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An Roinn Sláinte
Máinnystrie O Poustie



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ESTATES PROCUREMENT MANUAL

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1. INTRODUCTION

1.1. Introduction

1.1.1. The Department of Health (DOH) arm's length bodies (hereafter referred to as ALBs) that must comply with Northern Ireland Public Procurement Policy are listed below:

- Belfast Health and Social Care Trust
- Northern Health and Social Care Trust
- Northern Ireland Ambulance Service
- Northern Ireland Blood Transfusion Service
- Northern Ireland Fire and Rescue Service
- Northern Ireland Guardian Ad Litem Agency
- Northern Ireland Medical and Dental Training Association
- Northern Ireland Practice and Education Council (NIPEC)
- Northern Ireland Social Care Council (NISCC)
- Patient and Client Council
- Regional Agency for Public Health and Social Well Being (RAPHSW)
- Regional Business Services Organisation (RBSO)
- Regional Health and Social Care Board
- Regulation and Quality Improvement Authority (RQIA)
- South Eastern Health and Social Care Trust
- Southern Health and Social Care Trust
- Western Health and Social Care Trust

1.1.2. Health Estates (HE) is the formally accredited DOH Centre of Procurement Expertise (CoPE) for construction works and design services. Health Estates has produced the Estates Procurement Manual (EPM) for use by the ALBs listed above when managing the procurement of construction works and design services. Generally, this will be in connection with projects with a value less than £5,000,000 (see Sections 1.7. and 1.8).

1.1.3. Compliance with the EPM will be monitored.

1.1.4. This version of the EPM supersedes all previous versions of the EPM issued.

1.2. Northern Ireland Public Procurement Policy

1.2.1. In May 2002, the Northern Ireland Executive agreed to a revised public procurement policy for Northern Ireland Departments, their Agencies, non-Departmental Public Bodies and Public Corporations.

1.2.2. The Policy can be viewed at [NI Public Procurement Policy](#). This document sets out the policies adopted by the Northern Ireland Executive and the organisational structures that have been established to implement them.

1.2.3. The Northern Ireland Public Procurement Policy contains the 12 guiding principles that govern the administration of public procurement. These include accountability,

competitive supply, consistency, legality and transparency. All 12 principles and their implications need to be considered at all stages of the procurement process.

1.3. Achieving Excellence in Construction

- 1.3.1. The 'Achieving Excellence in Construction' Initiative has been endorsed by the Executive Committee of the NI Assembly.
- 1.3.2. The objective of the initiative is to make the public sector construction client a best practice client when procuring construction works and design services. The initiative aims to improve the management techniques adopted by clients, measure key aspects of performance, develop an integrated culture within project teams and achieve maximum benefits from standardisation and new technologies.
- 1.3.3. Through the initiative, clients commit to maximise, by continuous improvement, the efficiency, effectiveness and value for money of their procurement of construction works. In this regard, Health Estates is continually striving to achieve improvements through the development of alternative procurement methodologies.
- 1.3.4. The current suite of Achieving Excellence Guidance Documents can be found at [Achieving Excellence Documentation](#). The principles set out in this guidance form part of a body of good project management practice, and these should be followed by ALBs where appropriate.

1.4. What Is Public Procurement?

- 1.4.1. Public Procurement is the process of the acquisition, usually by means of a contractual arrangement after public competition of goods, services, works and other supplies by the public service.
- 1.4.2. The public procurement process spans the whole life cycle from initial conception and definition of the needs of the public service through to the end of the useful life of an asset or the end of a contract.

1.5. Best Value for Money

1.5.1. **Best Value for Money** is defined in the Northern Ireland Public Procurement Policy (section 1.2.2 refers) statement as *"the most advantageous combination of cost, quality and Social Value to meet customer requirements."* In this context:

- **cost** means consideration of the whole life cost
- **quality** means meeting a specification which is fit for purpose and sufficient to meet the customer's requirements
- **sustainability** means economic, social and environmental benefits, to be considered in business cases prepared for capital construction works projects

1.6. Procurement Policy Notes (PPNs)

- 1.6.1. In approving Northern Ireland Public Procurement Policy, the Northern Ireland Executive took the decision that legislation was not necessary to ensure that Departments, their Agencies, non-Departmental Public Bodies and Public Corporations complied with the policy. Instead, it considered that compliance could be achieved by means of administrative action.
- 1.6.2. Northern Ireland Public Procurement Policy (NIPPP) is approved by the Northern Ireland Executive and is mandatory for central government Departments, Non-Departmental Public Bodies and Public Corporations. Procurement Policy Notes (PPNs) set out the Executive's policy. If a Department wishes to opt out of this policy, it must attain Ministerial approval. Once endorsed by the Executive, they are issued to Departments for implementation and copied to CoPEs to develop, if necessary, underpinning procedures supporting the implementation of the guidance in their particular sector.
- 1.6.3. Procurement Policy Notes issued by CPD can be viewed at the [Procurement Policy Notes \(PPNs\)](#) section of the CPD website.

1.7. Delegated Limits of Authority

- 1.7.1. In its role as CoPE, Health Estates is responsible for the development of sector-specific procurement policy and best practice.
- 1.7.2. DOH is responsible for establishing appropriate delegated limits of authority below which ALBs can manage the procurement of their construction projects.
- 1.7.3. The delegated limits of authority vary from ALB to ALB (with a maximum currently of £5,000,000) and are determined by the size, experience and capacity of the organisation, as well as its demonstration of compliant procurement activity (see Table 1 below).

Table 1: Delegated Limits	
DoH ALB	Delegated Limit
BHSCT	£1,000,000
NHSCT	£5,000,000
SEHSCT	£5,000,000
SHSCT	£5,000,000
WHSCT	£5,000,000
NIAS	£2,000,000
NIFRS	£2,000,000

1.7.4. In instances where an ALB proposes to manage a capital construction works project with a value above its delegated limit, a formal request to manage the project without Health Estates direct involvement must be submitted to the Health Estates Divisional Director via estatesprocurement@health-ni.gov.uk for approval. This request should include a completed Project Execution Plan (PEP) that contains an appropriate level of detail with regard to project management arrangements, and so on. A PEP template that will need to be adjusted by the ALB to reflect their project management arrangements is available at [Health Estates Project Execution Plan Template](#).

1.7.5. The Health Estates Divisional Director is responsible for approval or otherwise taking cognisance of any pertinent information available including review of the completed Project Execution Plan and Health Estates Senior Management Team assessment of whether the ALB has sufficient experience and capacity to manage the project.

1.8. Compliant Procurement Activity

1.8.1. Use of the EPM by ALBs is mandatory when managing the procurement of construction works and design services in connection with projects with a value less than the ALB's delegated limit, and above the ALB's delegated limit where approval has been given by the Health Estates Divisional Director.

1.8.2. When carrying out procurements, ALBs must comply with the requirements of public accountability, the law, relevant UK Directives and Regulations and best practice (as contained in Departmental Policies and Northern Ireland Public Procurement Policy).

1.9. General

1.9.1. All procurement queries must be issued to Health Estates (estatesprocurement@health-ni.gov.uk) via the relevant ALB Head of Estates. Queries must be in writing and contain all the necessary project specific information to enable Health Estates to provide adequate advice. Advice will only be provided by Health Estates in relation to an issue that has been fully considered by the ALB Estates Management Team including heads of estates prior to involvement of Health Estates.

1.9.2. Any advice provided by Health Estates will be issued in writing.

1.9.3. Contracts from the NEC suite shall be used to administer all construction related healthcare projects.

1.9.4. In any situation where there is potential conflict between compliant procurement activity in terms of public accountability, the law, conformity with best practice and the intentions of an ALB, it is the responsibility of the ALB to seek advice from Health Estates.

2. GENERAL PROCEDURES

2.1. Monitoring Arrangements

- 2.1.1. ALBs are required to submit Estate Procurement Performance Returns to Health Estates' Procurement Standards and Cost Advisory Branch on an annual basis.
- 2.1.2. The Estate Procurement Performance Return Templates and guidance in relation to completion can be found at [EPPR-1 and EPPR-2](#).
- 2.1.3. The Estate Procurement Performance Returns must be submitted annually to Health Estates' Procurement Standards and Cost Advisory Branch via estatesprocurement@health-ni.gov.uk and no later than 15th May.
- 2.1.4. Failure by a DOH ALB to submit an EPPR will be treated as a serious matter with any non-return being escalated within DOH for action.
- 2.1.5. Where a DOH ALB states in EPPR-2 that there was a situation(s) where it had not complied with the EPM, Health Estates' Procurement Standards and Cost Advisory Branch will carry out an examination of the circumstances and, where necessary, assist and provide advice to enable the ALB to implement corrective procedures to achieve compliance.

2.2. Business Cases and Post Project Evaluations

- 2.2.1. In the context of the EPM, any proposal that involves capital expenditure or resources requires the completion of a business case.
- 2.2.2. Since the EPM relates to projects with a value less than or equal to the appropriate delegated limit, these will fall within the capital business case delegated limit for an ALB. This means that any business case should be completed and approved through the appropriate internal mechanisms before any expenditure on design services or construction works is committed or the commencement of formal procurement.
- 2.2.3. For projects which are above the capital business case delegated limit of an ALB, an appropriate and proportionate business case must be submitted to the Department for review and approval before onward submission to DoF for approval. A Strategic Outline Case (SOC) followed by an Outline Business Case (OBC) is required for all projects with a capital value more than £50 million. Projects below this level will require a standalone OBC. OBC approval must be secured from the approving authority before a tender process commences and expenditure is incurred. All procurement projects require an FBC and for those above capital business case delegated limits, DoH approval will be required in advance of contract award. DoF approval may also be required at FBC stage if the conditions of OBC approval have been breached. All business cases must be subject to appropriate internal scrutiny and approvals before being submitted to the Department for approval. Throughout this process, the ALB should engage with relevant stakeholders and apply the five case model principles when developing the business case. A Commissioner Letter of Support is required and must accompany the request to the Department for approval.

- 2.2.4. Business cases should be completed in line with the 'Five Case Model' included in [Better Business Cases NI](#), which sets out the steps to be followed. It is emphasised that this should be carried out with appropriate and proportionate effort in relation to the level of expenditure.
- 2.2.5. In addition to the above, DoF has developed business case pro forma. These are intended to provide a general indication of the requirements for business cases ranging from minor to moderate to major expenditure decisions. The templates can be found at: [Business Case Pro Formas \(Department of Finance\)](#).
- 2.2.6. For projects above an ALB's business case delegated limit, a [Pre-Procurement Certificate](#) for each project is required before commencement of the procurement. This is designed to assist in providing an audit trail of the key decision points in the project and must be signed off by the relevant Health Estates deputy director and by the ALB as the Contracting Authority. ALBs are expected to set in place a similar process for projects below their business case delegated limit.
- 2.2.7. For works below the [UK Procurement Threshold](#) that utilise the CPD Dynamic Shortlisting System, the New Work Request Form must be used to record that the appropriate business case and/or any other necessary approvals and funding are in place and be signed off by the Assistant Director/Director of Estates prior to any opportunity being published on the eTendersNI portal.
- 2.2.8. A proportionate Post Project Evaluation (PPE) is required for all projects and is generally completed one year after the construction completion to allow the latent defects period to expire.
- 2.2.9. A record of all business cases must be maintained and may be used to identify projects for 'test-drilling' by the Department.

2.3. eTendersNI Portal

- 2.3.1. The eTendersNI e-procurement portal advertises opportunities for goods, services and works for Northern Ireland Departments, Agencies and ALBs.
- 2.3.2. ALBs must use the [eTendersNI Portal](#) to advertise, tender and award all contracts with a value estimated to be in excess of £50,000.

2.4. Gateway Review/Internal Peer Review Process

2.4.1. All projects with a capital value above £5 million are required to have a [Risk Potential Assessment \(RPA\)](#) completed, which enables predetermined areas of risk to be assessed. This categorises projects into areas of low, medium or high risk and determines whether they should be subject to a Gateway Review or to an internal peer review conducted in line with Gateway principles. CPD's Commercial Delivery Group has advised that, specifically regarding enabling works projects:

- all enabling works projects being managed through Health Estates; that is, those above delegated limits of authority, shall be included within the lifecycle of the main construction works project, for the purposes of RPA
- all enabling works above the delegated limit managed by a DOH ALB shall be subject to a separate RPA

2.4.2. If at any time during the life of the project, the project value exceeds £5 million, an [RPA](#) must be completed.

2.4.3. The [RPA](#) must be submitted to the DoH Departmental Portfolio, Programme and Project Office (P3O) (line 22 RPA) for validation and then from the P3O Portfolio Manager to CPD's Commercial Delivery Group (CDG) for assessment.

Departmental Assurance Coordinator is CPD's Commercial Delivery Group (CDG) (see lines 23 RPA).

The current version of the RPA and the date it was prepared/reviewed should be included on each iteration of the RPA (see line 21 RPA).

A completed RPA should be forwarded to your Departmental Portfolio, Programme and Project Office (P3O) at least 12 weeks prior to the anticipated date of the Gateway Review.

DoH P3O contact- Kathryn.Allen@health-ni.gov.uk

CPD's Commercial Delivery Group contact – cdg@finance-ni.gov.uk

Low and Medium Risk Programmes/Projects

If following completion of the RPA process, the programme/project is designated as low risk, CPD's CDG will review and provide advice to the Senior Responsible Owner (SRO).

If CPD's CDG agrees that the project is of low or medium risk, an Internal Peer Review (IPR) will be recommended. However, an SRO may request a formal Gateway review.

An IPR should be undertaken in line with Gateway principles and conducted by an independent team appointed by the department. It should be noted that this is not a Gateway review or part of the Gateway process.

It is recognised that the assessment of a programme or project risk may increase over time, therefore it is expected that medium risk projects should complete an RPA at key milestones to ensure the risk level has not increased.

If the risk potential level does increase (that is, moves to high risk at any time), the programme or project will be subject to the Gateway review process from that stage until programme/project closure.

High Risk Programmes/Projects

Gateway Reviews will be mandatory for programmes and projects with a high-risk RPA outcome. Programmes and projects that are assessed as high-risk at the outset will be subject to the Gateway Review Process until programme/project closure and there is no requirement to complete an RPA at each gate stage for a high-risk programme or project. DoH must use the Gateway Request for High-Risk Projects form when they reach a programme or project milestone.

CPD's CDG will arrange an Assessment Meeting with the SRO and the Programme/Project Team to co-ordinate the Gateway review.

2.4.4. Details of the Internal Peer Review (IPR) Process along with IPR Report Templates can be found at [Details of Internal Review Process](#).

2.4.5. IPR Report Templates are available at the above link.

2.4.6. Details of the Northern Ireland Gateway Review Process can be found at: [Northern Ireland Gateway Review Process](#).

3. APPOINTMENT OF DESIGN CONSULTANTS

3.1. Introduction

- 3.1.1. ALBs require the use of external design consultants to undertake design services. This enables ALBs to react effectively in times of high design demand and to lower expenditure on design resources in times of low design demand.
- 3.1.2. ALBs must comply with the requirements of public accountability, the law (that is, relevant Directives and UK Regulations) and best practice (as contained in Departmental Policies and Northern Ireland Public Procurement Policy) when procuring and appointing external design consultants.
- 3.1.3. This section of the EPM outlines the options available for the procurement and appointment of external design consultants.

3.2. Procurement Options

3.2.1. The procurement guidance available to an ALB (referred to as the Authority in Section 3 of the EPM) when procuring external design consultants are contained in Annex D of the Construction Toolkit and PPN 04/21.

3.2.2. Table 2 below shows the selection/pre-qualification and award methodologies for design services that should be adopted where a relevant framework agreement is not in place. All methodologies require the placing of an advertisement on eTendersNI apart from those related to procurements with a value below £50,000. ALBs may decide to use the eTendersNI portal for methodologies related to procurements with a value below £50,000 by adopting the Simplified Procedure (S1- Low Value Procurement) on the eTendersNI portal.

Table 2: Selection/Pre-Qualification and Award Methodologies for Design Services			
Commission Value Below £20,000	Commission Value in excess of £20,000 and below £50,000*	Commission Value in excess of £50,000 and Below UK Threshold for Services*	Commission Value above UK Threshold for Services**
Provide evidence that two prices have been sought where this is possible	Seek a minimum of two written quotations where possible	Advertise on eTendersNI	Advertise on eTendersNI. Procurement Regulations 2024 with amendments apply – advertise on Find a Tender service
Awarded on basis of Lowest Price	Awarded on basis of Lowest Price	Either Awarded on basis of Price Only (Contract value below delegated limit) or Awarded on basis of MAT (Contracts above delegated limit)	Awarded on basis of MAT

* ALBs with a delegated limit of authority in excess of the UK Threshold for Services are responsible for the receipt, safeguarding, opening, evaluation of responses, award and debriefing.

** Health Estates is responsible for the receipt, safeguarding, opening, moderation of evaluation of responses, award and debriefing in conjunction with the Authority.

- 3.2.3. All contracts with a value estimated to exceed £50,000 must be advertised, tendered and awarded using the eTendersNI Portal.
- 3.2.4. Section 3 of the Sourcing Toolkit - Selection and Award ([Sourcing and Construction Toolkits](#)) contains guidance on the makeup of selection panels, the selection assessment and notification processes. This guidance must be adhered to when undertaking a procurement.
- 3.2.5. Health Estates has produced a presentation which must be requested from estatesprocurement@health-ni.gov.uk. All members of evaluation panels must view this presentation prior to commencing evaluation and take cognisance of its contents. Compliance with this requirement will be included in the ALB's EPPR.
- 3.2.6. The Authority must retain full records of the entire process for audit purposes. The use of the eTendersNI Portal will facilitate the Authority in achieving this.
- 3.2.7. Each of the methodologies contained in the table above are described in the following sections.

3.3. Commission Value Below £20,000

- 3.3.1. Design service commissions with a value below £20,000 may be awarded to a consultant by an Authority having demonstrated that value for money has been achieved.
- 3.3.2. This methodology can only be used by Authorities if:
- the design service required is not covered by an existing framework, call-off arrangement, standing list or e-catalogue
 - the design service required is a one-off requirement
 - the total spend, which must be less than £20,000, must cover the combined cost of all design services
 - the requirement is clearly specified
- 3.3.3. In the interest of equality when carrying out a price check, the quotations used should be obtained within a fixed deadline. Quotations received after any fixed deadline must not be considered but should be retained for future scrutiny.
- 3.3.4. The Authority is at liberty to choose the consultants to provide the quotations for the price check. If there are sufficient numbers of suitable consultants capable of carrying out the service required, the consultants chosen for price checks should vary from check to check in order to preclude opportunities for favouritism.
- 3.3.5. The Authority must ensure that a record of the price check is retained for future scrutiny and reporting purposes.
- 3.3.6. The Authority may wish to implement further controls/checks.

3.3.7. Where it is not possible to obtain price checks due to exceptional circumstances (for example, emergencies), then a design service commission may be awarded directly to a consultant. In these circumstances, ALB Accounting Officer approval is not required when the total value of the commission is below £20,000, but the reasons for the action must be recorded and retained for audit purposes.

3.3.8. The methodologies described in Section 3.4 may also be used as an alternative when commissioning design services with a value below £20,000.

3.4. Commission Value in Excess of £20,000 and Below £50,000

3.4.1. Design service commissions with a value in excess of £20,000 and below £50,000 may be awarded to a consultant by an Authority only after the Authority has carried out a price check by obtaining a quotation, based on a written specification, from at least two consultants in order to demonstrate that value for money has been achieved.

3.4.2. This methodology can only be used by Authorities if:

- the design service required is not covered by an existing framework, call-off arrangement, standing list or e-catalogue
- the design service required is a one-off requirement
- the total spend, which must be in excess of £20,000 and less than £50,000, must cover the combined cost of all design services
- the requirement is clearly specified

3.4.3. In the interest of equality when carrying out a price check, the quotations used should be obtained within a fixed deadline. Quotations received after any fixed deadline must not be considered but should be retained for future scrutiny.

3.4.4. The Authority is at liberty to choose the two consultants to provide the quotations for the price check. If there are sufficient numbers of suitable consultants capable of carrying out the service required, the consultants chosen for price checks should vary from check to check in order to preclude opportunities for favouritism.

3.4.5. The Authority must ensure that a record of the price check is retained for future scrutiny and reporting purposes.

3.4.6. The Authority may wish to implement further controls/checks.

3.4.7. Where it is not possible to obtain price checks due to exceptional circumstances (for example, emergencies), then a design service commission may be awarded directly to a consultant. In these circumstances, ALB Accounting Officer approval is not required when the total value of the commission is below £20,000, but the reasons for the action must be recorded and retained for audit purposes. However, ALB Accounting Officer approval is required for a commission between £20,000 and £50,000.

3.5. Commission Value in Excess of £50,000 and Below UK Threshold for Services

3.5.1. Consultants will be selected using the Constructionline database. Having considered the scope and nature of the works, the Authority will use the following criteria to generate a long list within the Constructionline database:

- Work category(s)
- Work sub-category(s) (if applicable)
- Category value (minimum required for contract)
- Maximum category value (may be used to focus selection on smaller firms where appropriate)
- Third party accreditation of Health and Safety Management System (where applicable)
- Registration with professional bodies
- Location of the service

3.5.2. Practical guidance can be viewed at [How to Run a Constructionline Supplier List](#).

3.5.3. When using this methodology, it is essential that appropriate consultant work categories are chosen. Failure to do so will result in a meaningless list being generated. These categories can be found at [Consultant Work Category Descriptions](#).

3.5.4. For commissions with a value exceeding £50,000 but not exceeding the threshold for services, six consultants should be invited to tender. Whilst every effort should be made to obtain a list of six consultants willing to tender, there may be circumstances where this is not achievable. In these cases, evidence must be recorded to demonstrate the reason(s) for less than six invitations to tender being issued.

3.5.5. The Authority must retain full records of the entire process for audit purposes.

3.5.6. The methodology described in Section 3.6 may also be used as an alternative to using Constructionline to select a list when commissioning design services with a value in excess of £50,000 and below threshold for services.

3.5.7. Participation Stage Process (PSP) and Invitation to Tender (ITT) templates for below threshold construction services are available. ALBs must request templates for every individual commission by submitting an email to estatesprocurement@health-ni.gov.uk. This will ensure that the most up to date templates are being utilised. Under no circumstances must ALBs use the templates used on a previous project.

3.5.8. A PSP is required for the Authority to obtain sufficient information in a consistent format that enables an assessment to be made that ensures that the consultants who will be invited to tender can meet the minimum financial and technical requirements to undertake the advertised design services. Only those consultants short-listed using the pre-qualification process will be invited to participate in a competitive tender process.

3.5.9. Should more than six consultants express an interest in a commission, the eTendersNI Random Selection Process should be used. This process should only be activated by

Health Estates permitted staff on the eTendersNI portal and must be carried out prior to the ALB commencing their evaluation on the portal.

- 3.5.10. Having carried out the random selection process, evaluation can commence in order of selection until a list of no more than six consultants who have passed all the criteria is obtained. The Authority is at risk if an outdated version of the templates are used.
- 3.5.11. The design services opportunity must be advertised, tendered and awarded using the eTendersNI Portal as its value is in excess of £50,000.
- 3.5.12. Guidance that covers the initiation of a commission through to award, including the upload of documentation, is available on the eTendersNI portal.

3.6. Commission Value Above Threshold for Services

- 3.6.1. PSP and ITT templates for above threshold construction services are available. ALBs must request templates for every individual commission by submitting an email to estatesprocurement@health-ni.gov.uk. This will ensure that the most up to date templates are being utilised. Under no circumstances must ALBs use the templates used on a previous project. The Authority is at risk if an outdated version of the templates are used.
- 3.6.2. A PSP is required for the Authority to obtain sufficient information in a consistent format that enables an assessment to be made that ensures that the consultants (referred to as Suppliers in this Section of the EPM) who will be invited to tender can meet the minimum financial and technical requirements to undertake the advertised design services.
- 3.6.3. It is anticipated that the six Suppliers that satisfy the completeness and compliance checks, the criteria for the rejection of Suppliers, the information as to economic and financial standing, and who achieve the highest scores in the technical or professional ability evaluation process, will be short-listed to participate in a competitive tender process.
- 3.6.4. The evaluation process will be carried out by an evaluation panel utilising the eTendersNI portal.
- 3.6.5. Where there is a tie for sixth place, then all Suppliers in sixth place will be invited to tender. A tie for sixth place is deemed to occur where two or more Suppliers have identical scores or a score within one mark (out of a score of 100) of the sixth-place score.
- 3.6.6. The design services opportunity must be advertised, tendered and awarded using the eTendersNI Portal as its value is in excess of £50,000.
- 3.6.7. Guidance that covers the initiation of a commission through to award including the upload of documentation is available on the eTendersNI portal.

3.6.8. In conjunction with publishing the opportunity on the eTendersNI portal, a Notice must be published since the value of the design services commission is in excess of the current Procurement Thresholds for Service Contracts. All Notices should be uploaded and published using the eTendersNI Portal.

3.6.9. Advice must be sought from the CoPE prior to publishing the opportunity on the eTendersNI portal.

3.7. Design Services Consultancy Framework Agreement

3.7.1. The procurement methodologies described above should only be considered where a design services consultancy framework agreement is not already in place.

3.7.2. Having a framework in place enables the Authority to call off consultants for commissions as and when the need arises.

3.7.3. Health Estates recommends that the advertisement of design services consultancy framework agreements should be drafted in order to enable all other ALBs to use the framework should the opportunity arise.

3.7.4. It is anticipated that the aggregate value of commissions called off from these frameworks over their four-year duration will be above the current UK Procurement Thresholds for services. Therefore, advice must be sought from Health Estates prior to advertising any design services consultancy framework on the eTendersNI portal. Frameworks should be monitored by ALBs to ensure the limit is not exceeded and should be reported annually to Health Estates via the estatesprocurement@health-ni.gov.uk mailbox.

3.7.5. The design services consultancy framework agreement will contain the terms and conditions relating to the allocation of commissions, performance management, professional indemnity insurance requirements, and so on, over the duration of the framework. The framework itself is not interpreted as a contract. An individual contract needs to be put in place for each commission awarded under the framework.

3.7.6. Mini-competitions called off the framework should be published on the eTendersNI portal in accordance with the tendering procedures as outlined in Section 3.8.

3.7.7. External (National) frameworks may be used, where this does not restrict markets or disadvantage SMEs and a competitive tender mechanism demonstrating value for money for the service sought is evidenced, with written approval of the Director of Health Estates. Requests to use an external framework should be sent to Health Estates marked for the attention of the Director of Health Estates via the estatesprocurement@health-ni.gov.uk mailbox citing the rationale for using the external framework and providing evidence of the competitive tender mechanism to be used.

3.7.8. Where an External (National) framework is proposed to be used which does not contain a competitive tender mechanism demonstrating value for money any spend

under that framework will be treated as a direct award contract with relevant process being followed to record same.

3.8. Tendering Procedures

- 3.8.1. ALBs must use the eTendersNI portal to advertise, tender and award all contracts with an estimated value in excess of £50,000 (excluding those called off from framework agreements).
- 3.8.2. To ensure that competitive tendering is fair and effective it is essential that each tender is based on identical documents that are clear and free from ambiguity.
- 3.8.3. Health Estates recommends that commissions more than £50,000 for design services with a value below the current UK Procurement Thresholds for Services may be awarded on the basis of Price only (contract value below delegated limit) or awarded on the basis MAT (contracts above delegated limit).
- 3.8.4. All frameworks and commissions with a value above the current Procurement Thresholds for Services should be awarded on the basis of MAT (Most = Advantageous Tender).
- 3.8.5. Section 3 of the Sourcing Toolkit – Selection and Award contains the evaluation procedures which will be applicable to tenders being awarded on the basis of MAT.
- 3.8.6. [Guidance on Direct Award Contracts](#) sets out the exceptional circumstances when a contract can be awarded without a competition. In light of its exceptional nature, all Direct Award Contracts are subject to ALB Accounting Officer approval in accordance with this guidance.
- 3.8.7. When seeking CoPE advice from Health Estates in relation to a direct award contract, the [Health Estates Direct Award Contract Advice Request Form](#) must be fully completed and submitted to estatesprocurement@health-ni.gov.uk for consideration.
- 3.8.8. ALBs must also use the Simplified Procedure on the eTendersNI portal (S2 – Single Tender Action/Direct Contract Award) for such procurements, which will provide a fully auditable record.
- 3.8.9. All contracts awarded without a competition and with a value above £50,000 must be published monthly by the relevant CoPE on its website. Therefore, ALBs must submit details of any direct award contract awarded for a design service commission with a value in excess of £50,000 to estatesprocurement@health-ni.gov.uk as soon as possible.
- 3.8.10. The use of the eTendersNI portal will ensure that tenders are not received after the specified time and date, therefore eliminating late tender submissions.
- 3.8.11. Tender invitations should make it clear that tenderers are expected to tender in strict accordance with the tender documents. If an error, ambiguity or impractical

statement is discovered in the tender documents, then the ALB shall amend them accordingly, before the tender receipt date.

- 3.8.12. Any clarification/amendments must be notified to all tenderers simultaneously using the messaging service within the eTendersNI portal.
- 3.8.13. Tender invitations should state clearly that qualified tenders will not be considered. If a tender received is qualified, the tenderer should be asked to stand by the tender without amendment to the price/quality and without qualifications or the tender will be rejected.
- 3.8.14. Section 3 of the Sourcing Toolkit – Selection and Award contains details of the procedure to be applied to tenders for construction professional services contracts to discourage construction consultants from submitting prices that are so low that they put the delivery of a contract at risk.
- 3.8.15. Priced documents must be examined before a tender is recommended or accepted in order to detect any computational errors. If the examination of priced documents supporting a tender under consideration reveals that apparent errors have been made in the computation of the tender, the tenderer must be given details of the errors and be afforded the opportunity of confirming or withdrawing the tender. If the tender is withdrawn, the priced documents of the next lowest or next best value tenderer should be examined; if there are errors or discrepancies in them, this tenderer should also (and any subsequent tenderer in turn) be given a similar opportunity to confirm or withdraw.
- 3.8.16. In the event that two or more tenderers have submitted the same tender price (for a procurement being awarded on the basis of lowest price), the CPD Random Selection Process will be used to select the winning tenderer from the tied tenderers. This methodology should be highlighted to the suppliers within the PSP and ITT documentation.
- 3.8.17. In the event that two or more tenderers have received the same score (for a procurement being awarded on the basis of MAT) and those scores are the highest, the contract should be awarded to the supplier who has submitted the lowest price. In the event that the tied tenderers have submitted the same price, the CPD Random Selection Process will be used to select the winning tenderer from the tied tenderers. This methodology should be highlighted to the suppliers within the PSP and ITT documentation.
- 3.8.18. ALBs must require tenderers to provide a declaration with each tender that their tender is bona fide, competitive and is not the result of any restrictive or collusive practices. If an ALB suspects that a tender has been subject to restrictive or collusive practices, they must advise Health Estates immediately.
- 3.8.19. Using the eTendersNI portal will automatically record who has responded, store received responses in a secure envelope and will only allow permitted staff on the portal access to them once the deadline for receipt has passed.

- 3.8.20. ALBs must notify all tenderers of the outcome of any tender process using the announce evaluation results service within the eTendersNI portal.
- 3.8.21. The notification requirements for procurements with a value above the current UK Procurement Thresholds for services are as contained in [The Procurement Regulations 2024](#).
- 3.8.22. For procurements with a value below the current UK Procurement Thresholds for services being awarded on the basis of Most Acceptable Price, it is a requirement that each tenderer shall be supplied with a list of the firms that submitted tenders (in alphabetical order) together with a list of prices (in ascending order of value). However, the prices of the unsuccessful tenderers should not be attributable to individual bidders; so, in cases where there are only three tenderers, each of the unsuccessful tenderers should only be given the successful tenderer's price and their own price.
- 3.8.23. There is no restriction to the period of validity of a tender which shall remain open for consideration until it is accepted by the Authority or withdrawn by the Tenderer.
- 3.8.24. In an attempt to ensure that contracts are only awarded to consultants who are financially sound, it is essential that ALBs check the successful consultant's financial status, using Constructionline, immediately prior to contract award.
- 3.8.25. Should this check indicate deterioration in the consultant's credit rating demonstrated by a change in Constructionline status to any of the following:
- Consult Notice
 - Suspension Notice
 - Suspension of a relevant sector category
 - Inactive
- the ALB must contact Constructionline to obtain the information necessary to enable the ALB to make an informed decision as to whether to award the contract to the successful consultant.
- 3.8.26. The ALB must ensure that the reasons for any decision taken are retained on the eTendersNI portal. It is also essential that Constructionline Supplier reports are retained for future scrutiny and reporting purposes.

3.9. Consultant Contracts

- 3.9.1.A contract must be formed for each design commission awarded.

All new design commissions (excluding those being awarded via existing Framework Agreements) must be awarded and be managed using the NEC Professional Services Contract Option A.

- 3.9.2. For all design service procurements, a contract is only formed with the Supplier who will take contractual responsibility for delivering the Contract. Prior to award of the

contract, the ALB must ensure that the Supplier has the correct insurances in place. For HE managed procurements, the HE PM must request insurance checks from the Government Broker using the HE CIRF1 form available from HE's Procurement Standards Branch (estatesprocurement@health-ni.gov.uk).

3.9.3. ALBs must ensure that all contracts are formalised by way of execution as a deed using the appropriate attestation clause.

3.9.4. Formalisation of the contract must be in place prior to the design consultant commencing work.

3.9.5. There must be two (original) signed contracts; one to be retained by the Authority and one to be retained by the consultant(s). Contracts can either be retained in physical format or electronic format.

3.10. Monitoring and Evaluation of Performance

3.10.1. The performance of all design consultants must be evaluated and monitored both during the commission and after it has been completed.

3.10.2. ALBs are entitled to expect the standards of skill and care of a competent practitioner and should immediately follow up any cases where there has been a breach of duty.

3.10.3. Section 4 of the Sourcing Toolkit – Contract Management promotes best practice contract management after formal award of a contract, ensuring that those with responsibility for the management of contracts have a sound basis on which to work. The appropriate level of contract management will be proportionate to the value, risk and complexity of the contract.

3.10.4. A Protocol for Managing Poor Contractor Performance is described in Annex K of the Construction Toolkit.

4. APPOINTMENT OF CONSTRUCTION WORKS CONTRACTORS

4.1. Introduction

4.1.1. ALBs must comply with the requirements of public accountability, the law (that is, the relevant Directives and UK Regulations) and best practice (as contained in Departmental Policies and Northern Ireland Public Procurement Policy) when procuring and appointing construction work contractors.

4.1.2. This section of the EPM outlines the options available for the procurement and appointment of construction works contractors.

4.2. Procurement Options

4.2.1. The procurement options available to an ALB (referred to as the Authority in Section 4 of the EPM) when procuring Contractors are contained in Annex D of the Construction Toolkit and PPN 04/21.

4.2.2. Construction works are to be procured on an individual basis only where there are no existing framework agreements or standing lists of pre-qualified contractors.

4.2.3. Table 3 below shows the selection/pre-qualification and award methodologies for construction works contractors that should be adopted where a relevant framework agreement, standing lists of pre-qualified contractors or term contracts are not in place. Factors that determine the most appropriate methodology include value of the works, complexity and nature of the works; for example, general building works or specialist works. All methodologies require the placing of an advertisement on eTendersNI apart from those related to procurements with a value below £50,000.

Table 3: Selection/Pre-Qualification and Award Methodologies for Construction Works			
Contract Value Below £20,000	Contract Value in excess of £20,000 and below £50,000	Contract Value in excess of £50,000 and Below UK Threshold for Works	Contract Value above UK Threshold for Works
All works contracts	All works contracts	All works contracts	All works contracts
Provide evidence that two prices have been sought where this is possible	Seek a minimum of two written quotations where possible	Advertise on eTendersNI	Advertise on eTendersNI – Procurement Regulations 2024 apply – advertise on Find a Tender service.
Awarded on the basis of lowest price	Awarded on the basis of lowest price	Awarded on basis of lowest price/MAT	Awarded on basis of MAT

The Authority is responsible for the receipt, safeguarding, opening, evaluation of responses, award and debriefing for contracts with a value less than £50,000.

CPD is responsible for the receipt, safeguarding, opening, evaluation of responses that utilise the CPD Dynamic Shortlisting System (DSS) at PSP stage/Contractor selection stage. The Authority, advised by Health Estates, is responsible for the Invitation to Tender (ITT) process including the receipt, safeguarding, opening, evaluation of responses, award and debriefing for all construction project contracts utilising the DSS.

Health Estates is responsible for the receipt, safeguarding, opening, moderation of evaluation of responses, award and debriefing in conjunction with the Authority for above threshold procurements.

4.2.4. Section 3 of the Sourcing Toolkit - Selection and Award contains guidance on the makeup of selection panels, the selection assessment and notification processes. This Guidance must be adhered to when undertaking a procurement process.

4.2.5. Health Estates has produced a presentation, which must be requested from estatesprocurement@health-ni.gov.uk. All members of evaluation panels must view

this presentation prior to commencing evaluation and take cognisance of its contents. Compliance with this requirement will be included in the ALB's EPPR.

4.2.6. The Authority must retain full records of the entire process for audit purposes. The use of the eTendersNI Portal will facilitate the Authority in achieving this.

4.2.7. Each of the methodologies contained in the table above are described in the following sections.

4.3. Contract Value Below £20,000

4.3.1. Works contracts with a value below £20,000 may be awarded to a contractor by an ALB having demonstrated that value for money has been achieved.

4.3.2. This methodology can only be used by ALBs if:

- the work required is not covered by an existing framework, call-off arrangement, standing list or e-catalogue
- the work required is a one-off requirement
- the total spend, which must be less than £20,000, must cover the combined costs of all works
- the requirement is clearly specified

4.3.3. In the interest of equality when carrying out a price check, the quotations used should be obtained within a fixed deadline. Quotations received after any fixed deadline must not be considered but should be retained for future scrutiny.

4.3.4. The ALB is at liberty to choose the contractors to provide the quotations for the price check. If there are sufficient numbers of suitable contractors capable of carrying out the works required, the contractors chosen for price checks should vary from check to check in order to preclude opportunities for favouritism.

4.3.5. The ALB must ensure that a record of the price check is retained for future scrutiny and reporting purposes. ALBs may use the Simplified Procedure on the eTendersNI portal (S1 Low value Procurement) to obtain quotations and award the contract, which will provide a fully auditable record.

4.3.6. The ALB may wish to implement further controls/checks.

4.3.7. Where it is not possible to obtain price checks due to exceptional circumstances (for example, emergencies), then a works contract may be awarded directly to a contractor. In these circumstances, ALB Accounting Officer approval is not required when the total value of the works contract is below £20,000, but the reasons for the action must be recorded and retained for audit purposes. ALBs may also use the Simplified Procedure on the eTendersNI portal (S2 – Single Tender Action/Direct Contract Award), which will provide a fully auditable record.

4.3.8. The methodologies described in Section 4.4 may be used as an alternative when procuring a works contract with a value below £20,000.

4.4. Contract Value in Excess of £20,000 and Below £50,000

4.4.1. This methodology can be used when procuring construction works up to a maximum value of £50,000.

4.4.2. Works contracts with a value in excess of £20,000 and below £50,000 may be awarded to a contractor by an ALB only after the ALB has carried out a price check by obtaining a quotation, based on a written specification and/or drawings, from at least two contractors in order to demonstrate that value for money has been achieved.

4.4.3. This methodology can only be used by ALBs if:

- the work required is not covered by an existing framework, call-off arrangement, standing list or e-catalogue
- the work required is a one-off requirement
- the total spend, which must be less than £50,000, must cover the combined costs of all works
- the requirement is clearly specified

4.4.4. In the interest of equality when carrying out a price check, the quotations used should be obtained within a fixed deadline. Quotations received after any fixed deadline must not be considered but should be retained for future scrutiny.

4.4.5. The ALB is at liberty to choose the two contractors to provide the quotations for the price check. If there are sufficient numbers of suitable contractors capable of carrying out the works required, the contractors chosen for price checks should vary from check to check in order to preclude opportunities for favouritism.

4.4.6. The ALB must ensure that a record of the price check is retained for future scrutiny and reporting purposes. ALBs may use the Simplified Procedure on the eTendersNI portal (S1 Low value Procurement) to obtain quotations and award the contract, which will provide a fully auditable record.

4.4.7. The ALB may wish to implement further controls/checks.

4.4.8. Where it is not possible to obtain price checks due to exceptional circumstances (for example, emergencies), then a works contract may be awarded directly to a contractor. In these circumstances, ALB Accounting Officer approval is required when the total value of the works contract is above £20,000.

4.4.9. The methodology described in Section 4.5 may be used as an alternative when procuring a general works contract with a value in excess of £20,000 and below £50,000.

4.5. Contract Value in Excess of £50,000 and Below UK Threshold For Works – General Works

4.5.1. This methodology can be used when procuring general building work, civil engineering work, mechanical engineering services installations and electrical engineering services installations with a value in excess of £50,000.00 but not exceeding the [current UK Procurement Thresholds](#) for works.

4.5.2. The CPD Dynamic Shortlisting System (DSS) comprises firms deemed competent by Health Estates to carry out work within the wide range of facility types that exist within the public sector, including those of a highly specialist nature; for example, acute hospitals, operating theatres, laboratories, intensive care, high dependency units, prisons, laboratories and other complex multi occupancy facilities to an acceptable standard under contract (for works of a Contract value in excess of £30,000 and below the UK threshold for works)

4.5.3. Details of the process which firms must follow in order to be listed on the DSS can be found at: [How to apply for the CPD Dynamic Shortlisting System. How to register for the HE/CPD Dynamic Shortlisting System.](#)

4.5.4. The HE/CPD DSS comprises separate lists for four disciplines:

- Building Contractors
- Civil Engineering Contractors
- Mechanical Engineering Contractors
- Electrical Engineering Contractors

4.5.5. Details of the Facility and Work Categories held by each individual firm can be found at the links contained in Section 4.5.3 above. The definitions of the Facility and Work Categories can be found at the following link: [HE/CPD Dynamic Shortlisting System Facility and Work Category Definitions.](#)

4.5.6. CPD will apply the Rota application to those contractors who express an interest in an opportunity. CPD will evaluate the contractors in rota order until a Select List consisting of a maximum of six firms can be invited to tender on the eTendersNI portal.

4.5.7. ITT templates for construction works procured via the DSS are available. ALBs must request templates for every individual commission by submitting an email to estatesprocurement@health-ni.gov.uk. This will ensure that the most up to date templates are being utilised. Under no circumstances must ALBs use the templates used on a previous project. ALBs are responsible for the issue of tenders, receipt, safeguarding, opening, evaluation of responses, award and debriefing for the Invitation of Tender (ITT) stage of contracts for general works that use the DSS.

4.5.8. All construction work opportunities with a value in excess of £50,000.00 must be advertised, tendered and awarded on the eTendersNI Portal.

4.5.9. Guidance that covers the initiation of a commission through to award, including the upload of documentation, is available on the eTendersNI portal.

4.5.10. A Performance Management Report must be completed by ALBs for every project undertaken and returned to Health Estates within three months of project completion. This report can be obtained at the following link: [Contractors Performance Management Report](#)

4.6. Contract Value Above UK Threshold for Works

4.6.1. PSP and ITT templates for above threshold construction works are available. ALBs must request templates for every individual commission by submitting an email to estatesprocurement@health-ni.gov.uk. This will ensure that the most up to date templates are being utilised. Under no circumstances must ALBs use the templates used on a previous project.

4.6.2. A PSP is required for the Authority to obtain sufficient information in a consistent format that enables an assessment to be made that ensures that the contractors (referred to as Suppliers in Section 4.8 of the EPM) who will be invited to tender can meet the minimum financial and technical requirements to undertake the advertised works.

4.6.3. The six Suppliers that satisfy the completeness and compliance checks, the criteria for the rejection of Suppliers, the information as to economic and financial standing, and who achieve the highest scores in the technical and/or professional ability evaluation process, will be short-listed and invited to submit tenders.

4.6.4. Where there is a tie for sixth place, then all Suppliers in sixth place will be invited to tender. A tie for sixth place is deemed to occur where two or more Suppliers have identical scores or a score within one mark (out of a score of 100) of the sixth-place score.

4.6.5. All construction work opportunities with a value in excess of £50,000 must be published on the eTendersNI Portal.

4.6.6. Guidance that covers the initiation of a commission through to award including the upload of documentation is available on the eTendersNI portal.

4.6.7. In conjunction with publishing the opportunity on the eTendersNI portal, various notices must be published since the value of the public works opportunity is in excess of the current Procurement Thresholds for Works Contracts in accordance with the requirements of the Procurement Act 2023 (as amended). All Notices are uploaded and published using the eTendersNI Portal. Advice must be sought from the CoPE, prior to publishing the opportunity on the eTendersNI portal.

4.6.8. Specialist works (for example, demolitions, asbestos removal and lift installations) may be procured via the following methods:

- HE/CPD DSS for works up to threshold only
- Open tender (any value)
- Existing frameworks where appropriate

4.7. Tendering Procedures

- 4.7.1. ALBs must use the eTendersNI portal to advertise, tender and award all contracts with an estimated value in excess of £50,000.00.
- 4.7.2. To ensure that competitive tendering is fair and effective it is essential that each tender is based on identical documents that are clear and free from ambiguity.
- 4.7.3. Health Estates recommends that all public works procurements with a value below the current Procurement Thresholds for Works should be awarded on the basis of lowest price.
- 4.7.4. All frameworks and contracts with a value above the current UK Procurement Thresholds for Works should be awarded on the basis of MAT. Any proposal to award a framework or contract with a value above the current Procurement Thresholds for works on the basis of lowest price must be submitted to Health Estates for approval from the Head of Procurement Standards Branch.
- 4.7.5. Section 3 of the Sourcing Toolkit – Selection and Award contains the evaluation procedures that will be applicable to tenders being awarded on the basis of MAT.
- 4.7.6. [Guidance on Direct Award Contracts](#) sets out the exceptional circumstances when a contract can be awarded without a competition. In light of its exceptional nature, all Direct Award Contracts are subject to ALB Accounting Officer approval in accordance with this guidance.
- 4.7.7. When seeking CoPE advice from Health Estates in relation to a direct award contract, the [Health Estates Direct Award Contract Advice Request Form](#) must be fully completed and submitted to estatesprocurement@health-ni.gov.uk for consideration.
- 4.7.8. ALBs must also use the Simplified Procedure on the eTendersNI portal (S2 – Single Tender Action/Direct Contract Award) for such procurements which will provide a fully auditable record.
- 4.7.9. All contracts awarded without a competition and with a value above £50,000 must be published monthly by the relevant CoPE on its website. Therefore, ALBs must submit details of any direct award construction contract awarded with a value in excess of £50,000 to estatesprocurement@health-ni.gov.uk as soon as possible.
- 4.7.10. The use of the eTendersNI portal will ensure that tenders are not received after the specified time and date, therefore eliminating late tender submissions.
- 4.7.11. Tender invitations should make it clear that tenderers are expected to tender in strict accordance with the tender documents. If an error, ambiguity or impractical statement is discovered in the tender documents, then the ALB shall amend them accordingly, before the tender receipt date.

- 4.7.12. Any clarification/amendments must be notified to all tenderers simultaneously using the messaging service within the eTendersNI portal.
- 4.7.13. Tender invitations should state clearly that qualified tenders will not be considered. If a tender received is qualified, the tenderer should be asked to stand by the tender without amendment to the price/quality and without qualifications or the tender will be rejected.
- 4.7.14. Section 3 of the Sourcing Toolkit – Selection and Award contains details of the procedure to be used in determining whether or not a tender is abnormally low on construction works contracts.
- 4.7.15. Priced documents must be examined before a tender is recommended or accepted in order to detect any computational errors. If the examination of priced documents supporting a tender under consideration reveals that apparent errors have been made in the computation of the tender, the tenderer must be given details of the errors and be afforded the opportunity of confirming or withdrawing the tender. If the tender is withdrawn, the priced documents of the next lowest or next best value tenderer should be examined; if there are errors or discrepancies in them, this tenderer should also (and any subsequent tenderer in turn) be given a similar opportunity to confirm or withdraw.
- 4.7.16. In the event that two or more tenderers have submitted the same tender price (for a procurement for Works being awarded on the basis of lowest price) the CPD Random Selection Process will be used to select the winning tenderer from the tied tenderers. This methodology should be highlighted to the suppliers within the PSP and ITT documentation.
- 4.7.17. In the event that two or more tenderers have received the same score (for a procurement for Works being awarded on the basis of MAT) and those scores are the highest, the contract should be awarded to the supplier who has submitted the lowest price, in the event that the tied tenderers have submitted the same price, the CPD Random Selection Process will be used to select the winning tenderer from the tied tenderers. This methodology should be highlighted to the suppliers within the PSP and ITT documentation.
- 4.7.18. ALBs must require tenderers to provide a declaration with each tender that their tender is bona fide, competitive and is not the result of any restrictive or collusive practices. If an ALB suspects that a tender has been subject to restrictive or collusive practices, they must advise Health Estates immediately.
- 4.7.19. Using the eTendersNI portal will automatically record who has responded, store received responses in a secure envelope and will only allow permitted staff access to them once the deadline for receipt has passed.
- 4.7.20. ALBs must notify all tenderers of the outcome of any tender process using the messaging service within the eTendersNI portal.

- 4.7.21. The notification requirements for procurements with a value above the current Procurement Thresholds for works are as contained in [The Procurement Regulations 2024](#).
- 4.7.22. For procurements with a value below the current UK Procurement Thresholds for Works being awarded on the basis of lowest price, it is a requirement that each tenderer shall be supplied with a list of the firms that submitted tenders (in alphabetical order) together with a list of prices (in ascending order of value). However, the prices of the unsuccessful tenderers should not be attributed to individual bidders; so, in cases where there are only three tenderers, each of the unsuccessful tenderers should only be given the successful tenderer's price and their own price.
- 4.7.23. There is no restriction to the period of validity of a tender, which shall remain open for consideration until it is accepted by the Authority or withdrawn by the Tenderer.
- 4.7.24. Contracts should include a price adjustment for inflation mechanism in works and maintenance contracts (for example. NEC Option X1) with a base date set to the tender return date or end of tender validity period (where applicable).

In an attempt to ensure that contracts are only awarded to contractors who are financially sound, it is essential that ALBs check the successful contractor's financial status, using Constructionline, immediately prior to contract award.

- 4.7.25. Should this check indicate deterioration in the contractor's credit rating demonstrated by a change in Constructionline status to any of the following:
- Consult Notice
 - Suspension Notice
 - suspension of a relevant sector category
 - Inactive

the ALB must contact Constructionline to obtain the information necessary to enable the ALB to make an informed decision as to whether to award the contract to the successful contractor.

- 4.7.26. The ALB must ensure that the reasons for any decision taken are retained on the eTendersNI portal. It is essential that Constructionline Supplier reports are retained for future scrutiny and reporting purposes.
- 4.7.27. External (National) frameworks may be used, where this does not restrict markets or disadvantage SMEs and a competitive tender mechanism demonstrating value for money for the work sought is evidenced, with written approval of the Director of Health Estates. Requests to use an external framework should be sent to Health Estates marked for the attention of the Director of Health Estates via the estatesprocurement@health-ni.gov.uk mailbox citing the rationale for using the external framework and providing evidence of the competitive tender mechanism to be used.

4.7.28. Where an External (National) framework is proposed to be used which does not contain a competitive tender mechanism demonstrating value for money any spend under that framework will be treated as a direct award contract with relevant process being followed to record same.

4.8. Construction Contracts

4.8.1.A contract must be in place for each construction works project awarded.

4.8.2.All new construction works contracts must be awarded and managed using a contract from the NEC family of contracts.

4.8.3.ALBs must ensure that all contracts are formalised by way of execution as a deed using the appropriate attestation clause.

4.8.4.Formalisation of the contract must be in place prior to the contractor commencing work. Prior to award of the contract, the ALB must ensure that the Supplier has the correct insurances in place. For HE managed procurements, the HE PM must request insurance checks from the Government Broker using the HE CIRF1 form available from HE's Procurement Standards Branch (estatesprocurement@health-ni.gov.uk).

4.8.5.There must be two (original) signed construction contracts; one to be retained by the Authority and one to be retained by the contractor. Contracts can either be retained in physical format or electronic format.

4.9. Monitoring and Evaluation of Construction Works Contractor Performance

4.9.1.The performance of all contractors must be evaluated and monitored both during the construction phase of the works and after the work has been completed.

4.9.2.Section 4 of the Sourcing Toolkit – Contract Management promotes best practice contract management after formal award of a contract, ensuring that those with responsibility for the management of contracts have a sound basis on which to work. The appropriate level of contract management will be proportionate to the value, risk and complexity of the contract.

4.9.3.A Protocol for Managing Poor Contractor Performance is described in Annex K of the Construction Toolkit.

5. PROCUREMENT OF ESTATE AND BUILDING SERVICES MAINTENANCE

5.1. Introduction

5.1.1. Property maintenance contracts involve a wide variety of work, often reactive in nature, which is undertaken simultaneously, and sometime within short timescales, across a number of different properties. These properties may be spread across a relatively large geographical area.

5.1.2. A high-level definition of estate and building services maintenance, in the context of the HSC and Public Safety Sector, is the maintenance, repair and refurbishment of facilities, buildings, plant, non-medical equipment and grounds.

5.1.3. In addition, estate and building services maintenance can be classified as planned, unplanned, cyclical and backlog maintenance.

5.1.4. The upkeep of property assets belonging to an ALB is important because it:

- protects the value of the asset
- ensures that it is fit for purpose
- protects the health and safety of end users
- ensures business continuity

5.1.5. It is generally standard practice on the part of ALBs, and in particular Health and Social Care Trusts, to employ skilled construction operatives to carry out some core elements of estate and building services maintenance. These in-house resources are often referred to as Directly Employed Labour (DEL) or Direct Labour Organisation (DLO). These staff can be particularly effective where familiarity with an existing estate and ability to deliver an immediate response is required.

5.1.6. The remaining elements of estates and building services maintenance can be procured by outsourcing to contractors.

5.1.7. It is the responsibility of the ALBs to determine the appropriate balance between the use of DEL/DLO and external contractors in undertaking estate and building services maintenance to ensure that best value for money is achieved, and operational demands of the service are responded to in a timely manner.

5.1.8. In addition, there are a number of regional service and maintenance contracts used in connection with specialist installations and equipment; for example, lift installations. The CoPE for these particular procurements is BSO PaLS.

5.1.9. ALBs that procure maintenance contracts must be aware that inappropriate selection of a particular Procurement Methodology could adversely affect the ALB's ability to manage the ensuing contracts. Therefore, it is imperative that the Procurement Methodology is considered in detail at the outset.

5.1.10. ALBs must comply with the requirements of public accountability, the law (that is, relevant Directives and UK Regulations) and best practice (as contained in Departmental Policies and Northern Ireland Public Procurement Policy) when

procuring and appointing contractors to carry out estate and building services maintenance.

- 5.1.11. Guidance entitled [DoH CoPE Responsibility for Estates Related Procurement](#) aims to ensure that the procurement of an estate and building services maintenance contract by an ALB comes under the influence of the appropriate DOH CoPE, which will either be Health Estates or BSO PaLS.
- 5.1.12. It is likely that the majority of estate and building services maintenance will be procured through the appointment of external contractors using Term Service Contracts (TSCs). The purpose of this section of the EPM is to outline the procurement methodology used for TSCs.

5.2. Term Service Contracts

5.2.1.A TSC is a contract for a range of estate and building services maintenance that is placed with a contractor(s) for a specified period of time. Work is measured and valued on the basis of a Price List(s) that have been subject to a competitively tendered procurement process.

5.2.2.The maximum value of any individual TSC Task Order issued by an ALB should not be such that it compromises the established management controls and the achievement of best value for money. Table 4 below shows the financial and nonfinancial parameters to be considered when determining whether the use of a TSC is appropriate for a particular project.

Table 4: TSC Thresholds		
Financial Parameters		
Project Value less than £100,000	Project Value of between £100,000 and £400,000	Project Value greater than £400,000
It is generally accepted that taking account of ‘swings and roundabouts’, a TSC delivers VFM and reduces the administration costs associated with the lower value works.	It is generally accepted that it becomes increasingly difficult to demonstrate value for money as the value of the task order increases. Therefore, the ALB must be able to justify that use of a TSC in-lieu of a tendered lump sum contract is the most appropriate.	Only to be used in exceptional circumstances, as it is generally accepted that a tendered lump sum contract will deliver best value for money. ALBs must retain a record of the exceptional circumstances considered in reaching a decision to use a TSC.
Non-Financial Parameters		
Speed of response/Urgency		
Health and Safety Risks		
Clinical Operating Constraints		
Complexity/Flexibility		
Other Criteria; for example, availability of DEL/DLO		

5.2.3.Price Lists used in connection with TSCs can be either bespoke priced/unpriced schedule(s) of items prepared by the ALB and/or any of the published standard schedules of rates.

5.2.4.Invoice slicing, which is, the practice of breaking down works into multiple smaller orders and invoices to circumvent TSC Thresholds, is strictly prohibited.

5.3. TSC Procurement

5.3.1.A TSC is normally let for a period not exceeding four years.

- 5.3.2. In the case of a TSC that is let for a period of four years, the procurement process for a new TSC needs to be commenced **no later** than the end of Year 3 to ensure continuity of service.
- 5.3.3. If the anticipated spend over the duration of a TSC is less than the current Thresholds for Works, the process outlined in Section 4.5 of the EPM must be followed in order to appoint an external contractor.
- 5.3.4. If the anticipated spend over the duration of a TSC is more than the current Thresholds for Works, the process outlined in Section 4.6 of the EPM must be followed in order to appoint an external contractor.

5.4. Specialist Subcontracts/Suppliers

- 5.4.1. Where it is necessary for a TSC Contractor to employ a Specialist Supplier/Subcontractor to carry out **part** of the works on a Task Order, these subcontracts must be procured by the TSC Contractor through ALB approved selection processes, which are fair open and transparent. Where specialist works are required that cannot be valued in accordance with the Price List(s), the tender/quotation process for specialists should be completed prior to the issue of a Task Order. This will permit time for the tender/quotation award process.
- 5.4.2. Where tenders/quotes are required for works or supplies to be delivered by specialist subcontractors not included in the Price List(s), the Contractor will normally conduct this tendering/quotation process.
- 5.4.3. For Specialist Supplier/Subcontractor quotation opportunities with an estimated value of between £1 and £5,000, the contractor shall provide **one** quote that demonstrates value for money.
- 5.4.4. For Specialist Supplier/Subcontractor quotation opportunities with an estimated value of between £5,000 and £30,000, the Contractor shall invite **three** subcontractors/suppliers to provide written quotations. The list of companies to be invited to quote must be agreed with the ALB. This requirement may be reduced in circumstances where the work/item is so highly specialist that an insufficient number of suppliers/subcontractors are available. In such circumstances, the contractor must agree the reduced requirement with the ALB and the agreement must be documented.
- 5.4.5. Specialist Supplier/Subcontractor tender opportunities with an estimated value exceeding £30,000, the Contractor should publicly advertise individual opportunities and receive expressions of interest and pre-qualify **five** firms to tender in accordance with their own pre-qualification process for suppliers/subcontractors. This requirement may be reduced in circumstances where the requirement is so highly specialist that an insufficient number of Supplier/Subcontractors are available. In such circumstances, the contractor must agree the reduced requirement with the ALB and the agreement must be documented.

- 5.4.6. The maximum estimated value of a single specialist supply item must not be greater than the level identified within the current Procurement Thresholds.
- 5.4.7. The maximum estimated total value of **all** specialist works/supply packages to be tendered under a single Task Order must not exceed £200,000.
- 5.4.8. The Specialist Supplier/Subcontractor selection processes are summarised in Table 5 below:

Table 5: Specialist Supplier/Subcontractor selection processes	
For subcontract work packages with a value estimated to be:	
<£5,000	The contractor shall provide a quote that demonstrates VFM.
>£5,000 and <£30,000	The contractor shall invite three firms to provide written quotations.*
>£30,000	The contractor shall publicly advertise individual opportunities, pre-qualify five firms to tender.* The list of firms to be invited to tender must be agreed with the ALB.

* This requirement may be reduced in circumstances where the requirement is so highly specialist that an insufficient number of tenderers is available. In such circumstances, the contractor must agree the reduced requirement with the ALB and the agreement must be documented.

5.5. Specialist Subcontracts/Suppliers Tendering Procedure

- 5.5.1. The ALB shall supply to the Contractor sufficient information to allow the contractors to value and carry out the works. To ensure that the correct procurement route is selected, the contractor shall provide an estimate of the cost of the subcontract to the ALB.
- 5.5.2. The Contractor compiles the tender list in accordance with Section 5.4 and submits a copy to the ALB for approval.
- 5.5.3. The ALB should bring to the attention of the Contractor any capacity or capability issues with any of the names listed, including any concerns that a firm tendering/quoting may not meet the specification requirements; or any concern that the proposed list will not provide an appropriate level of competition. In some circumstances, the ALB may instruct the Contractor to supplement the quotation/tender shortlist. For example, if the subcontract works are to extend an existing system, it would be appropriate to ensure that the tender shortlist includes the incumbent specialist contractor.
- 5.5.4. Before the Contractor proceeds to invite quotes/tenders, it must obtain the ALB's agreement to the quote/tender shortlist, in writing.

5.5.5. The Contractor is responsible for:

- providing all contract documentation including subcontract conditions, any letters, instructions to firms quoting/tendering and pricing documentation
- dispatching the quote/tender package to the firms quoting/tendering with the quotation/tender return form and due date

5.5.6. On receipt of quotation/tenders, the Contractor will assess the lowest quotation/tender and provide a tender report to the Estates officer for consideration.

5.5.7. For specialist supplier/subcontractor quotation opportunities with an estimated value of less than £5,000, the Contractor shall provide copies of all quotations received along with a recommendation of acceptance (or otherwise).

5.5.8. The Contractor's tender report on specialist works/supplies in excess of £5,000 should as a minimum include:

- details of how the shortlist of tenderers was formed
- details of any addition or de-selection of tenderers requested by the ALB
- confirmation of agreement with the shortlist of tenderers by the ALB
- pre-tender estimate, (if applicable)
- dates that the documents were issued to the tenderers and the date of return including details of any extensions of time to the original tender return date and, if appropriate, an explanation of why the date was extended
- details of any clarifications that were requested by the tenderers during the tender periods and the answers that they received
- the number of tender returns
- a list of the shortlisted firms that submitted a tender and the prices they submitted
- details of any queries raised regarding the tender prices
- details of any relevant communication with any of the tenderers outside the contractor's official tendering system
- a recommendation of acceptance (or otherwise) from the Contractor
- a 'conflict of interest declaration' (if appropriate)
- any other information relevant to the tender procedure

5.6. TSC Contract Management

5.6.1. ALBs must ensure that appropriate managerial controls are in place and that suitable checking/measurement regimes have been established when using TSCs, including updating the TSC data entry spreadsheet on a regular basis.

TSC data entry spreadsheet to be requested from estatesprocurement@health-ni.gov.uk

5.6.2. An example of a regime that is considered to represent an appropriate level of checking/measurement to be undertaken by an ALB in connection with a TSC can be

found at: [Procedure for Checking Term Service Contract Final Accounts](#). An ALB may wish to implement further controls/checks.

5.6.3. In addition, Section 4 of the Sourcing Toolkit – Contract Management promotes best practice contract management after formal award of a contract, ensuring that those with responsibility for the management of contracts have a sound basis on which to work. The appropriate level of contract management will be proportionate to the value, risk and complexity of the contract.

5.7. Alternative Procurements to TSC Contracts

5.7.1. Some limited elements of estate and building services maintenance may be suitable for alternative contracts to a TSC.

5.7.2. There are two main alternatives to a TSC contract, which are summarised below:

5.7.3. **Project Specific (Lump Sum Minor Works)** - This is a lump sum contract for works that can be aggregated into discrete packages and be adequately described and quantified in advance.

5.7.4. **Facilities Management Contracts** - This contract typically involves outsourcing the management of estates to a single supplier for a specified time. That supplier becomes responsible for operating, maintaining, improving and adapting the properties and/or infrastructure belonging to the ALB. They can be particularly attractive to estates that have a large portfolio of properties and minimal internal resources.

5.7.5. Criteria which could be used to determine the most appropriate procurement methodology or contractual arrangement include, but are not limited to:

- Value for Money (VfM) – Competition/transparency
 - Accountability/audit
 - Cost certainty/cost control
 - Management costs
 - Responsibility for co-ordination
 - Liability for quality
 - Incentives
- Affordability - From a funding perspective
- Other Criteria – Skill base, capacity, accessibility and affordability of DEL/DLO
 - Response times
 - Availability of resources; for example, QS
 - Opportunities to address Sustainability Agenda
 - including increased opportunities for SMEs, creating training opportunities, and so on

5.8. Tendering Procedures

- 5.8.1. ALBs must use the eTendersNI portal to advertise, tender and award all contracts with an estimated value in excess of £50,000.
- 5.8.2. To ensure that competitive tendering is fair and effective, it is essential that each tender is based on identical documents that are clear and free from ambiguity. Health Estates has produced a presentation which must be requested from estatesprocurement@health-ni.gov.uk. All members of the evaluation panels must view this presentation prior to commencing evaluation and take cognisance of its contents. Compliance with this requirement will be included in the ALB's EPPR.
- 5.8.3. Health Estates recommends that all public works procurements with a value below the relevant UK Procurement Thresholds should be awarded on the basis of lowest price.
- 5.8.4. Frameworks and contracts with a value above the relevant Procurement Thresholds will generally be awarded on the basis of MAT.
- 5.8.5. Section 3 of the Sourcing Toolkit – Selection and Award contains the evaluation procedures that will be applicable to tenders being awarded on the basis of MAT.
- 5.8.6. [Guidance on Direct Award Contracts](#) sets out the exceptional circumstances when a contract can be awarded without a competition. In light of its exceptional nature, all Direct Award Contracts are subject to ALB Accounting Officer approval in accordance with this guidance.
- 5.8.7. When seeking CoPE advice from Health Estates in relation to a direct award contract, the [Health Estates Direct Award Contract Advice Request Form](#) must be fully completed and submitted to estatesprocurement@health-ni.gov.uk for consideration.
- 5.8.8. ALBs must also use the Simplified Procedure on the eTendersNI portal (S2 – Single Tender Action/Direct Contract Award) for such procurements which will provide a fully auditable record.
- 5.8.9. All contracts awarded without a competition and with a value above £50,000 must be published monthly by the relevant CoPE on its website. Therefore, ALBs must submit details of any direct award construction contract awarded with a value in excess of £50,000 to Estatesprocurement@health-ni.gov.uk as soon as possible.
- 5.8.10. The use of the eTendersNI portal will ensure that tenders are not received after the specified time and date, therefore eliminating late tender submissions.
- 5.8.11. Tender invitations should make it clear that tenderers are expected to tender in strict accordance with the tender documents. If an error, ambiguity or impractical statement is discovered in the tender documents, then the ALB shall amend them accordingly, before the tender receipt date.
- 5.8.12. Any clarification/amendments must be notified to all tenderers simultaneously using the messaging services within the eTendersNI portal.

- 5.8.13. Tender invitations should state clearly that qualified tenders will not be considered. If a tender received is qualified, the tenderer should be asked to stand by the tender without amendment to the price/quality and without qualifications or the tender will be rejected.
- 5.8.14. Section 3 of the Sourcing Toolkit – Selection and Award contains details of the procedure to be used in determining as to whether a tender is abnormally low on construction works contracts.
- 5.8.15. Priced documents must be examined before a tender is recommended or accepted in order to detect any computational errors. If the examination of priced documents supporting a tender under consideration reveals that apparent errors have been made in the computation of the tender, the tenderer must be given details of the errors and be afforded the opportunity of confirming or withdrawing the tender. If the tender is withdrawn, the priced documents of the next lowest or next best value tenderer should be examined; if there are errors or discrepancies in them, this tenderer should also (and any subsequent tenderer in turn) be given a similar opportunity to confirm or withdraw.
- 5.8.16. In the event that two or more tenderers have submitted the same tender price (for Works being awarded on the basis of lowest price) the CPD Random Selection Process will be used to select the winning tenderer from the tied tenderers. This methodology should be highlighted to the suppliers within the PSP and ITT documentation.
- 5.8.17. In the event that two or more tenderers have received the same score (for Works being awarded on the basis of MAT) and those scores are the highest, the contract should be awarded to the supplier who has submitted the lowest price, in the event that the tied tenderers have submitted the same price, the CPD Random Selection Process will be used to select the winning tenderer from the tied tenderers. This methodology should be highlighted to the suppliers within the PSP and ITT documentation.
- 5.8.18. ALBs must require tenderers to provide a declaration with each tender that their tender is bona fide, competitive and is not the result of any restrictive or collusive practices. If an ALB suspects that a tender has been subject to restrictive or collusive practices, they must advise Health Estates immediately.
- 5.8.19. Using the eTendersNI portal will automatically record who has responded, store received responses in a secure vault and will only allow permitted staff access to them once the deadline for receipt has passed.
- 5.8.20. ALBs must notify all tenderers of the outcome of any tender process using the messaging service within the eTendersNI portal.
- 5.8.21. The notification requirements for procurements with a value above the current UK Procurement Thresholds for services are as contained in the [The Procurement Regulations 2024](#).

5.8.22. For procurements with a value below the current UK Procurement Thresholds for Works being awarded on the basis of lowest price, it is a requirement that each tenderer shall be supplied with a list of the firms that submitted tenders (in alphabetical order) together with a list of prices (in ascending order of value). However, the prices of the unsuccessful tenderers should not be attributed to individual bidders, so, in cases where there are only three tenderers, each of the unsuccessful tenderers should only be given the successful tenderer's price and their own price.

5.8.23. In an attempt to ensure that contracts are only awarded to contractors who are financially sound, it is essential that ALBs check the successful contractor's financial status using Constructionline and other methodologies where appropriate, immediately prior to contract award.

5.8.24. Should this check indicate a deterioration in the contractor's credit rating demonstrated by a change in Constructionline status to any of the following:

- Consult Notice
- Suspension Notice
- suspension of a relevant sector category
- Inactive

the ALB must contact Constructionline to obtain the information necessary to enable the ALB to make an informed decision as whether or not to award the contract to the successful contractor.

5.8.25. The ALB must ensure that the reasons for any decision taken are retained on the eTendersNI portal. It is essential that Constructionline Supplier reports are retained for future scrutiny and reporting purposes.

5.9. Additional Controls Required for Estate and Building Service Maintenance

5.9.1. Any procurement methodology utilised for the above types of maintenance must contain the following principles of control:

- **Separation of duties**; for example, between staff who place orders, receive services and authorise payments
- **Authorisation** by a manager/supervisor before activities are undertaken
- **Competitive tendering** should be the norm
- **Regular supervision** involving regular and unannounced checks of transactions
- **Record keeping** that allows every decision and transaction to be traced through the system
- **Documentation** should be standardised to help enforce conformity with procedures and legal requirements
- **Budgetary control** will help minimise the risk of fraud, by linking expenditure to planned objectives for which managers are accountable

- 5.9.2. As maintenance contracts have been recognised as being vulnerable to abuse, ALB management must ensure that their staff are alert to the need to challenge any instances of poor value for money and are encouraged and empowered to do so.
- 5.9.3. ALBs must not only have clear instructions about the handling of conflicts of interest, but ALB senior management must enforce zero tolerance of any perception of impropriety.
- 5.9.4. ALBs with maintenance expenditure in excess of £1 million per annum must ensure that the risk of fraud in this area is specifically dealt with in its risk assessment and the outcome reflected in its Risk Register.
- 5.9.5. The Northern Ireland Audit Office produced a report entitled The Investigation of Suspected Contract Fraud which was published in April 2009. This report by the Comptroller and Auditor General is intended to highlight the issues involved in preventing and investigating suspected fraud in public sector contracts and to point out what should be best practice.
- 5.9.6. In September 2012, the Northern Ireland Audit Office produced a report entitled NIHE Management of Response Maintenance Contracts. This report, by the Comptroller and Auditor General, focuses on response maintenance in view of the seriousness of the problems identified in the management of specific contracts and the significant level of expenditure, and suggests that for many years there has been a very significant risk to value for money in response maintenance expenditure.
- 5.9.7. In response to the above NIAO Reports, the Northern Ireland Assembly Public Accounts Committee published the [Public Accounts Committee Report on the Investigation of Suspected Contract Fraud](#) and [Northern Ireland Assembly - Report on the NIHE Management of Response Maintenance Contracts](#).
- 5.9.8. Both of these Public Accounts Committee Reports contain recommendations that must be implemented. It is essential that adherence to the recommendations is maintained in relation to all future estate and building services maintenance contracts.
- 5.9.9. Guidance on managing fraud in Northern Ireland can be found at [Managing the Risk of Fraud \(NI\) - A Guide for Managers – December 2011](#).

5.10. Monitoring and Evaluation of Estate and Building Service Maintenance Contractors' Performance

5.10.1. The assessment of a contractor's performance is necessary to:

- ensure performance meets the ALB's requirements as specified
- identify poor or unsatisfactory performance at the earliest opportunity, and to implement immediate corrective action. Failure to improve could eventually result in a contractor's exclusion from future contracts

- protect the ALB's investment in the supply or service relationship, and to ensure BVFM is provided through the contractual arrangement, thereby protecting the public purse
- provide a historical record of the contractor's performance for future reference. This is particularly useful if legal proceedings are necessary

5.10.2. The most effective means of assessing the performance of a contractor is by using Key Performance Indicators (KPIs). It is important to set the correct KPIs and include them in the Procurement documents. It is also important to include any details of potential consequences should the contractor fail to meet these performance targets.

5.10.3. The Contractor's performance must be evaluated and monitored during the construction phase of the works and after the work has been completed.

5.10.4. A Protocol for Managing Poor Contractor Performance is described in Annex K of the Construction Toolkit. It is essential that prompt action is taken to address poor contractor performance.

5.10.5. Given the high level of procurement spend on estate and building services maintenance and the associated risks, ALBs will be expected to monitor performance on a continuous basis using Key Performance Indicators. Each ALB must develop a set of SMART KPIs that will be the basis for recording, measuring and assessing contractor performance. These should be reviewed on a monthly basis, followed by an annual review of performance with each contractor.