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Date: 05 October 2023
Our ref: K: FOI/Ref: 2023-000335
Email: nss.pcf-foi@nhs.scot

Freedom of Information Reference: FOI-2023-000335 - Clinical waste Tender

I refer to your freedom of information request that we received on 07 September 2023. I can advise you that we have now completed the search of our records and can provide you with the following information:

1 A full scoring matrix for each category in the tender

Please find attached **Appendix 1 - NP80519 Scoring Matrix** which has been taken from the Invitation to Tender (ITT) which was published on Public Contract Scotland Tender (PCS – Tender) on 05 June 2018.

2 A full reasoning behind how the contract was not signed until 2020/21 and how this timeline met with procurement law.

The framework with Tradebe was signed on 31 January 2019, as published on Public Contracts Scotland, in line with procurement regulations. Following this there was an implementation phase with Health Boards completing call off contracts in 2020.

3 A list of staff and consultants involved in the scoring.

As per Section 14(2) “Repeated Requests” of the FOISA act, when a Scottish public authority has complied with a request from a person for information, it is not obliged to comply with a subsequent request from that person. Whether it is identical or similar, unless there has been a reasonable period between the making of the request complied with and the making of the subsequent request.

NHS National Services Scotland (NHS NSS) has previously released this information which was requested in a previous Freedom of Information request (FOI-2023-000220). Given that this request for information is from an additional requestor I have included the information released on the previous response below:

Under Section 38(1)(b) of the Freedom of Information Scotland Act (2002) – Personal information, NHS NSS is withholding the names of individuals involved in the scoring.



Headquarters

Gyle Square, 1 South Gyle Crescent, EDINBURGH EH12 9EB

Chairperson Keith Redpath
Chief Executive Mary Morgan

A Technical Evaluation Panel (TEP) which was a subset of the Commodity Advisory Panel (CAP) undertook the scoring and comprised of the Regional Chairs representing each Geographical area (North, East, West, and Greater Glasgow & Clyde).

What we can provide you with is the job titles of the individuals:

Head of Soft Facilities Management – NHS Lothian
Head of Environment and Sustainability – NHS Highland
Head of Procurement - NHS Ayrshire & Arran
Risk Manager - NHS Greater Glasgow & Clyde
Commodity Manager – NHS National Services Scotland (NHS NSS) National Procurement

4. A full explanation and minutes why Martin Street head of procurement met with SRCL/Stericycle & Tradebe (on 13th September or between Sept 2018 and 4th December 2018 (before tender exclusion letter was issued) and explain why no other contractors had such a meeting for example Healthcare Environmental Services.

Under Section 17 of the Freedom of Information Scotland Act (FOISA) – an organisation is not required to provide information if it does not hold that information. NHS NSS does not hold information in relation to communications involving individuals no longer employed by NSS and as such, we no longer have access to the individual email account of Martin Street, Strategic Sourcing Director.

In previous FOI releases we have released a large volume of communications which contained the following:

Appendix 2 (Re Meeting Request – Confidential) Freedom of Information request (FOI-2022-000269 Volume of clinical waste shipped and Communications between various companies and NHS NSS).

Appendix 3 (Re Meeting) which was also included in information released already in response to Freedom of Information request (FOI-2022-000269 Volume of clinical waste shipped and Communications between various companies and NHS NSS).

We have attached these for ease of reference.

Appendix 2 is an email conversation where Martin Street requested to meet with Tradebe to explore potential contingency support until a new contract was in place. We do not hold any minutes from such a meeting, and it would be reasonable to expect no minutes were recorded.

In line with exception Section 38 ((1)(b)) of the Freedom of Information Scotland Act – Personal information, this documentation includes personal data of third parties, specifically, names of individuals which have not been released into the public domain on any previous FOIs or literature regarding this topic. Where this is the case, these names and contact details have been redacted.

Appendix 3 is an email conversation regarding a meeting with Stericycle of which Martin Street did not appear to be in attendance. We do not hold any minutes from such a meeting, and it would be reasonable to expect no minutes were recorded.

In line with exception Section 38 ((1)(b)) of the Freedom of Information Scotland Act – Personal information, this documentation includes personal data of third parties, specifically, names of individuals which have not been released into the public domain on any previous FOIs or literature regarding this topic. Where this is the case, these names and contact details have been redacted.

5. a full explanation why and how the KPI requirements are not implemented since April 2019 clearly in breach of the tender requirements.

As explained in our response to question 2 above, the framework contract was signed in January 2019. Individual health boards then commenced call off contracts with a phased implementation of from 2020. Note these were also impacted by a significant fire in July 2021.

I trust you will find the information of assistance and if you require any further information, please do not hesitate to contact me.

If you are unhappy with any aspect of how we have dealt with your request, you can make representations to us asking us to review the handling of your request. Please write to the

Head of Information and Cyber Security
Digital and Security
NHS National Services Scotland
Headquarters
Gyle Square
1 South Gyle Crescent
Edinburgh
EH12 9EB

or at the email address nss.foi@nhs.scot within 40 working days of the date of this correspondence.

If after a review you are still unhappy, you also have the right to apply to the Scottish Information Commissioner, who can be contacted at Kinburn Castle, St Andrews, Fife, KY16 9DS, or via their [online application form](#).

If you have any queries about this letter, please contact me at the above address.

Yours sincerely

