Lots 1 to 3 (P23)

Schedule 14: Code of Competition

This Schedule 14 applies to Lots 1 to 3 (P23)



## Purpose of this Document

* 1. This code is subscribed to and will be abided to by all Principal Supply Chain Partners (PSCPs) appointed to the ProCure23 (P23) framework. It demonstrates their commitment to ensuring fair competition between the PSCPs.
  2. This code is a set of principles by which all PSCPs have agreed to adhere when bidding for Schemes throughout the ‘Call-Off procedure’’ and has been endorsed by NHS England and Improvement.
  3. In keeping with the P23 Supply Chain Charter, this code is expected to be self-governing with oversight from NHSE/I. Breaches of this code may cause escalation procedures to be taken as part of a Performance Management Plan.

## Principles of Competition

* 1. When presented with Client budget we will use our professional expertise to assess whether the Scheme/Project described in the Client ITT Brief is affordable. If we believe it to be un-affordable we will say so. If we believe there is insufficient information presented to come to a conclusion about the affordability we will declare this within our ITT response.
  2. When presented with the Clients programme for the delivery of a project we will use our professional expertise to assess whether the Scheme/Project described in the Client ITT Brief- can be delivered within the given timescale. We will give our professional advice for the correct duration for the Scheme/Project delivery.
  3. The team which we describe within our ITT response and take to interview (if held) will be the team that delivers the clients Scheme/Project. Where subsequent projects require different skill-sets we may (with Client agreement), change the team members.
  4. When agreeing rates and prices with any PSCM to be employed on the project we will not indulge in undue pressure or unethical tactics with the PSCM to reduce their staff rates.
  5. We will not make claims of any sort which are untrue within our ITT responses or any Interviews or any negotiations.
  6. We will not unduly embellish or provide completely new information at Interview that hasn’t already been included within our ITT (unless new/further client information is provided).
  7. We will not intentionally submit abnormally low prices (as per PCR2015)
  8. We will not compel or pressurise our supply chain to bid exclusively with us.
  9. We will reconfirm our commitments made within our ITT response on a slide at Interview for the Client’s record.
  10. At all times the PSCPs shall act in accordance with the P23 NFA and the NEC and P23 contract template in the spirit of mutual trust and co-operation.
  11. The information provided by the PSCPs above is given in good faith based upon the information provided by the Client within their Client ITT Brief. Any known discrepancies and/or clarifications will be formally shared by the Client to all the PSCPs.

This information can be made available in alternative formats, such as easy read or large print, and may be available in alternative languages, upon request. Please contact [nhsi.procureconstruction@nhs.net](about:blank)

©NHS Improvement 2021

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.