

**Great Cornard Parish Council**

**Procurement Policy**

**Introduction**

1. The Parish Council is committed to spending public money wisely and efficiently and will strive to attain ‘best value’ for all goods, materials and services purchased by the Council. ‘Best value’ will be defined as a balance of price, quality of product and supplier services. Neither the Council, nor any Committee with delegated responsibilities, is bound to accept the lowest tender.
2. The Council will operate a transparent procurement process in accordance with its Financial Regulations and Standing Orders for Procurement.

**Purpose**

1. The purpose of this policy is to ensure that:
2. The Council procures goods, materials, services and the execution of works that meet the defined and agreed essential needs of the Council as specified in the quotation or tender documents;
3. In all cases, a specification is produced and agreed prior to the quotation or tender documents being issued, that clearly identifies the essential requirements (needs), along with the highly desirable (discretionary added value) and desirable (wants);
4. The tender or quote is selected that offers the best value to the Council over the whole life of the project;
5. The tendering process, selection of bidders and the award of contracts is fair, open and objective;
6. The Council will strive to use local suppliers from within the District where possible but not exclusively;
7. All tenders and quotes are evaluated to a consistently high standard; and
8. Equality, diversity and sustainability considerations are embedded in the Council’s tendering and quotation process.

**General**

1. Every contract by the Council or person authorised to act on its behalf, shall comply with the Procurement Policy, the Council’s Financial Regulations and the Council’s Standing Orders.
2. No exceptions shall be made otherwise than in an emergency or where the policy does not apply to contracts which relate to items (a) to (f) below:
3. for the supply of gas, electricity, water, sewerage and telephone services;
4. for specialist services such as are provided by legal professionals acting in disputes;
5. for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
6. or work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council; for additional audit work of the External Auditor up to an estimated value of £500 (in excess of this sum the RFO shall act after consultation with the Chairman and the Chairman of the Policies and Resources Committee);
7. for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.
8. A Contract is an agreement between the Council and an individual or organisation; for the individual or organisation to provide works, goods or services (including the engagement of consultants) for which the Council will provide consideration. The following contracts are exempt from the requirement of these rules:
9. the acquisition of land and buildings;
10. legal services (legal advice and representation)
11. bank services
12. The Council’s overall objective is to secure best value for money and to be able to demonstrate the same. Therefore, the persons involved in the awarding of a contract on behalf of the Council must ensure that the best value for money is obtained. Before commencing procurement, it is essential that the authorised person leading the procurement had identified the need and fully assessed the options for meeting those needs. The best use of purchasing power shall be sought by aggregating purchases wherever possible.
13. Requirements shall not be broken down into individual packages in order to deliberately avoid a more onerous tendering procedure.
14. The Council will ensure that everything it does as part of the tender is fair and transparent and does not discriminate for/against any supplier. This applies to all procurement, whatever value. The Council’s actions are subject to scrutiny under the Freedom of Information Act as well as its own Standing Orders, Financial Regulations and Policies.
15. The Council shall not be obliged to accept the lowest or any tender, quote or estimate.
16. It will be acceptable to join with other Parish Councils or bona fide organisations to place orders in order to secure economy of scale.
17. Should it occur that the Council or duly delegated Committee, does not accept any tender, quote or estimate, the work is not allocated and the Council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision making process was being undertaken.

**The Public Contract Regulations 2015**

1. The Public Contract Regulations 2015 shall apply.
2. Where the Council intends to procure or award a public supply contract, public service contract or public works contract as defined by (“The Regulations”) within The Public Contracts Regulations 2015 which is valued at £25,000 or more, the Council shall comply with the relevant requirements of the Regulations. The Regulations require councils to use the Contracts Finder/Find a Tender website to advertise contract opportunities, set out the procedures to be followed in awarding new contracts and to publicise the award of contracts.

15. The full requirement of The Regulations, as applicable, shall be followed in respect o the tendering and award of a public supply contract, public service contract or public works contract which exceed thresholds in The Regulations set of the Public Contracts Directive (Regulation 5 (1) of the 2015 Regulations, which may change from time.

1. When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council. Every exception and reason shall be recorded in the minutes.

**Specifications**

1. Enquiries and Invitations to tender shall be based on a written specification. The specification shall adequately describe the requirement procedure in sufficient detail to enable effective procurement in accordance with this policy.
2. The Council Manager shall obtain the necessary technical assistance to prepare a specification for approval by the Council.
3. Any invitation to tender shall refer to the terms of the Bribery Act 2010.

**Supplier Pre-qualification**

1. The Council may ask tenderers to answer a ‘sustainability assessment questionnaire” which is defined as relating “to information or evidence which the contracting authority requires for the purpose of assessing whether candidates meet requirements or minimum standards of suitability, capability, legal status or financial standing” if the questions are relevant to the subject matter of the procurement; and proportionate.

**Thresholds and Procedures**

1. Consideration shall be given to other costs associated with the procurement (lifetime costings including for example maintenance costs and power consumption), as well as building surveys and H & S requirements such as Construction (Design & Management) Regulations 2015. Where these could be significant such as the final disposal of a product appropriate arrangements shall be put in place to consider these costs against alternative options.

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| Estimated Contract Value (excluding VAT) and Contract Requirement |
| £500 - £4,999Where there are opportunities for competitive savings, the RFO shall strive to obtain three estimates from individuals or organisations that could under take the contract.  |
| £5,000 - £24,999Written quotations (priced descriptions of the proposed supply) must be sought from not less than three individuals or organisations that could undertake the contract. The formal quotation process shall comprise of the following steps:A specification of the goods, materials, services and the execution of works shall be drawn up and approved by the Full Council;A quotation pack will be compiled which will consist of the job specification, timescales and all appropriate deadlines, details of when, how and where to return the quote. Health and safety and insurance requirements and a copy of the Council’s relevant policies shall also be included. Any quotations that are not received in the specified format will be excluded and not considered by the Council;Quotations may be written or received electronically;Once received, quotes will be summarised by the RFO on a ‘like for like’ basis and presented to the Full Council or relevant Committee for assessment;Once quotes have been discussed, a contractor will be appointed by resolution of the Council and formerly identified in the Minutes. Decisions on contracts awarded over £5,000 must be made by the Full Council. |
| £25,000 and overThe Parish Council shall refer to The Public Contracts Regulations 2015\* for all contracts over £25,000 to ensure requirements are followed.A formal tender process shall be entered into for contracts of £25,000 or more, subject to additional requirements in the Financial Regulations and Standing Order for Procurement of the Council and shall include, as a minimum, the following steps:A specification of the goods, materials, services and the execution of works shall be drawn up and approved by the Full Council;An invitation to tender shall be drawn up to confirm:-the date of the Council’s specification;the time, date and address for the submission of tenders;the date of the Council’s written response to the tender; andthe prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process.A tender pack will be compiled which will consist of the job specification, health and safety and insurance requirements and a copy of the Council’s relevant policies; The invitation to tender shall be advertised for all contracts over £25,000 on the Parish Council website, the Contract Finder/Find a Tender website along with any other manner that is appropriate including local news circulation;Tenders are to be submitted in writing in a sealed marked envelope addressed to the Council Manager; Tenders may be sent electronically provided they are kept in a separate secure folder under the control of the RFO which is not opened until the deadline has passed for receipt of tenders; All Tenders shall be kept in the custody of the RFO until the time and date specified for opening. Tenders shall be opened at the same time on the prescribed date by the RFO in the presence of the Council Chairman or the Chairman of the appropriate committee after the deadline for submission of tenders has passed;Tenders are to be reported to and considered by the Full Council or relevant Committee; The RFO shall summarise the tenders anonymously so that Members are not aware of the contractors identity; Once the tenders have been discussed, a contractor will be appointed by resolution of the Council and formerly identified in the Minutes. Decisions on contracts awarded over £5,000 must be made by the Full Council.*\*The Regulations require that when a contract is awarded the Council must (within 24 hours) also advertise an invitation to tender on the Government’s Contracts Finder website and must then have the contract details available on the internet AND there must be no pre-qualification stage in such a contract. After the contract has been* *awarded, whether or not it has been advertised on the Contracts Finder website at the Invitation to Tender stage, the Council must publish on the Government’s Contracts Finder website: the name of the contractor, the date on which the contract was entered in to, the value of the contract, and whether the contractor is an SME or a VCSE.**Every public contract which a local Council awards must contain the following ‘suitable provisions’: The authority must pay the contractor within 30 days of getting a valid and undisputed invoice. (And undue delay in considering and verifying an invoice is not to be regarded as sufficient justification for failing to regard an invoice as valid and undisputed). Every contract which permits sub-contracting must contain similar 30 day payment provisions – and the same for sub-contracts.* |
| Over £189,330In addition to the tender process for contracts over £25,000, the Parish Council shall refer to the complex requirements of The Public Contracts Regulations 2015 for all contracts which are valued over £189,330 for a public supply or public service contract or £4,733,252 for a public works contract (values are subject to change from time to time). |

1. Contract Procedure Rules for up to £24,999 shall not apply to the following but, wherever possible, alternative quotations shall be obtained:
2. Contracts comprising of spare or replacement parts of existing machinery or plant or repairs to such machinery or plant;
3. Urgent situations as agreed by the Chairman of the Council where the Council is put at significant risk, or where significant costs could be incurred, by not taking urgent remedial action;
4. Contracts involving special technical, scientific or artistic knowledge;
5. Purchase by auction or at public fairs.

**Tenders/Quotes Not Received or Are Identical**

1. If no tenders or quotes are received, the Council will:
2. Re-advertise using the methods already used;
3. Consider other methods of advertising, i.e. newspaper, radio, other local media;
4. Review the tender/quotation documents;
5. Contact contractors who have requested the tender and quotation documentation and enquire as to why they did not submit a tender or a quote.
6. If the tenders or quotes received are identical, the Council will:
7. Assess each quote or tender individually;
8. Consider ‘best value’;
9. Consider requesting additional information from each contractor, i.e. how they proposed to complete the work, timescales, staffing etc.;
10. Consider holding an interview with each contractor;
11. Request copies of health and safety information and any other relevant information etc.;
12. Reassess all the tenders against the additional information and/or interview and best value.

**Acceptance of Quotations and Tenders**

1. The tender that offers the best value to the Council shall be accepted. Each tender shall be evaluated for price and quality to ascertain the most economically advantageous tender.
2. or procurements over £25,000 the questions and scoring systems used shall be written before tenders are received. The basis of this exercise shall be explained in any invitation to tender document.
3. Where considered in the best interests of the Council, the RFO may negotiate with the tenderers whose tenders are being considered for acceptance. No negotiations on contracts whose value in excess of £25,000 can take place without reference to the Chairman of the Council and Chairman of the Policy and Resources Committee. Any negotiation which would distort competition is expressly forbidden. Details of the negotiations must be placed on the contract file.
4. Arithmetical errors found in the tender when checking shall be dealt with as follows:
5. The tenderer shall have the error pointed out to them and be offered the opportunity to stand by their original tender, or their corrected tender, or to withdraw it.

**Signing and Sealing of Contracts**

1. Every successful quotation/tender shall be accepted in writing by the RFO, provided that contracts as the solicitors to the Council shall determine be set out in a formal contract document.

**Nominated Sub-Contractors and Suppliers**

1. Where a sub-contractor or supplier is to be nominated to a main contractor, the procurement of the services of the sub-contractor or supplier shall be subject to these Contract Procedure Rules. In the event of a main contractor nominating any sub-contractor for delivery of all or part of the services, the Council’s contract will remain with the main contractor and the main contractor remains responsible and liable for delivering the agreed contract. The main contractor holds responsibility for delivery of the contract and any associated penalties, financial or otherwise, to the Council as agree in the main contract.

**Contracts Record**

1. A record of all contracts in excess of £25,000 in value placed by the Council shall be kept by the RFO. This record shall specify for each contract the name of the contractor, the works to be executed or the goods or services to be supplied, the contract value and the contract period. It is the responsibility of the person authorising the contract to ensure that an accurate record is maintained.

**Contract Project Management**

1. Project management shall be practiced at all times in undertaking procurement, using industry agreed management framework and standards as appropriate to the work being undertaken (for example, but not limited to RIBA, RICA). Suppliers will be expected to demonstrate their Project Management competency and qualifications.

**Contract Variations to Scope**

1. Any necessary instructions to vary a contract shall be made in writing by the Chairman or RFO. Where a variation occurs during the currency of the contract that is material and cannot be met from within the original contract sum an immediate report shall be made to the Council who shall decide what further action is necessary.

**Insurances**

1. Consideration must be given as to the appropriate type (employee liability, public liability, professional indemnity etc.) and level of insurance requirements for each contract.

**Emergency Situations**

1. The Council will compile a list of contractors to contact in emergency situations. An emergency is any situation that requires immediate action and cannot wait for authorisation at a Full Council or Committee meeting. The Council Manager will report all emergency works completed to the next Full Council or Committee meeting. Examples of emergency situations could include a tree that has been damaged and unexpectedly become dangerous, a water leak, an electrical fault or any unexpected situation which could cause harm to Councillors, employees, contractors or members of the public. The Council Manager will consult with the Chairman of the Council or Chairman of the Policy and Resources Committee before authorising any emergency works.

**Other**

1. The Council will compile a list of contractors who would be interested in tendering or quoting and what areas of work they could cover and that they would be able to comply fully with all relevant health and safety requirements, any other relevant legislation and Council policies. Any relevant quotes or tenders will be circulated to all appropriate contractors on the list.
2. The Council will, as and when appropriate, place an article on the Council’s website, in Cornard News or the Government Contracts Finder/Find a Tender website and/or other suitable publication to:
3. Advertise any current invitations for quotations or tenders;
4. Advertise any quotes or tenders anticipated in the next 6 months; and to
5. Invite contractors to register an interest in submitting either quotes or tenders to the Council in their area of work including the geographical areas they could cover.
6. Quotation and tender packs can be circulated by email providing that relevant parts of the documents are locked so that applicants can only amend and complete the appropriate sections of the documentation.

**Proposed Advert for Cornard News**

The Parish Council are drawing up an Approved List of Contractors to undertake a variety of works within the Parish.

If any local company or tradesman wishes to be considered for the list, please contact the Council Manager with your details together with a copy of your Health and Safety Policy, your Public Liability Insurance cover and details of any registration or licence necessary for your trade.

Our list will include (but is not limited to)

Tree Surgeons

Electricians

Plumbers

Carpenters

Maintenance and small works

Garden services

Glaziers

Grass cutters

Pest control

Painting and decorating

Sign Writers

Welders

Fencers

IT support

At relevant times, the Council will contact those contractors on the Approved List to invite them to provide quotations for works or submit a formal tender application depending on the value of the contract.

To apply to be on the list, please contact the Council Manager on 01787 373212 or councilmanager@greatcornardpc.co.uk