

**United Kingdom-London: Financial consultancy services**

OJ S 16/2016 23/01/2016

Contract notice

Services

Directive 2004/18/EC

**Section I: Contracting authority**

---

**I.1. Name and addresses**

Official name: Guy's and St Thomas' NHS Foundation Trust (as host of the NHS London Procurement Partnership)

Postal address: Ground Floor, 200 Great Dover Street

Town: London

Postal code: SE1 4YB

Country: United Kingdom

For the attention of: Mr Steve Clarke

E-mail: [steve.clarke@lpp.nhs.uk](mailto:steve.clarke@lpp.nhs.uk)

Telephone: +44 2071886706

**Internet address(es):**

General address of the contracting authority: <http://www.lpp.nhs.uk>

Address of the buyer profile: [www.lppsourcing.org](http://www.lppsourcing.org)

Electronic access to information: [www.lppsourcing.org](http://www.lppsourcing.org)

Electronic submission of tenders and requests to participate: [www.lppsourcing.org](http://www.lppsourcing.org)

**Additional information can be obtained from:**

Official name: Guy's and St Thomas' NHS Foundation Trust (as host of the NHS London Procurement Partnership)

Postal address: Ground Floor, 200 Great Dover Street

Town: London

Postal code: SE1 4YB

Country: United Kingdom

Contact person: Mr Steve Clarke

E-mail: [steve.clarke@lpp.nhs.uk](mailto:steve.clarke@lpp.nhs.uk)

Telephone: +44 2071886706

**Specifications and additional documents (including documents for competitive dialogue and a dynamic purchasing system) can be obtained from:**

Official name: Guy's and St Thomas' NHS Foundation Trust (as host of the NHS London Procurement Partnership)

Postal address: Ground Floor, 200 Great Dover Street

Town: London

Postal code: SE1 4YB

Country: United Kingdom

Contact person: Mr Steve Clarke

E-mail: [steve.clarke@lpp.nhs.uk](mailto:steve.clarke@lpp.nhs.uk)

Telephone: +44 2071886706

**Tenders or requests to participate must be submitted:** Official name: Guy's and St Thomas' NHS Foundation Trust (as host of the NHS London Procurement Partnership)

Postal address: Ground Floor, 200 Great Dover Street

Town: London

Postal code: SE1 4YB  
Country: United Kingdom  
Contact person: Mr Steve Clarke  
E-mail: [steve.clarke@lpp.nhs.uk](mailto:steve.clarke@lpp.nhs.uk)  
Telephone: +44 2071886706

**I.2. Type of the contracting authority**

Body governed by public law

**I.3. Main activity**

Health

**I.4. Contract award on behalf of other contracting authorities**

The contracting authority is purchasing on behalf of other contracting authorities: no

**Section II: Object of the contract**

---

**II.1. Description**

**II.1.1. Title attributed to the contract by the contracting authority**

PFI advisers (financial, legal and technical ) to support contract savings reviews across the National Health Service in the UK.

**II.1.2. Type of contract and place of performance or delivery**

Services

Service category No 11: Management consulting services [6] and related services  
NUTS code UK United Kingdom

**II.1.3. Information about a framework agreement or a dynamic purchasing system**

The procurement involves the establishment of a framework agreement

**II.1.4. Information about framework agreement**

Framework agreement with several operators

Maximum number Envisaged maximum number of participants to the framework agreement  
: 3

**Duration of the framework agreement**

Duration in years: 2

In the case of framework agreements, provide justification for any duration exceeding 4 years:  
This agreement will be effective from 4.4.2016 and will be operation for a period of 2 years with the option to extend by a further 2 years, this will be exercised at the discretion of the Contracting Authority.

**Estimated total value of purchases for the entire duration of the framework agreement**

Estimated value excluding VAT:

Range: between 0 and 1 000 000 GBP

**II.1.5. Short description of the contract or purchase(s)**

NHS London Procurement Partnership (LPP) intends to establish a joint working agreement with 1 or more Suppliers (maximum 3) to provide support to NHS organisations to make savings from operational PFI contracts.

The Supplier(s) appointed must be able to provide a wide range of specialist PFI advice to include financial, legal and technical services. The Supplier(s) will be required to provide at least 1 of the services in-house. The remaining services may be delivered through the use of sub-contractors identified by the tenderer at tender stage. The PFI advisers will work

collectively as a team.

The PFI advisers will be a practical, hands-on organisation with a team of experienced individuals including PFI lawyers, technical advisors and financing experts with extensive experience of delivering PFIs from within the public sector.

To maintain impartiality, the external PFI Supplier(s) appointed by LPP shall have any vested interest in operational PFI projects across the NHS other than a desire to see third party services being delivered more effectively and efficiently. This collaborative initiative is based on the fundamental need to support NHS Organisations to undertake PFI efficiency reviews. LPP is an NHS owned collaborative procurement organisation hosted by Guy's and St Thomas' NHS Foundation Trust, that exists to provide a cost effective and efficient procurement service to member organisations located across the NHS in England. LPP brings health sector expertise, in-depth data on NHS expenditure as well as strong relationships in the health economy and more widely.

LPP is required to recover the costs of any work undertaken to support trusts to review their operational PFI Contracts but have no profit maximising objective.

LPP and the external PFI advisers appointed by LPP will work on the basis of a fixed or capped fee based on a standard day rate that reflects the blend of resources supplied by each organisation. The savings made will be retained by the NHS Organisation and used for front-line services.

LPP will collect payment from NHS trusts for the services rendered. The external PFI advisers shall invoice LPP in accordance with the time-scales and frequency agreed for each assignment. LPP will pay the agreed charges within 30 days of the date of the invoice.

Where a NHS Organisation conducts a competitive or single tendering exercise for a PFI adviser and the contract is awarded to LPP (in the name of Guy's and St Thomas' NHS Foundation Trust as host of the LPP), LPP will be the lead service provider. LPP will be responsible to the client for the delivery of the entire service, and for the co-ordination of the work undertaken by the external Service Provider.

The intention shall be for LPP to engage the external PFI advisers under the same terms and conditions (NHS Terms and Conditions for the Provision of Services) and pricing agreement (either fixed fee, capped fee or day rate) as entered into with the client for each assignment.

#### **II.1.6. CPV code(s)**

66171000 Financial consultancy services, 79111000 Legal advisory services, 79412000 Financial management consultancy services, 79418000 Procurement consultancy services, 79410000 Business and management consultancy services

#### **II.1.7. Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: no

#### **II.1.8. Lots**

#### **II.1.9. Information about variants**

Variants will be accepted: no

### **II.2. Scope of the procurement**

#### **II.2.1. Total quantity or scope**

The support required by the external PFI advisers may vary between projects. The services to be offered will depend on the contractual history context of each NHS Organisation and will include; Compliance check — independent desktop review of project documentation and non-technical contract compliance; Contract management review — independent evaluation of the contract management arrangements (including governance, systems and controls, resourcing,

knowledge management) and recommending improvements; PFI savings review — detailed analysis of the PFI contract documents and financial model to identify and quantify savings; stakeholder workshops to prioritise these and delivery of a high level implementation plan; Implementation support — provide additional commercial capability to the client organisation, including support in negotiating and documenting the savings; and commercial support on specific contract issues, such as benchmarking, dispute resolution, insurance premium risk sharing, refinancing. The tasks listed above are not intended to be exhaustive.

#### **II.2.2. Information about options**

Options: no

#### **II.2.3. Information about renewals**

This contract is subject to renewal: yes

Number of possible renewals: 2

In the case of renewable supplies or service contracts, estimated timeframe for subsequent contracts:

Duration in days: 0 (from the award of the contract)

### **II.3. Duration of the contract or time limit for completion**

## **Section III: Legal, economic, financial and technical information**

---

### **III.1. Conditions related to the contract**

#### **III.1.1. Deposits and guarantees required**

Participants must be in a sound financial position. The contracting authority will carry out financial checks on applicants. For specific call-off contracts, a parent company and/or other guarantees of performance and financial standing may be required if considered appropriate in the form of a guarantee or a performance bond.

#### **III.1.2. Main financing conditions and payment arrangements and/or reference to the relevant provisions governing them**

#### **III.1.3. Legal form to be taken by the group of economic operators to whom the contract is to be awarded**

Where a sub-contract solution is being proposed to provide the depth of support services required, the prime contractor will be responsible and liable for service delivery.

#### **III.1.4. Contract performance conditions**

The performance of the contract is subject to particular conditions: yes

Description of particular conditions: Any other condition as specified in the tender documentation.

### **III.2. Conditions for participation**

#### **III.2.1. Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions: Information and formalities necessary for evaluating if the requirements are met:

A Supplier will not be admitted to the Framework Agreement if there is evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if you have been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security

obligations (except where this is disproportionate e.g. only minor amounts involved).

A Supplier may not at the discretion of the Contracting Authority be admitted to the Framework Agreement if:

- (a) Your organisation has violated applicable obligations referred to in regulation 56 (2) of the Public Contract Regulations 2015 in the fields of environmental, social and labour law established by EU law, national law, collective agreements or by the international environmental, social and labour law provisions listed in Annex X to the Public Contracts Directive as amended from time to time;
- (b) Your organisation is bankrupt or is the subject of insolvency or winding-up proceedings, where your assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State;
- (c) Your organisation is guilty of grave professional misconduct, which renders its integrity questionable;
- (d) Your organisation has entered into agreements with other economic operators aimed at distorting competition;
- (e) Your organisation has a conflict of interest within the meaning of regulation 24 of the Public Contract Regulations 2015 that cannot be effectively remedied by other, less intrusive, measures;
- (f) The prior involvement of your organisation in the preparation of the procurement procedure has resulted in a distortion of competition, as referred to in regulation 41, that cannot be remedied by other, less intrusive, measures;
- (g) Your organisation has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions;
- (h) Your organisation —
  - (i) Has been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria; or
  - (ii) Has with-held such information or is not able to submit supporting documents required under regulation 59 of the Public Contract Regulations 2015; or
- (i) Your organisation has undertaken to:
  - (aa) Unduly influence the decision-making process of the contracting authority, or
  - (bb) Obtain confidential information that may confer upon your organisation undue advantages in the procurement procedure; or
- (j) Your organisation has negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award; or where the Contracting Authority can demonstrate the Supplier's non-payment of taxes/social security contributions where no binding legal decision has been taken.

### **III.2.2. Economic and financial ability**

List and brief description of conditions: (a) A copy of the audited accounts for the most recent 2 years, or (b) A statement of the turnover, profit and loss account, current liabilities and assets, and cash flow for the most recent year of trading for this organisation or (c) A statement of the cash flow forecast for the current year and a bank letter outlining the current cash and credit position or (d) Alternative means of demonstrating financial status if any of the above are not available (e.g. Forecast of turnover for the current year and a statement of funding provided by the owners and/or the bank, charity accruals accounts or an alternative means of demonstrating financial status).

### **III.2.3. Technical and professional ability**

List and brief description of conditions:

The assessment for technical capacity will be based on the information provided by Suppliers in the completed tender on the e-tendering portal.

### **III.2.4. Information about reserved contracts**

#### **III.3. Conditions specific to services contracts**

##### **III.3.1. Information about a particular profession**

Execution of the service is reserved to a particular profession: yes

Reference to the relevant law, regulation or administrative provision: Legal profession.

##### **III.3.2. 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: yes

## **Section IV: Procedure**

---

### **IV.1. Type of procedure**

#### **IV.1.1. Type of procedure**

Open

#### **IV.1.2. Information about the limits on the number of candidates to be invited**

#### **IV.1.3. Information about reduction of the number of solutions or tenders during negotiation or dialogue**

Recourse to staged procedure to gradually reduce the number of solutions to be discussed or tenders to be negotiated no

### **IV.2. Award criteria**

#### **IV.2.1. Award criteria**

The most economically advantageous tender in terms of Price is not the only award criterion and all criteria are stated only in the procurement documents

#### **IV.2.2. Information about electronic auction**

An electronic auction will be used: no

### **IV.3. Administrative information**

#### **IV.3.1. File reference number attributed by the contracting authority**

LPP/2016/024

#### **IV.3.2. Previous publication concerning this procedure**

#### **IV.3.3. Conditions for obtaining specifications and additional documents or descriptive document**

Payable documents: no

#### **IV.3.4. Time limit for receipt of tenders or requests to participate**

26.2.2016 - 17:00

#### **IV.3.5. Estimated date of dispatch of invitations to tender or to participate to selected candidates**

**IV.3.6. Languages in which tenders or requests to participate may be submitted**  
English.

**IV.3.7. Minimum time frame during which the tenderer must maintain the tender**

**IV.3.8. Conditions for opening of tenders**

Persons authorised to be present at the opening of tenders: no

## **Section VI: Complementary information**

---

### **VI.1. Information about recurrence**

This is a recurrent procurement: no

### **VI.2. Information about European Union funds**

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

### **VI.3. Additional information**

The Contracting Authority expressly reserves the right: (I) Not to award any contract as a result of the procurement process commenced by publication of this notice and (II) To make whatever changes it may see fit to the content and structure of the tendering competition; and in no circumstances will the Contracting Authority be liable for any costs incurred by the candidates. If the Contracting Authority decides to enter into a framework agreement with the successful supplier(s), this does not mean that there is any guarantee of subsequent contracts being awarded. Any expenditure, work or effort undertaken prior to contract award is accordingly a matter solely for the commercial judgement of potential Suppliers. Any orders placed under this Framework Agreement will form a separate contract under the scope of this Framework between the supplier and the Contracting Authority. The Contracting Authority is the only organisation able to utilising the Framework and shall use an electronic portal during the life of the agreement. The duration referenced in Section II.1.4) is for the placing of orders. Participants should note that there will be no guaranteed volumes under any framework agreement awarded. LPP has adopted Due North Portal for all of its e-tendering activity. The process will be conducted entirely via self service access to online questionnaires, downloading of all documentation and submission in an electronic format. Suppliers must register on the LPP Sourcing Portal operated by Due North, URL: [www.lppsourcing.org](http://www.lppsourcing.org) To register as a new Supplier, navigate to the Portal, click Supplier Registration and complete Supplier Registration Steps 1-5. Note the username you chose and select (Save) when complete, then (Close Windows). You will be sent an e-mail with a unique password (keep this secure). Login to the Portal with your username/password. Where necessary, search for the opportunity 'Specialist Consultancy Support for Efficiency Reviews of Operational PFI Contracts across the NHS', or select it from the list within Current Opportunities. In order to access the documents, click on Register an Interest. This will allow access to the detailed guidance material and response area. The system will send an email inviting you to participate in the opportunity, once your expression of interest has been registered. Click on the My Opportunities option on the right side of the screen and then select NHS London Procurement Partnership as the organisation. This will refresh the opportunity list. Click on the Contract A65C-NZNXAL for Internal Contract ID LPP/2016/024 to open the detail of the tendering opportunity. Click on the hyper-link for the tendering opportunity for 'Specialist Consultancy Support for Efficiency Reviews of Operational PFI Contracts across the NHS' (title given in General Information) To access all documents and information on submission deadline and

completion guidance, click on View ITT — Open at the top right on the screen. Please ensure that your complete response has been both uploaded and submitted before the closing time and date, otherwise the Due North system will automatically close the Tender Box and no further responses can be accepted by the system. If you experience any difficulties please contact the Due Northsourcing Help-desk on +44 8452930459 or email: [support@due-north.com](mailto:support@due-north.com) Suppliers are required to register with the Supplier Intelligence Database (sid4Gov) at <https://sid4gov.cabinetoffice.gov.uk>

#### **VI.4. Procedures for review**

##### **VI.4.1. Review body**

Official name: Guy's & St Thomas' NHS Foundation Trust (as host of the London Procurement Partnership)

Postal address: Great Maze Pond

Town: London

Postal code: SE1 9RT

Country: United Kingdom

Telephone: +44 2071887188

Internet address: [www.guysandstthomas.nhs.uk](http://www.guysandstthomas.nhs.uk)

##### **VI.4.2. Review procedure**

Precise information on deadline(s) for review procedures: The Authority will incorporate a minimum 10 calendar day standstill period at the point information on the award of the contract is communicated to tenderers. Applicants who are unsuccessful shall be informed by the Authority as soon as possible after the decision has been made as to the reasons why the Applicant was unsuccessful. If an appeal regarding the award of the contract has not been successfully resolved, The Public Contracts Regulations 2015 provide for aggrieved parties who have been harmed or are at risk of harm by breach of the rules to take legal action. Any such action must be brought within the applicable limitation period. Where a contract has not been entered into, the Court may order the setting aside of the award decision or order the authority to amend any document and may award damages. If the contract has been entered into the Court may, depending on the circumstances, award damages, make a declaration of ineffectiveness, order the Authority to pay a fine, and/or order that the duration of the contract be shortened. The purpose of the standstill period referred to above is to allow the parties to apply to the Courts to set aside the award decision before the contract is entered into.

##### **VI.4.3. Service from which information about the review procedure may be obtained**

Official name: Guy's & St Thomas' NHS Foundation Trust (as host of the London Procurement Partnership)

Postal address: Great Maze Pond

Town: London

Postal code: SE1 9RT

Country: United Kingdom

E-mail: [steve.clarke@lpp.nhs.uk](mailto:steve.clarke@lpp.nhs.uk)

Telephone: +44 2071887188

##### **VI.5. Date of dispatch of this notice**

21.1.2016