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Tender

Temporary Agency Nurses & Operating Department Practitioners

The Common Services Agency (more commonly known as NHS National Services Scotland) ("NSS")

F02: Contract notice

Notice identifier: 2023/S 000-015072

Procurement identifier (OCID): ocds-h6vhtk-03cfc5

Published 26 May 2023, 11:58am

Section I: Contracting authority

I.1) Name and addresses

The Common Services Agency (more commonly known as NHS National Services Scotland) ("NSS")

Gyle Square (NSS Head Office), 1 South Gyle Crescent

Edinburgh

EH12 9EB

Contact

David Bryce

Email

david.bryce@nhs.scot

Telephone

+44 1312757454

Country

United Kingdom

NUTS code

UKM - Scotland

Internet address(es)

Main address

<http://www.nss.nhs.scot/browse/procurement-and-logistics>

Buyer's address

https://www.publiccontractsscotland.gov.uk/search/Search_AuthProfile.aspx?ID=AA11883

I.2) Information about joint procurement

The contract is awarded by a central purchasing body

I.3) Communication

The procurement documents are available for unrestricted and full direct access, free of charge, at

www.publictenders.publiccontractsscotland.gov.uk

Additional information can be obtained from the above-mentioned address

Tenders or requests to participate must be submitted electronically via

www.publictenders.publiccontractsscotland.gov.uk

Electronic communication requires the use of tools and devices that are not generally available. Unrestricted and full direct access to these tools and devices is possible, free of charge, at

www.publictenders.publiccontractsscotland.gov.uk

I.4) Type of the contracting authority

National or federal Agency/Office

I.5) Main activity

Health

Section II: Object

II.1) Scope of the procurement

II.1.1) Title

Temporary Agency Nurses & Operating Department Practitioners

Reference number

NP51023

II.1.2) Main CPV code

- 79620000 - Supply services of personnel including temporary staff

II.1.3) Type of contract

Services

II.1.4) Short description

The Common Services Agency (more commonly known as National Services Scotland) ("the Authority") acting through its division

Procurement, Commissioning and Facilities is undertaking this procurement of the supply of Temporary Agency Nurses, Healthcare assistants and Operating Department Practitioners on behalf

of all entities constituted pursuant to the National Health Service (Scotland) Act 1978 (i.e. all NHS Scotland Health Boards, Special Health Boards and the Authority or other NHS Organisation established pursuant to the NHS (Scotland) Act 1978), any integrated Joint Boards established pursuant to the new Public Bodies (Joint Working) Scotland Act 2014, and Hospices

II.1.5) Estimated total value

Value excluding VAT: £300,000,000

II.1.6) Information about lots

This contract is divided into lots: No

II.2) Description

II.2.2) Additional CPV code(s)

- 79620000 - Supply services of personnel including temporary staff
- 85141200 - Services provided by nurses
- 79610000 - Placement services of personnel
- 79624000 - Supply services of nursing personnel

II.2.3) Place of performance

NUTS codes

- UKM - Scotland

Main site or place of performance

All NHS Scotland entities pursuant to National Health Service(Scotland) act 1978 & integrated Joint Boards pursuant to the Public Bodies (Joint Working) Scotland Act 2014 and Hospices

II.2.4) Description of the procurement

The Common Services Agency (more commonly known as National Services Scotland) ("the Authority") acting through its division Procurement, Commissioning and Facilities is undertaking this procurement of the supply of Temporary Agency Nurses & Operating Department Practitioners on behalf of all entities constituted pursuant to the National Health Service (Scotland) Act1978 (i.e. all NHS Scotland Health Boards, Special Health Boards and the Authority or other NHS Organisation established pursuant to the NHS (Scotland) Act 1978), any integrated Joint Boards established pursuant to the Public Bodies (Joint Working) Scotland Act 2014 and Hospices

II.2.5) Award criteria

Quality criterion - Name: Technical Merit / Weighting: 40

Quality criterion - Name: Implementation / Weighting: 10

Price - Weighting: 50

II.2.6) Estimated value

Value excluding VAT: £300,000,000

II.2.7) Duration of the contract, framework agreement or dynamic purchasing system

Duration in months

36

This contract is subject to renewal

Yes

Description of renewals

The Framework Agreement duration will be 3years (36 months) with 2 twelve months extensions available

The Common Services Agency shall be entitled (at its sole discretion) to extend the duration of the Framework agreement by two 12 calendar month periods

II.2.10) Information about variants

Variants will be accepted: No

II.2.11) Information about options

Options: No

II.2.12) Information about electronic catalogues

Tenders must be presented in the form of electronic catalogues or include an electronic catalogue

II.2.13) Information about European Union Funds

The procurement is related to a project and/or programme financed by European Union funds: No

Section III. Legal, economic, financial and technical information

III.1) Conditions for participation

III.1.1) Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers

List and brief description of conditions

(1) Potential Framework Participants will be required to provide statements of account or extracts relating to their business.

(2) Please attach your bankers statement outlining the current cash and credit facility position and confirming the Contractor's economic and financial standing.

(3) see contract/tender documentation which incorporates the requirements of the ESPD (Scotland) and the financial period of reporting is the previous 3 financial years.

(4) Potential Framework Participants will be required to provide confirmation of Employers Liability, Public Liability and any other relevant insurances, also confirm the limits of indemnity per occurrence and aggregate for Public Liability, and any other relevant insurances are above the minimum of 2 Million UKGBP for any one incident in any one year

Minimum level(s) of standards required:

Potential Framework Participants must hold a current full registration with the Care Inspectorate before 9 October 2023.

Potential Framework Participants must have Registration with Disclosure Scotland in relation to PVG scheme

Potential Framework Participants must confirm Employer liability of 5 Million UKGBP

Potential Framework Participants must submit with their tender at least two detailed references from NHS registered bodies or registered healthcare providers attesting to the nature, quality and effectiveness of services provided by the potential framework participant

III.1.2) Economic and financial standing

List and brief description of selection criteria

1) Potential Framework Participants will be required to provide a statement covering the 3 years previous financial years including the overall turnover of the Potential Framework

Participants in respect of the activities which are of a similar type to the subject matter of this notice.

(2) Potential Framework Participants will be required to provide statements of account or extracts relating to their business.

(3) see contract/tender documentation which incorporates the requirements of the ESPD (Scotland) and the financial period of reporting is the previous 3 financial years.

(4) Potential Framework Participants will be required to provide confirmation of Employers Liability, Public Liability and any other relevant insurances

III.1.3) Technical and professional ability

List and brief description of selection criteria

Potential Framework Participants must be able to demonstrate experience in providing an efficient, responsive and effective service for the provision of registered medical practitioners on an agency/locum basis (including an understanding of the need to accurately assess the skills and capabilities required against those offered by individual doctors) and the capability to provide Agency Services to Participating

Authorities across Scotland.

Minimum level(s) of standards possibly required

Additional minimum conditions relating to the provision of temporary agency nurses & operating department practitioners are detailed in the Framework Terms & Conditions.

III.2) Conditions related to the contract

III.2.2) Contract performance conditions

Minimum conditions relating to pay and commission rates are detailed in the ITT

III.2.3) Information about staff responsible for the performance of the contract

Obligation to indicate the names and professional qualifications of the staff assigned to performing the contract

Section IV. Procedure

IV.1) Description

IV.1.1) Type of procedure

Open procedure

IV.1.3) Information about a framework agreement or a dynamic purchasing system

The procurement involves the establishment of a framework agreement

Framework agreement with several operators

Envisaged maximum number of participants to the framework agreement: 35

In the case of framework agreements, provide justification for any duration exceeding 4 years:

Justification for any framework agreement duration exceeding 4 years: Changes to practise will require change to fully implement. This award may take the additional year extension option that would take it past the 4 year point, this will be determined during the 4th year of the framework.

IV.1.8) Information about the Government Procurement Agreement (GPA)

The procurement is covered by the Government Procurement Agreement: Yes

IV.2) Administrative information

IV.2.2) Time limit for receipt of tenders or requests to participate

Date

26 June 2023

Local time

12:00pm

IV.2.4) Languages in which tenders or requests to participate may be submitted

English

IV.2.6) Minimum time frame during which the tenderer must maintain the tender

Duration in months: 4 (from the date stated for receipt of tender)

IV.2.7) Conditions for opening of tenders

Date

26 June 2023

Local time

12:00pm

Section VI. Complementary information

VI.1) Information about recurrence

This is a recurrent procurement: No

VI.2) Information about electronic workflows

Electronic ordering will be used

Electronic invoicing will be accepted

Electronic payment will be used

VI.3) Additional information

The procurement involves the establishment of a framework agreement with several operators

Fair Work Practices

The Procurement Reform (Scotland) Act 2014 allows Scottish Ministers to publish statutory guidance to support its implementation.

Addressing Fair Work Practices, including the Real Living Wage, in Procurement

This guidance the first element of guidance to be published under section 29 of the Procurement Reform (Scotland) Act 2014 and applies to procurements which commence on or after 1 November 2015.

Background (from the guidance)

The Public Sector in Scotland is committed to the delivery of high quality public services, and recognises that this is critically dependent on

a workforce that is well-rewarded, well-motivated, well-led, has access to appropriate opportunities for training and skills development, are diverse and is engaged in decision making. These factors are also important for workforce recruitment and retention, and thus continuity of service.

The buyer is using PCS-Tender to conduct this ITT exercise. The Project code is 23676. For more information see:

<http://www.publiccontractscotland.gov.uk/info/InfoCentre.aspx?ID=2343>

The Contracting Authority does not intend to include a sub-contract clause as part of community benefits (as per Section 25 of the Procurement Reform (Scotland) Act 2014) in this contract for the following reason:

The contractor shall ensure that all contracts with sub-contractors and Suppliers which the Contractor intendsto procure following the

Commencement Date, and which the Contractor has not, before the date of this Contract, already planned to award to a particular

Sub-contractor or Supplier, are advertised through the PublicContracts Scotland procurement

portal(www.publiccontractsscotland.gov.uk)and awarded following a fair, open, transparent and competitive process proportionate to the

nature and value of the contract

Community benefits are included in this requirement. For more information see: <https://www.gov.scot/policies/public-sector-procurement/community-benefits-in-procurement/>

A summary of the expected community benefits has been provided as follows:

Background (from Scottish Government - Scottish Procurement Policy Note 6/2014 20th November 2014)

- The Scottish Model of Procurement aims to secure the maximum economic benefit from the 10 billion UKGBP spent by the

public sector on goods and services each year, through an approach that balances the business friendly and the socially

responsible.

- The Public Procurement Reform Programme delivers value that goes beyond savings and benefits – improving supplier

access to public contracts, particularly for SMEs; maximising efficiency and collaboration; and placing the local,

social and economic aspects of sustainability at the heart of the purchasing process.

- The Procurement Reform (Scotland) Act 2014 has established a national legislative

framework for sustainable public

procurement that supports Scotland's economic growth through improved procurement practice – and requires public bodies

to consider how their procurement activity can improve the economic, social and environmental wellbeing of the

authority's area.

- It also specifically requires public bodies to consider imposing community benefit requirements as part of a major

contract; these might relate to, for example, employment opportunities or to sub-contracting opportunities

(SC Ref:725147)

VI.4) Procedures for review

VI.4.1) Review body

Sheriff Court House

27 Chambers Street

Edinburgh

EH1 1LB

Email

edinburgh@scotcourts.gov.uk

Telephone

+44 1312252525

Country

United Kingdom

VI.4.3) Review procedure

Precise information on deadline(s) for review procedures

Precise information on deadline(s) for review procedures:

The Authority will notify economic operators who submitted a tender or (where no deselection process has previously been made) applied

to be selected to tender, of its decision to award the Framework Agreement which notification will contain, among other

information, a summary of the reasons as to why the economic operator was unsuccessful. The notification will

incorporate a 'standstill period' of a minimum of 10 (ten) clear calendar days (or a minimum of 15 (fifteen) if the

communication method used is not electronic) between the date on which the Authority despatches the notice(s) and the

date on which the Authority proposes to conclude the relevant Framework Agreement.

The bringing of court proceedings against the Authority during the standstill period will automatically continue the

prohibition on entering into the Framework Agreement until the court proceedings are determined, discontinued or

disposed of, or the court, by interim order, brings to an end the prohibition. The remedies that may be awarded by the

courts before the Framework Agreement has been entered into include the setting aside of the decision to award the

Framework Agreement to the winning tenderer(s).

The bringing of court proceedings against the Authority after the Framework Agreement has been entered into will not

affect the Framework Agreement unless grounds for the imposition of special penalties under the Public Contracts

(Scotland) Regulations 2015 can be established. Otherwise the remedies that may be awarded by the courts where the

Framework Agreement has been entered into are limited to the award of damages

