

Chief Executive
2 Franklin Street
BELFAST
BT2 8DQ

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

25th October 2023

BY EMAIL

Our Ref: FOI 2044

Dear 

Your request for information was received on 26th September 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 STA process:

a. Could you please provide a copy of the advertisement placed in the local paper regarding the contract awarded under STA and stated in the STA document, or alternatively provide me the link to the webpage where I can view the advertisement. Failing that please provided the email correspondence regarding the placement of the advertisement.

The contract award was published in the Official Journal of the European Union. It is accessible via the link:

[Supplies - 547371-2020 - TED Tenders Electronic Daily \(europa.eu\)](#)

b. Please provide the email correspondence between the Acting Chief Executive and PaLS requesting Karen Bailey authorise this STA contract and forwarding it once signed.

Please refer to Appendix 1 enclosed

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.

Furthermore, redactions have been carried out where the correspondence relates to STA/DACs other than that which is the subject of the request.

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,



Karen Bailey
Chief Executive

Enc

From: [REDACTED]
To: PaLS Procurement Compliance; [REDACTED]
Cc: [REDACTED]
Subject: FW: STA9143
Date: 04 May 2021 09:04:39
Attachments: STA9143 PJD Safety Supplies SENT.DOCX
STA9143 PJD Safety Supplies SENT.pdf

Signed STA attached

[REDACTED]

[REDACTED]

Manager of Chair and Chief Executive's Office

Business Services Organisation

2 Franklin Street

BELFAST

BT2 8DQ

028 [REDACTED] (Office Number)

074 [REDACTED] (Work Mobile)

From: [REDACTED]
Sent: 30 April 2021 14:39
To: [REDACTED]
Cc: [REDACTED]; PaLS Procurement Compliance
Subject: RE: STA9143

[REDACTED] / [REDACTED]

My apologies this is in order for [REDACTED] to sign.

Could you ensure that it is dated in line with the original date of 14th October 2020, I spoke with [REDACTED] on this point and confirmed.

The GAC has already been notified of the DAC I simply omitted to confirm to you it could proceed following my email of 16th October 2020.

Regards

[REDACTED]

[REDACTED]

Interim Director of Operations

2 Franklin Street | Belfast | BT2 8QD

Tel: 028 [REDACTED] | Email: [REDACTED]@hscni.net

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: eTendersNI.gov.uk

From: PaLS Procurement Compliance

Sent: 29 April 2021 17:51

To: [REDACTED]

Cc: [REDACTED]; [REDACTED]

Subject: STA9143

Hi [REDACTED]

Just checking that the 'physical' signing of this DAC by [REDACTED] hasn't fallen off your radar.

Regards

[REDACTED]

[REDACTED]

Head of Procurement Compliance

<< OLE Object: Picture (Device Independent Bitmap) >>

Procurement and Logistics Service | Unit 4 Lissue Industrial Estate West | Moira Road | Lisburn | BT28 2RF

Tel: 028 [REDACTED] | Email: [REDACTED]@hscni.net

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: eTendersNI.gov.uk

<< OLE Object: Picture (Device Independent Bitmap) >>

From: [REDACTED]
Sent: 20 April 2021 16:05
To: [REDACTED]
Subject: FW: [REDACTED] and STA9143

From: [REDACTED]
Sent: 27 October 2020 09:55
To: [REDACTED]
Cc: [REDACTED]; PaLS Procurement Compliance
Subject: RE: [REDACTED] and STA9143

[REDACTED]

I don't think so [REDACTED] confirmed approval verbally to enable us to proceed at short notice.

The [REDACTED] DAC [REDACTED] needs signed but as yet the other with PJL does not need to be signed as they have not been able to confirm supply.

I've copied this to [REDACTED] in case there has been any change on this latter point.

Regards

[REDACTED]

[REDACTED]

Interim Director of Operations

<< OLE Object: Picture (Device Independent Bitmap) >>

2 Franklin Street | Belfast | BT2 8QD

Tel: 028 [REDACTED] Email: [REDACTED]@hscni.net

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: eTendersNI.gov.uk

<< OLE Object: Picture (Device Independent Bitmap) >>

From: [REDACTED]
Sent: 26 October 2020 16:00
To: [REDACTED]

Subject: RE: [REDACTED] and STA9143

[REDACTED] were these cleared?

From: [REDACTED]
Sent: 16 October 2020 08:03

To: [REDACTED]

Cc: [REDACTED]

Subject: FW: [REDACTED] and STA9143

Importance: High

[REDACTED]

Could I ask you to confirm approval on these back to me by email but hold off on signing until we're able to confirm that they are able to supply. We're waiting for both companies to come back to us on availability but want to be able to move quickly should they confirm in the positive.

I'll confirm that they're ok to sign if and when we have secure supply.

For the purposes of Covid-19 the Perm Sec permitted a derogation for COVID approvals that it was sufficient to have confirmation by email from the accounting officer to enable a contract to be placed so long as the signed DAC followed within 7 days.

I'm conscious you're on leave for a few days and wanted to get this cleared just in case!

Happy to discuss if helpful.

Many thanks.

Regards

[REDACTED]
[REDACTED]
Interim Director of Operations

<< File: STA9143 PJD Safety Supplies SENT.DOCX >>

2 Franklin Street | Belfast | BT2 8QD

Tel: 028 [REDACTED] | Email: [REDACTED]@hscni.net

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: eTendersNI.gov.uk

<< [REDACTED] >>

From: PaLS Procurement Compliance

Sent: 15 October 2020 20:44

To: [REDACTED]

Subject: [REDACTED] and STA9143

<< OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >>

[REDACTED]

DACs for consideration by [REDACTED]

Regards

[REDACTED]

[REDACTED]

Head of Procurement Compliance

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Procurement and Logistics Service | Unit 4 Lissue Industrial Estate West | Moira Road | Lisburn |
BT28 2RF

Tel: 028 [REDACTED] | Email: [REDACTED]@hscni.net

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: eTendersNI.gov.uk

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Chief Executive

2 Franklin Street
BELFAST
BT2 8DQ

Tel: 028 9536 3863

Email: FOI.BSO@hscni.net

11th December 2023

BY EMAIL



Our Ref: FOI 2044

Dear 

We are writing to you in response to your request for a review of the above referenced Freedom of Information (FOI) request, as received by the Business Services Organisation (BSO) on 14th November 2023.

We can advise that a review panel was convened on 1st December 2023 to review this matter. This panel consisted of Ms Julie Erskine (Chair, BSO) and Ms Sarah Loughran (Assistant Chief Legal Adviser, Directorate of Legal Services, BSO).

The review panel reviewed your original Freedom of Information request, the BSO's formal response to it, as well as the points raised within your request for a review panel to be convened.

Please see below for the panel's responses on your points raised:

a. The emails have not been provided in a satisfactory format. Other email provided by your organisation are provided in PDF format with complete header and logos, disclaimers etc intact. And therefore, these are not in line with normal procedure.

The panel agree that the quality of the emails provided were of poor quality. However, they acknowledged that when emails are forwarded, logos and disclaimers present on previous emails within the chain can "drop off". In this instance when a PDF of the email chain in question was created, the most recent email did lose the logos and the rich format of the text was lost. The panel wish to provide clear assurance that there was no intention of removing any original details in terms of disclaimers and logos.

Please find attached the documents in question which the panel hope should be clearer in regards to format.

b. The email chain provided seems to be missing vital emails. One email, sent on 20 April 2020 is missing and I suspect there are others.

The panel, having investigated this matter, can advise that there is no email dated 20th April 2020. Should you be referring to the email of 20th April 2021, it is clear that there was no content or message in this email – rather it was one BSO employee forwarding an email chain to another colleague.

c. The emails have been redacted by hand using black marker pen which again imo is unprofessional and not the correct procedure.

The panel agree that the quality of the redactions within the documents provided were of inferior quality. Having investigated this, the panel have been advised that at the time of the redactions taking place, the redacting software normally used was not available to PaLS. As such, redactions had to be undertaken manually. The panel would however point out that whilst the quality of the printing and scanning of the documents could have been improved, the use of a black marker for redaction purposes is acceptable by the ICO Office provided the information is illegible.

d. The email I requested was the email from Karen Bailey forwarding the signed copy of the DAC. This email is missing from the response.

Having reviewed this matter, the panel concluded that there is an email of 4th May 2021 of the Manager of Chair and Chief Executive's Office forwarding the signed copy of the DAC to PaLS. The Manager of Chair and Chief Executive's Office has the power of approval on behalf of Karen Bailey; as such there is no email missing from Karen Bailey as referred to above.

e. The date of the email sent by Ms Bailey's PA is sent six months after the DAC was signed which again seems outside of normal procedure

The panel agreed that this DAC was signed off unusually late. However, it was noted that the email provided to you of 20th April 2021 contained the explanation for this rationale. The panel have been advised that the Director involved consulted with BSO Internal Audit regarding the delay and was given assurances that this was acceptable as verbal confirmation had been previously given. The panel would like to stress that the period concerned was one of unprecedented extraordinary working conditions and as such normal procedures may have been subject to delay.

f. Please provide the actual PDF copies of the emails along with any attachments contained in any of the emails, including the unsigned and signed version of the DAC.

The panel, having reviewed the original response, are content that all appropriate information has been provided and that the exemptions applied were fully outlined:

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.

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.
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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 order/ /DAC would be appropriate.

g. Please ensure no information is removed from the original before making the PDF copy. Include all logos headers etc.

Please find attached the documents in question which the panel hope should be clearer in regards to format.

h. Please provide all emails in the chain.

The panel agreed that all emails have been provided. Please refer to the panel response above.

i. Please also remove the redactions of Karen Bailey's name in all emails, and anyone directly involved in the DAC request.

The panel agreed that a consistent approach to redactions was appropriate on the grounds of Sections 40 (2) and (3) (a)(i) (personal information) of the Freedom of Information Act 2000. 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.

j. One email shows someone asking to back date a DAC document. This seems to me to be highly irregular. Please provide the full chain of emails regarding this request, including all emails between the recipient and PaLS representative, and to and from the recipient and Karen Bailey. Please also provide all emails between the PaLS representative and Karen Bailey's. If the representative is Peter Wilson please leave his name unreacted.

In relation to the back dating of the DAC document, the panel would like to reiterate the explanation as outlined in the response to point **e.** above. All emails have been provided in relation to this matter. In terms of redactions, once again the panel agree that a consistent approach to redactions is appropriate on the grounds of Sections 40 (2) and (3) (a)(i) (personal information) of the Freedom of Information Act 2000. 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.

The review panel hope that the outcome of this review panel has been of assistance to you.

If, however, following this 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: icocasework@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,



Ms Julie Erskine
BSO Chair, BSO



Ms Sarah Loughran
Assistant Chief Legal Adviser, BSO

From: [REDACTED]
To: [REDACTED]
Subject: FW: STA9142 and STA9143
Date: 20 April 2021 16:05:01

From: [REDACTED]
Sent: 27 October 2020 09:55
To: [REDACTED]
Cc: [REDACTED]; PaLS Procurement Compliance
Subject: RE: STA9142 and STA9143

[REDACTED]

I don't think so, [REDACTED] confirmed approval verbally to enable us to proceed at short notice.

The Handanhy DAC (STA9142) needs signed but as yet the other with PJL does not need to be signed as they have not been able to confirm supply.

I've copied this to [REDACTED] in case there has been any change on this latter point.

Regards

[REDACTED]

[REDACTED]

Interim Director of Operations

2 Franklin Street | Belfast | BT2 8QD

Tel: [REDACTED] | Email: [REDACTED]

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: eTendersNI.gov.uk

From: [REDACTED]
Sent: 26 October 2020 16:00
To: [REDACTED]
Subject: RE: STA9142 and STA9143

[REDACTED] were these cleared?

[REDACTED]

From: [REDACTED]
Sent: 16 October 2020 08:03
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: STA9142 and STA9143
Importance: High

[REDACTED]

Could I ask you to confirm approval on these back to me by email but hold off on signing until we're able to confirm that they are able to supply. We're waiting for both companies to come back to us on availability but want to be able to move quickly should they confirm in the positive.

I'll confirm that they're ok to sign if and when we have secure supply.

For the purposes of Covid-19 the Perm Sec permitted a derogation for COVID approvals that it was sufficient to have confirmation by email from the accounting officer to enable a contract to be placed so long as the signed DAC followed within 7 days.

I'm conscious you're on leave for a few days and wanted to get this cleared just in case!

Happy to discuss if helpful.

Many thanks.

Regards

[REDACTED]

[REDACTED]

Interim Director of Operations

<< File: STA9143 PJD Safety Supplies SENT.DOCX >>

2 Franklin Street | Belfast | BT2 8QD

Tel: [REDACTED] | Email: [REDACTED]

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: eTendersNI.gov.uk

<< File: STA9142 HY Medical Ltd UK SENT.DOCX >>

From: PaLS Procurement Compliance
Sent: 15 October 2020 20:44
To: [REDACTED]

Subject: STA9142 and STA9143

<< OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >>



DACs for consideration by .



Regards



Head of Procurement Compliance

<< OLE Object: Picture (Device Independent Bitmap) >>

Procurement and Logistics Service | Unit 4 Lissue Industrial Estate West | Moira Road | Lisburn |
BT28 2RF

Tel:  | Email: 

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: eTendersNI.gov.uk

<< OLE Object: Picture (Device Independent Bitmap) >>

From: [PaLS Procurement Compliance](#)
To: [REDACTED]
Subject: STA9142 and STA9143
Date: 15 October 2020 20:43:41
Attachments: [STA9143 PJD Safety Supplies SENT.DOCX](#)
[STA9142 HY Medical Ltd UK SENT.DOCX](#)

[REDACTED]

DACs for consideration by [REDACTED]

Regards

[REDACTED]

[REDACTED]

Head of Procurement Compliance

Procurement and Logistics Service | Unit 4 Lissue Industrial Estate West | Moira Road | Lisburn |
BT28 2RF

Tel: [REDACTED] | Email: [REDACTED]

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: eTendersNI.gov.uk



**Business Services
Organisation**

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	[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.

**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	
Office Telephone Number	
Mobile Telephone Number	

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 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

<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

[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 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:	Date:
Signature:		
Departmental Accounting Officer Approval (where required)		
Name:	Title:	Date:
Signature:		

STA9142

Publication of award notice (if applicable)



Business Services
Organisation

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	
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):

--

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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

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.


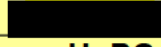
BSO must ensure:

- 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

Dear [REDACTED]

The email documents referred to in the internal review letter you provided have not been provided. Especially the email that mentions backdating a DAC document.

Please provide all the emails referred to by return

Kind regards
[REDACTED]

On 12 Dec 2023, at 12:28 am, [REDACTED] wrote:

Dear [REDACTED],

The response has not been provided in its entirety. There is material missing from the response.
Please rectify the situation.

Kind regards
[REDACTED]

On 11 Dec 2023, at 10:13 pm, FOI BSO <FOI.BSO@hscni.net> wrote:

"This email is covered by the disclaimer found at the end of the message."

Dear [REDACTED]

Please find attached a formal response letter in relation to the formal review panel.

Kind regards,
[REDACTED]

Corporate Services Officer
BSO Corporate Services
<image001.png>

From: FOI BSO
Sent: 08 December 2023 12:07

To: [REDACTED] <[REDACTED]>
Subject: RE: Our Ref: FOI 2044

Dear Mr Johnston,

The panel convened last Friday. I am just awaiting the signed off outcome.

Please accept my apologies for the delay. I will try to expedite this matter on your behalf today.

Best Regards,

[REDACTED]

Information Governance Manager
Information Governance
Business Services Organisation
2 Franklin Street | Belfast | BT2 8DQ

<image001.png>

From: [REDACTED] <[REDACTED]>
Sent: 08 December 2023 11:40
To: FOI BSO <FOI.BSO@hscni.net>
Subject: Re: Our Ref: FOI 2044

Hi [REDACTED]

Looking forward to the imminent response regarding the IR. Please provide the full results of the discovery exercise to ascertain the the "audit trails" involved in this mater.

Kind regards

[REDACTED]

On 21 Nov 2023, at 11:06 am, [REDACTED] <[REDACTED]> wrote:

Dear [REDACTED]

Please provide the results of the disclosure exercise to ascertain the audit trails involved in this matter

Kind regards\

[REDACTED] [REDACTED]

On 15 Nov 2023, at 1:28 am, FOI BSO <FOI.BSO@hscni.net> wrote:
"This email is covered by the disclaimer found at the end of the message."

Dear [REDACTED]

The BSO PaLS are currently conducting a disclosure exercise to try to ascertain the audit trails involved in this matter.

However if you wish to proceed with a formal review panel, please accept this email as acknowledgment. We would aim to be in a position to issue you with a panel outcome within 20 working days.

Kind regards,

[Redacted Signature]

Information Governance Manager

Information Governance

Business Services Organisation

2 Franklin Street | Belfast | BT2 8DQ

<image001.png>

From: [Redacted] <[Redacted]>

Sent: 14 November 2023 14:08

To: FOI BSO <FOI.BSO@hscni.net>

Subject: Re: Our Ref: FOI 2044

Dear [Redacted]

I have decided that I would like to request that a review panel be convened to conduct an internal review regarding your response.

The points I wish to raise areas follows;

- a. The emails have not been provided in a satisfactory format. Other email provided by your organisation are provided in PDF format with complete header and logos, disclaimers etc intact. And therefore these are not in line with normal procedure.
- b. The email chain provided seems to be missing vital emails. One email, sent on 20 April 2020 is missing and I suspect there are others.
- c. The emails have have been redacted by hand using black marker pen which again imo is unprofessional and not the correct procedure.
- d. The email I requested was the email from Karen Bailey forwarding the signed copy of the DAC. This email is missing from the response.
- e. The date of the email sent by Ms Bailey's PA is sent six months after the DAC was signed which again seems outside of normal procedure
- f. Please provide the actual PDF copies of the emails along with any attachments contained in any of the emails, including the unsigned and signed version of the DAC.
- g. Please ensure no information is removed from the original before making the PDF copy. Include all logos headers etc.
- h. Please provide all emails in the chain.
- i. Please also remove the redactions of Karen Bailey's name in all emails, and anyone directly involved in the DAC request.

j. One email shows someone asking to back date a DAC document. This seems to me to be highly irregular. Please provide the full chain of emails regarding this request, including all emails between the recipient and PaLS representative, and to and from the recipient and Karen Bailey. Please also provide all emails between the PaLS representative and Karen Bailey's. If the representative is Peter Wilson please leave his name unreacted. Please acknowledge receipt of this request for internal review.

Kind regards

On 27 Oct 2023, at 12:26 am, FOI BSO <FOI.BSO@hscni.net> wrote:
"This email is covered by the disclaimer found at the end of the message."

Dear [REDACTED]

I should advise you that If you are unhappy with the response and information provided to this FOI request, the next recourse would be to request a review panel to be convened (as outlined in our response letter).

Should you wish to ask for a review panel to be convened we would ask you to provide us with the points within the response with which you are dissatisfied.

The review panel will then assess your request and the response issued and provide any clarification or further information they deem appropriate.

Kind regards,

[REDACTED]
[REDACTED]
Information Governance Manager
Information Governance
Business Services Organisation
2 Franklin Street | Belfast | BT2 8DQ
<image001.png>

From: [REDACTED] <[REDACTED]>
Sent: 25 October 2023 10:26
To: FOI BSO <FOI.BSO@hscni.net>
Subject: Re: Our Ref: FOI 2044

Dear [REDACTED]

Thanks for the response

This appendix is substandard and unacceptable.

Please provide the actual PDF copies of the emails along with any attachments contained in any of the emails, including the unsigned and signed version of the DAC.

Please ensure no information is removed from the original before making the PDF copy. Include all logos headers etc.

Please provide all emails in the chain as by reading it, there seems to some missing.

Please also remove the redactions of Karen Bailey's name in all emails.

Your welcome to remove redactions on the PaLS employee requesting the approval, im reasonably certain he is no longer a colleague.

I note that one email shows someone asking to back date a DAC document.

Please provide the full chain of emails regarding this request and the subsequent action taken by the recipient.

I will take this opportunity to remind you of ICO regulations section 77.

Whilst FOI may seem trivial, I can assure there are other processes that are not. Please cooperate fully with the FOI process and present proper verifiable documentation.

Kind regards

[REDACTED]

On 25 Oct 2023, at 7:29 pm, FOI BSO <FOI.BSO@hscni.net> wrote:

"This email is covered by the disclaimer found at the end of the message."

Dear [REDACTED]

Please find attached a formal response letter in relation to the above referenced FOI request.

Please also accept my apologies for the delay incurred.

Kind regards,

[Redacted]

Information Governance Manager
Information Governance
Business Services Organisation
2 Franklin Street | Belfast | BT2 8DQ
<image001.png>

From: [Redacted] <[Redacted]>

Sent: 25 September 2023 22:23

To: FOI BSO <FOI.BSO@hscni.net>

Subject: Re: FOI 2035

Dear [Redacted]

Thank you for the response and material. It is helpful to understand the STA process.

By way of supplementary request,

- a. Could you please provide a copy of the advertisement placed in the local paper regarding the contract awarded under STA and stated in the STA document, or alternatively provide me the link to the webpage where I can view the advertisement. Failing that please provide the email correspondence regarding the placement of the advertisement.
- b. Please provide the email correspondence between the Acting Chief Executive and PaLS requesting Karen Bailey authorise this STA contract and forwarding it once signed.

Kind regards

[Redacted]

On 25 Sep 2023, at 11:26 pm, FOI BSO

<FOI.BSO@hscni.net> wrote:

"This email is covered by the disclaimer found at the end of the message."

Dear [Redacted]

Please find attached a formal response letter in relation to the above referenced FOI request.

Kind regards,



Information Governance Manager
Business Services Organisation
2 Franklin Street | Belfast | BT2 8DQ

"The information contained in this email and any attachments is confidential and intended solely for the attention and use of the named addressee(s). No confidentiality or privilege is waived or lost by any mistransmission. If you are not the intended recipient of this email, please inform the sender by return email and destroy all copies. Any views or opinions presented are solely those of the author and do not necessarily represent the views of HSCNI. The content of emails sent and received via the HSC network may be monitored for the purposes of ensuring compliance with HSC policies and procedures. While HSCNI takes precautions in scanning outgoing emails for computer viruses, no responsibility will be accepted by HSCNI in the event that the email is infected by a computer virus. Recipients are therefore encouraged to take their own precautions in relation to virus scanning. All emails held by HSCNI may be subject to public disclosure under the Freedom of Information Act 2000."

<20230925_FOI_2035_Response_Ltr.pdf><2035.zip>

"The information contained in this email and any attachments is confidential and intended solely for the attention and use of the named addressee(s). No confidentiality or privilege is waived or lost by any mistransmission. If you are not the intended recipient of this email, please inform the sender by return email and destroy all copies. Any views or opinions presented are solely those of the author and do not necessarily represent the views of HSC. The content of emails sent and received via the HSC network may be monitored for the purposes of ensuring compliance with HSC policies and procedures. Please be aware that e-mail may not be a secure medium. This e-mail (whether you are the sender or the recipient) may be monitored and monitoring and blocking software may be used. While HSC takes precautions in scanning outgoing emails for computer viruses, no responsibility will be accepted by HSC in the event that the email is infected by a computer virus. Recipients are therefore encouraged to take their own precautions in relation to virus scanning. All emails held by HSC may be subject to public disclosure under the Freedom of Information Act 2000. All emails held by HSC may also be disclosed, where required, under the UK GDPR and Data Protection Act 2018".

<20231025_FOI_2044_Response_Ltr.pdf><Appendix 1 Redacted
correspondence.pdf>

<20231208_FOI_2044_Review Panel_Response_Ltr (003).pdf>

From: [REDACTED]
To: [PaLS Procurement Compliance](#); [REDACTED]; [REDACTED]
Cc: [REDACTED]; [REDACTED] [\(BSO\)](#)
Subject: FW: STA9143
Date: 04 May 2021 09:04:39
Attachments: [STA9143 PJD Safety Supplies SENT.DOCX](#)
[STA9143 PJD Safety Supplies SENT.pdf](#)

Signed STA attached

[REDACTED]

[REDACTED]

Manager of Chair and Chief Executive's Office

Business Services Organisation

2 Franklin Street

BELFAST

BT2 8DQ

[REDACTED] (Office Number)

[REDACTED] (Work Mobile)

From: [REDACTED]
Sent: 30 April 2021 14:39
To: [REDACTED]; [REDACTED]
Cc: [REDACTED]; [REDACTED]; PaLS Procurement Compliance
Subject: RE: STA9143

[REDACTED] / [REDACTED]

My apologies this is in order for [REDACTED] to sign.

Could you ensure that it is dated in line with the original date of 14th October 2020, I spoke with [REDACTED] on this point and confirmed.

The GAC has already been notified of the DAC I simply omitted to confirm to you it could proceed following my email of 16th October 2020.

Regards

[REDACTED]

[REDACTED]

Interim Director of Operations

2 Franklin Street | Belfast | BT2 8QD

Tel: [REDACTED] | Email: [REDACTED]

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: eTendersNI.gov.uk

From: PaLS Procurement Compliance

Sent: 29 April 2021 17:51

To: [REDACTED]

Cc: [REDACTED]; [REDACTED]; [REDACTED]

Subject: STA9143

Hi [REDACTED]

Just checking that the 'physical' signing of this DAC by [REDACTED] hasn't fallen off your radar.

Regards

[REDACTED]

[REDACTED]

Head of Procurement Compliance

<< OLE Object: Picture (Device Independent Bitmap) >>

Procurement and Logistics Service | Unit 4 Lissue Industrial Estate West | Moira Road | Lisburn | BT28 2RF

Tel: [REDACTED] | Email: [REDACTED]

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: [eTendersNI.gov.uk](https://www.etendersni.gov.uk)

<< OLE Object: Picture (Device Independent Bitmap) >>

From: [REDACTED]
Sent: 20 April 2021 16:05
To: [REDACTED]
Subject: FW: STA9142 and STA9143

From: [REDACTED]
Sent: 27 October 2020 09:55
To: [REDACTED]
Cc: [REDACTED]; PaLS Procurement Compliance
Subject: RE: STA9142 and STA9143

[REDACTED]

I don't think so, [REDACTED] confirmed approval verbally to enable us to proceed at short notice.

The Handanhy DAC (STA9142) needs signed but as yet the other with PJL does not need to be signed as they have not been able to confirm supply.

I've copied this to [REDACTED] in case there has been any change on this latter point.

Regards

[REDACTED]

[REDACTED]

Interim Director of Operations

<< OLE Object: Picture (Device Independent Bitmap) >>

2 Franklin Street | Belfast | BT2 8QD

Tel: [REDACTED] | Email: [REDACTED]

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: [eTendersNI.gov.uk](https://www.etendersni.gov.uk)

<< OLE Object: Picture (Device Independent Bitmap) >>

From: [REDACTED]
Sent: 26 October 2020 16:00
To: [REDACTED]

Subject: RE: STA9142 and STA9143

■ were these cleared?

■

From: ■
Sent: 16 October 2020 08:03
To: ■
Cc: ■
Subject: FW: STA9142 and STA9143
Importance: High

■

Could I ask you to confirm approval on these back to me by email but hold off on signing until we're able to confirm that they are able to supply. We're waiting for both companies to come back to us on availability but want to be able to move quickly should they confirm in the positive.

I'll confirm that they're ok to sign if and when we have secure supply.

For the purposes of Covid-19 the Perm Sec permitted a derogation for COVID approvals that it was sufficient to have confirmation by email from the accounting officer to enable a contract to be placed so long as the signed DAC followed within 7 days.

I'm conscious you're on leave for a few days and wanted to get this cleared just in case!

Happy to discuss if helpful.

Many thanks.

Regards

■

■

Interim Director of Operations

<< File: STA9143 PJD Safety Supplies SENT.DOCX >>

2 Franklin Street | Belfast | BT2 8QD

Tel: ■ | Email: ■

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: eTendersNI.gov.uk

<< File: STA9142 HY Medical Ltd UK SENT.DOCX >>

From: PaLS Procurement Compliance

Sent: 15 October 2020 20:44

To: [REDACTED]

Subject: STA9142 and STA9143

<< OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >>



DACs for consideration by [REDACTED].

Regards



Head of Procurement Compliance

<< OLE Object: Picture (Device Independent Bitmap) >>

Procurement and Logistics Service | Unit 4 Lissue Industrial Estate West | Moira Road | Lisburn |
BT28 2RF

Tel: [REDACTED] | Email: [REDACTED]

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: eTendersNI.gov.uk

<< OLE Object: Picture (Device Independent Bitmap) >>

20th December 2023**BY EMAIL**
**Our Ref: FOI 2044**Dear 

I refer to numerous correspondence received from you since the review panel's deliberations were provided to you on 11th December 2023, specifically relating to the above Freedom of Information (FOI) request. Specific issues are responded to as follows:

Quality of Emails

Your email of 11th December 2023 (14:41 GMT) seeks "all emails contained in the initial poor quality email". In your email of 12th December 2023 (08:52 GMT), you allege that all "clearer versions of all the emails in the chain" have not been provided. A further request for "cleaner versions of the same email" is submitted via your email of 12th December 2023 (11:53 GMT).

I would refer you to the panel's letter dated 11th December 2023, which has advised you that "the use of a black marker for redaction purposes is acceptable by the ICO Office provided the information is illegible". Further, the panel notes that an additional copy of the email, with redactions carried out utilising redaction software, has now been provided to you.

Alleged missing Information

Your email of 11th December 2023 (14:41 GMT) suggests some emails have not been provided, and in your email of 12th December 2023 (08:52 GMT) you again seek "all the emails referred to in the IR response" are provided. Your email of 13th December 2023 (11:25 GMT) also states "please provider [SIC] the Documents in question, all of them", whilst your email of 13th December 2023 (11:49 GMT) alleges that the "email chain provided seems to be missing vital emails". The panel



understands that all such information has been provided, and no further information is outstanding.

Alleged removal of logos

Your email of 13th December 2023 (11:25 GMT) asks BSO to “prove that [logos] were not intentionally removed. The panel would refer to its explanation with the letter dated 11th December 2023, which notes “that when emails are forwarded, logos and disclaimers present on previous emails within the chain can “drop off”. You will, for example, be able to see from several of the email chains between yourself and BSO, that some images within the “native” format have automatically been replaced with the words “<image001.png>” and “<Picture (Device Independent Bitmap) 1.jpg>”. An example of this is attached for your reference.

The panel would further note that, regardless of whether signatures / logos are present within an email chain or not, the wording within each email (save for that which has been redacted) remains untouched. However, to demonstrate BSO’s commitment to openness and transparency, -the email chain has been converted to PDF via a different means, this has retained some of the logos. The remainder are indicated as <<OLE Object: Picture (Device Independent Bitmap) >>This is attached for you.

Throughout various emails, you imply that documents are being “manipulated” or “fabricated” (Email of 12th December 2023, 08.52 GMT), and suggest that information has been removed intentionally (email of 13th December 2023, 11:25 GMT). The panel refute in the strongest terms, any allegation that BSO and its staff have in any way acted contrary to Section 77 of FOIA.

Emails in the “native” format

You have sought copies of BSO emails in their “native” format. The panel refuses this request, as emails in their “native” format (i.e. .msg or .eml) cannot be redacted where required, for example under Section 40 of FOI.

A copy of the PJD Safety DAC

Your email of 11th December 2023 (14:41 GMT) seeks a copy of the “signed PJD Safety DAC”. The panel would also draw your attention to the letter dated 11th December 2023, where it is noted that the manager of the Chair and Chief Executive’s Office has the power of approval of the CEO. The panel understands, additionally, that the DAC has been provided to you already.

The panel concludes, therefore, that all information in relation to the above-referenced FOI request has been provided, and that BSO’s internal procedures have been exhausted. The panel would remind you that should you remain dissatisfied, you have the right to contact the Information Commissioner’s Office (ICO). Consequently, further correspondence, that does not constitute a new request for information, in relation to FOI 2044, will not be responded to.

The panel have also reviewed your correspondence in line with a recently-published Department of Health framework ‘Violence and Aggression in the Workplace’. This defines verbal abuse as “the use of inappropriate words or behaviour causing distress”. The panel consider that some of the language and accusations used in your

correspondence, towards BSO staff ([REDACTED]), is inappropriate and has caused unwarranted stress. [REDACTED] will therefore not be processing any further correspondence received by you, and instead this will be dealt with by Mr Alan McCracken, BSO's Data Protection Officer.

Yours Sincerely

A handwritten signature in cursive script, appearing to read 'J Erskine'.

Julie Erskine
BSO Chair

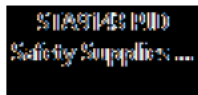
A handwritten signature in cursive script, appearing to read 'S Loughran'.

Sarah Loughran
Assistant Chief Legal Advisor, BSO

[Redacted]

From: [Redacted]
Sent: 04 May 2021 09:05
To: Pal S Procurement Compliance; [Redacted]
Cc: [Redacted]
Subject: FW: STA9143

Follow Up Flag: Follow up
Flag Status: Flagged



Signed STA attached

[Redacted]

[Redacted]

Manager of Chair and Chief Executive's Office
Business Services Organisation
2 Franklin Street
BELFAST
BT2 8DQ

[Redacted] (Office Number)

[Redacted] (Work Mobile)



From: [REDACTED]
Sent: 30 April 2021 14:39
To: [REDACTED]
Cc: [REDACTED]; PaLS Procurement Compliance
Subject: RE: STA9143

[REDACTED]
My apologies this is in order for [REDACTED] to sign.

Could you ensure that it is dated in line with the original date of 14th October 2020, I spoke with [REDACTED] on this point and confirmed.

The GAC has already been notified of the DAC I simply omitted to confirm to you it could proceed following my email of 16th October 2020.

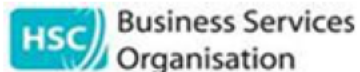


STA9143 P00
Safety Supplier ...

Regards

[Redacted]

Interim Director of Operations



2 Franklin Street | Belfast | BT2 8QD

Tel: [Redacted] | Email: [Redacted]

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: eTendersNI.gov.uk



From: PaLS Procurement Compliance

Sent: 29 April 2021 17:51

To: [Redacted]

Cc: [Redacted]

Subject: STA9143

Hi [Redacted]

Just checking that the 'physical' signing of this DAC by [Redacted] hasn't fallen off your radar.

Regards

[Redacted signature]

Head of Procurement Compliance

<< OLE Object: Picture (Device Independent Bitmap) >>

Procurement and Logistics Service | Unit 4 | Issue Industrial Estate West | Moira Road | Lisburn | BT28 2RF

Tel: [Redacted] | Email: [Redacted]

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: [eTendersNL.gov.uk](https://www.tendersnl.gov.uk)

<< OLE Object: Picture (Device Independent Bitmap) >>

From: [REDACTED]
Sent: 20 April 2021 16:05
To: [REDACTED]
Subject: FW: STA9142 and STA9143

From: [REDACTED]
Sent: 27 October 2020 09:55
To: [REDACTED]
Cc: [REDACTED]; PaLS Procurement Compliance
Subject: RE: STA9142 and STA9143

[REDACTED]
I don't think so, [REDACTED] confirmed approval verbally to enable us to proceed at short notice.

The Handanhy DAC (STA9142) needs signed but as yet the other with PJL does not need to be signed as they have not been able to confirm supply.

I've copied this to Linda in case there has been any change on this latter point.

Regards

[REDACTED]

[REDACTED]

Interim Director of Operations

<< OLE Object: Picture (Device Independent Bitmap) >>

2 Franklin Street | Belfast | BT2 8QD

Tel: [REDACTED]

| Email: [REDACTED]

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: eTendersNI.gov.uk

<< OLE Object: Picture (Device Independent Bitmap) >>

From: [REDACTED]

Sent: 26 October 2020 16:00

To: [REDACTED]

Subject: RE: STA9142 and STA9143

[REDACTED] were these cleared?

[REDACTED]

From: [REDACTED]

Sent: 16 October 2020 08:03

To: [REDACTED]

Cc: [REDACTED]

Subject: FW: STA9142 and STA9143

Importance: High

[REDACTED]

Could I ask you to confirm approval on these back to me by email but hold off on signing until we're able to confirm that they are able to supply. We're waiting for both companies to come back to us on availability but want to be able to move quickly should they confirm in the positive.

I'll confirm that they're ok to sign if and when we have secure supply.

For the purposes of Covid-19 the Perm Sec permitted a derogation for COVID approvals that it was sufficient to have confirmation by email from the accounting officer to enable a contract to be placed so long as the signed DAC followed within 7 days.

I'm conscious you're on leave for a few days and wanted to get this cleared just in case!

Happy to discuss if helpful.

Many thanks.

Regards

[Redacted]

[Redacted]

Interim Director of Operations

<< File: STA9143 PJD Safety Supplies SENT.DOCX >>

2 Franklin Street | Belfast | BT2 8QD

Tel: [Redacted] | Email: [Redacted]

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: eTendersNI.gov.uk

<< File: STA9142 HY Medical Ltd UK SENT.DOCX >>

From: PaLS Procurement Compliance

Sent: 15 October 2020 20:44

To: [Redacted]

Subject: STA9142 and STA9143

<< OLE Object: Picture (Device Independent Bitmap) >> << OLE Object: Picture (Device Independent Bitmap) >>



DACs for consideration by

Regards



Head of Procurement Compliance

<< OLE Object: Picture (Device Independent Bitmap) >>

Procurement and Logistics Service | Unit 4 Lissue Industrial Estate West | Moira Road | Lisburn | BT28 2RF

Tel: | Email:

Website: www.hscbusiness.hscni.net

Tender Opportunities advertised on: eTendersNI.gov.uk

<< OLE Object: Picture (Device Independent Bitmap) >>



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	
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	
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):

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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

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: 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)



**Business Services
Organisation**

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	[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

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

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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.

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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.

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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

[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.

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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:
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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)

STA9143



**Business Services
Organisation**

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	[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.

**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]
Office Telephone Number	[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 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):

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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

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 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.*

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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.

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BSO must ensure:

- that its value for money justification has been appropriately benchmarked;
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- 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
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(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:		

STA9142

Publication of award notice (if applicable)