



Procurement and Tendering Policy

Approved by:

Chair of Trustees
Chief Executive Officer

Date: Summer Term 2023

Review Date:

Summer Term 2025

Statement of Intent

The Creative Learning Partnership Trust aims to achieve value for money on all its tendering and procurement. With that in mind, this policy has been created to establish procedures to ensure all members of staff, who are involved in tenders and procurement, are aware of the standards that they are expected to follow.

Any new suppliers should be checked on Companies House or via an internet search to ensure their viability as a supplier. During the tendering and procurement processes, the following four key objectives will always be kept in mind:

- **Achieving value for money:** Including the cost of goods and services, the quality of goods or services and administrative costs
- **Ensuring fairness:** Ensuring that all parties are treated in a fair and equitable manner
- **Establishing accountability:** The Trust is ultimately responsible for its expenditure and the conduct of its staff
- **Allowing probity:** There is no private gain for Members, Trustees, Governors, staff within the Trust.

Orders up to £10,000

Orders to the value of £10,000 can be placed by the Bursars/School Business Managers (subject to the authorisation limits below) and they must ensure that they are receiving best value for the goods/services ordered. Preferred suppliers may be used, when this is in the best interests of the Trust and which would be based on a previous positive customer-supplier relationship.

Orders between £10,001 and £100,000

For all orders over £10,000 and where the Trust is unable to procure via the DfE's recommended deals for schools or a framework agreement (via the DfE's Buying for Schools service), a minimum of three quotations should be obtained in order to identify the best source for the goods/services. Written (letter or email) details of quotations should be obtained and retained by budget holders for audit purposes. Telephone quotes are acceptable providing written confirmation of these has been received prior to a purchase decision being made.

Orders over £100,000

All orders with a value over £100,000 or a series of contracts with a total value over £100,000 must be subject to a full tendering process if the Trust is unable to procure via the DfE's recommended deals for schools or a framework agreement (via the DfE's Buying for Schools service).

All supplies and services purchases over £189,330 and works purchases over £4,733,252 must be published via Find a Tender Service (FTS) if the provision is not available via the DfE's recommended deals for schools or a framework agreement (via the DfE's Buying for Schools service).

If costs are close to the higher thresholds i.e. orders over £100,000, then legal advice should be sought prior to commencing the procurement process.

Request to Waiver Trust Procurement Procedures

The Trust recognises that there may be occasions whereby works and services may need to be procured outside of the formal process for procurement. A request to waiver from the Trust's procurement process will only be considered in exceptional circumstances and will be subject to approval in accordance with the limits set out in the Trust's Scheme of Delegation.

The reasons for requesting a waiver approval may be concerned with:

- Compatibility – there is a clear benefit to be gained from maintaining continuity with an earlier provision. However, in these circumstances, the benefits of such continuity must outweigh any potential financial advantage to be gained by competitive tendering.
- Existing agreements – the requirement can be covered by an existing supplier whereby the change of supplier would constitute disproportional technical difficulties, diseconomies of scale, additional costs or significant operational disruption to the Trust.
- Short term extension – the provision of goods or services is essential to complete the project, or where the engagement of a new provider for the existing task is inappropriate or not financially viable.

Any waiver to the Procurement process must be formally documented and signed off by the authorised signatory i.e. Chief Executive Officer – for waiver requests between the value of £10,001 and £50,000 and the Chair of Trustees for waiver requests over the value of £50,000. In addition, the Director of Finance (DoF) will be required to sign all requests upon approval. A record of the signed approval will be retained by the DoF.

Authorisation Limits

A summary of the authorisation limits within the Trust has been extracted from the Scheme of Delegation and is detailed in the table below:

Authoriser	Authorisation Limit (£)
Finance Assistant / Administrator	1,000
Bursar /School Business Manager	3,000
Headteacher	Up to 10,000
Local Governing Body	10,001 to 20,000
CEO	20,001 to 50,000
Board of Trustees	Over 50,000

Tendering

There are three forms of tender procedure: open, restricted and negotiated and the circumstances in which each procedure should be used are described below.

- **Open Tender:** This is where all potential suppliers are invited to tender. The budget holder must discuss and agree with the DoF how best to advertise for suppliers 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 the propriety of public funds.
- **Restricted Tender:** This is where suppliers are specifically invited to tender. Restricted tenders are appropriate where:
 - there is a need to maintain a balance between the contract value and administrative

- costs
- a large number of suppliers would come forward or because the nature of the goods are such that only specific suppliers can be expected to supply the Trust's requirements
- the costs of publicity and advertising are likely to outweigh the potential benefits of open tendering.
- **Negotiated Tender:** The terms of the contract may be negotiated with one or more chosen suppliers. This is appropriate in specific circumstances:
 - the above methods have resulted in either no or unacceptable tenders,
 - only one or very few suppliers are available,
 - extreme urgency exists,
 - additional deliveries by the existing supplier are justified.

Preparation for Tender

Full consideration should be given to:

- objective of project
- overall requirements
- technical skills required
- after sales service requirements
- form of contract.

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.

Invitation to Tender

If a restricted tender is to be used then an invitation to tender must be issued. If an open tender is used an invitation to tender may be issued in response to an initial enquiry.

An invitation to tender should include the following:

- introduction/background to the project;
- scope and objectives of the project;
- technical requirements;
- implementation of the project;
- terms and conditions of tender and
- form of response.

Aspects to Consider:

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.
- Is there scope for negotiation?

Technical/Suitability:

- Qualifications of the contractor
- Relevant experience of the contractor
- Descriptions of technical and service facilities
- Certificates of quality/conformity with standards
- Quality control procedures
- Details of previous sales and references from past customers.

Other Considerations:

- Pre sales demonstrations
- After sales service
- Financial status of supplier. Suppliers in financial difficulty 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.

Tender Acceptance Procedures

The invitation to tender should state the date and time by which the completed tender document should be received by the Trust. 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.

Tender Opening Procedures

All tenders submitted should be opened at the same time and the tender details should be recorded. At least two persons should be present for the opening of tenders as follows:

- The Headteacher, the DoO, the DoF plus a member of the Finance and Operations Committee.

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.

Tendering Procedures

1. The evaluation process should involve at least two people. Those involved should disclose all interests, business and otherwise, that might impact upon their objectivity. If there is a potential conflict of interest then that person must withdraw from the tendering process.
2. Those involved in making a decision must take care not to accept gifts or hospitality from potential suppliers that could compromise or be seen to compromise their independence.
3. Full records should be kept of all criteria used for evaluation and a report should be prepared for the Finance and Operations Committee highlighting the relevant issues and recommending a decision.
4. Where required by the conditions attached to a specific grant from the DfE, the department's approval must be obtained before the acceptance of a tender.
5. The accepted tender should be the one that is economically most advantageous to the Trust. All parties should then be informed of the decision.
6. The Gifts and Hospitality Process is in place to ensure that the actions of Members, Trustees, Governors and staff of the Trust will not give rise to, or foster suspicion that outside individuals or organisations have gained favour or advantage by the acceptance of gifts or hospitality from any external person or organisation. It will ensure that staff do not abuse their official position for personal gain and do not seek to advantage any private business or other interests in the course of their duties.