

01 June 2018

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London SE1 8UG

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[REDACTED]
[REDACTED]
[REDACTED]

By email

[REDACTED]

Dear [REDACTED],

Request under the Freedom of Information Act 2000 (the “FOI Act”)

We refer to your email of 23 May 2018 in which you requested information under the FOI Act from NHS Improvement. Since 1 April 2016, Monitor and the NHS Trust Development Authority have been operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, NHS Improvement means Monitor and the TDA.

Your request

You made the following request:

“I am writing on behalf of [name redacted] in relation to the impending electronic auction for ECG Electrodes which is being led by [name redacted] of NHS Supply Chain. In advance of the tender process and in the interests of transparency and fairness, it is important that tenderers are advised as to the rationale for certain decisions underlying the proposed tender process. In that regard, on behalf of [name redacted] I kindly request under the Freedom of Information Act information, records and decisions made in whatsoever form as to:-

1. *whether the lowest priced electrodes from the two main incumbent suppliers have been used to establish the threshold pricing in each category and please identify the products used to identify the threshold price;*
2. *whether you used the lowest priced electrodes in each category used by your trusted customer and*
 - a. *if so please identify the products;*
 - b. *If not please provide records demonstrating how the threshold pricing has been established and which electrode suppliers have been used to identify the pricing;*
 - c. *identify the electrode part number/ types from these suppliers that were used in each category.*

3. *what measures you have taken or will take to ensure that those suppliers who will be involved in the tender process have products that comply fully with the specifications established in each category;*
4. *what is the rationale to award sole supply in only some categories and a 70/30 split on other product categories and*
 - a. *if part of the logic to award on a sole supply basis is because those categories have natural alternatives, please detail how you have arrived at the decision that the products you propose to award on a 70/30 split do not have natural alternatives.*
5. *the evaluations carried out regarding the requirements for post auction clinical and market support and*
 - a. *records from NHS Trusts or otherwise stating that there would be no need for clinical or market support for electrodes;*
 - b. *records from NHS Trusts or otherwise that the clinical needs of patients will not be impaired by reducing product, material, size, adhesion quality and supply choice to the NHS.*
6. *all minutes of meetings in relation to the above and all other matters appertaining to any dialogue relating to the proposed e auction for ECG electrodes.”*

Decision

NHS Improvement does not hold the information that you have requested.

As far as we are aware, the NHS Supply Chain is part of the NHS Business Services Authority (BSA). You may find it useful to refer your request to the NHS BSA who may be able to advise. Contact details can be found below:

<https://www.nhsbsa.nhs.uk/contact-us/freedom-information>

We also advise that you may find it useful to redirect some of your queries to the Mystery Shopper scheme at the Cabinet Office. Details of the scope and remit of the Mystery Shopper scheme, which provides a route for suppliers to raise concerns about public procurement practice, can be found below:

<https://www.gov.uk/government/publications/mystery-shopper-scope-and-remit>

Review rights

If you consider that your request for information has not been properly handled or if you are otherwise dissatisfied with the outcome of your request, you can try to resolve this informally with the person who dealt with your request. If you remain dissatisfied, you may seek an internal review within NHS Improvement of the issue or the decision. A senior member of NHS Improvement's staff, who has not previously been involved with your request, will undertake that review.

If you are dissatisfied with the outcome of any internal review, you may complain to the Information Commissioner for a decision on whether your request for information has been dealt with in accordance with the FOI Act.

A request for an internal review should be submitted in writing to FOI Request Reviews, NHS Improvement, Wellington House, 133-155 Waterloo Road, London SE1 8UG or by email to nhsi.foi@nhs.net.

Publication

Please note that this letter will shortly be published on our website. This is because information disclosed in accordance with the FOI Act is disclosed to the public at large. We will, of course, remove your personal information (e.g. your name and contact details) from the version of the letter published on our website to protect your personal information from general disclosure.

Yours sincerely,

NHS Improvement