



Tendering Policy

Contents

1. Aims
2. Legislation and guidance
3. Roles and responsibilities
4. Purchase thresholds
5. Framework agreements
6. Tendering procedure
7. Tendering procedure - outside framework
8. Monitoring arrangements
9. Links with other policies

1. Aims

This policy aims to ensure that:

- The College's funds are used only in accordance with the law, its articles of association, its funding agreement and any future College's financial management handbook
- Value for money (economy, efficiency and effectiveness) is achieved
- Governors fulfil their duties and responsibilities.

2. Legislation and guidance

The Department for Education (DfE) guidance states the College's is required to have a competitive tendering policy and ensure that European Union (EU) procurement thresholds are observed.

This policy is based on the DfE guidance on procurement.

This policy also complies with our funding agreement and articles of association.

3. Roles and responsibilities

3.1 College Governors

College's governors will ensure that:

- Spending decisions represent value for money
- Relevant professional advice (such as an external auditor) is used, where appropriate

- Goods or services provided by individuals or organisations connected to the College are provided at no more than cost
- Nobody connected to the College, directly or indirectly, uses their connection to the College for personal gain
- Where any governor has a pecuniary interest in a procurement decision, they exclude themselves from the process and records (e.g. meeting minutes) show that they had no influence on the decision

3.2 Finance and Resources Committee and Audit Committee

The Finance and Resources Committee is responsible for reviewing the College's tendering processes, and for reporting to the full governing body on tenders.

The Audit Committee shall determine any additional or alternative procedures applicable to the appointment of audit services.

3.3 VP (Finance, Resources & Systems)

The VP (Finance, Resources & Systems) is responsible for:

- Ensuring appropriate financial governance and risk management arrangements are in place
- Preparing and monitoring budgets
- Providing information to the F&R committee
- Overseeing and supporting competitive tendering

4. Purchase thresholds:

College tendering procedures, contained in this document, are applicable to:

- Procurement of services and buildings and other purchases more than £30,000, and
- The retendering of audit services, which will be retendered at least every 5 years

4.1 Public Contracts Regulations – PPN 10/21

UK Public Contracts Regulations have replaced previous EU Regulations. VAT is inclusive for the purposes of applying the following thresholds:

	<i>Central Government Bodies</i>	<i>Others *</i>
Supplies & Services (except subsidised service contracts)	£138,760	£213,477
Subsidised Service Contracts*	£213,477	£213,477
Works – All bodies*	£5,336,937	£5,336,937
Utilities – supplies & services*	£426,955	£426,955

5. Framework agreements

Where possible, we will use a framework agreement to contract suppliers. These are arrangements that a contracting authority, such as a public sector buying organisation, makes with suppliers. The benefits of frameworks are that they have already been through a competitive tender process and they have favourable terms and conditions. In addition, the framework provider may offer advice and support.

Depending on the framework we choose, we will either pick the best value supplier from a list or run a mini-competition between listed suppliers. In either case, we will follow the DfE guidance on procurement (see section 2 of this policy) to ensure good practice. The reasons for the choice of framework, and for the choice of supplier, will be clearly recorded.

6. Tendering procedure

- a. Create a specification – a specification document will set out what suppliers need to understand what we are looking to buy, including the quality, quantity and delivery date
- b. Compare suppliers – a comparison of different suppliers, including their reputation, will help the College develop a shortlist of at least 3 suppliers we want to approach for a written quote
- c. When we contact suppliers, we will send them:
 - The specification
 - Deadlines for quotes and when decisions will be made
 - Instructions for how to ask clarification questions about the specification

- d. An award criterion will be developed to assess suppliers' quotes. Criteria may include:
 - How well the supplier meets our specification
 - The whole-life cost of the contract, which may include: - The sale price of the goods, works or services - VAT - Delivery charges - Maintenance costs - Running costs - The cost of removing and disposing of an item or service once we no longer need it
 - Whether there will be price increases or decreases over the life of the contract
- e. The appointed college employee will evaluate quotes with support from the VP (Finance, Resources & Systems)
- f. Each aspect of the criteria will be scored on a scale of 1 to 5, with 5 being the highest score. A record of how the quotes is evaluated will be kept
- g. Tender response/evaluations will be prepared and circulated to the Tender Committee prior to formal consideration
- h. Formal consideration of tender applications will be undertaken by a Tender Committee. This Committee will be formed in accordance with the Governing Body's terms of reference for the Tender and Contracts Panel and shall be convened on an ad hoc basis by the Clerk to Governors as required
- i. Contractor decided and rationale minuted by Tender Committee
- j. Notify suppliers and award the contract
 - Notification of Intent (Alcatel) will trigger a 10-day standstill period
- k. Place an order – when the best value quote is identified, we will send the supplier a purchase order, which includes details of the:
 - Goods, works or services being procured
 - Price
 - Delivery address
 - Delivery deadline and any other important dates
 - Payment schedule

7. Tendering procedure: without a framework

When making purchases without a framework agreement, the College will use the process outlined below. The College will make purchases without a framework only in rare circumstances and with appropriate professional support.

- a. Create specification
- b. Assess the market – the college will prepare for the tendering process by developing our knowledge of the market. We will find out how many suppliers are available and the best way to advertise our contract to a range of suppliers
- c. Check the college's position in relation to EU procurement thresholds
- d. Develop a service level agreement (SLA) – an SLA sets out the standards of service expected from a supplier. Some suppliers may have their own SLAs, which the College will consider using on a case-by-case basis
- e. Develop a contract – a contract will include terms and conditions, a contract management plan and an exit strategy
- f. Create a timeline for the tender process – this will include the dates of the clarification period, the deadline for submitting tenders and the date we expect to

award the contract

- g. Prepare an invitation to tender – this will include:
 - A covering letter with a timeline for the process
 - Instructions on how suppliers can ask clarification questions and submit their tender
 - The specification
 - A pricing schedule
- h. Any SLA requirements
 - The contract's terms and conditions
 - Contract management requirements (see 'develop a contract' above)
 - Award criteria, including the scoring system and any weightings
 - If appropriate, an invitation for suppliers to give a practical demonstration of their goods, works or services
- i. Advertise the contract – the contract will be advertised where suppliers are likely to look, such as:
 - The Official Journal of the European Union (OJEU) – this is a requirement if the contract is over the EU procurement threshold
 - The government's Contracts Finder service
 - Local or national newspapers
 - Education publications or websites
 - Trade magazines
 - College website
- j. Run the tender process and provide clarifications
 - Posted tenders should be sealed with the envelope marked TENDER and the words 'Private and Confidential'.
 - Emailed tenders should be emailed specifically to the named college appointee clearly marked TENDER and 'Private and Confidential' or submitted via relevant portal
- k. Receipt of Tenders

The deadline for receipt of completed tender and tender requirements i.e., tender reference, specification and format
- l. Tender Opening
 - Tenders shall be opened in the presence of the Vice Principal (Finance, Resources & Systems), the Clerk to Governors and one other official of the College (wherever possible a Manager connected with the project or with relevant experience).
 - They shall be opened in order of receipt and their contents noted.
 - The meeting should be minuted and the minutes signed as a true record by those present.
 - Tenders submitted using digital systems or third-party agents will be opened in accordance with the specific tender guidance
- m. Evaluate tender responses – the VP (Finance, Resources & Systems) and at least one other official of the College will independently score and evaluate each bid, completing their evaluations and recording
- n. Evaluation criteria will allow us to evaluate which of the suppliers' bids best meets the requirements in our specification, and is the most economically advantageous tender that best combines cost and quality.
- o. Tender response/evaluation paper will be prepared and circulated to the

Tender Committee prior to formal consideration

- p. Formal consideration of tender applications will be undertaken by a Tender Committee. This Committee will be formed in accordance with the Governing Body's terms of reference for the Tender and Contracts Panel and shall be convened on an ad hoc basis by the Clerk to Governors as required.
- q. Contractor decided and rationale minuted by Tender Committee
- r. Notify suppliers and award the contract
 - Notification of Intent (Alcatel) will trigger a 10-day standstill period
- s. Finalise the contract (and advertise the award, if the contract was advertised in Contracts Finder or the OJEU)
- t. Abandoning the tender process – on very rare occasions we may need to halt the tender process. Should this occur, we will notify suppliers who are preparing their bids as soon as possible

8. Tender waiver procedure

If the requirement to obtain a competitive tender or quote is requested to be waived, the single tender/quotation waiver should be completed. This should be approved by the Vice Principal (Finance, Resources & Systems); one Assistant Principal and the Chair of the Finance and Resources Committee.

9. Monitoring arrangements

- This policy will be reviewed by the Finance & Resources Committee and approved by the full Governing Body every two years
- The VP (Finance, Resources & Systems) is responsible for the implementation of this policy.

10. Links with other policies

This competitive tendering policy is linked to the following policies:

- Financial Regulations
- Treasury policy
- Anti-fraud and Corruption policy

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