



# Competitive Tendering and Procurement Policy

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<b>Version Number</b>	Version 7
<b>Date Approved/Reviewed</b>	May 2023
<b>Date of Next Review</b>	Spring 2024
<b>Approved By</b>	Finance and Operations Committee

<b>Policy Category</b> (Please Indicate)	<b>1</b>	<b>Academy to implement without amendment</b>
	<b>2</b>	Academy specific appendices
	<b>3</b>	Academy personalisation required (in highlighted fields)



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## Version Control

Version	Revision Date	Revised by	Section Revised
V3	November 2018	B Nixon	Page 4 section 3.2
V4	June 2020	L Birley	Page 3 section 1.1, Page 4 section 2.5, 2.6, 2.9 Page 4/5 Section 3.1, 3.2, 3.3, 3.4, 3.5 Page 6 Section 4.4.3, Section 6.1 Page 7 Section 7.1.2 Page 8 Section 9.1, 9.2
V4	January 2021	J Tuke	Section 9: change to Business and Operations Manager title to Chief Operations Officer
V5	June 2021	AHibbitt	Addition to 5.1.6 – detailing where the tender will be advertised
V5	September 2021	AHibbitt	No Revisions made
V6	September 2022	L Birley	Section 3.5: Values updated
V7	May 2023	L Birley	Page 3 Admin officer changed to academy staff Page 4 Finance Team added Page 4 thresholds altered (in line with new scheme of delegation). Additional wording Page 8 amount amended



## 1. Context

1.1 The aim of Exceed Learning Partnership Trust is to achieve the best value for money from all our purchases.

1.2 This means:

- To get what is needed in the correct quality, quantity and time at the best price as possible.
- A large proportion of the purchases will be paid for with public funds and the Trust needs to maintain the integrity of these funds by following the general principles of:
  - Probity, it must be demonstrable that there is no corruption or private gain involved in the contractual relationships of the Trust
  - Accountability, the Trust is publicly accountable for its expenditure and the conduct of its affairs
  - Fairness, that all those dealt with by the Trust are dealt with on a fair and equitable basis.

## 2. Routine Purchasing

2.1 Principals will know finalised budgets at the latest at the beginning of the academic year. It is their responsibility to manage the budget and to ensure that the funds available are not overspent.

2.2 A quote or price must always be obtained before any order is placed. Individual academies or the wider Trust may create approved supplier lists for some types of purchases, with the oversight of the Chief Finance Officer. If a relevant approved supplier list exists, Principals and/or other budget holders must obtain agreement of the Chief Finance Officer for purchases from alternative suppliers.

2.3 All requisitions from budget holders must be made using the agreed purchasing systems of the Trust, in line with the Trust financial delegated powers and the scheme of delegation.

2.4 The budget holder must make appropriate arrangements for the delivery of goods to their academy / Trust site. On receipt the Academy staff must undertake a detailed check of the goods received against the goods received note (GRN) and make a record of any discrepancies between the goods delivered and the GRN. Discrepancies should be discussed with the supplier of the goods without delay and the Trust Chief Finance Officer should be informed.

- 2.5 If any goods are rejected or returned to the supplier because they are not as ordered or are of sub-standard quality, the Academy Business Manager (Chief Finance Officer for Trust) should be notified. The Admin Personnel will record all goods returned to suppliers on the original order.
- 2.6 All invoices should be sent to the Academy Business Manager/ Finance team. All invoices need to be authorised by the relevant individual on the Access system before payment procedures are initiated. Orders are authorised in line with the Trust's Delegated Financial Powers. (See Scheme of Delegation)
- 2.7 Invoice receipt will be recorded by the Academy Business Manager or one of the office administration team.
- 2.8 Before submitting for payment the Business Manager/ Finance team must make a detailed check against the order and the GRN.
- 2.9 If a member of staff is pursuing a query with a supplier the Academy Business Manager / Chief Finance officer must be kept up to date with progress

### 3. Thresholds for Authorising

#### 3.1 Orders up to £5,000

In purchasing all goods and services, budget holders should ensure that they review the use of existing resources and consider the cost, quality, reliability and availability. Value for money should always be considered but no formal written quotes are required for spends under £5,000 however verbal quotes must be evidenced.

#### 3.2 Orders over £5,000 but less than £100,000

All orders between the values of £5,000 to £100,000 minimum of three quotations must be obtained, except where:

- where the service is being provided by a contractor to maintain or extend systems they have previously installed or are under contract to maintain and ;
- have provided quotes and tenders for a similar service within the past 12 months where they were the selected supplier. Details should be recorded on or attached to the requisition form

#### 3.3 Value over £100,000

All goods/services ordered with a value over £100,000, or for a series of contracts, which in total exceed £100,000 must be subject to a form of tender.

#### Purchases over EU Thresholds

Supplies and Services	£213,477
Social and other Specific services	£663,540
Works Contracts	£5,336,937

Procurements above EU thresholds must be carried out in accordance with the appropriate European Union Procurement Directives, which the UK enforces through the Public Contract Regulations 2015 and external advice must be sought where necessary.

For purchases above these thresholds a project plan identifying responsibilities and authorisation routes must be approved by the Directors Board before the procurement commences.

#### Legal Advice

Legal advice will normally be sought before proceeding with a contract of any significant value. The Trust will consider whether this is necessary and in proportion to the total value/risks attached to the contract.

#### 3.4 Operating Leases

All operating leases must have a minimum of three written quotations obtained and the agreements approved in line with delegated financial authority limits. Where the proposed operating lease will exceed £100,000, consideration should be given to whether a tender process would be appropriate or if three quotations will suffice provided value for money has been demonstrated. Where operating leases are over EU Thresholds then a Tender process will be undertaken.

## 4. Forms of Tender

4.1 There are three forms of tender: open, restricted and negotiated. The circumstances in which each should be used are described below. Before entering into any tendering process this should be discussed with and agreed by the Chief Finance Officer.

**4.2 Open Tender.** This is where all interested/identified suppliers are invited to tender. The Principal and/or budget holder must discuss and agree with the Chief Finance Officer on where to advertise e.g. general press, trade journals or to identify all potential suppliers and contact directly if practical. This is the preferred method of tendering, as it is most conducive to competition and avoidance of corruption. However, the Chief Finance Officer needs to take into account the cost of procurement for both Academies and suppliers, and may not therefore be the most proportionate process in all cases.

**4.3 Restricted Tender.** This is where suppliers are specifically invited to tender. Restricted tenders may be appropriate in the following circumstances:

1. There is a need to maintain a balance between the contract value and administrative costs;
2. A large number of suppliers might come forward or the nature of the goods is such that only specific suppliers can be expected to meet the requirements; OR
3. The costs of publicity and advertising are likely to outweigh the potential benefits of open tendering.

**4.4 Negotiated Tender.** The terms of the contract may be negotiated with one or more chosen suppliers. This may be appropriate in the following circumstances:

1. The above methods have resulted in either no or unacceptable tenders;
2. Only one or very few suppliers are available;
3. Extreme urgency exists; OR
4. Additional deliveries by the existing supplier are justified.



## 5. Preparation for Tender

5.1 Full consideration should be given to:

- 5.1.1 The objective of the project;
- 5.1.2 Overall requirements;
- 5.1.3 Technical skills required to meet the tendering criteria;
- 5.1.4 After sales service requirements; and
- 5.1.5 Form of contract.
- 5.1.6 How the Tender will be advertised (eg on the Trust website)

5.2 It may be useful after all requirements have been established to rank requirements (e.g. mandatory, desirable and additional) and award marks to suppliers on fulfilment of these requirements to help reach an overall decision.

## 6. Invitation to Tender

6.1 If a restricted tender is to be used then an invitation to tender must be issued, the Trust would normally invite a minimum of three suppliers to bid. If an open tender is used an invitation to tender may be issued in response to an initial enquiry.

6.2 An invitation to tender may include the following:

- 6.2.1 Introduction/background to the project;
- 6.2.2 Scope and objectives of the project;
- 6.2.3 Technical requirements;
- 6.2.4 Implementation of the project;
- 6.2.5 Terms and conditions of tender; and
- 6.2.6 Form of response.

## 7. Aspects to Consider when Evaluating the Tender

7.1 Financial

- Like should be compared with like and if a lower price means a reduced service or lower quality this must be borne in mind when reaching a decision.
- Care should be taken to ensure that the tender price is the total price and that there are no hidden or extra costs.
- If there is scope for negotiation? The Trust should always aim to achieve best value for money.

7.2 Technical/Suitability

When assessing the suitability of providers, the following criterion should be considered:

- Qualifications of the contractor;
- Relevant experience of the contractor;
- Descriptions of technical and service facilities;



- Certificates of quality/conformity with standards;
- Quality control procedures; and
- Details of previous sales and references from past customers.

### 7.3 Other Considerations

Other considerations that a tendering evaluation process can include are as follows:

- Pre-sales demonstrations;
- After sales service; and
- Financial status of supplier i.e. is the supplier in financial difficulty and therefore may have problems completing contracts and in the provision of after sales service. It may be appropriate to have an accountant or similarly qualified person examine audited accounts etc.





## 8. Formal Tender Acceptance Procedures

- 8.1 The invitation to tender should state the date and time by which the completed tender document should be received by the Trust.
- 8.2 Tenders should be submitted in plain envelopes clearly marked to indicate they contain tender documents. The envelopes should be time and date stamped on receipt and stored in a secure place prior to tender opening. Tenders received after the submission deadline should not normally be accepted.

## 9. Formal Tender Opening Procedures

- 9.1 All tenders submitted should be opened at the same time and the tender details should be recorded. Two persons should be present for the opening of tenders as follows:
  - For contracts over £100,000 - either the DCEO/COO or the CEO plus a member of the Directors Board
- 9.2 A separate record should be established to record the names of the firms submitting tenders and the amount tendered. This record must be signed by both people present at the tender opening.

## 10. Tendering Evaluation Procedures

- The evaluation process should involve at least three people with no conflicts of interest in the tender.
- Those involved in making a decision must not accept gifts or hospitality from potential suppliers that could compromise or appear to compromise their independence. Any gifts or hospitality should always be declared in the Exceed Learning Partnership Business and Pecuniary Interest register, administered by the Head of Governance/Governance Professional.
- Full records should be kept of each tender evaluation and a report should be prepared for the relevant Governance Board highlighting the issues and recommending a decision.
- Where required by the conditions attached to a specific grant, the grantor's approval must be obtained before acceptance of a tender.

## 11. Contracts



- Any non-routine tenders or purchases, such as leases, are subject to a contract between the Academy/Trust and the supplier which is to be signed before the contracted work begins or the delivery of goods.
- The contract(s) should clearly set out (as applicable):
  - The scope of work with detailed and accurate specifications;
  - The timeline and completion date of the work(s);
  - Dates for completion of works;
  - Quality controls on work(s);
  - The agreed fees/charges and payment date(s);
  - Specification of the goods to be delivered (as applicable).
- Copies of all contract documentation must be filed in a Contracts Register (held at academy level for individual academies, and by the central Trust for Exceed Learning Partnership led purchases).

The signing of a contract and/or lease should be treated like the placing of an order and the signing of a cheque.

Policy Agreed: September 2017 and reviewed May 2023

Signed CEO: 

Signed: Chair of Directors: 

Policy to be reviewed: Spring 2024