

2nd January 2024

BY EMAIL

████████████████████

Our Ref: FOI 2095

Dear ██████████

Your request for information was received on 11th December 2023 and was dealt with under the terms of the Freedom of Information Act 2000. Please be advised that the Business Services Organisation (BSO) has now completed its search for the information you requested in relation to the HY Medical DAC / PJD Safety DAC.

Please find this information below and attached. It should be noted that exemptions have been applied:

Section 40 Personal Information

Redactions have been carried out to documents on the grounds of Sections 40 (2) and (3) (a)(i) (*personal information*) of the Freedom of Information Act 2000. This exemption is absolute and no public interest test is required. The identification of named individuals and personal contact details constitutes personal data as defined in the Data Protection Act 2018 (DPA) and disclosing it would breach the fair processing principle set out in the DPA.

Section 43 Commercial Interests

Section 43(2) of the FOIA states that “*Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).*”

Under the FOIA, section 43 (commercial interests) is a qualified exemption. This means that even if information falls within an exemption, a public authority is under a duty to consider whether disclosure should nevertheless be made in the public interest.



A copy of the public interest test, as applied by BSO, is provided for your information.

The Public Interest Test

In determining whether or not the public interest in withholding information outweighs the public interest in disclosing information, BSO considered the factors favouring disclosure and the factors against disclosure. The application of the Public Interest Test is set out below.

Exemption claimed in respect of Section 43(2) Commercial Interest			
In favour of disclosure of information		In favour of not disclosing information	
1	Expenditure of public money requires openness, transparency and accountability.	1	Disclosure may restrict the number of companies willing to work with the public sector for fear of losing a commercial advantage through the release of detailed pricing.
2	Disclosing information could feasibly aid the public in understanding public authority contracting arrangements during the Covid 19 Pandemic	2	Disclosure may deter suppliers from bidding for future opportunities. This in turn may lead to HSC not being able to attract the optimum service providers which will ultimately impact on the quality of service provided to the public.
		3	The documentation contains detailed pricing. The release of such detailed costing (or the information which would allow it to be calculated) may give commercial advantage to competitors if released into the public domain.

BSO is aware of the importance in ensuring transparency as to how public money is spent. BSO therefore believes that in keeping with the Information Commissioner's Office (ICO) Decision Notice issued by the Commissioner on 10 January 2011 entitled "Department of Health" reference: FS50303047, it is appropriate to issue high level information only. The release of high level information only, i.e. the total value of DAC would be appropriate to protect the supplier's pricing strategy.

I hope that the information provided assists you. If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible or in any case within two months of the date of issue of this letter, as the BSO, along with all other public authorities are not obliged to accept internal review requests after this period has lapsed.

In the event that you require a review to be undertaken, you can do so by writing to

Information Governance Manager,
2 Franklin Street,
Belfast,
BT2 8DQ

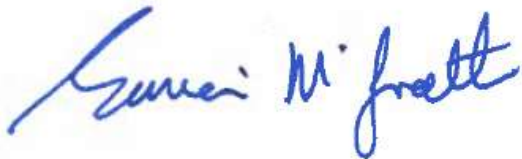
If, following an internal review, carried out by an independent decision-making panel, you remain dissatisfied in any way with the handling of the request, you may make a complaint under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the BSO has complied with the terms of the Freedom of Information Act.

You can contact Information Commissioner at:

Website: www.ico.org.uk
Phone: 0303 123 1113
Email: casework@ico.org.uk
Post: Information Commissioner's Office
3rd Floor, 14 Cromac Place
Belfast
BT7 2JB

In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out. However, the Commissioner has the option to investigate the matter at his discretion.

Yours Sincerely,

A handwritten signature in blue ink, appearing to read 'Karen Bailey', is written over a light blue circular stamp.

for Karen Bailey
Chief Executive

Enc



BSO DIRECT AWARD CONTRACT (DAC) COVER SHEET

This cover sheet is to be completed and accompany all DACs (previously known as Single Tender Actions / STAs) within BSO, effective from 23/3/16.

1. DAC DESCRIPTION	FFP3 Facemasks (DAC with Handanhy UK)
2. SUBMITTING OFFICER	██████████
3. DIRECTORATE	Operations

4. JUSTIFICATION OF EXPENDITURE

Please provide appropriate narrative to support the justification of the expenditure (please note, this relates to the need for the expenditure in the first instance, NOT the supplier chosen)

With the Global Coronavirus Pandemic declared there has been an unprecedented demand on the global supply chain for this and similar PPE products putting particular strain on the normal compliant supply chain. This is resulting in constrained supply to Northern Ireland through the normal compliant supply route (i.e. deliveries are continuing for “normal” business as usual demand but not for additional quantities required). With the subsequent increase in demand in Northern Ireland, orders placed by the BSO PaLS warehouse are no longer being fulfilled in full or have significantly increased lead times.

5. ALTERNATIVE OPTIONS CONSIDERED

Please provide appropriate narrative to support the alternative options considered prior to the completion of the attached DAC template. Where possible, this should include the costs of the alternative option and the reasons why the alternative was not chosen (please note, this relates to the need for the expenditure in the first instance, NOT the supplier chosen)

- Issue of stock from emergency planning stockpile – stock held is unable to be issued.
- The current contractors have been unable to provide alternative products.

**Health and Social Care
Request for Approval of Single Tender Action (STA)**

This form to be completed by the requesting officer, authorised by the appropriate Assistant Director / Co-Director and sent to BSO Procurement and Logistics Service (PaLS) along with a properly completed requisition.

Section 1. Contact Details

Name of Requesting Officer	[REDACTED]
Job Title	Senior Procurement Manager
Department	PaLS
HSC Organisation	BSO
Address	16 College Street Belfast BT1 6BT
E-mail address	[REDACTED]@hscni.net
Office Telephone Number	0289536 [REDACTED]
Mobile Telephone Number	[REDACTED]

Section 2. STA Details

Title of STA	Handanhy FFP3 Facemasks
Estimated value of STA	£15,000,000
Proposed length of contract of STA	1 year

Section 3. STA justification: Sole Source

Are these goods or services only available from one source? N
If Yes complete section 3.1; if No proceed to section 4

This section to be completed where goods or services can be procured from only one source and no competition is available.

3.1 Technical Reasons or Exclusive Rights

Is this STA being justified for technical or artistic reasons or because the supplier has exclusive rights?

If Yes, specify the reasons and explain in detail

Now proceed to section 5.

Section 4. STA justification: Preferred Supplier

This section to be completed where goods or services can be procured from multiple sources, but where for specific reasons only one supplier is to be used.

4.1 Justification for Procuring without Competition

State the reasons for procuring the goods or service without competition (including vfm justification):

This DAC is for the purchase of additional FFP3 and FFP2 face masks from HY Medical Ltd UK. The forecasted Covid-19 case numbers and therefore mask requirements has increased significantly, and BAU contractors have been unable to fulfil the requirements of the HSCNI.

FFP3 facemasks are normally purchased via a compliant route through NHS Supply Chain under business as usual activities. However, this supply route has become strained due to the continuing global pandemic and orders placed by the BSO PaLS warehouse are no longer being fulfilled in full.

The extreme urgency and scale of the pandemic was unforeseeable by BSO. Ordinarily, emergency stockpiles, which are outside BSO control, can be relied upon in such instances however in this case such provisions have proven insufficient to meet the scale of the additional demand.

FFP3 facemasks filter out both liquid and solid aerosols and 99% of particles up to 0.6 micrometres in diameter. FFP2 facemasks filter out at least 94% of these particles. The HSCNI currently uses FFP3 masks as they provide the highest possible level of protection from viruses spread by aerosol, such as the novel coronavirus. However, supply of these masks is constrained globally and if BSO-PaLS are unable to secure sufficient supply of FFP3 masks, we may need to source FFP2 masks instead.

The extreme urgency of the required additional supply and the need to ensure technical compatibility means that the timescales of available procurement options cannot be complied with to address the urgent shortage of supply given the health risks to staff and general public of inability to make available appropriate PPE.

A total duration of up to 12 months is requested to account for potentially extended disruption to the normal supply chain due to circumstances unforeseeable by the contracting authority. Measures will be taken by BSO to minimise the value of the DAC and resume normal purchasing through a compliant route once stock becomes available nationally.

It is estimated that the HSCNI will require up to ████████ of these masks based on the current pandemic progression modelling. Currently FFP3 masks cost approximately ██████ each, and FFP2 approximately ██████. It is possible that the FFP3 supply chain will not be able to provide the full quantity of FFP3 and FFP2 will have to be used instead. Therefore, the STA value reflects the total mask requirement at an average price of ██████.

Now proceed to section 5.

Section 5. Single Tender Action - Contract Extension or Extension of Scope of Contract

<i>This section to be completed where extension of the scope or duration of an existing contract is being requested. If no contract currently exists, ensure that you have completed either section 3 or section 4 and then proceed to section 6.</i>

5.1 Details of Contract

Name of the Contract	
----------------------	--

Name of the supplier(s) on the contract	
---	--

Start and end dates of the contract including extensions	Start Date		End Date	
--	------------	--	----------	--

If the contract has been extended beyond the original options to extend, please provide details:
--

Was this contract awarded under STA?	YES		NO	
--------------------------------------	-----	--	----	--

If No, was there an advertisement placed in the local papers and/or the OJEU and, if so, provide dates	Local papers		OJEU	
--	--------------	--	------	--

Value of the initial contract at the time of award	
--	--

Actual spend to date from the commencement of this contract	
---	--

5.2 Proposed Extension of Contract Term
--

Name of the supplier(s)	
-------------------------	--

Start and end dates of the proposed extension	Start Date		End Date	
---	------------	--	----------	--

Estimated value of the extension	
----------------------------------	--

Reason for new extension of contract term (including vfm justification):
--

5.3 Extension of Contract Scope - new requirement
--

Justification for the STA to this supplier (including vfm justification):

--

Section 6: Requesting Officer Approvals
Requester

I hereby seek approval for a single tender action as detailed above. In doing so, I declare that **I do not** have an external personal or monetary interest in the company to which this STA will be awarded.

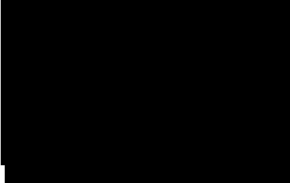
Print Name

Signature

Date
13th October 2020
Recommended by Assistant / Co-Director

I hereby confirm that the details provided in respect of this single tender action are correct, and I declare that **I do not** have an external personal or monetary interest in the company to which this STA will be awarded.

Print Name

Signature

Date
14/10/20
BSO PaLS ADVICE – For PaLS Use Only

This Direct Award Contract (DAC) has been submitted by BSO PaLS for the purchase of Handanhy FFP3 Facemasks. The value of the DAC is £15,000,000 for a period of 1 year.

Regulation 32(2)(c) of the Regulations provides a derogation from the obligation to competitively tender (and enter into a negotiated procedure without prior publication of a contract notice) for a contract for goods or services over the EU threshold where:

32 The works, supplies or services can be supplied only by a particular economic operator for any of the following reasons:

(a) [...]

(b) [...]

(c) *insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the contracting authority, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with"*

(4) For the purposes of paragraph (2)(c), the circumstances invoked to justify extreme urgency must not in any event be attributable to the contracting authority.

Your attention is drawn to recent communication from the European Commission:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.CI.2020.108.01.0001.01.ENG>

The requesting officer has outlined in Section 4.1 the circumstances under which they deem that this particular purchase can only be supplied by one supplier, how the extreme urgency is as a result of events unforeseeable and is not attributable to BSO.

BSO should ensure that it has explored and ruled out the use of the urgent procedures within Regulations 27, 28 and 29 and that the use of this procedure is restricted to meeting the immediate need until procurement under one of the afore mentioned Regulations can take place. BSO should ensure that this contract has appropriate termination and exit clauses to enable a move to a contract awarded following open competition under the procedures detailed in 27, 28 or 29 or the contracted supplier being able to supply or in the event of the requirement no longer being needed.

The requesting Department should be confident, to the point of being able to defend their justification if challenged via the Courts or the European Commission, that this product can only be provided from one economic operator and that the circumstances are appropriate. BSO should ensure that all appropriate obligations under the Regulations are also complied with including publication of a contract award notice within 30 days of award of the contract and preparation of a written report for scrutiny by the European Commission, if requested.

The requesting department should ensure the supply of goods on this occasion does not prejudice any further purchases or provision in favour of this economic operator, present any advantage over other economic operators or commit BSO to any further uncompetitive purchases or provision.

BSO must ensure:

- that its value for money justification has been appropriately benchmarked;
- it complies with Northern Ireland Public Procurement Policy and best practice guidance;
- the direct award contract is subject to the appropriate HSC Standard Terms and Conditions of Contract and not those of the economic operator. The range of HSC Standard Terms and Conditions are available via a link on the PaLS- Procurement and Logistics Service page on the BSO Website - www.hscbusiness.hscni.net;
- the direct award contract is managed in accordance with Procurement Guidance Note 01/12 Contract Management – Procedures and Principles (amended July 2017) available in the Policy Section of the Construction and Procurement Delivery's web site - www.dfpni.gov.uk/cpd;
- that appropriate monitoring of spend against the approved value under this DAC is undertaken;
- that it regularly monitors its spend on these services given the potential for aggregation and ensures that purchases are to meet the immediate need only and
- that the incumbent provider(s) have not been placed at any advantage in the evaluation or conduct of any future procurement exercise by this (or any previous) directly awarded contract.

If BSO believes that the derogation under Regulation 32(c) of the Public Contracts

Regulations 2015 is applicable and its need cannot be met by the urgent provisions within the Regulations, then the RAG rating on this DAC is Green. That status is conditional to all relevant obligations under the 2015 Regulations including completion of a written report (Regulation 84) and publication of a Contract Award Notice (Regulation 50) being fulfilled. Non adherence of any of the obligations under the 2015 Regulations will change this RAG status to Red.

Category		Category	
Sole Source Technical		Preferred Supplier User Preference	
Sole Source Exclusive Rights		Preferred Supplier Other	
Sole Source Artistic		Contract Extension Term	
Sole Source Other	x	Contract Extension Scope	
Preferred Supplier Pending Tender/Quotation		Contract Extension Other	

Risk RAG Status of this Request:		Green (Conditional)
Signed:	[Redacted]	
Print Name:	[Redacted]	
Grade (Senior Procurement Manager and above only):	HoPC	
Date:	15/10/20	

ACCOUNTING OFFICER DECISION

I authorise the following action:

- a) progress this STA on behalf of the Contracting Authority as detailed above
- ~~b) do NOT progress this STA take no further action~~
- ~~c) do NOT progress this STA procure these goods or services in accordance with normal HSC procurement procedures.~~

(delete as applicable)

I hereby declare that I do not have an external personal or monetary interest in the company to which this STA will be awarded (applicable only in respect of option (a) above). I have read CPD Policy Guidance Note 03/11, related DHSSPS Guidance HSC(F) 05/12 and the comments above provided by HSC Centre of Procurement Expertise.

Name: [Redacted]	Title: Acting CX	Date: 27/10/2020
-------------------------	-------------------------	-------------------------

Signature:
[Redacted]

Departmental Accounting Officer Approval (where required)

STA9142

Name:	Title:	Date:
Signature:		
Publication of award notice (if applicable)		

[REDACTED]

From: FOI BSO
Sent: 18 January 2024 19:30
To: [REDACTED]
Subject: RE: New FOI Request: Our Ref FOI 2095
Attachments: STA9143 PJD Safety Supplies SENT_Redacted.pdf

Dear [REDACTED]

I understand that the signed version of the PJD Safety DAC has been provided via FOI 2044. This is attached for reference.

Kind regards,
[REDACTED]

From: [REDACTED]
Sent: 04 January 2024 11:13
To: FOI BSO <FOI.BSO@hscni.net>
Subject: Re: New FOI Request: Our Ref FOI 2095

Dear FOI Team.

You refer to two suppliers here,

'Please be advised that the Business Services Organisation (BSO) has now completed its search for the information you requested in relation to the HY Medical DAC / PJD Safety DAC.'

Why is it that you have only provided one DAC, for HY Medical?

(BTW, an interesting version you chose to provide)

Where is the PJD Safety DAC document? IT seems you may have forgot to provide.

Kind regards



On 3 Jan 2024, at 7:35 pm, FOI BSO <FOI.BSO@hscni.net> wrote:

<20231229_FOI_2095_Response_Letter.pdf>



BSO DIRECT AWARD CONTRACT (DAC) COVER SHEET

This cover sheet is to be completed and accompany all DACs (previously known as Single Tender Actions / STAs) within BSO, effective from 23/3/16.

1. DAC DESCRIPTION	FFP3 Facemasks (DAC with PJD Safety Supplies)
2. SUBMITTING OFFICER	[REDACTED]
3. DIRECTORATE	Operations

4. JUSTIFICATION OF EXPENDITURE

Please provide appropriate narrative to support the justification of the expenditure (please note, this relates to the need for the expenditure in the first instance, NOT the supplier chosen)

With the Global Coronavirus Pandemic declared there has been an unprecedented demand on the global supply chain for this and similar PPE products putting particular strain on the normal compliant supply chain. This is resulting in constrained supply to Northern Ireland through the normal compliant supply route (i.e. deliveries are continuing for “normal” business as usual demand but not for additional quantities required). With the subsequent increase in demand in Northern Ireland, orders placed by the BSO PaLS warehouse are no longer being fulfilled in full or have significantly increased lead times.

5. ALTERNATIVE OPTIONS CONSIDERED

Please provide appropriate narrative to support the alternative options considered prior to the completion of the attached DAC template. Where possible, this should include the costs of the alternative option and the reasons why the alternative was not chosen (please note, this relates to the need for the expenditure in the first instance, NOT the supplier chosen)

- Issue of stock from emergency planning stockpile – stock held is unable to be issued.
- The current contractors have been unable to provide alternative products.

Annex B

**Health and Social Care
Request for Approval of Single Tender Action (STA)**

This form to be completed by the requesting officer, authorised by the appropriate Assistant Director / Co-Director and sent to BSO Procurement and Logistics Service (PaLS) along with a properly completed requisition.

Section 1. Contact Details

Name of Requesting Officer	[REDACTED]
Job Title	Senior Procurement Manager
Department	PaLS
HSC Organisation	BSO
Address	16 College Street Belfast BT1 6BT
E-mail address	[REDACTED]@hscni.net
Office Telephone Number	[REDACTED]
Mobile Telephone Number	

Section 2. STA Details

Title of STA	FFP3 Facemasks from PJD Safety Supplies
Estimated value of STA	£15,000,000
Proposed length of contract of STA	1 year

Section 3. STA justification: Sole Source

Are these goods or services only available from one source? **N**
If Yes complete section 3.1; if No proceed to section 4

This section to be completed where goods or services can be procured from only one source and no competition is available.

3.1 Technical Reasons or Exclusive Rights

Is this STA being justified for technical or artistic reasons or because the supplier has exclusive rights?

If Yes, specify the reasons and explain in detail

Now proceed to section 5.

Section 4. STA justification: Preferred Supplier

This section to be completed where goods or services can be procured from multiple sources, but where for specific reasons only one supplier is to be used.

4.1 Justification for Procuring without Competition

State the reasons for procuring the goods or service without competition (including vfm justification):

This DAC is for the purchase of additional FFP3 and FFP2 face masks from PJD Safety Supplies. The forecasted Covid-19 case numbers and therefore mask requirements has increased significantly, and BAU contractors have been unable to fulfil the requirements of the HSCNI.

FFP3 facemasks are normally purchased via a compliant route through NHS Supply Chain under business as usual activities. However, this supply route has become strained due to the continuing global pandemic and orders placed by the BSO PaLS warehouse are no longer being fulfilled in full.

The extreme urgency and scale of the pandemic was unforeseeable by BSO. Ordinarily, emergency stockpiles, which are outside BSO control, can be relied upon in such instances however in this case such provisions have proven insufficient to meet the scale of the additional demand.

FFP3 facemasks filter out both liquid and solid aerosols and 99% of particles up to 0.6 micrometres in diameter. FFP2 facemasks filter out at least 94% of these particles. The HSCNI currently uses FFP3 masks as they provide the highest possible level of protection from viruses spread by aerosol, such as the novel coronavirus. However, supply of these masks is constrained globally and if BSO-PaLS are unable to secure sufficient supply of FFP3 masks, we may need to source FFP2 masks instead.

The extreme urgency of the required additional supply and the need to ensure technical compatibility means that the timescales of available procurement options cannot be complied with to address the urgent shortage of supply given the health risks to staff and general public of inability to make available appropriate PPE.

A total duration of up to 12 months is requested to account for potentially extended disruption to the normal supply chain due to circumstances unforeseeable by the contracting authority. Measures will be taken by BSO to minimise the value of the DAC and resume normal purchasing through a compliant route once stock becomes available nationally.

It is estimated that the HSCNI will require up to 5,000,000 of these masks based on the current pandemic progression modelling. Currently FFP3 masks cost approximately £4.50 each, and FFP2 approximately £2. It is possible that the FFP3 supply chain will not be able to provide the full quantity of FFP3 and FFP2 will have to be used instead. Therefore, the STA value reflects the total mask requirement at an average price of £3.

Now proceed to section 5.

Section 5. Single Tender Action - Contract Extension or Extension of Scope of Contract

This section to be completed where extension of the scope or duration of an existing contract is being requested. If no contract currently exists, ensure that you have completed either section 3 or section 4 and then proceed to section 6.

5.1 Details of Contract

Name of the Contract				
Name of the supplier(s) on the contract				
Start and end dates of the contract including extensions		Start Date		End Date
If the contract has been extended beyond the original options to extend, please provide details:				
Was this contract awarded under STA?		YES		NO
If No, was there an advertisement placed in the local papers and/or the OJEU and, if so, provide dates		Local papers		OJEU
Value of the initial contract at the time of award				
Actual spend to date from the commencement of this contract				

5.2 Proposed Extension of Contract Term

Name of the supplier(s)				
Start and end dates of the proposed extension		Start Date		End Date
Estimated value of the extension				
Reason for new extension of contract term (including vfm justification):				

5.3 Extension of Contract Scope - new requirement

Justification for the STA to this supplier (including vfm justification):

--

--

Section 6: Requesting Officer Approvals

Requester

I hereby seek approval for a single tender action as detailed above. In doing so, I declare that **I do not** have an external personal or monetary interest in the company to which this STA will be awarded.

Print Name

[REDACTED]

Signature

[REDACTED]

Date

13th October 2020

Recommended by Assistant / Co-Director

I hereby confirm that the details provided in respect of this single tender action are correct, and I declare that **I do not** have an external personal or monetary interest in the company to which this STA will be awarded.

Print Name

[REDACTED]

Signature

[REDACTED]

Date

14/10/20

BSO PaLS ADVICE – For PaLS Use Only

This Direct Award Contract (DAC) has been submitted by BSO PaLS for the purchase of FFP3 Facemasks. The value of the DAC is £15,000,000 for a period of 1 year.

Regulation 32(2)(c) of the Regulations provides a derogation from the obligation to competitively tender (and enter into a negotiated procedure without prior publication of a contract notice) for a contract for goods or services over the EU threshold where:

32 The works, supplies or services can be supplied only by a particular economic operator for any of the following reasons:

(a) [...]

(b) [...]

(c) *insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the contracting authority, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with"*

(4) *For the purposes of paragraph (2)(c), the circumstances invoked to justify extreme urgency must not in any event be attributable to the contracting authority.*

Your attention is drawn to recent communication from the European Commission:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.CI.2020.108.01.0001.01.ENG>

The requesting officer has outlined in Section 4.1 the circumstances under which they deem

that this particular purchase can only be supplied by one supplier, how the extreme urgency is as a result of events unforeseeable and is not attributable to BSO.

BSO should ensure that it has explored and ruled out the use of the urgent procedures within Regulations 27, 28 and 29 and that the use of this procedure is restricted to meeting the immediate need until procurement under one of the afore mentioned Regulations can take place. BSO should ensure that this contract has appropriate termination and exit clauses to enable a move to a contract awarded following open competition under the procedures detailed in 27, 28 or 29 or the contracted supplier being able to supply or in the event of the requirement no longer being needed.

The requesting Department should be confident, to the point of being able to defend their justification if challenged via the Courts or the European Commission, that this product can only be provided from one economic operator and that the circumstances are appropriate. BSO should ensure that all appropriate obligations under the Regulations are also complied with including publication of a contract award notice within 30 days of award of the contract and preparation of a written report for scrutiny by the European Commission, if requested.

The requesting department should ensure the supply of goods on this occasion does not prejudice any further purchases or provision in favour of this economic operator, present any advantage over other economic operators or commit BSO to any further uncompetitive purchases or provision.

BSO must ensure:



- that its value for money justification has been appropriately benchmarked;
- it complies with Northern Ireland Public Procurement Policy and best practice guidance;
- the direct award contract is subject to the appropriate HSC Standard Terms and Conditions of Contract and not those of the economic operator. The range of HSC Standard Terms and Conditions are available via a link on the PaLS-Procurement and Logistics Service page on the BSO Website - www.hscbusiness.hscni.net;
- the direct award contract is managed in accordance with Procurement Guidance Note 01/12 Contract Management – Procedures and Principles (amended July 2017) available in the Policy Section of the Construction and Procurement Delivery's web site - www.dfpni.gov.uk/cpd;
- that appropriate monitoring of spend against the approved value under this DAC is undertaken;
- that it regularly monitors its spend on these services given the potential for aggregation and ensures that purchases are to meet the immediate need only and
- that the incumbent provider(s) have not been placed at any advantage in the evaluation or conduct of any future procurement exercise by this (or any previous) directly awarded contract.

If BSO believes that the derogation under Regulation 32(c) of the Public Contracts Regulations 2015 is applicable and its need cannot be met by the urgent provisions within the Regulations, then the RAG rating on this DAC is Green. That status is conditional to all relevant obligations under the 2015 Regulations including completion of a written report

(Regulation 84) and publication of a Contract Award Notice (Regulation 50) being fulfilled. Non adherence of any of the obligations under the 2015 Regulations will change this RAG status to Red.

Category		Category	
Sole Source Technical		Preferred Supplier User Preference	
Sole Source Exclusive Rights		Preferred Supplier Other	
Sole Source Artistic		Contract Extension Term	
Sole Source Other	x	Contract Extension Scope	
Preferred Supplier Pending Tender/Quotation		Contract Extension Other	

Risk RAG Status of this Request: Green (Conditional)

Signed:	
Print Name:	
Grade (Senior Procurement Manager and above only):	HoPC
Date:	15/10/20

ACCOUNTING OFFICER DECISION

- I authorise the following action:
- a) progress this STA on behalf of the Contracting Authority as detailed above
 - b) do NOT progress this STA – take no further action
 - c) do NOT progress this STA – procure these goods or services in accordance with normal HSC procurement procedures.

(delete as applicable)

I hereby declare that I do not have an external personal or monetary interest in the company to which this STA will be awarded (applicable only in respect of option (a) above). I have read CPD Policy Guidance Note 03/11, related DHSSPS Guidance HSC(F) 05/12 and the comments above provided by HSC Centre of Procurement Expertise.

Name:	Title:	Date:
--------------	---------------	--------------

Signature:

Departmental Accounting Officer Approval (where required)

Name:	Title:	Date:
--------------	---------------	--------------

Signature:

Publication of award notice (if applicable)

STA9143