



## London Procurement Partnership

*Commercial advantage for the NHS by the NHS*



### **Estates, Facilities & Professional Services**

Audit and Consultancy Audit Framework User Guide

OJEU Reference: - 2014/S 125-222805

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## 1. Introduction

This user guide is intended to provide information about the Statutory Audit and Consultancy Audit Services framework owned by NHS East of England Collaborative Procurement Hub and to provide practical support to participating authorities who wish to access the framework to award contracts.

Please note that the guidance provided within this document only applies to this framework and participating authorities should ensure they refer to the guidance document which is relevant to the framework they wish to access to ensure that the right processes are being followed.

Procurement teams should be involved in the decision to access the framework to ensure that the decision fits with local procurement policies and participating authorities' standing financial instructions.

### 1.1 Key Information

Framework Title	Framework Agreement for the Provision of Statutory Audit & Consultancy Audit Services
OJEU Reference Number	2014/S 125-222805
Framework Period	01/02/2015 – 31/01/2017 with two one year further extension periods

### 1.2 Background

The NHS is a large and complex organisation and requires different types of auditing services. Auditing is an essential part of the process of accountability for public money and makes an important contribution to the stewardship of public resources and the corporate governance of public services.

External auditors in the public sector give an independent opinion on public bodies' financial statements and may review, and report on, aspects of the arrangements put in place by public bodies to ensure the proper conduct of their financial affairs and to manage their performance and use of resources.

Internal auditors will work to provide the Board with assessments of the effectiveness of the public bodies' system of internal control, for example, operating within the terms of their Standing Orders, including Standing Financial Instructions, and other matters affecting the internal control system.

Many NHS organisations previously procured audit services through local contracts. The recent formation of the NHS Collaborative Procurement Partnership has resulted in the opening up of framework access to NHS LPP member trusts. The East of England NHS Collaborative Procurement Hub awarded this framework for the provision of statutory and consultancy audit services in February 2015 which through the NHS Collaborative Procurement Partnership is open for LPP members to access.

East of England NHS Collaborative Procurement hub has let this framework agreement subsequent to a procurement using the Open procedure as directed by the Public Contracts Regulations 2006 (as amended) where bidders were invited to submit tenders against the lot specific requirements.

The framework agreement provides a compliant route to market to procure a range of auditing services across five lots, including, but not limited to:

- audit or counter fraud planning;
- managing the audit or counter fraud assignments
- audit assignment plans
- audit reporting
- liaison with other appointed auditor parties

### 1.3 Overview & Lot Structure

The framework agreement has been split into five lots which allows participating authorities a choice of how best to approach the market. The framework covers the following services:

#### **Lot 1- Provision of External Audit Services**

##### **Including:**

- Audit
- Taxation and value added services
- Advisory services
- Assurance services

- Actuarial services
- Forensic services
- Other services as listed within the Ethical Standard 5 (Revised): Non-Audit Services Provided to Audited Entities.

### **Lot 2- Provision of Internal Audit Services**

**Including: -**

- Reviewing the adequacy and application of controls
- Appraising the relevance and financial effect of established policies, plans and procedures as well as the extent of compliance with these
- Appraising the extent to which the Contracting Authority's assets and interests are properly accounted for and safeguarded from losses of all kinds
- Reporting on the efficient use of resource and achievement of value for money
- Reviewing the suitability, reliability and integrity of management information systems
- Reviewing and appraising the adequacy of follow-up action to Audit reports
- Reviewing, appraising and reporting on the management of risk within Contracting Bodies

### **Lot 3- Provision of Counter Fraud Services**

**Including: -**

- Creating an anti-fraud culture
- Creating a strong deterrent effect
- Preventing fraud by using informed design to help the organisation to fraud-proof processes and systems so fraud is prevented where not deterred.
- Detecting fraud where it is not prevented

- Investigations of suspicions raised on an objective and fair basis
- Advise on sanctions including the appropriate combination of criminal, civil, disciplinary and regulatory sanctions
- Pursue redress and recovery of losses as agreed
- Undertake strategic work

#### **Lot 4- Provision of Internal Audit and Counter Fraud Services**

**Including: -**

- Provision of Internal Audit & Counter Fraud Services. Under this lot contracting authorities can issue a single combined ITQ for audit elements from both Lots 2 & 3. Providers able to offer both services were placed on Lot 4.

#### **Lot 5- Provision of Consultancy Audit Services**

**Including: -**

- Business/service reviews
- Due diligence reviews
- Standard Training and Development
- CCG/ LA / Trust Board Evaluation and Development
- Governance for Clinical Commissioning
- 'Critical Friend' Support
- IT Health checks, Managing Risks and Securing Value
- Information Governance in Practice
- Data Analysis, Computer Assisted Auditing Techniques (CAATs)
- Bribery Act & Counter Fraud Training
- Conflict Resolution and Security Management

- Charitable Funds Training and Development
- Clinical Commissioning Groups Board and Evaluation
- Financial Recovery and Tracking
- Facilitation workshops for Boards
- Training on the role of Audit Committees for Non Executive Directors
- Support in developing governance arrangements
- VAT Services

## 1.4 Pricing

### Day Rates

Services can only be taken up via further competition. As services are bespoke, pricing is dependent on the level of complexity and risk associated with the local service requirements. A range of day rate values have been provided to LPP for different grades of consultant. The top and bottom of the range are the maximum and minimum bids submitted from all suppliers awarded to the framework. In order to keep the commitment to providers that their pricing will remain confidential, these price ranges are anonymised. At mini competition stage bidder's pricing must (a) remain within these ranges and (b) not exceed the rates they submitted at framework award.

The pricing submitted by each bidder under the mini competition should be sent to LPP in order to verify that the bids are within the price range permitted and that no supplier has increased their rates from those submitted when awarded on to the framework.

## 1.5 Expected Benefits

### Value Add elements included in the Framework Agreement

#### Financial Benefits

Savings are achieved through:

- Ceiling rates provided which can be reduced via a further competition.
- Supplier's pricing remaining anonymised and confidential to help maintain competitive pressure.

## Other Benefits

- Reduced risk - all providers awarded to the framework conform with Institute Chartered Accountants in England & Wales; Monitor and the Audit Commission requirements; statutory obligations and codes of practice as applicable to external audit, internal audit and counter fraud services for Publicly Funded organisations and Charities.
- All providers awarded to the framework have previously demonstrated audit experience of publicly funded entities.
- Reduction in time taken to procure audit services.
- During a mini competition weightings of the evaluation criteria can be amended to place a greater emphasis on a particular element of the audit service and better reflect the needs of the contracting authority.
- The terms and conditions of the framework agreement and call off contracts have been agreed with each framework provider so no further legal dialogue is required.

## 1.6 Awarding a Contract

This framework has been set up for bespoke audit services. Due to the nature of the services it is not possible to call off on price and users will need to carry out a mini competition. LPP member trusts should first contact the LPP framework manager to advise that they wish to utilise the framework. The framework manager will then send a Customer Access Agreement with a Unique Access Code to the member trust. This code is to be used on all mini-competition documentation issued to the framework suppliers. On completion and return of the Access Agreement the participating authority can begin to use the framework.

Instructions on how to undertake a mini competition are contained in section 4 below.

## 2. Management of the Framework Agreement

### 2.1 Framework Contracts

All suppliers who have been awarded a position on this framework have signed framework contracts with East of England Collaborative Procurement Hub. East of England Collaborative Procurement Hub are responsible for the management of the framework contracts and together with NHS London Procurement Partnership will seek feedback from participating authorities to ensure maximum value is derived from the framework.

## 2.2 Activity Based Income (ABI)

This framework has been established with an Activity Based Income (ABI) charge of 1%. Each supplier will pay the ABI charge for all contracts awarded under the framework. Any pricing provided by suppliers will be inclusive of this charge.

## 2.3 Management Information

East of England Collaborative Procurement Hub will collect on a monthly basis, management information from each supplier for each contract they have been awarded under the framework.

## 2.4 Framework Manager

Participating authorities who have any questions regarding the framework should contact the framework manager at NHS London Procurement Partnership in the first instance. This is the person identified on page 2 of this document.

## 2.5 Business Continuity Plans

LPP strongly suggests that participating authorities request as part of their mini competition specific business continuity plans relating to their service and location so these can be retained for the successful contractor.

### 3. Accessing the Framework

#### 3.1 Framework Access

By virtue of the NHS Collaborative Procurement Partnership, this framework is open to NHS London Procurement Partnership members.

#### 3.2 Benefits of Accessing a Framework

There are a number of benefits of awarding contracts under a framework, these include:

- It is faster and less onerous than a full OJEU tender process.
- There is no need to assess framework suppliers against criteria such as financial standing or business probity as these have been assessed during the PQQ stage of the framework establishment.
- By using the framework there is no need for you to separately advertise your requirement.
- The framework is based on generic service specifications which participating authorities can adapt to meet their specific requirements.
- The terms and conditions of the framework agreement and call off contracts have already been agreed with all framework suppliers therefore no further legal dialogue is required.
- By following these guidelines you can ensure that you are adhering to EU Procurement legislation.

#### 3.3 Framework Access Charge

There is no charge for participating authorities to access this framework agreement.

Appendix C sets out the key responsibilities of each party during the framework call-off/mini competition process. Should a Participating Authority wish for LPP to provide additional support over and above what is shown in this document, then NHS LPP reserves the right to charge for these additional services. This will be discussed and agreed with each Participating Authority on a case by case basis.

#### 3.4 Customer Access Agreement (CAA)

Participating authorities wishing to access this framework should contact the framework manager in the first instance. The framework manager will then send a Customer Access Agreement with a Unique Access Code to the member trust. This code is to be used on all mini-competition documentation issued to the framework suppliers. On completion and return of the Access Agreement the framework manager will provide the Participating Authority with access to the mini competition pack and the Participating Authority can begin to use the framework.

## 4. Running a Mini-Competition or Call-Off

### 4.1 Establishing a Project Team

Participating authorities will need to establish a project team which is responsible for supporting the award of the new contract. This project team should include key stakeholders from across the organisation who can input into the specification and evaluate the quality of responses from suppliers under the framework.

The project team should be supported by a project lead who is responsible for ensuring the project is supported by the Participating Authority's board and managing the implementation of the new contract.

LPP will liaise with the project lead as per the responsibilities matrix in Appendix C. If the Participating Authority does not have the resource to undertake this internally then LPP can provide support but this may come at an additional cost. If this is required then you should contact the framework manager to discuss further.

### 4.2 Key Decisions and Actions

By deciding to award a contract under the framework agreement much of the hard work has already been completed which should save the Participating Authority time and money. A mini-competition pack containing all necessary documents is available for each lot. This can be tailored by the Participating Authority to meet their specific requirements.

The key decisions and actions which will need to be completed by the Participating Authority to award a contract under the framework via running a mini-competition are set out in the responsibilities matrix in Appendix C.

It is the Participating Authority's responsibility to validate the data being sent out as part of the mini competition, check the evaluation of all bids and award the contract under the framework.

### 4.3 Undertaking a Mini Competition

To undertake a mini competition within the framework the Participating Authority should refer to the responsibilities matrix in Appendix C and contact the Framework Manager for a copy of the Customer Access Agreement. Once this is received by NHS LPP access to the mini competition documents will be provided.

The Participating Authority can use the mini competition template documents but will need to agree the specification of services and should build upon the generic specifications provided to ensure that their specification meets the service needs. The Participating Authority will also need to build a relevant, trust specific pricing schedule document.

During a mini competition emphasis can be placed on the evaluation criteria which best reflects the contracting authority needs to help ensure the mini competition reflects the needs of the contracting authority. Where no special emphasis is needed the weighting and sub-criteria can remain unchanged.

The generic mini competition evaluation headings are: -

- Quality - 60% or as detailed by the Contracting Body
  - Understanding of the Requirement
  - Approach to design and delivery
  - Assurance and measuring outcomes
  
- Commercial - 40% or as detailed by the Contracting Body
  - Whole Life costs
  - Value for Money

A contracting authority may wish, for example, to evaluate 100% on a single criteria such as 100% on Commercial or 100% on Quality Assurance, if this is the primary factor from the evaluation criteria which is applicable to their local needs. The Framework supports this approach. Contracting Authorities have the flexibility to alter the components under these broad headings and weightings, to better reflect their individual requirements if so required.

The Mini Competition packs contain all necessary documentation required to be issued including: -

1. Mini Competition Instructions (Invitation to Tender)

This document sets out the instructions for the bidders on how to complete and respond to the mini competition. As a minimum the participating authority will need to insert its award criteria against the stated headings, enter the contract period and complete the project plan. Participating authorities using their own e-procurement systems to run the mini-competition will need to change the instructions to reflect their own systems.

2. Abstract of Particulars

This information provides bidders with an introduction to the Participating Authority. An outline to the Participating Authority and its main areas of service provision should be provided as well as an overview of the current Participating Authority's arrangements. Any specific aims and objectives from a new contract should be given here so bidders can understand how best to structure their response to meet your requirements. Any known changes to service provision which may affect the contract should be stated.

### 3. ITT Questions

This document identifies the questions that you will be asking bidders to respond to. All questions should clearly show how they are linked to the award criteria and any word limits that bidders will be asked to adhere to. Remember you should not re-evaluate areas already evaluated at PQQ stage (such as financial standing) or repeat questions asked at the ITT stage for the framework. The questions asked at the ITT stage will be made available to participating authorities outside of the mini competition documents for guidance purposes only. The document can either be uploaded as an attachment in the Due North eTendering portal or the questions input directly in to the system.

### 4. Specification

The framework specifications have been provided for use by the Participating Authority. All suppliers on the framework have seen these template specifications as part of their application to be on the framework. Where participating authorities decide to run a further competition, they should use these documents as a guide to structure their own specifications.

### 5. Pricing Schedule

A pricing schedule/evaluation template will need to be constructed and will differ depending on whether the Participating Authority wishes to contract on hourly rates or on a fixed retainer basis. Participating authorities should remember that the hourly rates previously submitted by framework suppliers were ceiling rates and they are not permitted to exceed these in a mini competition process. Participating authorities may wish to remind bidders of this on the pricing schedule. The ceiling hourly rates are also subject to the framework volume discounts and so will vary over the duration of the framework (see section 1.4 on Pricing above). Participating authorities should ensure they are viewing the current ceiling rates prior to financial evaluation.

### 6. NHS Conditions for the Provision of Services

The terms and conditions of contract have been agreed with all suppliers as part of their award onto the framework. Participating authorities may make changes to these terms and conditions but they should be minor changes and highlighted clearly in the document so all bidders are aware changes have been made. When setting response deadlines to the mini-competition additional time should be provided by participating authorities where changes have been made to the terms and conditions so that all bidders have the opportunity to raise these changes with their legal teams.

Participating authorities may wish to take advantage of setting up an SLA with one or more listed suppliers on the framework as some suppliers will offer benefits such as free training for longer term commitment. A signed SLA is not required to begin engagement with a supplier.

7. Signed Document Set (Order Form)

All bidders are required to complete and sign this set of documentation. Participating authorities should ensure that the tender invitation date and title are changed to reflect their mini-competition.

8. Standstill Award Letters

Participating authorities should complete and issue these letters once they are in a position to award the contract. This letter will start the ten day stand still period giving all bidders an opportunity to request further information before the contract is formally awarded. The standstill period should finish at midnight once ten full calendar days have passed. If the tenth day finishes on a weekend or bank holiday this should be extended to midnight on the next working day. Participating authorities should use the information within the completed evaluation document to complete the standstill letters. The letters should also be customised to reflect the mini-competition details and the Participating Authority's process for appeal or request for further information.

Once mini competition documents 1-7 are completed they can be issued to all of the suppliers under the relevant lot. A list of suppliers and their contact details is provided in Appendix B. If the Participating Authority prefers for LPP to release the mini competition documents through their e-tendering portal the mini competition documents should be sent to the framework manager. Suppliers should be given adequate time to respond to a mini competition. Where relevant, site visits should be provided to all suppliers during the mini competition process and any clarification questions should be answered as swiftly as possible.

The mini competition documents will be returned by the suppliers and should be evaluated by the project team in line with the evaluation criteria which was set out within the invitation to tender. As part of the evaluation process supplier presentations may be undertaken. Suppliers should be provided with adequate time to prepare their presentations and should be given a clear brief of what to present.

Once the evaluation process is completed the Participating Authority should notify all suppliers of the outcome of the mini competition and start a 10 day stand still period before concluding the contract.

#### 4.4 Evaluation Criteria

The evaluation criteria set out within the framework agreement can be found in the Evaluation Criteria tab. The main criteria stated should be used as part of any mini competition within the framework however the participating authority can change the sub-criteria as long as these are clearly stated to all suppliers at the start of the mini competition process. The weightings of the sub-criteria can be set to meet the Participating Authority's requirements- it is possible to assign 100% to a single criteria such as a 100% on Commercial or a 100% on Quality Assurance, if this is the primary or only factor from the evaluation criteria which is applicable to their local needs.

#### 4.5 Undertaking a Direct Order / Call Off

As this framework is for bespoke audit services, it is not possible to undertake a direct order/call off and users must undertake a mini competition.

#### 4.6 Transition, Planning and Support

As part of the mini-competition process the successful supplier should provide you with a transition plan which clearly explains what tasks need to be undertaken and who is responsible for ensuring they are completed. This plan should set out the level of resource which is required from the Participating Authority during the transition process. The expected timescales for each stage of the transition and the mobilisation as a whole should be shown. The Participating Authority should review the supplier's performance against the plan on a regular basis throughout the transition.

#### 4.7 Managing the Contract

The Participating Authority should hold regular meetings with the supplier to review performance against agreed key performance indicators. Should the supplier fail to meet the agreed key performance indicators then the Participating Authority should look to take corrective action as outlined within the contract document. The LPP framework manager should be made aware of repeated failures in a supplier's performance and can be asked by the participating authority to support rectifying issues.

#### 4.8 Key Performance Indicators

LPP encourages the use of key performance indicators within contracts as a way of monitoring and managing supplier performance. Some suggested key performance indicators which are relevant to this contract have been included in Section 6 of the template specification document. Participating authorities should ensure these meet their requirements and if necessary personalise them to ensure they do.

Key performance indicators should not be used to punish a supplier but should be built in to encourage and reward high quality performance of the contract. As such LPP suggests that key performance indicators are established which are achievable and agreed by both parties.

## 5. Frequently Asked Questions

### 5.1 What is a Framework and is it compulsory to join?

A framework is a general term for an agreement with a provider(s) which sets out terms and conditions under which specific purchases (call-offs) can be made throughout the term of the agreement. Frameworks are established for bodies to buy goods or services via a pre-approved list of suppliers.

### 5.2 If a supplier is not on the framework can they still take part?

No. The framework has been awarded via an OJEU process. Suppliers at the time of advert had the opportunity to register their interest in being awarded a position on the framework. The tender process for the framework has now closed and all lots awarded.

### 5.3 Do I need to invite all suppliers to a mini competition?

You will need to invite all suppliers for the lot under which you are undertaking your mini competition unless there are specific reasons why you believe a supplier cannot deliver the services you require. Where this is the case you should check with the supplier first to ensure that you are not challenged later in the process.

### 5.4 How long does a mini competition need to run for?

This will depend on the complexity of the service. Participating authorities should take into account the size of the contract, the number of services included, requirements for supplier site visits and TUPE. On average LPP would suggest suppliers are given four weeks to respond to the mini competition. For specific advice please contact the framework manager.

### 5.5 Do I have to apply a stand still period to a mini competition?

LPP encourages the application of standstill periods for all mini competitions under the framework, especially where the value of the contract exceeds the OJEU thresholds. This ensures transparency to all suppliers involved in the process and minimises the risk of challenge once a contract is awarded.

## **6. Appendices**

### **6.1 Appendix A – Supplier List by Lot**

Supplier list by lot is provided on the next page

	<b>Lot 1</b> External Audit	<b>Lot 2</b> Internal Audit	<b>Lot 3</b> Counter Fraud	<b>Lot 4</b> Internal Audit & Counter Fraud	<b>Lot 5</b> Consultancy
360 Assurance		✓	✓	✓	✓
RSM /Baker Tilly		✓	✓	✓	✓
BDO	✓	✓	✓	✓	✓
CW Audit		✓	✓	✓	
Deloitte	✓	✓	✓	✓	✓
Grant Thornton	✓	✓	✓	✓	✓
KPMG	✓	✓	✓	✓	✓
Mazars	✓	✓	✓	✓	✓
MIAA		✓	✓	✓	✓
Moore Stephens	✓	✓	✓	✓	✓
Price Bailey	✓				
PwC	✓	✓	✓	✓	✓
TIAA		✓	✓	✓	✓
WMAS		✓	✓	✓	✓
<b>NO of Providers to be invited to Mini- Competition</b>	<b>8</b>	<b>13</b>	<b>13</b>	<b>13</b>	<b>12</b>

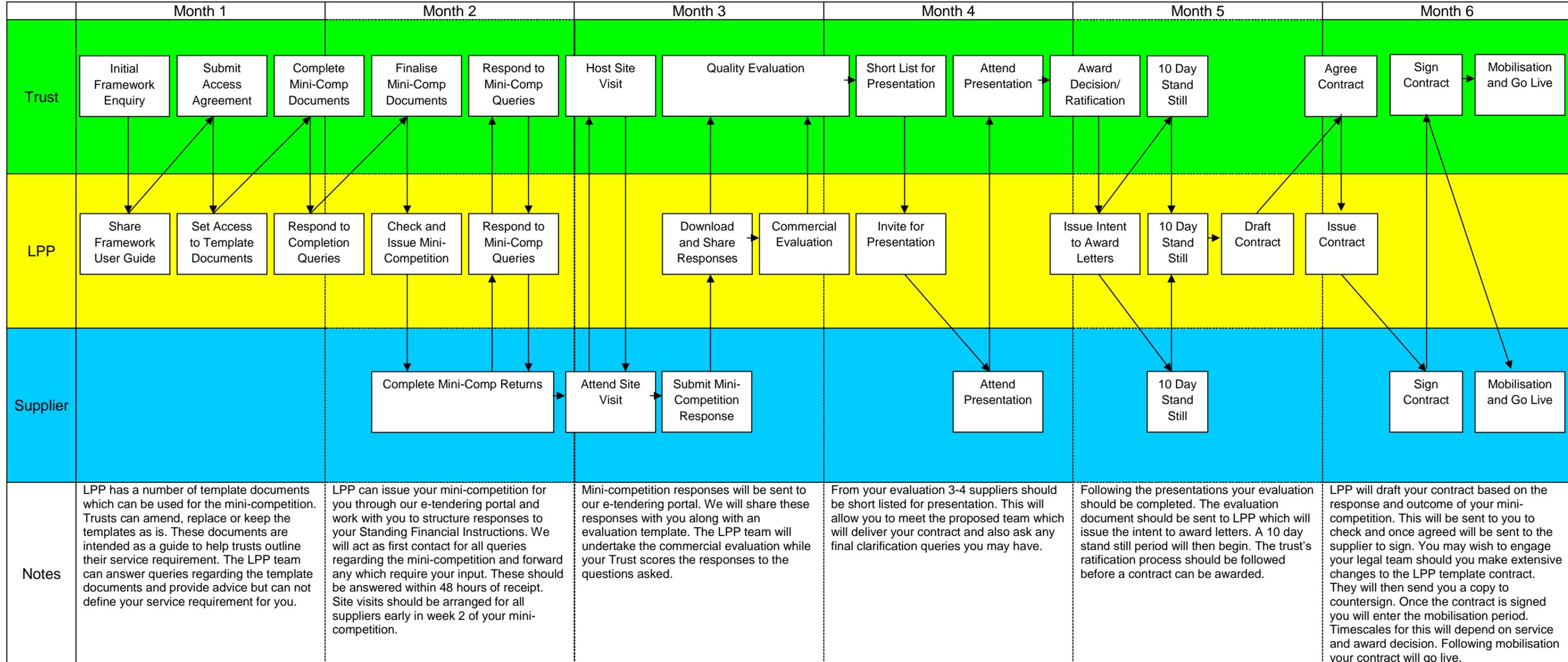
## 6.2 Appendix B – Supplier Contacts

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6.3 Appendix C – Responsibilities Matrix



## 6.4 Appendix D – Customer Access Agreement (CAA)

A sample Customer Access Agreement is provided on the next page. This must include a unique access code and so trusts should contact LPP to be allocated a code prior to returning the access agreement. Suppliers have been instructed not to accept mini competition documentation which does not have a unique access code.

## CUSTOMER ACCESS AGREEMENT

for use by

NHS London Procurement Partnership (Hosted by Guy's and St Thomas' NHS Foundation Trust  
(NHS LPP))

East of England NHS Collaborative Procurement Hub (EOECPH) FRAMEWORK AGREEMENT FOR  
Audit and Consultancy Audit Services

Contract Reference Number: 2014/S 125-222805

Before conducting any activity under this framework agreement please complete and return this form to EOECPH via your local NHS LPP representative.

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This agreement provides approval by EOECPH for the below named Organisation to access the above named Framework Agreement only, subject to the conditions set out below.

In exchange for EOECPH granting approval to access the Framework Agreement, the Organisation AGREES:

1. I/We accept all responsibility for both accessing and using the Framework Agreement in accordance with its associated terms and conditions of contract;
2. I/We agree that EOECPH (and NHS LPP) have no responsibility, or liability, on behalf of our Organisation relating to our use of this Framework Agreement;
3. I/We hereby certify that all information provided by EOECPH (and NHS LPP) in relation to the Framework Agreement, in any form, will be kept strictly confidential and not be made available to any external entity other than our own, without prior permission of EOECPH. (Please note, this obligation shall not apply to the provision of information by public sector organisations in order to comply with government guidelines and/or legislation regarding transparency and expenditure of public money);
4. I/We authorise EOECPH to receive management information from contracted suppliers, regarding the usage of this Framework Agreement by the Organisation. Such information will be used by EOECPH for contract management/administration purposes, and will be shared with NHS LPP.

**AGREEMENT:** I/We confirm that the organisation detailed below intends to participate in the above mentioned [FOH] framework agreement, and that in doing so will act in accordance with the guidance and instructions set out in the relevant EOECPH (and/or NHS LPP) Contract Briefing Document, associated terms and conditions of contract, and in accordance with the Public Contracts Regulations 2006 (as amended).

East of England NHS Collaborative Procurement Hub (EOECPH) FRAMEWORK AGREEMENT FOR  
AUDIT and CONSULTANCY AUDIT SERVICES

Contract Reference Number: 2014/S 125-222805

Before conducting any activity under this framework agreement please complete and return this form to EOECPH via your local FRH (NHS LPP) representative.

UNIQUE  
ACCESS CODE:

**5/859/15/LPPL1-5/xxxx**

This Unique Access Code must be quoted on all tender & contract documents and will be allocated by NHS LPP only.

Customer Signature:

Date:

Name:

Position:

Name of Authority:

Address:

Telephone:

E-mail

Access facilitated by NHS LPP - to be completed by NHS LPP

Name:

Signature:

Position:

Date:

EOECPH APPROVAL (To be completed by EOECPH)

Name:

Signature:

Position:

Date:

**NHS London Procurement Partnership**

*Commercial advantage for the NHS by the NHS*

## 6.5 Appendix E – Mini Competition Documentation

Mini competition packs containing all necessary documents are available on the return of a signed access agreement with unique access code.