



PURCHASING
CONSORTIUM

SUMMER 2018

Linked

The magazine for LUPC Members and Suppliers



Inside knowledge: Birkbeck's new electron microscope



STUDENT EXPECTATIONS:

Navigating the Office for Students' new regulatory framework



ALL CHANGE FOR WHITE GOODS:

Legislative and sustainability changes in the marketplace



ELECTRONICS WATCH UPDATE:

Harnessing social media and tackling the mining industry

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MEET THE TEAM



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Don Bowman
LUPC Acting Director

Director's welcome to your Summer 2018 issue

As I am sure you will all be aware by now, Andy Davies left LUPC for pastures new in April and I have taken over in the interim to see LUPC through the second phase of our Future Collaboration Project with SUPC. I am pleased to say that the project is progressing very well. In Phase 2, which is the Due Diligence stage of the project, we are considering in more detail what the Strategic Partnering option would look like, this being the option selected jointly by LUPC and SUPC earlier this year.

The completed Phase 2 report will be submitted to our respective boards in September and we will keep you informed of the outcomes. Needless to say we will be ensuring that the outcome is of benefit to all of our Members from across our wide range of sectors.

To ensure LUPC Members' needs are fully considered in further collaboration with SUPC, I have been working on a new LUPC strategy. It aims to build upon the past successes of our previous

strategies, in particular the work that has seen LUPC become a leader in responsible procurement, and some new areas around supporting student employability and apprenticeships. I would value Member input on how our frameworks can help deliver these new priorities in the future. You may also have seen recently that we are recruiting for a graduate procurement role to work with the LUPC team on procurement activities. As and when future vacancies arise, we would appreciate your support in promoting these opportunities within your organisation.

We are also currently looking for applications for new Board members, to contribute towards the strategic and financial management of LUPC. Further details are on page 5. We will also be looking for new Executive Committee members by the autumn, so if you are a procurement manager and interested in becoming involved with decision-making around LUPC's tendering and procurement matters, please do get in touch with me.

Don Bowman
July 2018

Expert Legal Advice

Top ranked firm on the **LUPC Legal Services Framework**, VWV has a national reputation for experience and expertise on legal issues spanning education and charities.

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Conference 2018

LUPC and SUPC held their third annual Conference and Exhibition on 24th May at London's County Hall



Mike Hanson, Director of Procurement, Coventry University; **Mark Bowen**, Director of Purchasing, Oxford University; **Caroline Blackman-Edney**, Director of Procurement, University of Nottingham; and **Bahar Shahin**, Head of Procurement, Queen Mary University of London led an interesting session on operating outside the EU Directives, touching on received legal advice and what to consider when assessing this within your institutions.

SUPC's Chair **Rex Knight** (pictured) gave the morning welcome address, with LUPC's Dr Andrew Young closing the day in the afternoon. The event is the third successful joint LUPC and SUPC Conference and Exhibition, demonstrating collaboration in the sector.



Martin and Tina (left) from Graduation Attire, one of our approved suppliers to the consortia framework for Graduation Services & Photography, sported gowns recycled from plastic bottles in our exhibition.

More than 300 Members, speakers and consortia staff attended the event, held again at County Hall on London's South Bank.



Relaxing at the end of the day with jazz from students at the Royal College of Music. Our Drinks Reception was again sponsored by VVV, legal services provider to the national Legal Services framework. Thank you!



Keynote speaker and occupational psychologist **Maria Paviour** (above) showed delegates how to practically 'create' the brain chemistry required for success – with a little bit of arm-waving involved! (see below).



Our exhibition of 67 approved consortia suppliers generously supported the event again this year - we always have a waiting list, so do keep an eye out for 2019 exhibition opportunities in the new year.



Board elections

LUPC is inviting nominations from senior contacts across our membership for election to our Board of directors.

This year there are up to four vacant spaces on our Board. We would particularly welcome the inclusion of applications from candidates with skills in the following areas: legal, governance and marketing.

Directorships are not remunerated, but past directors have invariably found the experience an interesting, rewarding and a beneficial one. All candidates will need a nomination from another Member institution (LUPC can help you with this). The closing date for nominations is close of business on **7th August 2018**.

We will also shortly be inviting Heads of Procurement to consider standing for election to LUPC's Executive Committee in September.

For further information contact Don Bowman, Acting Director, t: 020 7307 2769 or d.bowman@lupc.ac.uk. Our current elected Members are listed online at www.lupc.ac.uk/governance.

50th anniversary - join us!



This year, LUPC turns 50 and to celebrate we are hosting a black tie dinner event at the Science Museum's Flight Gallery on **Monday 15th October**. This exclusive, after-hours event for 100 guests has been planned by Members from LUPC's Executive Committee and will include a drinks reception and three-course meal, a charity raffle, entertainment from Members' students, speeches from Directors past and present, plus an opportunity to network and socialise with guests from across the Consortium's membership at one of London's most exclusive and visually stunning venues.

Subsidised tickets will be available for Members to purchase on a first come, first served basis in August. For further details, and to book, go to www.lupc.ac.uk/50thanniversary

Equiano pilot completed

LUPC, in partnership with the University of Greenwich's Business, Human Rights and Environment Group, is developing a new supplier engagement tool, Equiano, to gather information to help identify risks of human rights abuses in public sector supply chains. Equiano offers a low-cost alternative to private systems used by high street retailers when conducting human rights due diligence in supply chains, and is designed and built by the public sector, for the public sector, capturing data from suppliers.

At the end of July, LUPC completed the initial pilot of Equiano; this involved inviting a selection of suppliers from LUPC frameworks; two LUPC Members, Goldsmiths and Institute of Cancer Research; and two local authority suppliers to participate in questionnaires regarding their human rights due diligence work. LUPC staff are currently assessing the submitted questionnaires and considering next steps for roll-out of the system.

If you have any queries at this stage please contact Darran Whatley, Senior Contracts Manager, t: 020 730 2764 or d.whatley@lupc.ac.uk Further details will be available to Members as the system development progresses later this summer, with a full report in the next *Linked* magazine.



NEW AGREEMENTS



- Print Solutions
- Jisc Text SMS

For more information on all agreements visit: lupc.ac.uk

UPCOMING TENDERS

- **Occupational Health Services** (expected award date October 2018)
- **Debt Collection** (expected award date September 2018)
- **Sustainable Waste Management** (expected award date January 2019)

NEW MEMBERS

- Porton Biopharma Ltd

DATES FOR YOUR DIARY

- **LUPC 50th anniversary dinner**, 15th October, Science Museum. www.lupc.ac.uk/50thanniversary
- **HEPA Conference 2018**, 12-13 September, Loughborough. www.hepa.ac.uk
- **Electronics Watch Conference**, 11th December, Royal Tropical Institute (KIT), Amsterdam

To keep track of all our events visit www.lupc.ac.uk/events

This section will give you an update on any new agreements in place, or news on existing agreements. Please note this is not the full list of available agreements, just those where there is some news to report. For the full list of agreements and for further information on any of the agreements listed here, please visit HE Contracts, www.hecontracts.co.uk

The initials next to each agreement indicate the LUPC Contracts Manager you should contact for further information about a particular agreement, these are as follows:

CM	Cristian Martin	020 7307 2771	c.martin@lupc.ac.uk
JK	Joyce Kadri	020 7307 2763	j.kadri@lupc.ac.uk
MK	Mike Kilner	020 7307 2768	m.kilner@lupc.ac.uk
SP	Suzanne Picken	020 7307 2772	s.picken@lupc.ac.uk
DW	Darran Whatley	020 7307 2764	d.whatley@lupc.ac.uk

Other useful contacts:

JISC	www.jisc.ac.uk
TUCO	www.tuco.org
TEC	www.tec.ac.uk

CATERING

Catering Consultancy Services – National **SP**
 First contract under this framework has just been awarded to Baxter Storey, two further competitions underway and more planned within the next 12 months.

ESTATES & FM

Cleaning Services – Regional **SP**
 Review meetings recently held with the two framework suppliers that have won contracts under this framework to date, Churchill and Tenon FM. Only Lot 1 has been utilised so far.

Electrical Materials & Associated Products – National **MK**
 All suppliers under this agreement were invited to present at the last NWUPC estates group and could do so for the equivalent LUPC group if required.

Electronics (NUWPEC) – National **MK**
 There is a new contact at Onecall; Kevin Ray, 07810 830334, kray@farnell.com. Onecall have not had the same presence of late in the sector and have agreed to work to correct this. Onecall were also tasked with reducing the packaging used in their shipments. The next set of national review meetings will be held at LUPC’s office in October.

Estates Maintenance & Minor Works – Regional **SP**
 The Estates & FM Category Group has agreed to meet every six months. A networking event to bring together Members and suppliers on the Estates Maintenance & Minor Works Framework was agreed for October 2018.

Security Services (Guarding and Reception) – Regional **SP**
 Three further competitions are currently in progress for this framework.

Sustainable Waste Management Services – Regional **SP**
 LUPC are running the national framework tender for Waste Management Services. An initial tender working party meeting was held on 22 June. A waste consultant is being appointed to provide limited consultancy to ensure the framework is future proofed to reflect the government’s UK Resources and Waste Strategy expected in autumn 2018. The framework is scheduled to go live by the end of January 2019.

FURNITURE & FURNISHINGS

Furniture Supply & Installation – National **DW**
 NEUPC have recently issued an award notice for lot 5 Residential Furniture. The progress on the remaining lots to be awarded is as follows:

Lot Number	Status
3 – Laboratory	Sample evaluation complete, ITT evaluation in progress
4 – Auditoria and Lecture Theatre	ITT evaluation in progress, sample evaluation TBC
6 – Beds and Mattresses	Sample evaluation and ITT evaluation in progress
8 – Executive Dining	Sample evaluation complete, ITT evaluation in progress
9 – Library Furniture	Sample evaluation complete, ITT evaluation in progress

White Goods – National **MK**
 July’s *Linked* magazine will carry an article developed in conjunction with Stearn focusing on legislation changes, safety updates and sustainable procurement, several of which could have a significant bearing when purchasing for student accommodation in particular.

David Phillips have supplied a generic address as a contact point to ensure that responsiveness is not dependent upon a single individual (student@davidphillips.com). Details have been updated to HE Contracts and the Buyer’s Guide.

ICT & TELECOMS

Computing - Data Centre Management Equipment & Infrastructure – National **MK**
 Review meetings have been requested with suppliers and these are likely to be completed before the end of July.

Computing- Desktop & Notebook Agreement - National (NDNA) **MK**
 The next set of NDNA review meetings are due to be held 22-24 October.

A strategy meeting was held in June with HP and Academia including resolution of pricing issues and other areas where the OEM and reseller were not perfectly aligned. The outcome was generally very positive. LUPC was represented at the HP UK Sustainability Summit on 28 June.

The agreement permits re-scoring and re-ranking of OEMs every six months. There is a plan in place to re-run the benchmark exercise as and when time permits, expanding on the work undertaken in March.

It was announced in early June that Sharp Corp. will acquire Toshiba Corp.’s once-signature personal computer business in a bid to make a comeback in the PC market. The stock transfer is planned for 1 October.

Computing- ITRAP (IT Related Accessories & Parts) – National **MK**
 The next set of reviews have been scheduled for 13 July 2018. Transaction data has now been received from all suppliers and SUPC are currently pulling this into a report to show performance against KPIs for year 2 of the agreement.

Computing - National Education Printer Agreement (NEPA) **MK**
 Ricoh (Lot 1 only) chose to decline their NEPA contract extension.

Further to HP acquiring the global printing business of Samsung Electronics Co. Ltd, all contracts related to printing have been novated to HP, including the transference of Samsung’s rights and obligations under the framework.

Computing - Networking Supply & Services – National **MK**
 Tender evaluations are close to completion and the new agreement will follow the same lot structure as the expired agreement.

Computing - PCs with Apple Operating Systems – National MK

The follow up from May's review meetings included a group conference call with Apple's Head of Education Steve McKenzie over various issues and a nod towards their potential participation on the next tender.

Agreement reseller Stone have responded with an updated and improved price list following the meeting and were re-admitted to the agreement 13 June. This is still very much a soft launch and will be monitored closely.

The next Supplier Review Meetings will be held on 13-14 November 2018.

Computing - Server, Storage & Solutions National Agreement (SSNA) MK

The next reviews are scheduled for 9-11 July.

Extension letters have been issued to all suppliers, and almost all have now been signed and returned. Once these are all received a formal announcement will be made and HE Contracts will be updated.

A report on spend and product lines for year 1 is now available.

Software License Resellers (SLRA) – National MK

The last set of review meetings took place 6-7 June and the agreement spend and product trend report for year 1 of the agreement is now available.

Chest are still working with Adobe on the current ETLA negotiations.

Telecommunications inc. landline & mobile – (CCS) RM1045 MK

CCS held a number of supplier engagement workshops and webinars throughout May to gather supplier thoughts and feedback on their current Network Services offering. The slides from these events are available from MK.

Computing – General Matters not covered elsewhere

The Jisc Routing & Switching framework is due to expire next year and Jisc are planning the strategy for the next iteration, including the question of which manufacturer lots institutions would like to see on the next framework. Our thoughts on the next lot structure, and setting up the price specification, have been passed to Jisc, together with feedback from other members.

At the start of July, Jisc announced the availability of 'Public Wi-Fi via the Janet network', a new dynamic purchasing system (DPS) designed to allow participating institutions to quickly and easily obtain quotes from prequalified suppliers for the provision of connectivity to members of the general public visiting their campuses. Jisc is helping its members by allowing backhaul of such services across Janet (under suitable encryption) to the provider, eliminating the need for costly dedicated connectivity. At present the DPS includes three suppliers, with a further three awaiting completion of contracts. As a dynamic system, Jisc can add more suppliers over time or change the services offered as technologies change. Further information can be found at: www.jisc.ac.uk/public-wifi

The new Jisc Telecommunications framework has completed its evaluation and we are awaiting final sign-off before publication to the sector. Full details will appear in the next report.

The last service review meetings for the Jisc Vulnerability Assessment framework were undertaken on 2 May.

The successor to the APUC-led Finance & HR/Payroll Agreement has completed its evaluation and is awaiting final sign-off before publication to the sector. Full details will appear in the next report.

The first update on Electronics Watch (EW) has been written for inclusion in July's edition of *Linked*. Details of the 2018 EW Conference, being held on 11 December at the Royal Tropical Institute in Amsterdam, has been circulated to all LUPC members.

LIBRARY

Books – National (SUPC-led) CM

The next library commodity group meeting is in September.

Serials – Inter-Regional (LUPC and NWUPC) CM

SUPC and LUPC will look to collaborate on a new agreement, with the tender working party's first meeting on 11 July.

OFFICE SUPPLIES & EQUIPMENT

Cut Paper & Specialist Printing Paper – Inter-Regional DW

We have received a number of requests from the framework's paper merchants to review their pricing. The market is extremely volatile, and there have been three price increases in the industry since the launch of the framework that we have mitigated; indeed pulp pricing has increased by 21% since the framework began. Premier Paper initially put in an increase of up to 15%, though a ceiling line increase of 8% was agreed and many lines are between 5-7%. Due to the supplier agreement to reduce the increase, it was agreed that we will implement these increases from 12 July rather than the usual four weeks. The price file will be uploaded to HE Contracts.

We are also working with another three of our paper suppliers on pricing.

Office Supplies – National DW

Office Depot and Banner have had recent audits of price reviews this year.

The agreement is being extended into the final year and the tender working party will be formed later this year. The hope for the new framework would be to have a wider range of products, easier administration and more suppliers.

PROFESSIONAL SERVICES

Insurance – Regional MK

GDPR discussions continue with Gallagher and insurers. Their received legal advice is that they act as Data Controllers. The recent Joint Contracting Group meeting confirmed that other professional services agreement suppliers have offered the same advice.

The RSA PA/Travel service has shown some signs of recent improvement after reported issues with Healix, their Medical Assistance partner. A 14-point open comment survey was issued out to all Insurance Group members for return by 27 June, for analysis ahead of a further conference call held on 2 July. The likelihood is that an operational visit will be made to the Healix call centre in Esher over the summer, and an audit checklist has been drawn up and circulated to Gallagher and other participating members by LUPC for comment.

The total brokerage fees for 2018/19, and going forward, have now been agreed across the board with support from the other members of the sub-group. There is also the opportunity to bring all the separate wordings and policies together under a separate tender for Cyber Liability insurance next year if spend and demand is deemed sufficient. The finalised document will be issued to the full insurance group on completion of a number of remaining actions on Gallagher.

A non-admitted covers webinar for members was held on May 30 in conjunction with RSA. Non-admitted insurance is a policy issued in one country that covers exposures in other countries i.e. no policy is issued – or specific risks covered – locally. Instead, risk transfer is arranged in another country. Authorities are now clamping down on this with such policies seen as a tax loophole.

Debt Collection – National CM

The tender documents are live and the new framework will have a different lot structure to mirror the supply market:

Lot 1 - Pre-legal only collections

Lot 2 - One-stop-shop (Pre-legal collections and Legal Recoveries).

There were many questions asked during the Q&A period and, to allow adequate time to respond, the deadline is being extended by 3 weeks with a view to having a new framework available by 1 October.

Legal Services – National CM

The annual review meetings were held in April and May in Manchester and London. All suppliers on the framework were keen on finding ways to promote the new framework. The idea of an event in 2019 shall be explored, as the timing of this versus the previous launch event will help transition members onto the new framework from the expiry of the regional framework, which ends soon.

Legal Services – Regional CM

The framework has been replaced by a national framework. This will be allowed to expire on the agreement end date.

Occupational Health Services – National CM

The recommended Dynamic Purchasing System (DPS) model failed to gather support from other consortia which delayed the process. Instead, a traditional framework shall be pursued using the Open Tender procedure.

Temporary Staff – Regional CM

SUPC is due to tender a national agreement for temporary staff with a London-focused lot to assist SMEs.

The latest tender working party meeting was held in July, with the aim to have a replacement framework in place by September/October 2018.

Ceremonial Gown & Photography Services—National JK

We are working with suppliers to design a marketing plan to make the agreement user-friendly. The agreement has created significant interest from members.

STEMed & LABORATORIES

Gases (IUPC) – National MK

Minutes from February's supplier review meetings have been circulated and hosted on HE Contracts, as have the presentations from BOC, Air Products and Air Liquide and updated, vendor-specific Buyer's Guides. Each guide has been designed and focused around the added value services that can be offered under the agreement. The next meeting has been arranged for 26 October at LUPC, which is back-to-back with the NUWPEC meeting a day earlier.

The most recent updates on the dry ice and bulk/cylinder CO₂ situation was circulated to the LUPC Laboratory Group on 27 June and 4 July. The UK and Europe is just starting to come out of a period of severe shortages in CO₂. A mechanical failure at the ammonia and fertiliser facility at Billingham, after trying to bring it back online, had been a major factor in this; however, both of the CO₂ compressors at Billingham successfully came back online at the end of June to enable the CF fertiliser-run facility to start running to normal production. Any customers affected had been contacted directly by the suppliers. As of 5 July, all dry ice customer orders have been completed in full as the situation gradually improves. Updates will continue to be regularly circulated as the situation changes.

There are unconfirmed reports from two different sources, at time of writing, suggesting that Air Liquide's entire CO₂ facility at Ince in Cheshire suffered a major power outage at the start of July.

General Laboratory Equipment, Supply/Installation – National DW

Review meetings were held on 20 June, with 7 of 8 suppliers. It was agreed to meet each supplier again to review management information, responsible procurement and modern slavery issues and how they have developed their responsible procurement approach.

Laboratory Consumables - Inter-Regional (IRLA) DW

The current agreement has been extended to ensure additional areas are covered under the re-tender. The next tender working party meeting will be held late July.

Laboratory Chemicals General Purpose- Inter-Regional (IRLA) DW

Product analysis for chemicals is awaiting the correct data from one supplier.

Laboratory – Life Sciences – Equipment First FA DW

Following discussions, Becton Dickinson have been removed from the framework temporarily as they have not yet agreed to sign the agreement. Delivery charges are the only outstanding issue now but, as there was an issue with a member recently, a decision was made to remove them.

Laboratory – Molecular Biology Research Services (previously Life Sciences – Services) DW

Third and final draft strategy has been issued and agreement reached. Tender close to being issued with a six-month tender process.

Other Laboratory – Updates

STEMed group met on 26 April, discussions included a review of the strategy, terms and conditions, marketing of framework agreements, applying responsible procurement terms and updates on all tendering and contract management activities.

DW will be shadowing an audit of one of our suppliers of laboratory gloves in October. The factory audit has been commissioned by LUPC to look into the working conditions at a factory of one of the suppliers, Shield Scientific, at their Malaysian factory on 1 October. A report on the visit will be published in the winter edition of *Linked* magazine.

TRAVEL

Taxi Services – Regional JK

The agreement is being extended until 31 January 2019. Meetings will be arranged with potential suppliers to undertake the market research.

UTILITIES

For all TEC news, visit their website at www.tec.ac.uk/news

OTHER ACTIVITIES

Publications

Monthly e-bulletins were issued in May, June and July.

Events

The third joint LUPC & SUPC Conference took place on 24 May at County Hall. The event had 320 registered delegates, speakers and consortia staff, and an exhibition of 67 approved consortia suppliers. The event received excellent feedback from both delegates and exhibitors. LUPC has already approached County Hall regarding booking the venue again for the LUPC & SUPC Conference 2019.

LUPC is well-advanced in planning our 50th anniversary dinner event at the Science Museum's Flight Gallery on Monday 15th October. We are working with a committee of members to plan the event, and plan to market ticket sales to the wider membership by August.

LUPC has now completed its GDPR exercise to inform all members of how we use their data, and to ask for their communications preferences. All changes have now been implemented on our customer relationship management (CRM) system, CiviCRM, with new procedures in place for adding new contacts.

(Correct at 13 July 2018)

Full details of all agreements are available at lupc.ac.uk

Case study: Birkbeck's new electron microscope

LUPC's consultancy service supported Birkbeck to purchase its first electron microscope, reports **Laura Compton**.

When most people think of a microscope, it's a small, desk-based piece of kit. But in an underground room just below Birkbeck's Malet Street campus, what looks like a large rectangular box is in fact a brand new electron microscope, driving their scientific research into cell and structural biology.

Sited underground for stability, and with its own service room, Birkbeck's new electron microscope is one of around 20 in the UK. It will support academics and researchers conduct exploratory science looking at the machinery from inside cells, for example from the multiplying cells responsible for a range of cancers, as well as the bacterial machinery behind infectious diseases.

"Compared to light microscopy, electron microscopy provides a big step up in the type of pictures we can capture, and the information we can gather" explains Birkbeck's Carolyn Moores, Professor of Structural Biology. "In recent years, electron microscopy has grown from being a fairly niche area to having a much wider range of applications. In the academic community, this change is often called the 'resolution revolution'. I already know there are numerous research groups lining up to use this equipment now we have it in-house."

So how did Birkbeck acquire its new microscope? Following a national competition to support academic use of electron microscopy, the university was successful in winning grant funding from the Wellcome Trust, together with institutional contributions from Birkbeck and research partners at UCL.

At a final cost of around £4m, Birkbeck learnt that a professional tender would need to be run. The institution selected the consortia framework for High Value Laboratory Equipment (HVLE) and worked with LUPC as a consultant to support the tender process.

"There were several drivers for using the LUPC framework and their consultants to run this tender" explains Professor Moores. "As a recipient of grant money, we of course wanted to be transparent in how this was spent. We also wanted to ensure we achieved value for money. Lastly, we were very conscious that, with only two main manufacturers of electron microscopes in the marketplace, we wanted to minimise risk and ensure we ran the tender appropriately."

LUPC's Darran Whatley, a Senior Category Manager, was one of the consultants employed to support the tender. "Darran was great!" explains Professor Moores. "He was very aware of our needs and the questions we needed to ask, not in a dogmatic or rigid way, but because he spoke the right commercial language."

For example, LUPC was able to ensure everything around the delivery and installation of the electron microscope was considered; the contract ensured that the majority of risk was



Supplier FEI and Birkbeck's Estates team worked together to manage delivery, including stripping back the lift shaft to accommodate parts of the microscope.

placed on the manufacturer, not the institution. The microscope was also so large it took members of the successful supplier FEI (part of Thermo Fisher), and the university's estates team, a collaborative effort to prepare and monitor the lift to fit in each component of the microscope, so it could then be assembled in situ.

Acquiring the microscope will help the department make inroads into research projects, as well as improve the student experience for PhD students. "We're now part of a fairly exclusive club to benefit from having an electron microscope, and we're very happy!" says Professor Moores.

Professor Moores and her colleagues can also focus on their core business, understanding the cellular drivers behind disease, safe in the knowledge that the supplier contract is going to support this, not cause problems further down the line. "As this was my first big tender, it was reassuring to have guidance from a professional at LUPC" says Professor Moores. "For next time, I've also learnt a lot about how and why constructing questions for prospective suppliers is critical, and to think from the contract backwards, to make sure you lock down certain requirements upfront so suppliers have to deliver on these, not as an afterthought."

LUPC offers a low-cost consultancy service to Members for short-term, one-off projects. In the last two years, we've purchased everything from bespoke musical instruments to electron microscopes, as well as running mini-competitions for service-based contracts. Whatever your needs, we can support this. Contact **Don Bowman**, Acting Director, d.bowman@lupc.ac.uk

For information on the HVLE agreement, see www.hecontracts.co.uk or contact **Darran Whatley**, d.whatley@lupc.ac.uk

Electronics Watchupdate

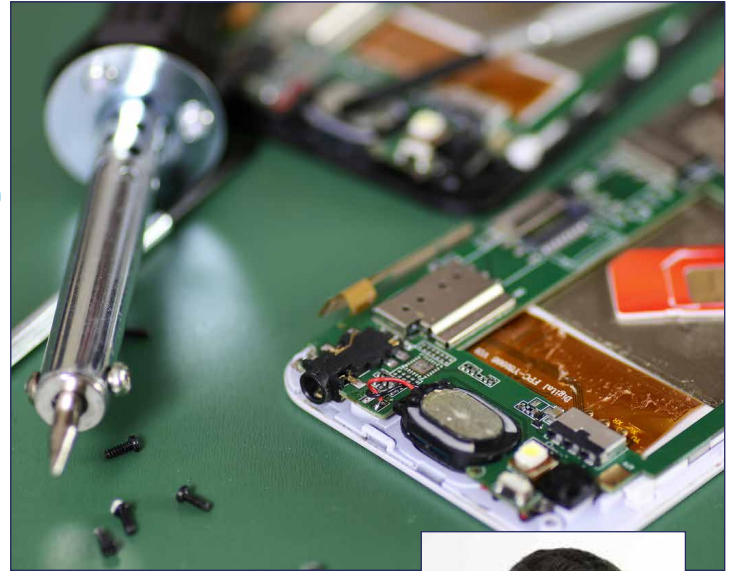
This new feature, to update Members on Electronics Watch work, kicks off with a focus on utilising social media to report human rights abuses and tackling issues in the global mining and minerals sector. LUPC's **Mike Kilner**, Electronics Watch Trustee, reports.

As part of the LUPC's commitment to responsible procurement, and the recent affiliation of all full Consortium Members to Electronics Watch, this new, hopefully regular feature will aim to keep LUPC Members updated on developments and matters arising as part of the independent monitoring organisation's aims to improve workers' conditions in global electronics supply chains.

LUPC is one of four affiliate project partners (APUC, Stockholms läns landsting and Hanzehogeschool Groningen being the others) who, together with the EU, are supporting a new pilot initiative titled social@risk. Electronics Watch has partnered with data algorithm specialists Globalworks to collect, authenticate, analyse and report on worker grievances using posts on open social media sites in China. Electronics Watch reviews Globalworks' analysis and further authenticates in the lead up to producing a final report, as part of constructive engagement with those brand manufacturers where concerns have been raised.

The report will be initially shared with the brands confidentially and the companies will be invited to discuss the findings, present steps they are taking, or propose to take, to address the findings, and to mitigate and prevent risk in the supply chain. Encrypted communication channels and anonymisation will be used throughout to protect the anonymity of workers. This pilot, if successful, will give Electronics Watch and its affiliates a new instrument to monitor their supply chains.

Electronics Watch organise a number of interactive webinars for affiliates to view and participate throughout the year and the fascinating *SRPP - Extending to Extractives in the Electronics Industry* looked into issues such as mining in conflict minerals regions and the challenges around supply chain transparency. Co-hosted by Irene Schipper, who works at the Centre for Research on Multinational Corporations in Holland and Liz Cooper, who is the Research and Policy Manager in the Department for Social Responsibility and Sustainability at the University of Edinburgh, the session placed a spotlight on the extraction and processing of minerals such as lithium, cobalt and the well-known '3TG' elements (tungsten, tantalum, tin and gold)



in areas known to, in turn, fund arms and conflict.

Human rights issues including land grabbing and forced evictions, child labour, forced labour and irresponsible environmental degradation leading to corresponding health issues have all been reported in the developing world's mining and refining sector. Despite being major drivers and users in global demand, members of the electronics industry have tried to deflect criticism by arguing that their direct influence is negligible, being up to seven tiers away from the mining phase with materials passing through traders, exporters, refiners and so on.

In 2013 the OECD published *Due Diligence Guidance for Responsible Supply Chains*, which looked into how suppliers could conduct risk-based supply chain management through due diligence using several practical steps. Mention was also made of the 2017 EU Conflict Minerals Regulation, which unfortunately doesn't cover the sellers of finished or semi-finished 3TG-included products, only importers. The regulation does however widen it to a global scope, sources down to the name of the mine including taxes paid and plans to assist in the creation of an approved list of global smelters and refiners.

Buyers are therefore recommended to be fully aware of these issues and openly question the level of diligence and the actions being taken to source responsibly. Electronics Watch is currently developing expertise, tools and networks that will enable its affiliates to include mining issues in their public tenders for ICT in the future.

The next update will include a brief overview of the latest Electronics Watch Strategic Plan, the EU-funded Make ICT Fair project and the end of year Electronics Watch Conference.



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Navigating the OfS regulatory framework

VWV's **Bettina Rigg** explains the steps needed to avoid sanctions and support ongoing registration within the Office for Students' (OfS) regulatory framework for Higher Education.

The Office for Students (OfS) has now been up and running for over three months, acting as the government-approved regulatory and competition authority for the Higher Education (HE) sector in England. The OfS's four primary regulatory objectives focus on access, success and progression to and from HE; high quality academic experience and protections; progression and opportunity post-HE; and value for money. The regulatory framework is designed to mitigate the risk that these primary objectives are not met.

HE providers who currently receive public grant funding, or wish to for the first time in 2019/20 (or who wish to apply for or maintain a Tier 4 licence from 2019/20), will be particularly interested in the OfS's requirement to join its Register. So, what are some of the processes that providers should consider putting in place to help avoid sanctions and support ongoing registration?

Student complaints will already be on providers' radars for various reasons. Often these will be on an individual basis and because a particular complaint brings with it a high risk of financial penalty or reputational damage. However, there are a number of general ongoing conditions of registration which require a more in-depth and forensic analysis of not just student complaints, but also complaints made by staff and others.

Providers will want to identify processes that enable them to monitor and review trends across a wide variety of areas so they can spot early on any issues that may affect compliance with this ongoing condition.

All providers will be aware that the requirements of consumer protection law apply to the relationship between them and their students. The way in which these requirements map across to the HE sector is reflected in the 2015 Competition and Markets Authority advice for higher education providers, to help them comply with consumer law when dealing with students.

One of the ongoing conditions of registration is that a provider must demonstrate that in developing and implementing its policies, procedures and terms and conditions, it has given "due regard to relevant guidance about how to comply with consumer protection law". One of the behaviours that may inform the OfS's judgement on compliance is whether the provider regularly reviews the adequacy and effectiveness of its policies and procedures relating to the provision of information, terms and conditions, and complaints handling.

As well as instigating a process for regular review, this should be underpinned by ongoing staff training on the provider's consumer

law obligations (including training for new staff) and a process for analysing any implications for consumer law obligations of any proposed new information or changes which may impact on existing terms and conditions.

Unsurprisingly, the OfS also requires providers to have in place adequate and effective management and governance arrangements. Two particular areas that are very topical, and therefore likely to be of interest to the OfS, are remuneration and freedom of speech.

A behaviour that may indicate compliance is that the provider explains publicly its approach to the remuneration of senior staff, and that remuneration decisions are transparent. Whilst compliance with the CUC Higher Education Remuneration Code will go some way to demonstrate compliance, the OfS will want to be satisfied that providers meet the overriding requirement of transparency.

Another behaviour that may indicate non-compliance is if the provider fails to abide by its own freedom of speech code. Anecdotally, monitoring of compliance with freedom of speech codes is not something that providers undertake universally and some may struggle to provide evidence to demonstrate both monitoring and compliance.

The new regulatory framework for HE in England, and the role of the OfS as regulator, bring about major changes. This makes it all the more important for providers to put in place robust processes that will deliver the evidence base to enable them to engage with the OfS from a position of strength.



Bettina Rigg is a Partner in the Higher Education team at VWV, provider to the consortia Legal Services framework. For more information please contact Bettina at brigg@vwv.co.uk or on 020 7665 0960.

The what and why of 'Student Matters'

Gillian MacLellan and **Catriona Garcia-Alis** from law firm CMS consider what the 'Student Matters' lot of the LUPC Legal Services framework agreement covers, and what support specialist lawyers can offer.



In 2017, LUPC tendered and launched its first national Legal Services framework agreement, providing members with access to legal services across six specialist lots, including 'Student Matters'.

'Student Matters' covers legal advice, drafting and support on matters including:

- student academic appeals, student complaints, student disciplinary matters, failure to educate, fitness to practise, and other student procedures,
- data protection (in a student matters context),
- representation of the university at appeal, complaint, and disciplinary hearings,
- appeals to the Office of the Independent Adjudicator for Higher Education (OIA),
- student contract issues, and
- compliance with regulatory requirements (such as those of the Competition and Markets Authority (CMA)) in relation to the student contract for tuition (including fee issues).

Universities will already be familiar with these issues; many will be the subject of policies and procedures, with which staff are accustomed. Other 'student matters' will be within the remit of a designated individual who has appropriate authority and know-how to respond.

However, occasionally challenges arise, which test existing procedures and in-house experience, or give cause to review the status quo. Today's students, driven by the substantial debt they often incur to pursue higher education, are more aware of their legal rights, and more inclined to enforce those rights, than previous cohorts. As the judge recognised in the recent 'failure to educate' case of *Siddiqui v. Oxford University*, this means universities can expect quality of education to come under increasing scrutiny. Universities are also operating within tighter budgets, which can limit the in-house resource available to deal with student issues, particularly more complicated matters and higher incidences.

In addition to the challenges posed by restricted budgets and the increasingly consumerist behaviour of students, the regulatory obligations on the higher education sector (and others) are also

increasing. Alongside the newly established Office for Students (OfS), and other regulators such as the CMA and EHRC, the recently enhanced data protection regime in the UK (and beyond) places still more obligations on universities.

Against this backdrop, the support specialist legal advisers can offer universities is likely to be welcomed for the opportunity it provides to increase efficiency, mitigate risk and allow universities to focus on delivering core services.

Specialist legal support can be provided in anticipation of difficulties arising, such as to manage a predicted spike in complaints; it may be given in real-time when a live matter reveals particular novelty or complexity; or it may be provided retrospectively, for example to support the internal review of a prior investigation in order to identify and deliver future improvements and efficiencies.

Besides substantive law and legal drafting, experienced lawyers can provide valuable support representing and advising universities at hearings and appeals, both by drafting effective written submissions and with skilled oral advocacy. In addition to supporting universities with more complex or novel issues, specialist lawyers can also assist when it is the volume of matters that poses the challenge when internal resource would become overstretched, having the ability to outsource a process or phase to experienced lawyers or supervised paralegals can overcome this. There will also be occasions when processes are recognised to be coping, but not performing efficiently. In those instances, well-versed lawyers can manage a review, which might involve mapping processes, identifying procedural (in)efficiencies, and providing standardised documents and training, to enhance procedural efficiency.

Law . Tax

To discuss any of the matters raised in this article, please contact **Gillian MacLellan**, Partner (gillian.maclellan@cms-cmno.com) or **Catriona Garcia-Alis**, Senior Associate (catriona.garcia-alis@cms-cmno.com) at law firm CMS, an approved supplier under the Legal Services framework.



Breaking up is hard to do

Invicta Law's Tim Collins summarises the legal pitfalls of lease break clauses.

A recent High Court decision highlights the importance of obtaining legal advice before exercising a break clause in a lease. Tenants should be aware that failing to comply strictly with the requirements of a break clause could have very expensive consequences.

In *Goldman Sachs v Procession House Trustee Ltd* the tenant occupied office premises under a 25-year commercial lease.

The dispute centred on the interpretation of a break clause, which stated that the tenant, Goldman Sachs, needed to yield up the premises with vacant possession in accordance with Clause 11 of the lease, reinstate the premises to its original condition and make good any damage caused.

The landlord interpreted the break clause to mean that compliance with Clause 11 was a pre-condition of the tenant validly exercising the break. This would mean that Goldman Sachs would find it almost impossible to comply with the break because it had made various alterations to the premises. If the landlord successfully frustrated Goldman Sachs' ability to break, they could have been stuck with the lease for another five years at a rent of more than £4 million per year.

Faced with this uncertainty, Goldman Sachs applied to the High Court for an interpretation of the break clause.

The High Court determined that Clause 11 was not a pre-condition of the break. The court said that a trivial breach of this clause would have resulted in a failure to exercise the break and took into account the fact that neither party could be totally sure whether or not Clause 11 had been fully complied with. Given the ambiguity of the drafting, the court interpreted the wording of the break clause against the party who was trying to rely on it which was the landlord.

The lesson to be learned from this case is that parties to a lease should seek advice either before exercising a break clause or before their tenant is due to exercise one.

Landlords and tenants should also seek advice from their solicitor before entering into a new lease to ensure, as far as possible, that all clauses are clear and unambiguous to avoid future disputes.

Why use LUPC's Legal Services agreement?

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To discuss any of the issues raised in this article please contact **Justine Soutter**, Head of the Employment, Education and Dispute Resolution Group at Invicta Law on 03000 419 709 or Justine.soutter@invicta.law, an approved supplier to the national Legal Services agreement including Lot 1 – Property (Estates)

All change for white goods

Stearn's **Paul Colebrook** gives an industry insight into current changes in the white goods market.

During the past 24 months we have seen many changes to the electrical product manufacturing industry. These changes mainly affect three areas and have been driven by legislative changes, fatal incidents and consumer demand surrounding environmental and safety obligations.

Since the start of 2018, the industry has seen two major changes to product manufacturing. January 2018 saw 'Lot 20' legislation come into effect, ensuring that all manufacturers of fixed electrical space heaters meet energy efficiency standards for products purchased in the UK. This meant that these products had to achieve an energy saving score benchmark, which was achieved by implementing energy saving features such as 'open window detection' and built-in timers. Student accommodation sites using electric panel heaters were affected by this change.

By January 2019, we will also see the implementation of legislation ensuring that all refrigeration products sold in the UK meet the minimum requirements of having a metal backing, following appliance-related fires. Plastic-backed refrigerators help fire to spread more quickly, and several manufacturers have already made the switch amidst increasing awareness around fire safety.

Indeed in April, Which?, the independent consumer watchdog, said an industry-wide investigation of more than 500 of the most popular refrigeration appliances on the market found that backing material on 45 per cent of them was made of unsafe plastic which posed a potential fire risk.

We have also seen a greater demand for improvements in cooking appliance safety within both student accommodation and mental health sites. This has led to the development of ceramic



hobs with built in cut-out timers to reduce the risk of kitchen fires caused by unattended cooking. The hobs will eliminate the need for additional timer products on the wall and are available in a 30cm and 60cm variety.

We have also seen the introduction of Bluetooth technology connecting hobs and cooker hoods to ensure that the hood operates whenever the hob is turned on. This reduces wasted energy when the hood is left running and ensures that the kitchen area is kept steam and smoke free, ensuring fewer accidental fire alarm triggers.

With so much of the world's electrical products and white goods being produced overseas (in the main, Europe, India and the Far East) it has often been difficult to justify sustainable procurement in these product categories. However, we continue to source from a number of classic brands that are still manufacturing in the UK and able to show sustainable procurement throughout the supply chain. These brands offer UK manufactured products including white goods, audio visual and space heaters.

Manufacturers also continue to invest research and development into a number of environmental aspects that are common to all white goods, such as the manufacture of the white metal cabinet, the degree of repairability and durability, recovery at end of use, packaging, consumer education and noise in operation.

These manufacturers are also actively working to reduce their carbon footprint by producing product packaging on-site and saving numerous shipments per week into their site. On-site polystyrene manufacturing saves approximately 3,500 lorry journeys every year, with all the associated benefits of reduced waste and recycling requirements, plus better quality air for organisations situated in towns and cities.



Stearn Electric is one of four approved suppliers able to assist LUPC Members on the national framework agreement for the Supply, Delivery and Installation of White Goods and Associated Products and Services – for further information including a Buyer's Guide please either see www.hecontracts.co.uk/agreements/327 or contact **Paul Colebrook**, Paul.colebrook@stearn.co.uk

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Let's talk...

This issue, we talk to **Patrick Ruddy**, Senior Procurement Manager at Ensemble Purchasing.

How long have you worked at Ensemble Purchasing?

Since March 2018.

Ensemble Purchasing is the shared service offering from LUPC, established to deliver a professional, quality and cost-effective procurement resource within smaller institutions. In my role I

provide support to three prestigious musical institutions: Trinity Laban Conservatoire of Dance & Drama, Royal Academy of Music and Royal College of Music.

How did you get into procurement?

Didn't have much of a choice really. As a junior civil servant passing a promotion exam I was posted into contracts with an oft repeated warning "once you're in, you'll never get out" - as if I was on my way to Hades. Well, as it happened, it was fine, I thoroughly enjoyed it though I have escaped at various points along the way to work in a range of other disciplines.



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What do you most enjoy about your job?

There's a couple of aspects. Firstly, being able to support as best I can the procurement needs of my colleagues in the institutions who are all so obviously enthusiastic, dedicated and definitely driven to getting the infrastructure and services right to ensure the best possible facilities and learning environments are available for their students. Secondly, as I work on site some days, it's such a truly wonderful privilege to hear the students rehearsing and honing their vocal or instrumental skills and talents, as well as occasionally seeing dance movements being choreographed. Bliss.

What's the most difficult aspect?

Juggling conflicting priorities – as ever. Obviously each of my three institutions has their own priorities and these, despite best laid plans, can sometimes unexpectedly converge because of shifting demands requiring me to negotiate short notice task realignment to avoid adverse outcomes.

If you weren't in procurement, what would you be doing?

Relaxing with tai chi, pottering in the garden and planning my next cruise.

What's the most interesting item or service you've had to buy?

An airfield pavement (runway) on a NATO operational base which I ran through International Competitive Bidding.

In your view, what value can working with the Procurement team bring to other areas in Estates, IT etc.

As an enabler, engaged early, we can bring our shared extensive cumulative experience and knowledge to bear in delivering cost savings through compliant competitive procurements, innovative solutions, procedural optimisation and contract management guidance.

Ensemble Purchasing is a shared service offering from LUPC – what do you think are the main benefits of joining the consortium?

As somewhat of an insider I can see first-hand the professionalism that goes into establishing the wide range of frameworks on offer, which give members the benefit of readily accessible compliant routes to market for a wide range of categories and which guarantee them savings.

What are the key challenges ahead for your institutions?

Driving best value for money solutions, to help maximise their available funds so they can provide world class services to their student body.

What achievement are you most proud of (and why)?

Putting in place, against a very challenging timeframe, a replacement contract for a rapid deployment transportation service for a critical care surgical team and their equipment to attend, stabilise and return ECMO (look it up) patients to a specialised treatment centre. A potential lifesaving service I am proud to have supported in a small way.

What was the last film you saw/book you read?

Silverado (again – I'm sure they re-run it just for me) and *Augustus*: from Revolutionary to Emperor by Adrian Goldsworthy.

Focus on: Social enterprise



The University of Northampton has recently published a *How to do 'good stuff' when buying things* handbook for higher education institutions to engage with the social enterprise agenda. So what does the opportunity look like?

Social enterprises can be defined as “businesses with primarily social objectives whose surpluses are principally reinvested for that purpose in the business or community, rather than being driven by the need to maximize profit for shareholders and owners”

- The UK social enterprise is a growing sector. There are 70,000 social enterprises in the UK contributing **£24 billion** to the economy.
- **74%** of social enterprises earn more than **75%** of their income from trading
- **28%** are based in the most deprived communities
- **41%** are led by women; **12%** led by the Black, Asian, and Minority Ethnic (BAME) community
- **79%** of social enterprises recruit over half of their staff locally
- **69%** are supporting people from disadvantaged groups, and **44%** are employing them
- **78%** report paying the living wage to their employees.



(Data taken from *How to do 'good stuff' when buying things*, published by University of Northampton, June 2018, and available online)



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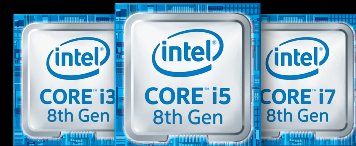


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