to support patient care

Your answer may be supported with an example of you or your proposed team working across the system to achieve improved services in this or another similar area

5. Social Value

The NHS Commercial Function (part of NHS England) has adopted [Procurement Policy Note 06/20](#) and produced guidance for its use in procurement by NHS bodies.

The guidance mandates that themes from the government's published Social Value Model are adopted in NHS procurement and a minimum of 10% of the weighted marks are allocated to Social Value themes.

The guidance states that the theme '*Fighting Climate Change*' is mandatory for all NHS procurements. The ICB has the discretion to use one or more of the other themes, it is likely to be the case that the most appropriate theme(s) will change based on the circumstances of the area in which the practice operates so an absolutely standardised approach is not appropriate.

The other themes are: *Tackling Economic Inequality, Wellbeing; Equal Opportunity* and *Covid-19 Recovery*. Example questions are provided for each of the other themes.

5.1 Fighting Climate Change

Please detail how you will, through the provision of the services, reduce the amount of single use plastic used for both packaging and products that will be used in provision of the Services.

Please include:

- your 'Method Statement'
- a timed project plan
- how you will monitor, measure and report on your commitments/the impact of your proposals

5.2 Tackling Economic Inequality

Please explain and give examples of how through your contract, you will provide additional training or skills development opportunities.

Please include:

- your 'Method Statement'
- a timed project plan
- how you will monitor, measure and report on your commitments/the impact of your proposals

5.2 Wellbeing

Please explain and give an example of how through your provision of the services, you are creating additional social value through improved health and wellbeing?

Please include:

- your 'Method Statement'
- a timed project plan
- how you will monitor, measure and report on your commitments/the impact of your proposals

5.2 Equal Opportunities

Please detail how, through the provision of the services, you plan to increase overall diversity and inclusion within the contracted workforce.

Please include:

- your 'Method Statement'
- a timed project plan
- how you will monitor, measure and report on your commitments/the impact of your proposals

5.2 Covid-19 Recovery

Please detail how, through the delivery of the contract, you will provide work or volunteering opportunities for those that have been affected by COVID-19

Please include:

- your 'Method Statement'
- a timed project plan
- how you will monitor, measure and report on your commitments/the impact of your proposals

6. Compliance

The questions in the compliance section all relate to areas where there are either legal or basic contractual standards to comply with, or the issue is of critical importance to service commencement and ongoing service provision.

6.1 Information Governance

Please describe your approach to Information Governance, confidentiality and data protection assurance

Your response must demonstrate: -

- Senior ownership of data security and protection within your organisation;
- Provision of training to staff in their obligations in relation to Information Governance
- Your processes for managing data incidents
- Your key processes for complying with GDPR including carrying out DPIA

6.2 Equity of Access

Please describe how you will ensure equitable access to the Services in accordance with the Service Specification and your legal obligations under the Equality Act 2010

6.3 Business Continuity

Please outline your proposed Business Continuity and Disaster Recovery plan to outline your contingency plan in relation to any event that may affect your ability to provide services.

Your response should include:

- Your assessment of the risks to business continuity and your plans in the event of those risks materialising
- Confirmation that you will provide to the Commissioner a full Disaster Recovery, Contingency and Business Continuity Plan in accordance with Schedule 2 Service Specification prior to Service Commencement

6.4 Mobilisation

Please detail how you will mobilise the Services by the Services Commencement Date.

Your response should include:

- your detailed milestone plan
- key roles and responsibilities
- how risks to mobilisation will be managed and monitored
- how you will support continuity of service for patients registered with the practice

6.5 Clinical Governance

Please describe how you will meet the Clinical Governance requirements outlined in the Schedule 2 Service Specification.

6.6 Safeguarding

Please describe how will you meet the safeguarding of Children and Vulnerable adults requirements in the Schedule 2 Service Specification.

Financial Evaluation

There will be no competition based on price as the prices paid for the services will be based on the nationally agreed pricing formula.

There will be a review of the submitted Commercial Schedule against the questionnaire to validate that there is consistency so that the ICB can be assured that a Bid is fully costed.

9. Evaluation Panel

The formation of the Evaluation Panel is subject to a further piece of work to consider the composition of the panel including the extent to which patients and / or patient representatives are involved in evaluation panels.

The basic principles of the panel composition should be:

- A minimum of two individuals scoring each criteria
- Individuals score criteria which is aligned to their area of expertise
- Patients are involved in scoring for appropriate questions to be agreed prior to the commencement of a procurement
- Questions allocated to individuals should be connected to allow for identification of any inconsistency between answers provided in a bid

10. Due Diligence

It is recognised that the ICB as a Contracting Authority can only evaluate the information is has requested from Bidders in their Bid submission but, in some cases, there may be publicly available information that comes to light outside of the procurement which a diligent Contracting Authority would need to gain further assurance on. For that reason, it is proposed that some text is incorporated into any relevant procurement documents to reserve the right to undertake due diligence as it considers appropriate at any point throughout and/or after the Procurement to seek the necessary reassurances in regard to the Bidder's bid response and overall ability to deliver the requirements of the Contracting Authority.

The text in the ITT shall permit the ICB to seek additional information from a Bidder to assess the risks and invite the Bidder to agree how the risk can be mitigated to an extent considered by the Contracting Authority to be sufficient. It shall also enable the ICB to withdraw a proposed contract award or award to an alternative bidder or re-run the procurement, should the risk not be mitigated to an acceptable level.