

Chief Executive
2 Franklin Street
BELFAST
BT2 8DQ

Tel: 028 9536 3863
Email: FOI.BSO@hscni.net

13th May 2024

BY EMAIL

Our Ref: FOI 2178

Dear [REDACTED]

Your request for information was received on 12th April 2024 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:

Please provide all DACs signed by Chief Executive Karen Bailey in October 2020.

Please find the information requested enclosed.

It should be noted that Redactions have been carried out to documents on the grounds of Sections 40 (2) and (3A)(a) of the Freedom of Information Act 2000. This exemption is absolute and no public interest test is required. The identification of named individuals 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.

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 letter or email to:



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

foi.bso@hscni.net

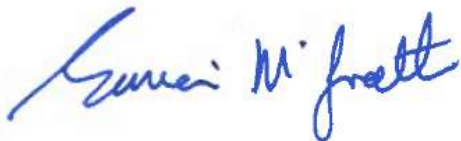
If, following an internal review, carried out by an independent decision-making panel, you remain dissatisfied in any way with the handling of the request, you may make a complaint under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate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

For Karen Bailey
Chief Executive



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	Docscan Scanning Application Support
2. SUBMITTING OFFICER	██████████
3. DIRECTORATE	ITS

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)

Docscan provides a Scanning Service to augment the BSO's Emergency Medicine system (eEMS). eEMS is an electronic patient management system used in the Emergency Department (ED). The Docscan scanning solution holds electronic copies of the documents created during a patient's ED episode. This episodic attendance documentation may include the patient's ED patient record, Electrocardiograms (ECG), Ambulance reports, GP referral letters, nursing documentation, NEWS charts etc. On Docscan electronic copies of these documents are stored in a secure, accessible database, from which the documents can be easily retrieved and viewed. This improves speed and quality of care and at the same time increases patient safety. Having online access to this documentation is particularly helpful to clinicians if a patient re-attends.

In light of the Covid-19 pandemic, access to the patient's documentation online in multiple locations has helped to reduce the risk of contamination with the patient's notes not having to be transferred to the different locations.

It is vital that the Docscan application interfaces with existing Trust multi-functional devices to accept scanned images of the patients ED documents. It must be properly maintained to provide a secure, resilient database and storage facility to hold scanned documents and metadata. The interface must continue to provide easy access for end users to retrieve and access the documents which are stored

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)

Three options were considered for the support and maintenance of the Docscan Scanning Application :-

1. Provide support from within BSO ITS
2. Continue support from Trace First
3. Identify, transition and use support from an alternative external supplier

Option 1 is not viable as BSO ITS do not currently have the resources or expertise to provide support and maintenance for Docscan.

Option 3 would require identification and validation of an alternate supplier with the requisite skills and experience in providing support and maintenance of solutions similar to Docscan. The approach would introduce a moderate timeline, cost and risk(s) to the service given an alternate supplier would be required to undertake an initial due diligence phase followed by a transition phase to acquire technical and business knowledge to deliver the ongoing service.

Option 2 is viewed as the approach with least operational risk and most commercially viable given the level of effort and cost associated with onboarding an alternative supplier. Trace First originally developed and delivered Docscan, have been providing support and maintenance services for a number of years and substantial understanding of the technical and business needs. Trace First have also provided for the option to extend the contract on the 1st November 2023 for +1 year, and subsequently on the 1st November 2024 for +1 year. This will allow BSO the flexibility to extend subject to the timescales for the implementation of Encompass.

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	██████████
Job Title	Operations Manager
Department	BSO
HSC Organisation	ITS
Address	79 Chichester Street BELFAST BT1 4JE
E-mail address	██████████@hscni.net
Office Telephone Number	028 9536 ██████
Mobile Telephone Number	██████████

Section 2. STA Details

Title of STA	Docscan Scanning Application Support
Estimated value of STA	£34,051
Proposed length of contract of STA	3 Years 01/11/2020 – 31/10/2023 £23,379 Option to provide support for + 1 year £5,283, + 1 year £5,389 if required

Section 3. STA justification: Sole Source
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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
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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):

Docscan provides a Scanning Service to augment the BSO's Emergency Medicine system (eEMS). eEMS is an electronic patient management system used in the Emergency Department (ED). The Docscan scanning solution holds electronic copies of the documents created during a patient's ED episode. This episodic attendance documentation may include the patient's ED patient record, Electrocardiograms (ECG), Ambulance reports, GP referral letters, nursing documentation, NEWS charts etc. On Docscan electronic copies of these documents are stored in a secure, accessible database, from which the documents can be easily retrieved and viewed. This improves speed and quality of care and at the same time increases patient safety. Having online access to this documentation is particularly helpful to clinicians if a patient re-attends.

Docscan has been developed by Trace First and was implemented as the scanning solution for eEMS. It has been supported and enhanced by TraceFirst for the past 3 years. It is vital that this application interfaces with existing Trust multi-functional devices to accept scanned images of the patients ED documents. It must be properly maintained to provide a secure, resilient database and storage facility to hold scanned documents and metadata. The interface must continue to provide easy access for end users to retrieve and access the documents which are stored.

Three options were considered for the support of the Docscan application :-

4. Provide support from BSO ITS
5. Continue support from Trace First
6. Get support from another commercial organisation

Option 2 is the preferred option. Option 1 is not feasible due to lack of resource and experience in BSO. Option 3 would require identification and validation of an alternate supplier with the requisite skills and experience in providing support and maintenance of solutions similar to Docscan. The approach would introduce a moderate timeline, cost and risk(s) to the service given an alternate supplier would be required to undertake an initial due diligence phase followed by a transition phase to acquire technical and business knowledge to deliver the ongoing service.

Option 2 also provides for the contract to be extended on the 1st November 2023 for +1 year, and subsequently on the 1st November 2024 for +1 year. This will allow BSO the flexibility to extend subject to the timescales for the implementation of Encompass.

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	Trace First			
Start and end dates of the contract including extensions	Start Date	30/11/2017	End Date	31/10/2020
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	£21,812			
Actual spend to date from the commencement of this contract	£21,812			

5.2 Proposed Extension of Contract Term				
Name of the supplier(s)	Trace First			
Start and end dates of the proposed extension	Start Date	01/11/2020	End Date	31/10/2023
Estimated value of the extension	£34,051 3 Years 01/11/2020 – 31/10/2023 £23,379			

	<p>Option to provide support for + 1 year £5,283, + 1 year £5,389 if required</p>
<p>Reason for new extension of contract term (including vfm justification):</p> <p>Docscan provides a Scanning Service to augment the BSO's Emergency Medicine system (eEMS). eEMS is an electronic patient management system used in the Emergency Department (ED). The Docscan scanning solution holds electronic copies of the documents created during a patient's ED episode. This episodic attendance documentation may include the patient's ED patient record, Electrocardiograms (ECG), Ambulance reports, GP referral letters, nursing documentation, NEWS charts etc. On Docscan electronic copies of these documents are stored in a secure, accessible database, from which the documents can be easily retrieved and viewed. This improves speed and quality of care and at the same time increases patient safety. Having online access to this documentation is particularly helpful to clinicians if a patient re-attends.</p> <p>Docscan has been developed by Trace First and was implemented as the scanning solution for eEMS. It has been supported and enhanced by TraceFirst for the past 3 years. It is vital that this application interfaces with existing Trust multi-functional devices to accept scanned images of the patients ED documents. It must be properly maintained to provide a secure, resilient database and storage facility to hold scanned documents and metadata. The interface must continue to provide easy access for end users to retrieve and access the documents which are stored.</p> <p>Three options were considered for the support of the Docscan application :-</p> <ol style="list-style-type: none"> 1. Provide support from BSO ITS 2. Continue support from Trace First 3. Get support from another commercial organisation <p>Option 2 is the preferred option. Option 1 is not feasible due to lack of resource and experience in BSO. Option 3 would require identification and validation of an alternate supplier with the requisite skills and experience in providing support and maintenance of solutions similar to Docscan. The approach would introduce a moderate timeline, cost and risk(s) to the service given an alternate supplier would be required to undertake an initial due diligence phase followed by a transition phase to acquire technical and business knowledge to deliver the ongoing service.</p> <p>Option 2 also provides for the contract to be extended on the 1st November 2023 for +1 year, and subsequently on the 1st November 2024 for +1 year. This will allow BSO the flexibility to extend subject to the timescales for the implementation of Encompass.</p>	

5.3 Extension of Contract Scope - new requirement

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

<p> </p>

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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
██████████	██	02/09/2020

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
██████████	██	01/10/2020

BSO PaLS ADVICE – For PaLS Use Only

This Direct Award Contract (DAC) has been submitted by ITS, BSO, for the purchase of Docscan Scanning Application Support for the period of 3 years with 2 further optional extensions. The total estimated value (including the extensions) is £34,051.

The Encompass team have advised 'eEMS will be replaced by the Emergency Care module of encompass known as ASAP as per the planned roll-out schedule'

The requesting officer has advised that this supplier is the sole supplier and has exclusive rights for the software maintenance and support of this product.

BSO should ensure that any specifications or requirements it has for this system are not drafted in such a way as to exclude other economic operators from being able to deliver similar, equivalent or alternative systems. Technical specifications should afford equal access to economic operators and should not have the effect of creating unjustified obstacles to the opening of procurement to competition. The reasons put forward for the direct award of this contract must make it absolutely necessary to award to this economic operator and no other. If other economic operators exist then a quotation or tendering exercise should be carried out in order to ensure that BSO is complying with its own standing financial instructions and (where there is cross border interest) it's TFEU obligations.

The requesting department should ensure the provision of the services 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;
- (where there is cross border interest in the provision of the services/goods that it complies with its obligations arising from the principles on the Treaty on the Functioning of the European Union (TFEU) (namely equal treatment, non-discrimination, and transparency);
- 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 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;
- engages with Encompass regarding the replacement system.

In accordance with paragraph 18 of the Department of Health (DOH) Circular Reference HSC(F) 05/2012 and on the basis of the information provided, the RAG rating on this STA has been classified as Green. However, the comments above should be noted.

Category		Category	
Source Technical		Preferred Supplier User Preference	
Sole Source Exclusive Rights	X	Preferred Supplier Other	
Sole Source Artistic		Contract Extension Term	
Sole Source Other		Contract Extension Scope	
Preferred Supplier Pending Tender/Quotation		Contract Extension Other	
Risk RAG Status of this Request:		Green	
Signed:			
Print Name:			
Grade (Senior Procurement		HoPC	

Manager and above only):	
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: Interim Chief Executive	Date: 21.10.2020
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Signature:
[Redacted]

Departmental Accounting Officer Approval (where required)

Name:	Title:	Date:
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Signature:

Publication of award notice (if applicable)



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	
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Name of the supplier(s) on the contract	
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Start and end dates of the contract including extensions	Start Date		End Date	
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If the contract has been extended beyond the original options to extend, please provide details:
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Was this contract awarded under STA?	YES		NO	
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If No, was there an advertisement placed in the local papers and/or the OJEU and, if so, provide dates	Local papers		OJEU	
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Value of the initial contract at the time of award	
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Actual spend to date from the commencement of this contract	
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5.2 Proposed Extension of Contract Term
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Name of the supplier(s)	
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Start and end dates of the proposed extension	Start Date		End Date	
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Estimated value of the extension	
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Reason for new extension of contract term (including vfm justification):
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5.3 Extension of Contract Scope - new requirement
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Justification for the STA to this supplier (including vfm justification):

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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:		
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: Acting CX	Date: 27/10/2020
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Signature:


Departmental Accounting Officer Approval (where required)

STA9142

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



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	██████████
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	██████████
Job Title	Senior Procurement Manager
Department	PaLS
HSC Organisation	BSO
Address	16 College Street Belfast BT1 6BT
E-mail address	██████████@hscni.net
Office Telephone Number	0289536 ████████
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 ██████████ 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

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):

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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 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: Acting Chief Executive	Date: 16/10/2020
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Signature:


Departmental Accounting Officer Approval (where required)

Name:	Title:	Date:
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STA9143

Signature:

Publication of award notice (if applicable)

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	The Distribution of Personal Protective Equipment Parcels to the Family Practitioner Services
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 for supply PPE for use by the Family Practitioner Services (FPS) in Northern Ireland to protect the healthcare professionals in their daily interaction with patients/clients.

Many of the Family Practitioner Services (FPS) are new customers to BSO PaLS and not part of our normal supply chain arrangements. The demand volume of PPE required by the FPS cannot be accommodated within our existing distribution arrangements. In the short to medium term we need to sub-contract this service to a third party logistics provider who has the capacity to collect and dispatch the items of PPE direct to the FPS.

If the requirement to supply PPE to the FPS extends beyond the term of this DAC then BSO PaLS will tender for the future requirement or prepare to deliver the services in-house.

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)

- Request the FPS to source and procure their own PPE and have it delivered direct from their chosen supplier – this is not the preferred option because it risks leaving the FPS without the necessary PPE to provide the vital services in support of the wider health and social care services.
- Provide this service in-house – this is not a viable option at present due to lack of capacity in BSO PaLS to distribute the PPE to the FPS.
- Continue with existing Parcel Delivery contractor to deliver PPE to the FPS. This is not a viable option because the large volume of parcels being dispatched to the FPS is a significant challenge for the existing contractor to the extent that the service provided to the FPS to date has proven to be unreliable with delays in delivery of essential PPE

GREEN**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	Quality Improvement & Development Manager
Department	Procurement & Logistics Service
HSC Organisation	Business Services Organisation
Address	77 Boucher Crescent Belfast BT12 6HU
E-mail address	[REDACTED]@hscni.net
Office Telephone Number	028 9536 [REDACTED]
Mobile Telephone Number	[REDACTED]

Section 2. STA Details

Title of STA	The Collection and Distribution of Personal Protective Equipment Parcels to the Family Practitioner Services
Estimated value of STA	£60,000
Proposed length of contract of STA	1 Year

Section 3. STA justification: Sole Source

Are these goods or services only available from one source? Y/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):

The DAC is for the purchase of a parcel delivery distribution service to supply Personal Protective Equipment (PPE) to the Family Practitioner Services (FPS) throughout NI. This type of service is normally provided by a 3rd Party Contractor to a some of the FPS., however this delivery service is required to deliver to additional customers within the FPS, these are new customers to PaLS who require significant volumes of PPE to respond to Covid-19. The additional demand for PPE from the FPS is much greater than the current collection and distribution capacity can cope with.

The extreme urgency of the required additional services to supply PPE to the FPS and the need to ensure immediate availability means that the timescales of available procurement options cannot be complied with. This service is critical to address the urgent need and mitigate the health risks to staff and patients and prevent the spread of the Coronavirus.

In the process of identifying a preferred supplier we contacted the existing supplier to ascertain their continued ability to provide this service, the company informed us that they were stretched to capacity and do not have the necessary resource to deal with the associated collection and delivery of PPE stock volumes.

The preferred supplier provided assurance of their capability to immediately handle the collection from the Campsie Unit 4C warehouse and 24 hour distribution of the volumes of PPE to the FPS customers throughout NI. The associated costs provided by the supplier for the collection and 24 hour distribution of parcels, which included full tracking and where necessary ad hoc alternative collection arrangements provided vfm.

This DAC will be awarded to Parcel Force World Wide

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):					

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5.3 Extension of Contract Scope - new requirement

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

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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 <u>21/10/2020</u>
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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 <u>21/10/2020</u>
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BSO PaLS ADVICE – For PaLS Use Only

This Direct Award Contract (DAC) has been submitted by Procurement and Logistics Service (Logistics), Business Services Organisation for the Collection & Distribution of Personal Protective Equipment Parcels to the Family Practitioner Services. The value of the DAC is £60,000 for a period of 1 year.

The requesting department has outlined in Section 4.1 the reasons for this direct award and that it is related to Covid-19.

BSO will note that as the value is below the EU threshold, Regulation 32 (2) (c) (relating to extreme urgency) of the Public Contracts Regulations 2015 (as amended) is not strictly applicable. However, as the principles are applicable, the courts have demonstrated that this derogation is defined extremely strictly and narrowly for urgent supplies/services arising out of unforeseeable events not attributable to the Trust. The use of that derogation to provide goods/services will only be applicable to the extent necessary to deal with addressing the immediate urgency only.



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 the BSO to any further uncompetitive purchases or provision.

PaLS (Logistics) 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.

In accordance with paragraph 18 of the Department of Health (DOH) Circular Reference HSC(F) 05/2012 and on the basis of the information provided, the RAG rating on this DAC has been classified as Green. However, the comments above should be noted.

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
Signed:		
Print Name:		
Grade (Senior Procurement Manager and above only):		SPM
Date:		22 October 2020


ACCOUNTING OFFICER DECISION

I authorise the following action:

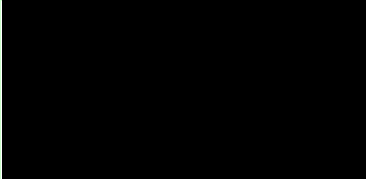
- a) progress this STA on behalf of the Contracting Authority as detailed above
- ~~b) do NOT progress this STA – take no further action~~
- ~~c) do NOT progress this STA – procure these goods or services in accordance with normal HSC procurement procedures.~~

(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: Interim Chief Executive	Date: 26/10/2020
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Signature:



Departmental Accounting Officer Approval (where required)

Name:	Title:	Date:
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Signature:

Publication of award notice (if applicable)