

Pathology Managed Service Contract – Legal Challenges Market Research Survey Questions

No	Question	Data	Question Flow
<p>Survey Text: NHS North of England Commercial Procurement Collaborative (NOE CPC) is undertaking a piece of research in regards to procurement legal challenges within the Pathology Managed Service market and requests your participation.</p> <p>In compiling this data we appreciate the information you provide will be commercially sensitive and of a confidential nature. To this end we would like to assure you that the information collected as part of this research will only be used for the purpose of this research and the intent set out above, in an anonymised form.</p> <p>Should you wish to discuss the piece of research in any further detail, we are more than happy to take the time and we'd request you contact Barbara Begg, Procurement Specialist in the first instance on 07950 869 690.</p>			
	QUESTION	RESPONSE	NOTES
Q1	Name of Procuring organisation	ST Helens & Knowsley Teaching NHS Trust	
Q2	How many tenders for Pathology Managed Service Contracts have you started since 1st January 2013?	<p>Please circle:</p> <p>0</p> <p>1</p> <p>2</p> <p>3</p> <p>4</p> <p style="color: red;">5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>10+</p>	<p><i>0 = end of survey</i></p> <p><i>1 to 10+ = Q3 onwards</i></p> <p><i>(repeated by number provided)</i></p>
<p>Survey Text: <i>“The following section will be repeated for each Pathology MSC identified in the previous question”</i></p>			
Q3	Title of tender	1. Microbiology MES	
		2. Microbiology (Haemoglobinopathy)	
		3. Histology specimen Tracking System	

		4. Blood Gas	
		5. Blood Ketone	
Q4	Approx date commenced (<i>month/ year</i>)	1. January 2014	
		2. April 2017	
		3. December 2016	
		4. April 2014	
		5. June 2016	
Q5	Who was the incumbent supplier/s at the time of undertaking this procurement activity?	1. Biomeriux 1.1 million per yr - 5 Years OJEU Completed by Warrington Trust	
		2. Chystal Consulting 300k per yr - 5 years – SBS Framework	
		3. Roche 164k per yr – 5 years - NOECPE Framework	
		4. Radiometer (Chystal Consulting) 180k per yr – 5 years -SBS Framework	
		5. Nova Biomedical (Chystal Consulting) 22k per yr – 3 years SBS Framework	
Q6	What was the estimated <u>annual</u> value of the proposed contract?	<p>Please circle: see answers at Q5</p> <p>£1 to £100k</p> <p>£101k to £500k</p> <p>£501k to £1m</p> <p>£1m to £5m</p> <p>£5m to £10m</p> <p>£10m +</p> <p>Not prepared to disclose</p>	
Q7	What was the anticipated duration (primary term) of the tendered contract?	<p>Please circle: see answers at Q5</p> <p>Less than 5 years</p> <p>5 years</p> <p>6 years</p> <p>7 years</p> <p>8 years</p> <p>9 years</p> <p>10 years</p> <p>11 years</p> <p>12 years</p> <p>13 years</p>	

		14 years 15 years Over 15 years	
Q8	What procedure did you use?	Please circle: see answers at Q5 Open Restricted Competitive Dialogue Competitive Dialogue with Negotiation Innovation partnerships Through a Framework Agreement Other	
Q9	If the contract has been awarded, who is/are the appointed supplier/s?	see answers at Q5	
Q10	Was the procurement process challenged at any point in the procurement process?	Please circle: Yes No – FOR ALL Procurement Processes Still in progress Not prepared to disclose	<i>Yes = Q11</i> <i>No = end of survey</i> <i>Still in progress = end of survey</i> <i>Not prepared to disclose = end of survey</i>
Q11	Who raised the challenge (supplier/s name/s)?		
Q12	Please summarise the key grounds for challenge (tick all that apply)	Please circle all that apply: Hidden criteria Manifest errors (Incorrect scoring applied) Discriminatory treatment or bias in specification of requirements Non-compliant procedural paperwork, (e.g. standstill letters/ contract notices, etc.) Not prepared to disclose Other (free text)	
Q13	Did the Trust feel the grounds for the challenge being raised were justified and legitimate?	Please circle: Yes No	

		<p>Mixed views Unknown Not prepared to disclose</p>	
Q14	How far did the challenge proceed?	<p>Please circle: Settled in court Settled out of court but court proceedings were issued Settled out of court with no court proceedings issued Unknown - currently in process Not prepared to disclose</p>	<p><i>Unknown - currently in process = go to Q21 All others = Q15</i></p>
Q15	What was the outcome of the challenge?	<p>Please circle: Proceeded with process to contract award Re-ran evaluation and subsequently awarded Re-ran entire tender and subsequently awarded Cancelled procurement & direct awarded through a Framework Agreement Cancelled procurement and incorporated into another, existing Trust contract, (e.g. a different MSC) Not prepared to disclose Other (free text)</p>	
Q16	How long did the process of challenge take to resolve?	<p>Please circle: Less than 1 month 1 month to 3 months 3 months to 6 months 6 months + Not prepared to disclose</p>	
Q17	Were damages awarded to the supplier who challenged?	<p>Please circle: Yes No</p>	<p><i>Yes = Q18 No = Q19</i></p>
Q18	What damages were awarded?	<p>Please circle: £1 to £50k £51k to £100k £101k to £500k £501k to £1m £1m +</p>	

		Not prepared to disclose	
Q19	What legal costs did you incur in reaching a conclusion?	Please circle: Less than £5k £5k to £10k £11k to 50k £51k to £100k £101k to £500k £501k + Not prepared to disclose	
Q20	Have you put an estimated value on the entire challenge to the Trust?	Please circle: No value calculated £1 to £50k £101k to £500k £501k to £1m £5m + Not prepared to disclose	
Q21	Do you have any further comment you would like to make in regards to this challenge?		
Q22	If you or someone in your organisation would be willing to discuss the details of the challenge/s detailed in this survey, please provide contact details below	Name: Job Title: Email: Phone number:	<i>End of survey</i>
Survey Text: "Thank you for your participation in the survey"			