

Consortium *News*

North Western Universities Purchasing Consortium Ltd

Issue 18 November 2010



Joint Contracting Group
Increased Range of
Framework Agreements

Managing Director's Update



The level of cuts may lead to a period of instability within the sector, however it also presents a significant opportunity for procurement to step up to the challenge and deliver further savings. This opportunity, if seized, can significantly raise the profile of procurement to levels not previously attainable and is one I am sure our members will take.

I am pleased to report that the ENPC have invited TUCO Purchasing Ltd (TPL) and The Energy Consortium (TEC) to future Heads of Consortium meetings, this is a significant step forward for the sector and will not only increase the exposure of both organisations but also the level of collaboration in the sector.

Operationally the work of the Joint Contracting Group continues at a pace with the group being joined by both SUPC and APUC at their October meeting held at NWUPC. The work of the group is fundamental to NWUPC and assists in providing members with an increased range of compliant framework agreements.

Key to their work is the Annual Returns Database and I am pleased that the ARD working party continue to explore improvements to the functionality of the software. This allows the Consortium and members alike to analyse and determine potential new contracting areas.

As this is my last update of the year all that remains is to wish all our members a very happy Christmas and a prosperous New Year.

Paul Tomany
Managing Director

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Spending and cuts have made high profile headlines recently, first Lord Browne of Madingley published his Independent Review into Higher Education Funding and Student Finance. His recommendations present a radical plan to shake up higher education in England and a charter for choice for students, who will be entrusted with far more power to shape their own future. Under a new system, to be called the Student Finance Plan, no student will pay anything until they graduate and are in work.

On the 20th October the Chancellor, George Osborne, presented the Government's Spending Review, which fixes spending budgets for each Government department up to 2014-15.

The Spending Review comes at a time when the state is spending significantly more money than it raises in taxation, and is having to meet the gap – called the deficit – by borrowing at record levels.

This review is certain to present many challenges for the purchasing profession and the public sector as a whole and will impact on strategy and spending for years to come.

Consortium News

The end of an era the press proclaimed! The last few months has seen Jo Kavanagh (NWUPC) and David Johnson (University of Liverpool) retire, both have been major supporters of procurement in general and NWUPC in particular.

They will be hugely missed in the sector and I would like to wish them every happiness and a very long retirement.

Needless to say we did not allow either occasion to pass without the obligatory farewell function. July saw NWUPC staff take Jo for a night of dancing and (the odd) drink, everyone was in high spirits, none more so than Jo who offered to take the place of the Turkish belly dancers; however Sarah was having none of it and ably deputised. Jo will not be leaving NWUPC altogether as she continues to work on a number of projects as a consultant.

In October we bid a fond farewell to David Johnson, a gathering of staff from throughout the UK assembled to provide David with a well deserved



Jo (front right) and NWUPC staff at Jo's farewell function

send off. David has been involved in collaborative procurement for more years than I can remember, during this time he has been involved in, and chaired, some of the sector's most effective working parties. He will leave a huge gap within the University of Liverpool, NWUPC and the wider sector and is going to be a tough act to follow.

Outside of NWUPC we have also seen the Director of NEUPC, Simon Toplass, leave for pastures new. Simon has overseen the development

of NEUPC to the consortium we see today and our thanks go to him for his work in the sector. I will become their Interim Strategic Director for a six month period to provide stability and direction.

Typically time stands still for no one and as people leave new people arrive. NWUPC are pleased to announce that Helen Dodd-Williams has joined the consortium as Contracts Officer. Helen will provide much needed resource to the contracting team and will be attending all forthcoming commodity groups so many of you will have chance to meet her personally.

NWUPC are also pleased to welcome West Cheshire College as the consortium's newest member, we looking forward to learning more about their organisation in the near future.

Finally it is with pleasure that David Lamb has recently completed his NVQ level 4 in Supply Chain Management to become the consortium's fifth member of staff professionally qualified in procurement, well done David.



Helen (right) joins Jane, David and Mike on the contracting team

Paul Tomany
Managing Director

Contracting Activities

The NWUPC continues to develop the contracting programme through both joint collaboration with other consortia and through the work carried out within the commodity groups.

NWUPC are currently working on several EU tenders, with a busy few months ahead as work will start shortly on the following framework agreements:

- Plumbing Heating and Ventilation
- AV Equipment and AV Installations
- Photography Equipment
- Sanitary Disposals
- PPI Envelopes
- White Goods
- Tool Hire
- Lift Consultancy
- Flooring

To help with the increasing work load, NWUPC are pleased to welcome Helen Dodd-Williams to the team. Helen started work for NWUPC on the 18th October. Helen will provide much need resource amongst the contracting team. Furthermore, Helen's background at Manchester Metropolitan University will give her a good understanding of members' requirements.

Fix wire Testing

Fixed Wire Testing was a new area to NWUPC which has now been tendered. Seven Suppliers have been awarded the framework

which began on the 18th October 2010. NWUPC led this agreement on behalf of NWUPC members, APUC, NEUPC and CPC. NWUPC would like to thank the sub group involved, for all their hard work. Our thanks go to Dean Griffiths (RNCM), Gary Sadler (CPC), Andy Anderson (APUC), Mark Hayter (NEUPC), Chris Jackman & Dave Kendrick (University of Chester), and Neil Morris (University of Worcester).

Examination Answer Books

The new Examination Answer Book tender began on the 1st July 2010. Our thanks goes out to Sue Halliday, (University of Liverpool) for her valued input on the sub group. Four suppliers were awarded the framework agreement - CDP Print Management, Lonsdale Print Solutions Limited, Linney Print, and Page Bros. The new framework allows for further cost savings for members buying in bulk. Please see the NWUPC website for further details.

Office Furniture

The new office furniture framework agreement has now been awarded to nine suppliers: AFI Group, Broadstock Office Furniture Ltd, Emergent Crown, Godfrey Syrett Ltd, Gresham Office Furniture, ROC Office Furniture, Southern Office Interiors, The Triumph Furniture Company Ltd, and Wagstaff Interiors Group.

The framework agreement began on the 1st November 2010 until the 31st October 2013 with the option to extend for a further year. Further details are available on the NWUPC website.

Toilet Tissue & Related Paper Products

The above framework agreement has been awarded and commenced on the 1st September 2010 and replaces the previous agreement. six suppliers were awarded the framework agreement - Alliance Disposables, Arrow County Supplies, Bunzl Cleaning & Hygiene, Georgia Pacific, GPP Hygiene and Kimberly Clark. The new framework allows for four monthly pricing due to the current market conditions, with the view to saving members money. Again NWUPC would like to thank Phil Lord (University of Manchester) and Adrian Davies (CPC) for their input.

Government Merchant Acquiring

NWUPC have adopted the Buying Solutions Framework Agreement for the Government Merchant Acquiring. Further details can be found on the NWUPC website.

Childcare Vouchers

NWUPC have also adopted the APUC tendered framework for Childcare Vouchers with Sodexo Pass Ltd. Further details can be found on the NWUPC website.

Secure Furniture for ICT & Bespoke Computer Suite Furniture

NEUPC have awarded a new tendered framework agreement for secure furniture for ICT to Dalen Top Tec, and Bespoke Computer Suite Furniture to Claughtons. This agreement is available to NWUPC members and replaces the previously negotiated agreement for secure furniture.

Signs & Signage

The NEUPC have also awarded the Signs and Signage framework agreement. This new area incorporates both internal and external signs. Our thanks go out to Linda Sutton who volunteered to attend sub group meetings, representing NWUPC members. The agreement began 16th July 2010.

Cash & Valuables in Transit

A further framework agreement awarded by NEUPC is that of Cash & Valuables in Transit. Two suppliers were awarded the framework agreement - Loomis and Security Plus. The framework started on the 10th February 2010.

Work in Progress

Refuse Sacks

The refuse sack pre qualification questionnaire is currently advertised. Returns were due

back on the 18th of October 2010. The OJEU advert has already proved of interest to potential suppliers, with over ten expressions of interest at the time of writing. The tender will allow for both standard and biodegradable refuse sacks.

Laboratory Water Purification Consumables & Servicing

NWUPC continues to lead on this complex framework agreement. Various meetings have been held with sub group members and suppliers in order to write a specification. This will be a national agreement with input from the APUC, NEUPC, SUPC and LUPC. An update will be available shortly on the progress of this agreement.

Pest Control

NWUPC are working in collaboration with APUC on a Pest Control tender. Jane

Hargreaves will be representing NWUPC members on the sub group. Expressions of Interest forms have been circulated to gather information. The tender is to include both pro active and re-active services.

Negotiated Agreements

Tool Hire

NWUPC now have a tool hire negotiated agreement in place with HSS Hire, and Brandon Hire. The agreement runs until the end of June 2011. This will then provide management information in order to EU tender this area.

Review Meetings

Review meetings with all suppliers continue. AV equipment and AV Installation meetings are to be held shortly. If you have any feedback regarding these agreements please contact Jane Hargreaves at the Consortium, email: jane.hargreaves@manchester.ac.uk.

Contract	Contracting Authority	Contract Start Date	Contract Finish Date	Possible Extension
Banking	CPC	01/07/2008	31/06/2012	None
Temporary Staff - Specialist IT, Library, Finance	CPC	07/06/2009	30/05/2012	1 year
Temporary Staff - General Office	CPC	07/06/2009	30/05/2012	1 year
Sports Fitness & Gym Equipment	CPC	25/11/2010	24/11/2012	2 years
Roofing and Tiling Supplies	CPC	12/04/2011	31/03/2012	2 years
Personal Protective Equipment includes Clothing & First Aid	CPC	OJEU advert to go out shortly		
Lift Maintenance	NEUPC	May/June 2010	2 years	1+1
Fire Extinguishers	NEUPC	Pre-tender analysis being undertaken		
Window Cleaning	NEUPC	Pre-tender analysis being undertaken		
Security Staff	NEUPC	Potential tender - analysis being undertaken		
Lift Consultancy	NWUPC	Pre-tender analysis being undertaken		
Water Purification	NWUPC	Pre-tender analysis being undertaken		
Plumbing	NWUPC	01/06/2011	31/05/2014	31/05/2015
Refuse Sacks	NWUPC	01/03/2011	28/02/2013	28/02/2015
Photographic Equipment	NWUPC	01/08/2011	31/07/2014	31/07/2015
Pest Control	APUC	Potential tender - analysis being undertaken		

Profile PHS

PHS is one of the UK's leading workplace services providers, looking after over 300,000 customer locations, ranging from SMEs to large multinationals.

PHS aims to deliver great products and services, which will make your workplace better - Practical Solutions Everyday. Growing from the washrooms business, the PHS Group now offers a range of services.

PHS are a nominated supplier on a number of NWUPC Framework agreements.

PHS Washrooms (Sanitary Disposal Framework Agreement)

PHS Washrooms is the UK's leading washroom services provider, offering a comprehensive range of co-ordinated washroom products and services that comply with legislations, and help meet environmental and financial

objectives. We provide total service management, and with nationwide coverage, flexibility, and over 40 years experience, we can fulfil your washroom requirements regularly and in an emergency with a professional, yet discreet service.

In addition, our award winning Water and Energy Saver Range can help you save water, energy and money as well as achieve sustainability targets. Airforce™ high speed, low energy hand dryer uses up to 80% less energy than any other dryer of its kind, with an output of just 1.1kW/h. Flush-wiser® WC Flush Control is an uniquely adaptable water saving device for WCs that can save up to three litres of water per WC flush, without compromising on hygiene.

Flush-wiser Urinal Flush Control is our intelligent water management system that can save up to 90% of water used in urinals, by utilising intelligent infra-red technology to match flush rate to the number of people using the washroom. Adapta Taps are retro-fitted to turn existing taps into more efficient push taps, saving up to 80%

of water and reducing water wastage by preventing the risk of taps being left running.

PHS Waterlogic (Water Dispensers Framework Agreement)

PHS Waterlogic is Europe's largest supplier of mains fed watercoolers. As well as offering the best range of watercoolers, PHS Waterlogic provides a premium range of hot water boilers and high volume water dispensers, together with a full range of accessories. The quality, reliability and functionality of our products make them outstanding value for money.

PHS Waterlogic offers a Totalcare® service package where it's all included; delivery, installation and maintenance. Totalcare also includes twice yearly preventative servicing.

If you would like more details on how PHS' products and services can help you, call 029 2080 9090 quoting S1272 to get in touch with your Key Account Manager, email productinfo@phs.co.uk or visit www.phs.co.uk



Profile Scientific Laboratory Supplies

Scientific Laboratory Supplies Ltd are the largest independent UK based laboratory and consumables supplier.

A British company, serving customers in the UK and international markets, we aim to deliver market leading brands, customer choice and real value for money. We maintain extensive stocks and deliver these via our own delivery fleet at no additional cost to you.

We pride ourselves on offering real service and value through being truly flexible, precise and committed to building strong relationships through a totally people-oriented approach.



SLS are proud to be a preferred supplier to the new Inter-Regional Laboratory Agreement for Universities in England and Wales (IRLA).

Our tender offering was second to none, and through our extensive field based team and our committed office-based customer service operation we will endeavour to implement this to you the customer.

SLS were awarded all of the 8 lots - including the 3 Analytical Chemical lots. This agreement went live 1st August 2010 and covers all laboratory based Analytical and General Purpose Reagents and Solvents.

Please contact our Regional Sales Manager, Tina Naylor for any enquiries:

Mob: 07767 656 839
Email: tnaylor@scientific-labs.com

England & Wales: 0115 982 1111
Scotland: 01236 431 857

Email: slsinfo@scientific-labs.com

www.scientificlabs.co.uk



**SCIENTIFIC
LABORATORY
SUPPLIES**

Training Update

NWUPC continues to offer members opportunities to develop their procurement skills through the CPD programme and the NVQ qualification.

Continuing Professional Development

The 2009-2010 Continuing Professional Development programme proved to be the most successful to date. We held more sessions than before and attendances were the highest since the programme began. Delegate feedback was again very positive and constructive.

Our new programme covering 2010 – 2011 commenced in September and continues until July 2011. The sessions are designed to appeal to members at all levels of the procurement function within their institutions.



The programme is a combination of repeating the most popular sessions from our previous programme and the addition of new topic areas covering the latest developments from the HE sector and the procurement world.

Each session commences at 10.00 am until 4.00 pm with refreshments and lunch provided. Generally the sessions are a

combination of both theory and practical work.

All the sessions are delivered by procurement professionals who are highly experienced and have considerable knowledge of the topics they are covering. They are able to bring practical experience to their presentations and provide delegates with the techniques for dealing with situations in their day to day work. All sessions

Date	Course	Presenter	Location
09/11/2010	Assertiveness for Supply Chain Professionals	Sue Preston	University of Liverpool
24/11/2010	Introducing Project Management - tools and techniques for buyers	Malcolm Clews	University of Salford
14/12/2010	Advanced Procurement Skills	Jenny Radcliffe	University of Liverpool
20-21/01/2011	EU Directives	Florence Gregg	University of Salford
08/02/2011	PQQ Construction	Florence Gregg	Liverpool John Moores University
08/03/2011	Negotiation Tactics	Jenny Radcliffe	University of Central Lancashire
05/04/2011	Finance for Buyers	Keith Dyer	Liverpool John Moores University
05/05/2011	Introduction to Procurement	Jo Kavanagh	University of Salford
14/06/2011	Specification Writing	Jenny Radcliffe	University of Chester
07/07/2011	De-Briefing & Managing Contract Disputes	Martin Vincent	University of Manchester

are presented in a lively and participative way which makes them very enjoyable and helps delegates get more out of the sessions.

If any members would like to suggest any suitable topics for future sessions, they would be most welcome.

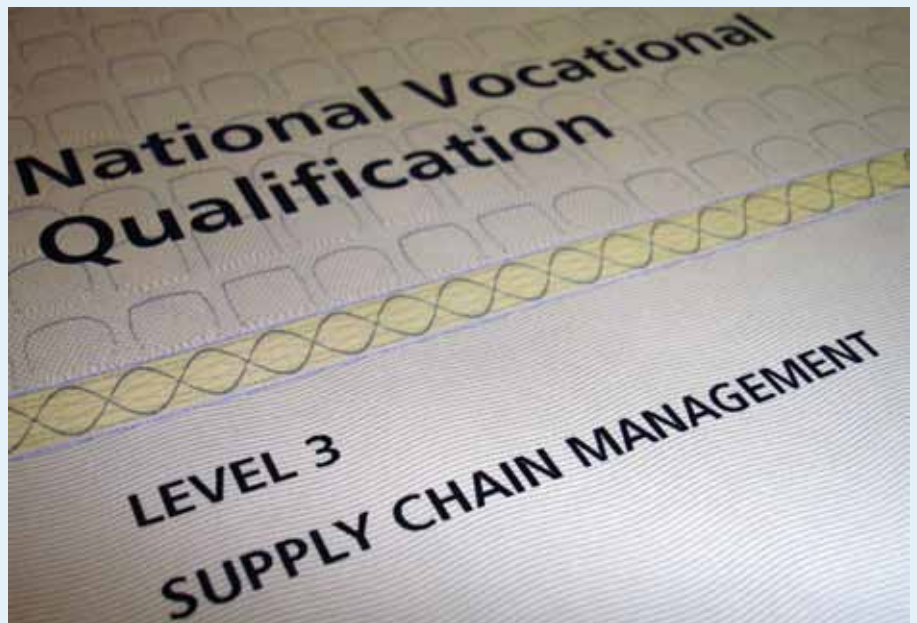
A copy of the CPD programme with details of the sessions and presenters can be downloaded from our website.

Spaces are limited on each of the sessions; delegates are encouraged to book early to avoid disappointment.

Booking is available via accessing the following web link:

<http://app.perfectforms.com/player.htm?f=XkgBggaj>

For further information about the sessions please contact the training team on 0161 234 8000.



National Vocational Qualification

The National Vocational Qualification programme continues to be made available for our member institutions. We currently provide the Supply Chain Management NVQ in levels 2, 3, 4 and 5 via the awarding body Edexcel. Achievement of the level 4 allows the candidate to apply for MCIPS membership.

The programme has been running for over ten years, during this

period we have developed our expertise and are able to tailor the qualification to meet the demands of our member institutions procurement departments.

We have five qualified assessors, who can call on a wealth of experience and skills when tutoring candidates through their qualification.

If you wish to find out more about NVQs please contact any member of the training team on 0161 234 8000.



Interview with Shaun McDonald

Shaun has worked at the Liverpool John Moores University since 1989; he arrived when John Moores was still a Polytechnic and was their first procurement officer. Shaun's career started in 1979 at the NHS as a trainee in the supplies organisation, from there he moved to Cheshire County Council and onto Clwyd Wirral Purchasing Consortium before arriving at his present post.

You must have seen a great deal of changes since 1989, tell me about some of the main ones?

Becoming a university in the mid nineties was probably most significant to the organisation. We had been independent for six years before then so I had already set up a lot of new systems and procedures by this point which helped with the change enormously. The change allowed the university to bid for the pure research money which changed elements of my role as I became more involved in procuring a wider range of high value and interesting products.

What are some of the main challenges you face at John Moores?

We are fortunate as we have an established procurement team and a network of buyers, we also



Shaun McDonald, Procurement Officer Infrastructure Planning, Liverpool John Moores University

enjoy the support of the senior management. As a city centre university we are presented with a number of logistical challenges. We have approx 45 buildings in the city, so there are sites with restricted access, limited opening hours, and limited ability to receive larger deliveries such as pallets. Each campus has its own requirements from a delivery point of view so it's essential that we are aware of these when establishing contracts.

You've been instrumental in many of the Consortium's commodity groups, tell me about the various roles you have held?

I've been on the Heads of Procurement Group since we became members, I sat on the

Furniture Group for over ten years and was Chair for three. I was on the Computer Group for a short while, indeed I was part of the original sub-group that established the consumables contract.

That's an interesting point as this is now one of the highest spend areas under an NWUPC contract, can you recall the original expenditure that was forecasted for the contract?

I think we estimated that there would be £1 million per annum with consortia members, but I understand that it now turns over somewhere in the region of £14 million per annum with the increase in NWUPC spend and also with the Crescent Purchasing

Consortia spend which is amazing and shows the true value of collaboration.

What do you see as the benefits of consortia purchasing?

My background is consortia type purchasing so I'm familiar with the benefits through aggregation, but beyond that I see the real benefits are the extended services that NWUPC offers - the network of commodity groups, training programme and professional guidance and advice. John Moores use the bulk of NWUPC contracts available, we spent £13,000,000 on the various regional and national sector collaborative arrangements in 2008/2009 (EMM Return). This would require a much larger procurement team than we have at present to tender and administer on our own. By using the consortia agreements we not only obtain increased value for money but it allows us to focus on strategic issues that are unique to us.

Do you see the role of the Consortium changing given the current environment?

I think there has to be a trade off soon with regard to aggregation and local sourcing, more of an emphasis could be on ensuring that SMEs have equal opportunity to win consortia type agreements. This is an educational process though and we need to work with suppliers to encourage them to bid, but it's not an easy process.

What do you see as the main challenge ahead for you and Liverpool John Moores?

E-procurement is the main project we are working on at the moment,

this will change the face of procurement within the University dramatically. We already have a lot of functionality in our current finance system but we are looking at e-market places as a result of the HEFCE funding. The plan is to fully automate the procurement cycle which will produce huge efficiencies for the University.

However, an important element to remember is that, despite the efficiencies that e-procurement can bring, it is still based on the adoption of good suppliers. Thus, the selection process becomes, if anything, more important to the procurement process.

Liverpool John Moores seem to embrace technology, for example, when you implemented a new print strategy a few years back; that must have presented some challenges?

It certainly did! It took a great deal of time as it impinged on almost everyone in the university operationally. We commissioned a survey which monitored print traffic in a certain number of faculties which helped to establish our print profile. We visited the market and requested solutions to our print profile, the most attractive solution was to install networked digital MFDs. This meant the removal of an ageing analogue copier fleet, alongside a phased introduction of MFDs to replace the bulk of our desktop printer fleet.

That must have been a huge change in culture for people, how did you manage that?

We went for a phased approach across the university which took three years in total. The benefit of this is that other faculties are able

to see the efficiencies and savings as result of the change. We also appointed print champions in each faculty who were responsible for encouraging people to embrace the changes and to highlight the benefits.

There were a number of minor issues, people liked having a desktop printer so it was difficult to take them away in certain areas but on the whole the process went extremely well. Critical to the project was the support of the Senior Management Team from the outset which helped enormously. The project was endorsed by the Senior Management Team and was recognised as a university wide initiative. The project sponsor was actually Peter Hinton our Executive Director and the Chair of NWUPC.

The project resulted in a first year saving of £100,000 and £60,000 in the second year. Savings are expected to slow down as the new print strategy becomes embedded but overall the project is expected to save the university a quarter of a million pound over the five year contract though this is probably a conservative estimate.

Is there any advice you would give to someone who was thinking of a career in procurement?

I'd encourage anyone to look at procurement as a career, it allows you to get involved in a variety of activities and suits many different personality types. You deal with a great mix of people, especially inside universities. My advice would be to take a step back when procuring, look at the bigger picture, information is key our role but what you do with that information is more important.

Commodity Group Update

Movers and shakers have dominated Commodity Group news over the past year and in particular the last six months seems to have seen the departure of several group favourites who will be very much missed and difficult to replace.

On the catering front, I am sad to report that Angelo Presti a long standing and popular member of the group has now left Staffordshire University. Due to personal circumstances Angelo wished to spend more time with his family. We will miss him and his lively input at meetings and hope to recognise his contribution to the group at some time in the future. Further changes on the Catering Group include the departure of Louise Houlding from the University of Central Lancs and the recruitment of Paul Fowler as Catering Services Manager who along with Andy Coverdale, will assume the representative

role for the University of Central Lancs.

The Domestics Group meeting took place in the beautiful surroundings of the Management Centre in Keele Village. We welcomed Linda Degg, the new representative from Staffordshire who kindly got straight into the spirit of things by volunteering to sit on the Sub-Group for the forthcoming Refuse Sacks tender. This is following in the Staffordshire tradition as the previous Chairman, Alan Tunncliffe, managed this contract until his retirement in 2008.

We had several changes at Liverpool Hope when Colette Hughes, who has been an absolute stalwart of the Stationery Commodity Group for many years, took voluntary severance from the university. Colette has been an absolute delight to work with and the whole group wishes her all the very best for the future. A new position was created at Hope when Sheila Smith took on the role of Procurement Manager, leaving Steve Jolley to concentrate on his payroll responsibilities. Sheila was thrown in at the deep end somewhat

when Hope were scheduled to host a 'Heads of Procurement' meeting on 30th June but it was an excellent opportunity for Sheila to meet with her Consortium counterparts and a very productive meeting was held. It is also hoped that Sheila will represent Hope on the Stationery Group for the time being until a permanent arrangement has been finalised.

Still on an institutional level, Warrington Collegiate have given notice of their intention to leave the Consortium in 2011 and as such we will have to say farewell to two extremely popular and proactive members of Commodity Groups. Catherine Westwood has served on the Catering Group for the past couple of years and David Verdon has been Warrington's representative on our Audio Visual, Heads of Procurement, Furniture and Stationery groups as well as being a very active Sub-Group member of the latter two. Both Catherine and David will be much missed and we would like to record our sincere thanks to both of them for all their hard work and support to the Consortium.

DAVID JOHNSON

It is with sadness that we learned with short notice that David Johnson, Senior Procurement Manager from the University of Liverpool planned to retire at the end of September this year. David has been a vital member of our Laboratory Group for 25 years and is also the university's representative on the Audio Visual Group. He is Chairman of the National Working Party for Electronic Components as well as the National Working Party for Laboratory Supplies and it is fair to say that the tenders led by these



groups have saved the sector millions of pounds. He was also a vital member of the Gases Sub Group and worked tirelessly on the recent tender which resulted in a very competitive contract. It is impossible to assess David's contribution to procurement over the years and his departure will leave a massive hole in Consortium activities. We know that everyone who has had the pleasure of working with David will join us in wishing him the long and happy retirement that he so richly deserves.

As a fitting tribute, on Friday 1st October we said a final farewell to David in the form of a lunch at the Bulls Head public house in Manchester city centre at which he was presented with a gift by Paul Tomany, Managing Director of NWUPC. Colleagues past and present from both Commodity Groups and National Working Parties turned out to say goodbye to David.

In his speech, David owned up to having worked in the sector for 37 years spending 23 of these in the Procurement Office at Liverpool after transferring there from the



David Johnson pictured with Paul Tomany

Labs, where he worked as a technician. Boss Mark Walton, Head of Procurement at the university had managed to unearth his original application form, written on papyrus, on which the deciding factor which gained him the job was his statement about collaboration and value for money being the way forward in procurement.

There was an excellent turnout on the day with colleagues past

and present from Regional Commodity Groups and National Working Parties travelling from as far away as Stirling and Cambridge, illustrating just how highly thought of he is and although, as the saying goes, "nobody is irreplaceable" David comes pretty close to it. His dedication to procurement and gaining value for money is well known amongst his colleagues and throughout his time at Liverpool he has earned the admiration and respect of everyone who has had the pleasure of working with him.

His departure does leave a huge gap in the sector and he will be sorely missed, however David did put in a final appearance at the Laboratory Group meeting at the University of Cumbria on 3rd November. Everyone at the Consortium would like to once again wish him the very long, happy and healthy retirement that he so deserves.

Judith Hoyle
Commodity Group Co-ordinator



David Johnson and colleagues from across the sector

Contract Law - Transparency Moves On

The courts have traditionally been reluctant to pry too closely into the criteria used in making procurement decisions, so long as they have been disclosed to the point of fulfilling the transparency tests.

However, that has moved on to the point where a lack of transparency in market consultations could also give rise to a claim.

In *Law Society v. Legal Services Commission* the claimant applied for judicial review of a tendering process conducted by the Legal Services Commission (LSC). The LSC undertook a competitive procurement exercise designed to identify the best providers of family legal services. It undertook extensive consultation from 2007 onwards culminating in February 2010 in an announcement of the criteria and the scoring system that would be applied to the bids. The bidding closed in April 2010. The new contracts were to be awarded to the bidder that scored the maximum points. Where more than one bidder scored maximum points, allocation would be on a pro rata basis.

In order to score maximum points a provider had to show that at the time of the bid it had a caseworker who was an accredited member of both the care proceedings panel and the domestic violence panel. None of the consultation documents produced indicated that that was necessary. The LSC had stated towards the end of the consultation process that all the information that it would use to distinguish between bids had already been provided.

The Law Society submitted that (1) the process of selection and proposed

criteria were unclear and misleading; (2) by the time the criteria became clear it was too late to comply with them.

In a scathing attack, the judge described the tendering process as “irrational and arbitrary”. It had not been made clear by the LSC that in order to score maximum points a provider had to have a caseworker who was a member of both panels. Neither the 2008 consultation document nor any subsequent document, until the 2010 document announcing the criteria and scoring, had made any reference to the need for accreditation to both panels. Instead, the LSC in a consultation response had referred to supervisor-to-caseworker ratios and suggested that providers with a high number of panel members, even if they were members of the same panel, would be given priority.

The LSC had referred to the need for experience and membership on one of the panels, which unwittingly misled those tendering to think that they needed to have supervisors on one of the panels. Supervisors were given time to get accredited on specialist quality marks, but there had been no suggestion at all that providers would suffer if their caseworkers were not members of the two panels, or that they would not be given time to get the required accreditation. The court found that there was a distinct lack of awareness about what was needed to achieve top marks.

The LSC seemed to admit that they had waited to “ambush” suppliers



Martin Vincent, Mace & Jones

with this criteria in the tender documents to enable them to differentiate between suppliers in the selection process. The court said that whilst it was possible that providers would have applied for accreditation had advance notice been given and potentially would have claimed to meet the requirements, the real issue was whether they would have been able to establish that they did. The court was of the opinion that the more providers there were with the required qualities, the more competitive the selection process would have been. Withholding information on how providers could increase their chances of acquiring contracts defeated the objective the LSC sought to achieve. It narrowed the pool of providers and simultaneously unfairly distinguished between those who were able to discern what was necessary from the opaque information provided and/or had accredited caseworkers, and those who were or had not.

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