

TENDER POLICY

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1.0	Issued Policy	1/6/2016
2.0	Reviewed Policy	1/7/2019
3.0	Updated Public Procurement Thresholds	24/5/2022
4.0	Updated Un/Successful communication criteria p8	6/11/2023

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Inclusion, Diversity and Equality

As part of our focus on diversity and inclusion, BDAT pledges that our policies will seek to promote equality, fairness, and respect for all staff and students. Our policies reflect the BDAT values of inclusion, compassion, aspiration, resilience, and excellence. By working closely with a range of stakeholders, such as our school, union, and HR colleagues, we have ensured that BDAT's policies do not unlawfully discriminate against anybody.

1. Statement of Intent

The aim of the policy is to achieve value for money on all procurement and tendering by ensuring that there is a competitive tendering policy, compliant with the rules and thresholds in the Public Contracts Regulations and is consistently applied. BDAT will ensure it is able to show that public funds have been utilised as intended by government. This policy is to ensure that all members of staff involved in tendering and procurement are aware of the standards that they are expected to follow. This policy refers to the finance teams both centrally and within the academies whilst procuring goods and services.

During tendering, for academies and the central team, the following key objectives will be kept in mind:

- **Achieving value for money**
- **Ensuring fairness**
- **Establishing accountability**
- **Allowing probity**

2. Using a Framework Agreement

There is always the possibility of utilising a framework agreement to procure goods and services. Each framework agreement has:

- Details of the products and services available
- An Agreed pricing structure
- Details of suppliers
- Instructions on how to buy
- An agreed set of terms and conditions

When using a framework agreement, BDAT has two options:

1. Select a supplier direct from framework
2. Run a mini competition

A mini competition will require the following structure to be followed:

- Comply with terms and conditions of the framework agreement
- Decide how it will assess bids, following any rules the framework has
- Decide level of service required
- Decide if it wants to run an expression of interest process

- Send Invitation to tender to all suppliers who can provide the goods or service
- Fairly assess all bids received
- Choose the supplier that offers the best value for money
- Award the contract to winning supplier

3. Procurement and Spending Decisions

BDAT procurement processes must always be followed to ensure:

- Correct use of public funds
- Value for Money is always considered in procurement decisions
- Delegation and procurement thresholds are followed
- Competitive tendering is used when thresholds are reached

Procurement Thresholds

Procurement Value	School/MAT	Process Required
Under £10,000	Primary/Secondary	Consider value for money
£10,000-£50,000	Primary/Secondary	Framework or 3 quotes. Evidence must be kept and/or complete MAT template
Under £20,000	MAT	Consider value for money
£20,000-£75,000	MAT	Framework or 3 quotes. Evidence must be kept and/or complete MAT template
£75,000-Public Thresholds	ALL	Framework or 3 quotes. Evidence must be kept and/or complete MAT template
Public Thresholds (incl VAT)	MAT	Framework agreement or Tender
Use Professional Rate	MAT	Utilise comparable professional rate

Specifications

No matter what procurement process is followed, a specification will be written outlining what BDAT wants to procure. All specifications will include:

- Description of goods or services
- Amount required and when required
- Expected quality of goods

4. High Value Procurement

When BDAT purchases high-value items through a framework it completes the following processes:

- Create a specification
- Assess market and prepare a tendering process. How many suppliers available and how best to advertise to ensure value for money.
- Check UK Public Procurement thresholds

- Prepare tender documents
- Consider expression of interest to cut numbers down
- Advertise
 - through Find A Tender (FTS)
 - Governments Contracts Finder Service
 - Newspaper
 - Trade Magazines
- Send Invitation to tender
- Fairly assess all bids, evaluate and record decision making
- Award contract to highest score in the evaluation criteria

5. Risk Management and Audit

BDAT logs all procurement risks on the risk register and the audit committee will review procurement processes. The audit committee will review at least annually the procurement process.

The internal audit process will check the procurement process both at school level and centrally.

6. Types of Tender

When BDAT purchases 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 Finance Director 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 academy'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.

7. 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.

8. 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.

9. Tender Evaluation

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.

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.

Full records should be kept of all criteria used for evaluation and for contracts over £75,000 a report should be prepared for the Finance and Resources Committee highlighting the relevant issues and recommending a decision.

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.

Award contract to highest score based on the evaluation criteria. All parties should then be informed of the decision.

10. Tender Acceptance

The invitation to tender should state the date and time by which the completed tender document should be received by the academy. 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. Two persons should be present for the opening of tenders as follows:

- For contracts up to £75,000 - two of the budget holder, the Finance Director or the Head Teacher/Principal;
- For contracts over £75,000 - two of the Finance Director, CEO, Chair of Finance and Resources 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.

Informing Unsuccessful Bidders

BDAT provides a communication as to whether the company has been successful or not to be short listed for the final interview.

BDAT will provide companies with a full an assessment of evaluation criteria, this will dependent on the tender that is taking place but will include:

- Pricing
- Customer Service
- Other criteria as noted in the tender documentation
- And any scoring that was implicit within the tender documentation

Informing successful Bidders

BDAT provides a communication including the evaluation criteria and scoring for the bidder to the successful bid:

- Pricing
- Customer Service
- Other criteria as noted in the tender documentation
- And any scoring that was implicit within the tender documentation

This communication will be subject to any references or requirements that have been requested prior to raising a contract:

- BDAT will only award contract if standstill period passes without challenge from another supplier
- There are no commitments, and no work should commence until contract is signed