



Extend Learning
Academies Network

Competitive Tendering Policy

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Introduction

Key Principles

- When considering the procurement of, and tendering for goods and services, consideration should be given to **probity, accountability and value for money**.
- The Trust values of transparency and fairness will inform our financial practices.

Purpose

This policy has been produced to ensure that Extend Learning Academies Network (ELAN) manage public funds in a proper and effective manner as set out in the Academies Financial Handbook. When considering the procurement of, and tendering for goods and services, consideration should be given to **probity, accountability and value for money**.

Forms of Tender

For goods or services where the value exceeds £25,000 but is below the threshold for the OJEU procurement regulations, ELAN (the MAT) must follow a competitive tendering process, in accordance with the MAT's Finance Policy and a recommendation made to the Audit & Finance Committee for decision.

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 MAT Business Manager how best to advertise for supplier's 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 MAT'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
 - continuation with the existing supplier is 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
- form of response

Tender Acceptance Procedures

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

Tender Opening Procedures

All tenders submitted should be opened at the same time in the presence of two people, one of whom should be a senior representative from the Finance Team. A record should be made of the names of the firms submitting tenders and the amount tendered. This record must be signed by both people present at the tender opening.

Tender Evaluation and Decision

When evaluating tenders consideration should be given to:

- Cost - Care should be taken to ensure that competing suppliers have quoted for the same service. Where discrepancies arise, suppliers should be contacted to amend their quotes where necessary to ensure a fair comparison between suppliers. There may be scope for negotiation on cost if a particular supplier is preferred for quality/suitability reasons, but is not the cheapest.

- Quality/Suitability - Due regard should be given to the qualifications and experience of the contractor, and the quality and suitability of the goods/services offered. Where necessary, references should be sought from other customers.

The evaluation process should involve at least two people, one from the Finance Team. Full records should be kept of all criteria used for evaluation, and a one page summary report prepared for the Board of Trustees, summarising the options and giving a recommendation.

The accepted tender should be the one that is economically most advantageous to the MAT.

Tendering for major contracts via The Official Journal of the European Union (OJEU)

In rare circumstances the MAT may tender for supplies where the value exceeds the EU procurement threshold, currently £173k. For tenders above this threshold, the MAT would be required to either tender for the work via an EU compliant purchasing consortium, or by inviting tenders on the OJEU website. In both cases the principals above remain, but when advertising directly with OJEU, there are certain additional procedures which need to be followed.

The MAT must first register as a buyer on the OJEU website www.mytenders.org.

A tender specification can then be uploaded, giving a minimum time of 52 days in which to respond. Once all tenders have been received and evaluated, and a decision made at by the MAT's Audit & Finance Committee, a "decision notice" or "standstill letter" must be issued to all candidates, giving the following information:

- the award criteria used
- reasons for the decision including the characteristics and relative advantages of the successful tender
- the scores obtained by the recipient of the letter and the successful contractor
- a statement of when the standstill period is to end. If the letter is sent by electronic means, this period will be 10 days

Once the standstill period has ended, the contract can be awarded officially. A contract award notice must be issued in the OJEU within 48 days of the award of the contract.