



SELLING TO OR PROVIDING SERVICES TO THE COUNCIL¹

Introduction

The Council's procurement and contracting procedures are designed to ensure that Castle Point achieves value for money from all the money we spend on goods, works and services that benefit the community.

The value of the services, works or goods/supplies determines the procedures that we must follow with respect to how many quotes we need to obtain or whether a tender process must be entered into. Depending on the value it may be necessary to follow EU regulations and procedures when procuring works or services.

What is meant by Procurement?

Procurement refers to the process of acquiring goods, works and services. It includes buying from contractors and consultants and also from in house providers.

Procurement is not a pompous word for buying; buying is just one element in the procurement process.

The procurement process spans the whole cycle from the Council identifying the need for a service, works or goods/supplies through to the end of a service/works contract and the end of the useful life of an asset, which may be land or buildings or equipment used in relation to the services or works supplied.

It involves options appraisal and the critical "make or buy" decision – whether to provide services in house or to procure services in other ways. The word "commissioning" better describes the whole cycle of buying.

In the context of a procurement process, obtaining "best value for money" means choosing the quote or bid that offers "the optimum combination of whole life costs and benefits to meet the customer's requirement". This does not necessarily mean the lowest initial price option. It involves assessing:

- Initial capital investment
- Ongoing revenue/resource costs
- Social, environmental and other strategic objectives

These are defined at the earliest stage of the procurement cycle. The criterion of best value for money is used at the award stage to select the tender which is the most economically advantageous tender.

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Sustainable Procurement Strategy

The Council has developed a Sustainable Procurement Strategy that sets out our approach to procurement, e procurement and other related areas which can be viewed on our website: <http://www.castlepoint.gov.uk>

Spend/Tender limits and Procedure

<u>Spend/Tender Limits (excluding VAT)</u>	<u>Procedure</u>
0 - £10,000	1 quote
£10,001 - £50,000	3 written quotes
Over £50,001	Invite at least 3 written tenders (Non EU requirements)
Over £181,302 (Supplies/Services) Over £4,551,413 (Works) ²	In addition to the above EU/OJEU requirements

EXAMPLES OF WORKS/SUPPLIES/SERVICES³

Works

- New and replacement building and civil engineering works
- Improvement and modernisation works to buildings and structures

Supplies

- Purchase of good, plant, equipment, vehicles, materials and energy

Services

- Repair and maintenance works
- Transport
- Telecommunications
- Financial, accounting and computing
- Consultancy, market research and advertising
- Building cleaning and property management
- Publishing and printing
- Refuse collection and disposal
- Sewage disposal
- Legal services
- Personnel and placement services
- Environmental health services
- Security

² As @ 1/1/2018

³ This list is not comprehensive but provides examples only

- Recreational, cultural and sporting services
- Insurance
- Certain other services

Advertising Contracts

All our contracts that need to be advertised will appear if appropriate in a trade or professional journal and on the Council's website.

All procurement exercises that have a total contract value over the threshold of £25,000 must now be published on the national Contracts Finder Portal
<https://www.gov.uk/contracts-finder>

Where the value of the contract exceeds the EU threshold there will be a publication in the supplemental of the Official Journal of the European Union (OJEU). Website address: <http://ted.europa.eu>

Essex Procurement Hub

We are currently a Member of the Essex Procurement Hub which is a joint procurement arrangement between a number of Essex Authorities procuring goods/services and works together. Website address:

www.braintree.gov.uk

Tender Submission – tips and hints

Whichever procedure the Council follows, you should nevertheless read the advertisement or tender/quotation documents and specification carefully and submit or request the information required by the dates stipulated by the Council.

The Council usually requires suppliers or contractors to complete a suitability questionnaire and a health and safety questionnaire (where appropriate) detailing information about their:

- financial/economic standing
- technical capability
- health and safety arrangements and procedures
- record and how they ensure that they do not discriminate against certain individuals or groups of people
- business formation
- experience in providing the goods/services/works being tendered for
- referees
- company finances

To ensure your tender is considered you must:

- provide all the information requested
- make sure that you answer all questions accurately
- return the information by the closing date specified

Sometimes the information the Council receives from suppliers/contractors is unclear or in need of further clarification. Once again you should provide any additional information sought by the closing date set.

The tender documents we send out to suppliers/contractors contain details of our requirements. The documents, particularly the specification, should be read carefully and all information completed fully and accurately. If you do not understand any part of the specification you should ring the Council Officer named in the tender documentation and request further information. This must be done before the tender period closes and within any other time scale contained in the tender documents.

Evaluation of Tenders

In order to preserve the integrity of the competitive process, it is imperative that the evaluation of proposals is undertaken objectively, consistently and without bias towards particular suppliers or contractors. Accordingly evaluation of tenders is undertaken by *an evaluation panel*⁴ to ensure a fair and objective decision is reached. It is unlikely that bids will be awarded on the basis of price alone. The Council will award the contract to the supplier it considers offers value for money. For this reason our main evaluation criteria will be the “most economically advantageous tender” as determined by the criteria set out in the tender documents. The award criteria will vary depending on the type of contract. Examples of selection and award criteria⁵ are:

- experience
- technical merit
- financial viability
- flexibility to future change to our requirements
- speed of project delivery
- customer care
- compliance with equality/health and safety requirements (where appropriate)
- price
- quality
- environmental/sustainability considerations

Tendering Procedures

The Tendering procedure that will be followed will be made clear in the tender documents. However if the value of the procurement exceeds the EU thresholds referred to above there are 5 main ways of tendering:

- **Open Procedure**

Under an open tender procedure all suppliers/contractors who respond to an advertisement are supplied with tender documentation, which they can return as appropriate

- **Restricted procedure**

The restricted procedure can best be described as a two stage approach in which the Council invites interested suppliers/contractors to undergo a pre-qualification assessment to draw up a shortlist before inviting those on the list to tender.

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⁴ The composition of which will depend on what is being procured

⁵ this is an example of the award criteria and should not be treated as a definitive list

- **Competitive dialogue**

The Council places a notice seeking expressions of interest and suppliers who respond by completing the pre qualification questionnaire are shortlisted from a list of criteria. The Council then conducts a dialogue about the suppliers proposed solutions to its requirements before seeking formal tenders.

- **Competitive procedure with negotiation**

This gives the Council flexibility as to how it structures the procedure into successive stages in order to reduce the number of bids to a minimum of 3 who will be invited to conclude negotiations and set a deadline for submission of tenders.

- **Negotiated procedure**

This is when the Council, under certain limited circumstances, negotiates with one or more suppliers of our choice. For example, it may be used in cases of extreme urgency that could not be foreseen by the Council or where there is only one supplier in the market who can provide the services or works. It would not normally be used when either open or restricted tendering is considered more appropriate.

Council's standard terms and conditions of Contract

The Council has standard terms and conditions that it uses when contracting for supplies, goods or services. The Council hopes that by standardising its terms and conditions with suppliers and contractors this will lead to consistency and transparency.

You may view the Council's standard terms and conditions of contract on the Council's website www.castlepoint.gov.uk

- **Equal Opportunities**

We are an equal opportunities employer and are committed to promoting equal opportunity for all people irrespective of sex, age race or disability. We expect our suppliers/contractors to abide by the law and are working to best practice and as part of the tender process will be required to provide evidence that opportunities policies are in place and are committed to them.

- **Environmental Policies**

We are committed to using the resources entrusted to us to ensure best value and the least possible cost to the environment. As part of this commitment the Council's procurement procedure will wherever practicable focus on:

- Specifying less environmentally damaging products
- Promoting greater use of renewable sources
- Encouraging suppliers to use environmentally friendly practices throughout the production process

When applying for certain Council contracts, you may be requested to supply details of your practices and procedures as they relate to the environment.

Health & Safety

We are committed to ensuring the health, safety and welfare of our employees and others affected by our suppliers and contractors. Contracts to supply goods or services will be awarded to Contractors or suppliers who can satisfy the Council requirements in the terms outlined in the specification and who evidence their health and safety competence.

Successful contractors/suppliers are expected to demonstrate compliance with health and safety legislation including:

- A commitment to the health and safety of its employees, clients and customers
- Up to date health and safety policies and procedures
- Adequate risk assessment procedures
- An adequate system of monitoring and reporting accidents, incidents
- Access to competent health and safety advice

When the Contract has been let

Once the Contract has been let the Council will continue to monitor progress and delivery of the goods and services provided under the terms of the Contract to ensure compliance and to inform the Council on future service delivery.

All the Council's contracts over the value of £5,000 are published on the Council's website www.castlepoint.gov.uk

Where to go for help

Unsuccessful tenders may request feedback. Such requests should be made to the Contract Manager of the specific contract for which they tendered. Where such requests are made we will endeavour to provide information that will assist the tenderer to improve on their next tender submission.

Contact details:

Fiona Wilson, Head of Legal Services, Castle Point Borough Council
Tel: 01268 882436 E mail: fwilson@castlepoint.gov.uk

Dominic Warren, Essex Procurement Hub, Braintree District Council
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