

Procurement Policy

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The on-line version is the only version that is maintained. Any printed copies should, therefore, be viewed as 'uncontrolled' and as such may not necessarily contain the latest updates and amendments.

POLICY AMENDMENTS

Amendments to the Policy will be issued from time to time. A new amendment history will be issued with each change.

New Version Number	Issued by	Nature of Amendment	Approving Body	Approval Date	Date Published on Website
1.0	Director of Finance and Investment	New document	Finance, Performance and Delivery Committee	March 2023	May 2023

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1.0 Introduction

The NHS Humber and North Yorkshire Integrated Care Board (ICB) is committed to procuring services that improve the health across our local community.

This policy is a key governance document for NHS Humber and North Yorkshire ICB and supports the Standing Financial Instructions and is aligned to the Operational Scheme of Delegation. The Procurement Policy sets out how NHS Humber and North Yorkshire ICB undertakes procurements and the associated decision making with regard to the relevant legislation, particularly the Public Contract Regulations 2015 and the Public Services (Social Value) Act 2012.

2.0 Purpose

The purpose of this policy is to provide NHS Humber and North Yorkshire ICB with a document that describes how to approach procurement considerations, decision making, and processes to ensure that the contracts agreed by NHS Humber and North Yorkshire ICB are robust and have regard to the relevant legislation, regulations and guidance.

This policy also describes the wider context for procurement and contracting decisions such as patient and public engagement and involvement as well as signposting to specialist technical support from within the NHS Humber and North Yorkshire ICB team.

3.0 Definitions / Explanation of Terms

Conflict of Interest	A situation where individuals have a direct or indirect financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the procurement process.
Contract	A binding agreement between two or more parties.
Engagement	Individual or collective feedback from service users to inform, influence and improve future provision.
Framework Agreement	An 'umbrella' agreement between one or more buyers and a single supplier or multiple suppliers.
Procurement	Procurement activities include identifying and specifying the need, acquiring and managing

	the supply of goods or services from a third party, purchasing, contracting, contract and supplier management and supply chain management.
Provider	As defined by the NHS Standard Contract used for the provision of healthcare services, the party identified to deliver such services.
Quotation	An abbreviated version of tender for lower value procurements.
Supplier	As defined by the NHS Provision of Services Contract, or Framework Call Off Agreement, used for the provision of non-healthcare service, the party identified to deliver such services.
Tender	A document created at the beginning stages of the procurement process. It is a request written by buyers detailing the goods or services that are required and the criteria on which they will award the contract to a supplier or suppliers.

4.0 Scope of the Policy

The policy applies to NHS Humber and North Yorkshire ICB and all its employees and must be followed by all those who work for the organisation, those on temporary or honorary contracts, secondments, pool staff, contractors, and students.

Non-compliance with this policy could potentially place NHS Humber and North Yorkshire ICB and the individual at risk of legal action.

5.0 Duties / Accountabilities and Responsibilities

5.1 Chief Executive

The Chief Executive has overall responsibility for procurement for NHS Humber and North Yorkshire ICB.

5.2 Executive Directors, NHS Place Directors, Place Finance Directors, Budget Holders

Have responsibility for procurement and contract approvals in accordance with the Operational Scheme of Delegation and budgetary delegations.

5.3 Assistant Director of Procurement and Contracts

Responsible for the administrative co-ordination of this policy and ensuring members of staff are aware of the policy and processes to be followed.

5.4 Procurement and Contracts Team

Responsible for providing specialist technical advice to ensure procurement processes are followed and suitable contract arrangements are in place.

5.5 Responsibilities for Approval

The NHS Humber and North Yorkshire ICB Finance, Performance and Delivery sub-committee will approve this Procurement Policy and any subsequent revisions.

6.0 Procurement Policy Requirements

6.1 Context for Procurement

Whatever the content and direction of the organisational strategy, NHS Humber and North Yorkshire ICB will need to answer the following key questions as it seeks to procure services:

- What are the needs for the service? Are the needs of the service the responsibility of the ICB? Are those needs currently being met?
- Where applicable, since the services were last reviewed:
 - have the needs of the service changed?
 - are there any lessons learned through service delivery?
 - can any improvements be identified?
- For healthcare services specifically,
 - how can we make sure that the services are provided in a more joined-up way with other services so that they are seamless from the perspective of the patient?
 - How can we get the professionals that are responsible for different elements of a patient's care to work together more effectively for patients?
- Are our actions transparent? Do we have appropriate records of our decisions?
- Is there equity of access to opportunity to express interest in providing services?
- Are there any conflicts between the interests in commissioning the services and providing them? If so, how can we manage them to make sure that they do not affect or appear to affect the integrity of the award of any contract at a later point in time?
- Are our actions proportionate? Are they commensurate with the value of, complexity and where applicable for healthcare services the associated clinical risk, with the provision of the services in question and consistent with our commissioning priorities?

6.2 Engagement

The ICB has a legal duty to involve local people in the decisions we make about their healthcare services.

Engagement activity is a fundamental element of the commissioning process for healthcare services and should be undertaken at the very start of any new service development / service redesign, and certainly before any decision relating to procurement is made.

The ICB's Communications and Engagement Team will provide support and guidance in the development and delivery of engagement / consultation plans.

The completion of the Equality Impact Assessment (via the EIA tool) should be the first stage of any new service development / service redesign process and this will support the identification of those people affected, the scale and scope

of any engagement activity, and the most appropriate tools and techniques to be utilised.

6.3 Conflicts of Interest

Conflicts of interest occurs when individuals are in a position to be influenced or appear to be influenced by a private or personal interest that could lead to a personal advantage or avoid a personal disadvantage.

Actual conflict of interest exists when, given personal or private interests, an individual is in a position to be influenced or to influence a decision in their favour. Potential conflict of interest exists when personal or private interests puts an individual in a position where they could be influenced or influence a decision in their favour. Finally, perceived conflict of interest exists when personal or private interest exposes an individual to being in a position where they could appear to be influenced or influence a decision in their favour in the undertaking of their duties. In all of these forms of conflict of interest the overriding factor is that the individual's personal or private interest threatens to compromise a procurement process and decision making.

Private or personal interests that could lead to actual, potential or perceived conflict of interest may include professional and/or social activities and interest with individuals or groups, in addition to family and friends. Personal or private interests can be monetary or non-monetary.

Conflicts of interest exist and are not necessarily wrong or unethical; what is important is to identify any conflicts of interest and manage them. Processes to manage conflicts of interest are built into procurement processes for both ICB employees and other stakeholders as well as for those suppliers seeking contracts with the ICB.

6.4 Sustainable Procurement

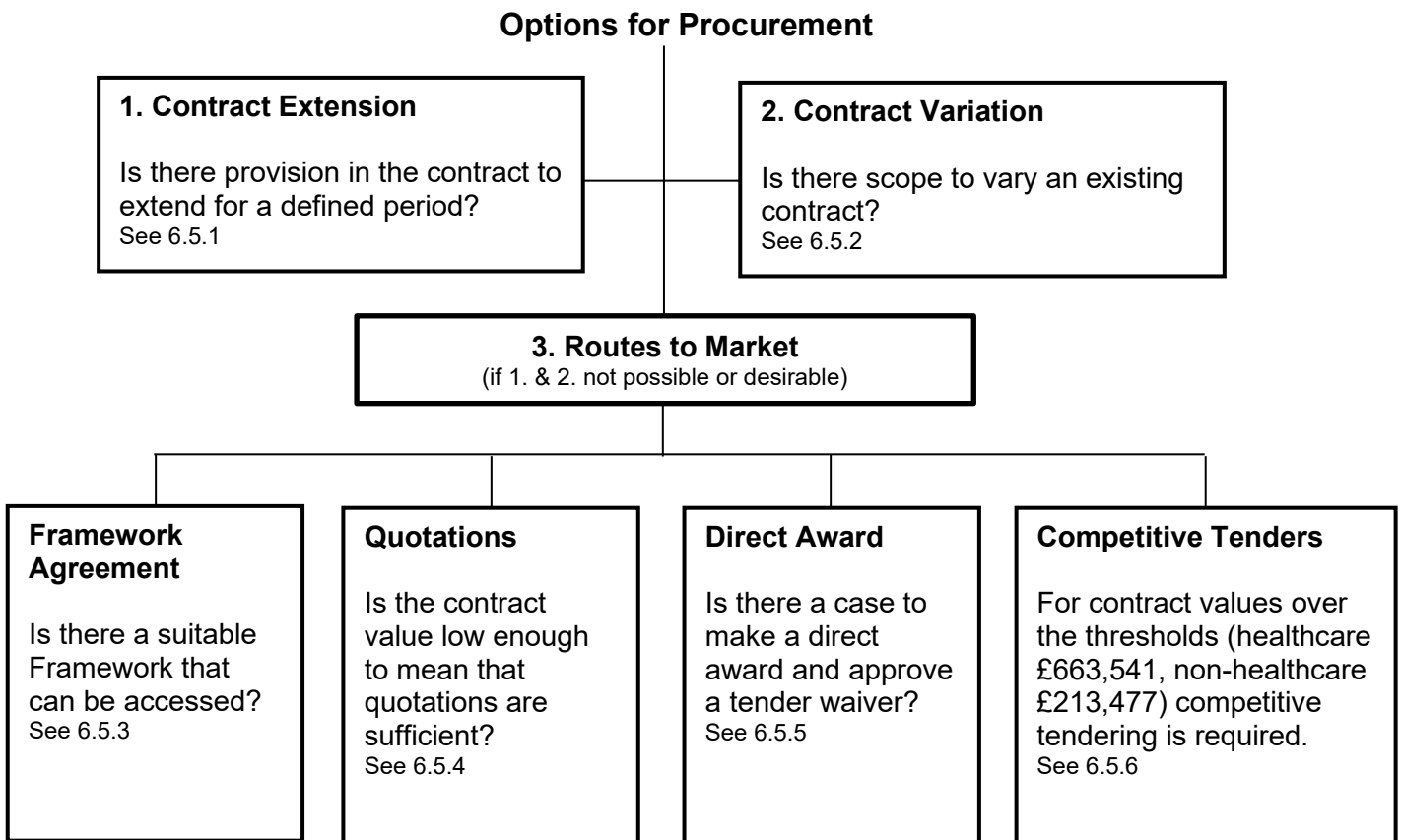
The NHS is a major employer and economic force both in the ICB and across the country and the ICB recognises the impact of its purchasing and procurement decisions on the regional economy and the positive contribution that can be made to economic and social regeneration.

Wherever possible, and where it does not contradict or contravene procurement principles, the ICB will work to develop and support a sustainable local health economy. The ICB will also consider the wider impact of procurement on communities, particularly the opportunity for additional economic, social and environmental 'community benefits' that contribute to delivery of measurable population health benefits and a reduction in health inequalities. Where appropriate social value clauses will be included in tender documentation and contracts, this should also take in to account the Public Services (Social Value)

Act 2012 requiring public authorities to have regard to economic, social and environmental well-being in connection with public services contracts.

6.5 Options for Procurement

Where services or goods are required by NHS Humber and North Yorkshire ICB, there may be a number of options available. Contracting and/or procurement colleagues should be consulted for specialist advice as these options are considered.



6.5.1 Contract Extension

Contract extensions (i.e. an extension to the length of time) may be possible where an existing contract allows for extension and this was always contemplated by the contracting parties (* To note for competitive tenders this would be outlined in any contract notice advert originally issued in respect of the contract).

6.5.2 Contract Variation

Where there is a contract for services already in place, NHS Humber and North Yorkshire Integrated Care Board may be able to use the variation processes in that contract to secure incremental change to service provision where this does not render the contract materially different in character to the one originally procured.

Contract values may be increased to a maximum 10% of the original contract value without the need to re-procure. To increase the contract value above 10%, justification must be made for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor:

- (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, or
- (ii) would cause significant inconvenience or substantial duplication of costs for the contracting authority,

provided that any increase in price does not exceed 50% of the value of the original contract.

or, where all of the following conditions are fulfilled:

- (i) the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;
- (ii) the modification does not alter the overall nature of the contract;
- (iii) any increase in price does not exceed 50% of the value of the original contract or framework agreement.

6.5.3 Framework Agreements

NHS Humber and North Yorkshire Integrated Care Board may utilise any available framework agreement to satisfy its requirements for works, services or goods but only if it complies with the requirements of Procurement legislation in doing so, which include (but are not limited to) ensuring that:

- the framework agreement was procured on behalf of NHS Humber and North Yorkshire Integrated Care Board (or its predecessor organisations);
- the framework agreement includes NHS Humber and North Yorkshire Integrated Care Board's requirement within its scope.

- where the framework agreement is a multi-operator framework agreement, the process for the selection of providers to be awarded call-off contracts under the framework agreement is followed; and
- the call-off contract entered into with the Supplier contains the contractual terms set out by the framework agreement.

6.5.4 Quotations: Competitive and Non-Competitive

Competitive and non-competitive quotations must be sought as follows:

Healthcare Contracts (except NHS providers whose contracts are agreed through the annual planning process)	Contract Value	Usual procedure
	Up to £100,000	Minimum of two written quotations
	£100,001 to £663,540	Minimum of three written quotations
	<i>Above £663,541</i>	<i>Competitive tendering</i>

Non-Healthcare Contracts	Contract Value	Usual procedure
	Up to £1,000	Minimum of one written quotation
	£1,001 to £10,000	Minimum of two written quotations
	£10,001 to £213,477	Minimum of three written quotations
	<i>Above £213,477</i>	<i>Competitive tendering</i>

All values quoted are total contract value (i.e. aggregated ICB total) for the full lifetime of the contract, inclusive of VAT and funding must be secured into designated budgets.

Where competitive quotations are required, quotations should be obtained from the required number of organisations/individuals based on written specifications for the goods or services required.

Quotations must be obtained in writing and should, subject to compliance with the provisions of the Freedom of Information Act 2000, be kept as confidential and should be retained for six months from the date of receipt for inspection.

Quotations received must be evaluated by applying relevant and proportional criteria to select the quotation which gives the best value, this may be based on Quality / Price, Price only, or Quality only.

6.5.5 Direct Award and Tender / Quotation Waivers

A new contract may be awarded to a single provider / supplier without obtaining competitive tenders or quotations subject to certain requirements.

A competitive tendering exercise is not required by NHS Humber and North Yorkshire Integrated Care Board where:

- i. Expenditure is below thresholds (£663,541 for healthcare services and £213,477 for non-healthcare goods and services) subject to the expectation outlined in section 6.5.4 of this Policy
- ii. Contracts are agreed with NHS providers through the annual planning process.
- iii. Disposals
- iv. A consortium arrangement is in place and a lead organisation in undertaking the tendering process.

Formal tendering procedures **may be waived** in the following circumstances:

- (a) in very exceptional circumstances where the Chief Executive Officer decides that formal tendering procedures would not be practicable or the estimated expenditure or income would not warrant formal tendering procedures, and the circumstances are detailed in an appropriate NHS Humber and North Yorkshire Integrated Care Board record;
- (b) where the timescale genuinely precludes competitive tendering for reasons of extreme urgency brought about by events unforeseeable by NHS Humber and North Yorkshire Integrated Care Board and not attributable to NHS Humber and North Yorkshire Integrated Care Board. Failure to plan work properly is not a justification for waiving the requirement to tender;
- (c) where the works, services or supply required is available from only one source for technical or artistic reasons or for reasons connected with the protection of exclusive rights;
- (d) when the goods required by NHS Humber and North Yorkshire Integrated Care Board are a partial replacement for, or in addition to, existing goods and to obtain the goods from a supplier other than the supplier who supplied the existing goods would oblige NHS Humber and North Yorkshire Integrated Care Board to acquire goods with different technical characteristics and this would result in:
 - incompatibility with the existing goods; or
 - disproportionate technical difficulty in the operation and maintenance of the existing goods.

for the provision of legal advice and/or services provided that any provider of legal advice and/or services commissioned by NHS Humber and North Yorkshire Integrated Care Board is regulated by the Solicitors Regulation Authority for the conduct of their business (or by the Bar Council for England and Wales in relation to the obtaining of Counsel's opinion) and are generally recognised as having sufficient expertise in the area of work for which they are commissioned. The Executive Director of Finance and Investment will ensure

that any fees paid are reasonable and within commonly accepted rates for the costing of such work.

Quotations **may be waived** in exceptional circumstances for goods or services of special character or required quickly and not available under existing contracts subject to the approval of the NHS Place Director, NHS Place Director of Finance or Executive Director.

Non-competitive quotation should not be used with the object of avoiding competition or solely for administrative convenience and where it is decided that competitive quotations need not be obtained.

Following a decision for a direct contract award, a waiver of quotation / competitive tendering must be completed and appropriately authorised in line with section 6.7 of this Policy, (See Appendix A)

Tender / Quotation waivers approvals are equivalent to Contract Awards and approved using the same delegation. The Executive Director of Finance and Investment will maintain a record of all tender / quotation waivers which will be reported to the Audit Committee for transparency.

6.5.6 Competitive Tenders

Competitive tenders are required when expenditure is anticipated to exceed £663,541 for healthcare services; and £213,477 for non-healthcare goods and services, these values are total contract value (i.e. aggregated ICB total) for the full lifetime of the contract, inclusive of VAT and funding must be secured into designated budgets.

The Public Contract Regulations (2015) describes the following tendering procedures:

- Open (*most often used for healthcare services*)
- Restrictive
- Competitive Dialogue
- Competitive Procedure with Negotiation
- Negotiated Procedure
- Innovation Partnership
- Light Touch Regime.

6.6 Requirements of a Tender Process

6.6.1 Equality of Treatment

NHS Humber and North Yorkshire Integrated Care Board shall ensure that no sector of any market (public, private, third sector/social enterprise) is given an unfair advantage in the design or conduct of any tender process.

6.6.2 Non-Discrimination

The subject matter and the scope of the contract opportunity should be described in a non-discriminatory manner. NHS Humber and North Yorkshire Integrated Care Board should utilise generic and/or descriptive terms, rather than the trade names of particular products or processes or their manufacturers or their suppliers.

6.6.3 Conflicts of Interest

Conflicts of interest must be identified and managed in accordance with current legislation and regulations. This may, on occasion, require the exclusion of specific individuals from participating in a procurement process or decision making.

6.6.4 Advertisement of Contract Opportunities

Where a contract opportunity falls within the Regulations and a process compliant with the Regulations is required, a Find a Tender Service Notice and Contracts Finder Notice should be utilised.

6.6.5 Invitation to tender

All invitations to tender shall state the date and time that is the latest time for the receipt of tenders and all tenders are to be submitted electronically. Every invitation to tender must require each bidder to give an undertaking not to engage in collusive tendering or other restrictive practice and not to engage in canvassing NHS Humber and North Yorkshire Integrated Care Board, its employees or officers concerning the contract opportunity tendered.

6.6.6 Receipt and safe custody of tenders

Electronic tenders will have an electronic date/time stamp of all actions automatically created through the eTendering system. This audit trail is available for review in real-time by all officers with appropriate access rights and cannot be edited. Tenders cannot be 'opened' or supplier information viewed until the pre-determined time and date for opening has passed.

6.6.7 Opening and Registers of electronic tenders

The nominated registered eTendering user will be able to access the electronic tenders and release them once the time and date for opening has passed. An auditable electronic log of actions, which may not be edited, is created including procurement and supplier time/date stamped actions. NHS Humber and North

Yorkshire Integrated Care Board shall employ a system to archive, date and record access to such tender submissions.

6.6.8 Late tenders

Tenders received after the due time and date, but prior to the opening or accessing of the other tenders, may be considered only if the Executive Director of Finance and Investment or a nominated officer decides that there are exceptional circumstances i.e. evidence of system failure.

Only in the most exceptional circumstances will a tender be considered which is received after the opening or accessing of the other tenders and only then if the tenders that have been duly opened or accessed have not left the custody of the Executive Director of Finance and Investment or a nominated officer or if the process of evaluation and adjudication has not started.

Accepted late tenders will be reported at the point of contract award.

6.6.9 Acceptance of Formal Tenders

Any discussions with a tenderer which are deemed necessary to clarify technical aspects of their tender before the award of a contract will not disqualify the tender. Incomplete tenders (i.e. those from which information necessary for the adjudication of the tender is missing) and amended tenders (i.e. those amended by the tenderer upon their own initiative either orally or in writing after the due time for receipt) will be dealt with in the same way as late tenders (see 6.6.8 above). Where examination of tenders reveals errors which would affect the tenders financial value, the tenderer may be given details of such errors and afforded the opportunity of confirming or withdrawing their offer.

6.6.10 Evaluation of Tenders

Evaluation criteria must be designed based on determining the provider(s) most capable of delivering the requirements and that provide best value for money. Each invitation to tender must state the evaluation criteria to be used to evaluate the tender and the relative weightings of each such criteria. This must be based on the Most Economically Advantageous Tender (MEAT) methodology and not price alone as a determining factor.

6.6.11 Approving tender price greater than the financial allocation for the tender

A tender price greater than the financial allocation for the tender can be approved as follows:

Delegated Authority	Additional expenditure
Executive Director of Finance and Investment	≥ £50k
Executive Director of Finance and Investment or Place Director of Finance	< £50k

6.6.12 Retention of records

All Tenders should be subject to compliance with the provisions of the Freedom of Information Act 2000 and be kept confidential and retained as follows:

- Successful tenders - 6 years following the end of the contract expiry date,
- Unsuccessful tenders - 6 years from the award of tender date.

6.7 Contract Award

Providing all the requirements set out in this Policy have been fully complied with, formal authorisation and awarding of a contract may be agreed as below.

CONTRACT AWARD DECISIONS including waiving of requirement to obtain quotations and tenders			
	Single Place only	Multiple Places	Centrally held ICB-wide
NHS providers whose contracts are agreed through the annual planning process (any value)	Executive Director of Finance and Investment and Chief Executive Officer		
Contract Value Above £1,500,000 per annum (Total value not per Place)	ICB Board		
Contract Value £0 to £1,499,999 per annum (Total value not per Place)	NHS Place Director and Place Director of Finance	NHS Place Director from each Place and Place Director of Finance from each Place nominating one of the above for contract signature	Executive Director and Executive Director of Finance and Investment

There is no differentiation between Healthcare and Non-Healthcare contracts. These delegations apply equally to contract award decision arising from a tendering procedure, framework agreement or where a direct award and tender waiver is proposed.

6.8 Contract Signature

The following delegations are authorised to sign appropriately completed contract documentation within agreed budgets:

CONTRACT SIGNATURE DELEGATIONS			
	Single Place Only	Multiple Places	Centrally held ICB-wide
NHS providers whose contracts are agreed through the annual planning process (any value)	Executive Director of Finance and Investment or Chief Executive Officer		
Contract Value Above £1,500,000 per annum (ICB Total value not per Place)	Relevant Executive Director or Executive Director of Finance and Investment		
Contract Value £50,000 to £1,499,999 per annum (ICB Total value not per Place)	Place Director of Finance or NHS Place Director	Place Director of Finance or NHS Place Director As nominated	Relevant Executive Director or Executive Director of Finance and Investment
Contract Value £0 to £49,999 per annum (ICB Total value not per Place)	Budget Holder within delegated limits	Budget Holder within delegated limits	Budget Holder within delegated limits

6.9 Contract Approval – Variations and Amendments to Existing Contracts

The following delegations are authorised to sign appropriately completed contract documentation within agreed budgets:

CONTRACT APPROVAL – VARIATION/AMENDMENTS TO EXISTING CONTRACTS DELEGATIONS			
	Single Place Only	Multiple Places	Centrally held ICB-wide
Contract Variation Value Above £1,500,000 per annum	Executive Director of Finance and Investment or Deputy Chief Executive/Chief Operating Officer		
Contract Variation Value £50,000 to £1,499,999 per annum	NHS Place Director or Place Director of Finance	NHS Place Director or Place Director of Finance As nominated	Executive Director of Finance and Investment or Relevant Executive Director
Contract Value £0 to £49,999 per annum (ICB Total value not per Place)	Budget Holder within delegated limits	Budget Holder within delegated limits	Budget Holder within delegated limits

6.10 Special Requirements - Disposals

Competitive Tendering or Quotation procedures shall not apply to the disposal of:

- (a) any matter in respect of which a fair price can be obtained only by negotiation or sale by auction as determined (or pre-determined in a reserve) by the Chief Executive Officer or his/her nominated officer;
- (b) obsolete or condemned articles and stores, which may be disposed of as instructed by the Executive Director of Finance;
- (c) items to be disposed of with an estimated sale value of less than £5,000, this figure to be reviewed on a periodic basis;
- (d) items arising from works of construction, demolition or site clearance, which should be dealt with in accordance with the relevant contract; and/or
- (e) land or buildings concerning, subject to compliance with all applicable Department of Health and Social Care guidance.

7.0 Public Sector Equality Duty

All policies should include a statement that NHS Humber and North Yorkshire aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others.

It is required that a Equality Impact Assessment (QEIA) is carried out on a new policy that is likely to impact on patients, carers, communities or staff.

Potential adverse impact on any protected group identified through the QEIA will be monitored as part of the routine work to monitor compliance with the policy.

8.0 Consultation

Consultation has been undertaken within the Finance Directorate including the Place Finance Directors and members of the Procurement and Contracts Team.

9.0 Training

This policy will be published on the ICB's website.

All members of the Procurement and Contracts Team will be given training for implementation of this policy.

Due to the potential legal implications there is a need to ensure that there is wide understanding of the requirements of the Procurement Policy across the ICB and training will be undertaken in a variety of formats to meet these needs.

The policy will be brought to the attention of all new employees as part of the induction process.

It will be continually reiterated that specialist technical advice and support is available from the Procurement and Contracts team.

10.0 Monitoring Compliance with the Document

Compliance with the policy will be through the maintenance of the ICB's official contract register and identifying instances where appropriate governance in respect of procurement has not been undertaken.

11.0 Arrangements for Review

This Procurement Policy will be reviewed every year as a minimum and more frequently if indicated by changes in legislation or regulations.

12.0 Dissemination

Notification of this policy will be included in the staff email bulletin and staff briefings.

The policy will be published on the ICB website for transparency in respect of the ICB's procurement processes.

13.0 Associated Documentation

ICB Standing Financial Instructions

ICB Scheme of Reservation and Delegation

ICB Operational Scheme of Delegation

14.0 References

Public Contract Regulations 2015

<https://www.legislation.gov.uk/uksi/2015/102/contents/made>

Public Services (Social Value) Act 2012

<https://www.legislation.gov.uk/ukpga/2012/3/enacted>

15.0 Appendices

Appendix A - Record of Waiving of Procurement Policy relating to Quotation or Competitive Tendering Procedure

APPENDIX A

Ref. No:

RECORD OF WAIVING OF PROCUREMENT POLICY RELATING TO QUOTATION OR COMPETITIVE TENDERING PROCEDURE

A Quotation Waiver or Tender Waiver should be completed with the support of a member of the Contracts and Procurement Team.

PROPOSAL FOR QUOTATION WAIVER OR TENDER WAIVER

Humber and North Yorkshire Integrated Care Board Procurement Policy (version 1) describes the requirements for quotations and competitive tendering. Contract awards made outside of this, e.g. direct awards must be supported by completion of this waiver.

The value of the contract award will determine whether a Quotation Waiver or Tender Waiver is required, please use the following table which is extracted from the NHS Humber and North Yorkshire Integrated Care Board's Procurement Policy (version 1, March 2023) paragraph 6.5.4:

	Contract Value	Usual Procedure	Waiver required
Healthcare Contracts (except NHS providers whose contracts are agreed through the annual planning process)	Up to £100,000	Minimum of two written quotations	Quotation Waiver
	£100,001 to £663,540	Minimum of three written quotations	Quotation Waiver
	Above £663,541	Competitive tendering	Tender Waiver
Non-Healthcare Contracts	Up to £1,000	Minimum of one written quotation	Quotation Waiver
	£1,001 to £10,000	Minimum of two written quotations	Quotation Waiver
	£10,001 to £213,477	Minimum of three written quotations	Quotation Waiver
	Above £213,477	Competitive tendering	Tender Waiver

All values quoted are total contract value (i.e. aggregated ICB total) for the full lifetime of the contract, inclusive of VAT and funding must be secured into designated budgets.

Description of Service: <i>What is the service and why is it required?</i>	
Proposed provider/supplier: <i>What organisation is the contract being awarded to?</i> <i>How was this company selected?</i> <i>Are there any conflicts of interest with ICB Board members, directors or employees?</i>	
Contract Value (£): <i>Total contract value (i.e. aggregated ICB total) for the full lifetime of the contract, inclusive of VAT.</i> <i>Is funding secured to pay for the contract?</i>	
Contract Period: <i>What are the start and end periods for the contract?</i>	
Waiver requested: <i>(delete as appropriate)</i>	Quotation / Tender

RATIONALE FOR WAIVER

NHS Humber and North Yorkshire Integrated Care Board's Procurement Policy (version 1, March 2023) paragraph 6.5.5 states that a new contract may be awarded to a single provider / supplier without obtaining competitive tenders or quotations subject to certain requirements:

A competitive tendering exercise is not required by NHS Humber and North Yorkshire Integrated Care Board where:

- i. Expenditure is below thresholds (£663,541 for healthcare services and £213,477 for non-healthcare goods and services) subject to the expectation outlined in section 6.5.4 of this Policy
- ii. Disposals
- iii. A consortium arrangement is in place and a lead organisation in undertaking the tendering process.

Formal tendering procedures **may be waived** in the following circumstances:

- (a) in very exceptional circumstances where the Chief Executive Officer decides that formal tendering procedures would not be practicable or the estimated expenditure or income would not warrant formal tendering procedures, and the circumstances are detailed in an appropriate NHS Humber and North Yorkshire Integrated Care Board record;
- (b) where the timescale genuinely precludes competitive tendering for reasons of extreme urgency brought about by events unforeseeable by NHS Humber and North Yorkshire Integrated Care Board and not attributable to NHS Humber and North Yorkshire Integrated Care Board.

Failure to plan work properly is not a justification for waiving the requirement to tender;

- (c) where the works, services or supply required is available from only one source for technical or artistic reasons or for reasons connected with the protection of exclusive rights;
- (d) when the goods required by NHS Humber and North Yorkshire Integrated Care Board are a partial replacement for, or in addition to, existing goods and to obtain the goods from a supplier other than the supplier who supplied the existing goods would oblige NHS Humber and North Yorkshire Integrated Care Board to acquire goods with different technical characteristics and this would result in:
 - incompatibility with the existing goods; or
 - disproportionate technical difficulty in the operation and maintenance of the existing goods.

for the provision of legal advice and/or services provided that any provider of legal advice and/or services commissioned by NHS Humber and North Yorkshire Integrated Care Board is regulated by the Solicitors Regulation Authority for the conduct of their business (or by the Bar Council for England and Wales in relation to the obtaining of Counsel's opinion) and are generally recognised as having sufficient expertise in the area of work for which they are commissioned. The ICB Executive Director of Finance and Investment will ensure that any fees paid are reasonable and within commonly accepted rates for the costing of such work.

Quotations **may be waived** in exceptional circumstances for goods or services of special character or required quickly and not available under existing contracts subject to the approval of the NHS Place Director, NHS Place Director of Finance or ICB Executive Director.

Non-competitive quotation should not be used with the object of avoiding competition or solely for administrative convenience and where it is decided that competitive quotations need not be obtained.

Approval is requested to waive procurement policy procedures under the following paragraphs from those listed above:

Insert reason waiver is required

Contract award decisions must be made in accordance with the NHS Humber and North Yorkshire Integrated Care Board's Operational Scheme of Delegation (section 6):

<p>Contract Award including waiving of requirement to obtain quotations and tenders</p>	<p><u>NHS providers whose contracts are agreed through the annual planning process (any value)</u></p> <ul style="list-style-type: none"> Executive Director of Finance and Investment and Chief Executive Officer <p><u>Contract value (total) >£1.5 million per annum</u></p> <ul style="list-style-type: none"> ICB Board <p><u>Contract value (total) <£1.5 million per annum</u></p> <ul style="list-style-type: none"> Single Place – NHS Place Director and Place Director of Finance Multiple Places - NHS Place Director and Place Director of Finance from each Place Centrally held ICB-wide – relevant Executive Director and Executive Director of Finance and Investment
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Any approvals outside of this should be supported by formal onward delegation in accordance with the ICB’s governance framework.

Please embed supporting evidence of agreement to the contract award, e.g. report from formal meeting:

APPROVAL

REQUESTED BY:		APPROVED BY:	
Signature:		Signature:	
Name:		Name:	
Role:		Role:	
Date:		Date:	

Once completed, submit to Assistant Director of Procurement & Contracts - NHS Humber and North Yorkshire ICB, for submission to the Audit Committee.