

# **Selling to Buckinghamshire County Council**

## **A Guide for Suppliers**

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## Introduction

We spend in the region of £170m each year on a wide range of goods, services and works to meet our corporate objectives, delivering high quality cost effective services to the people who live and work in Buckinghamshire. We naturally receive lots of interest from suppliers who want to sell goods, works and services to the Council. The purpose of this guide is to help suppliers to understand how to win business with the Council by:

- outline the rules that we must follow
- explaining where to find details of opportunities to supply and how to tender
- explaining what is expected of our suppliers

We buy a wide range of goods and services for use across the whole organisation, or in certain cases, by one Service Area. Some examples of the types of things purchased include:

- agency staff
- building consultancy and construction
- business travel
- catering
- community services
- consultancy services
- environmental health
- food stuffs
- gas, energy and oil
- grounds maintenance
- information technology
- janitorial products and services
- library materials
- office consumables
- office furniture
- residential and nursery accommodation
- residential child care
- school and children's services
- social care
- telecommunications
- vehicles and plant including purchase, hire, lease, maintenance, fuel
- waste management

## Supplier requirements

We aim to select the best suppliers to provide goods and services at the costs, quality, quantity and specification most appropriate to the requirement, and to promote the best possible standards within a supplier and customer relationship. We seek to secure best value for money not just in the short-term but via long-term benefits for the local community.

Suppliers are required to demonstrate their ability to provide the goods and/or services applied for, and recognise their own responsibilities in respect of:

**Standards or work** – that it will be done well and both supervised and carried out by suitably qualified, competent personnel

**Health & Safety** – complying with legislation, codes of practice and safe working systems; undertaking risk assessments for specific arrangements, where appropriate

**Sustainability** – committed to reducing impact on the environment and addressing social and economic issues

**Equalities** – committed to ensuring that no individual is discriminated because of age, disability, sex, sexuality, race, colour, ethnic origin or religion, and to comply with all statutory UK obligations such as:

- Race Relations Act 1976 and Race Relations (Amendment) Act 2000
- Sex Discrimination Act 1975
- Sex Discrimination (Gender Reassignment) Regulations 1999
- Disability Discrimination Acts 1995 and 2000
- Equality Act (Sexual Orientation) Regulations 2007
- Equality Act (Religion or Belief) Regulations 2007
- Equal Pay Act 1975
- Age Discrimination Act 2006

## Our commitment to suppliers

Effective professional relationships with suppliers are an essential element of good commercial practice. Building partnerships with suppliers in the provision of quality services is the key to mutual success.

We are committed to equality of opportunity and seek to influence and develop cohesion and equality with suppliers. We will aim to ensure that:

- all enquiries from potential suppliers will be answered speedily and courteously, indicating the route to be taken for consideration in becoming one of our suppliers
- suppliers of all sizes are clear about the procedures for dealing with us
- our documentation will be clear, unambiguous, and user friendly
- full and constructive feedback is available to unsuccessful suppliers
- invoices will be paid in accordance with agreed terms

- confidentiality will be maintained in respect of commercially sensitive information so as not to disadvantage any organisation in its normal commercial activities
- our processes are open and transparent

## What we expect from our suppliers

We work with a variety of suppliers ranging from small local enterprises to multi-national conglomerates. The choice of where to purchase is made on an assessment of what represents best value for money and which best supports delivery of the Council's objectives. Our aim is:

- to get the right goods and services
- for the right price
- of the right quantity
- in the right place
- at the right time

We expect our suppliers to be reliable, competent and customer focused. Suppliers will need to demonstrate their ability to meet our requirements. Examples of issues that we would consider before awarding a contract include:

- fitness for purpose (quality, suitability for the task to be undertaken etc.)
- delivery and availability against price
- cost of ownership
- whole life costs including running and maintenance costs, spare parts etc.
- on-costs such as transport and storage
- the cost of the procurement itself
- sustainability (environmental, social, economic)

## Procurement with the Council

We aim to make our purchases at the most effective level and this may be achieved via individual Service Areas or the Procurement Team whose role is to determine policy and promote best practice in procurement for the Council.

The Procurement Team facilitates procurement within the Council via a wide range of corporate contracts. The Team also works with individual Service Areas to tender specific contracts that are required only by that part of the organisation.

Contact points for further information:

Client Transport	<a href="mailto:ameytrans@buckscc.gov.uk">ameytrans@buckscc.gov.uk</a>	01296 383737
Country Parks	<a href="mailto:countryparks@buckscc.gov.uk">countryparks@buckscc.gov.uk</a>	01753 511060
Early Years & Childcare	<a href="mailto:eydcp@buckscc.gov.uk">eydcp@buckscc.gov.uk</a>	0845 6884944

Procurement	<a href="mailto:procurement@buckscc.gov.uk">procurement@buckscc.gov.uk</a>	01296 382094
Property Services	<a href="mailto:bsmshelpdesk@buckscc.gov.uk">bsmshelpdesk@buckscc.gov.uk</a>	01296 383238
Social Care	<a href="mailto:customerservices@buckscc.gov.uk">customerservices@buckscc.gov.uk</a>	0845 3708090
Transport for Buckinghamshire	<a href="mailto:tfb@buckscc.gov.uk">tfb@buckscc.gov.uk</a>	0845 2302882
Waste Management	<a href="mailto:waste_strategy@buckscc.gov.uk">waste_strategy@buckscc.gov.uk</a>	01296 382307

## Procurement rules and regulations

The goods and services used by the Council are paid for with public money and so rules are in place to ensure probity in the procurement process. Procurement activity has to comply with the following rules and legislation:

- Contracts Standing Orders
- Financial Regulations
- EU Procurement Directives
- UK Regulations

## Contracts Standing Orders

These Standing Orders are designed to ensure that procurement is carried out with fairness, equality and best value in mind. The orders are mandatory and require Officers to adhere to certain contracting methods. The contracting methods are dependent on the financial threshold of the contract.

The total value of a contract is calculated on the total spend over the life of a contract. For example, a service bought on a four year contract at £30,000 per annum has a total value of £120,000.

Our financial thresholds are:

Total Value £	Procurement Procedure
£0 up to £10,000	No formal tendering process is required. However, one written quotation is required. This can be a written confirmation by an Officer of an oral quotation. The aim of the Officer responsible for the contract shall be to obtain the best value for money for the Council.
£10,000 and up to £50,000	No formal tendering process is required. However, three written quotations must be requested. The aim of the Officer responsible for the contract shall be to obtain the best value for money for the Council.
£50,000 and up to EU threshold	Full format tender. The Officer responsible for the contract must comply with one of the following options: a) follow a publicly advertised competitive tender process

	<i>or</i> b) select a contractor from an approved list of contractors by inviting bids from at least three
EU threshold and above	Full format tender advertised in accordance with the EU Procurement Directives.

## Financial Regulations

We have a control framework within which we operate. Our financial regulations form part of our constitution and give a broad outline of how we manage finances. A copy of the regulations is available on our website.

## EU Procurement Directives

We are required to comply with the EU Procurement Directives for contracts where the value exceeds the EU thresholds. The Public Contracts Regulations 2006 made them law in the UK.

The current EU thresholds are:

Goods	£156,442
Services	£156,442
Works	£3,927,260

Where the Directives apply we are required to advertise tendering opportunities in the Official Journal of the European Union (OJEU). Depending on the nature and type of contract there are specific procedures and time limits that we are required to comply with.

The procedures are summarised below:

- Select the most appropriate procedure for the procurement in hand
- Publish a contract notice in OJEU to encourage competition to all suppliers in the EU therefore providing an equal opportunity to tender
- Invite tenders in accordance with the procedure being used, taking into account the minimum timescales imposed and ensuring that sufficient time is given to suppliers to respond to adverts and to prepare submissions
- Select a suitable supplier using pre-determined criteria, and to disclose such criteria either in the contract notice or in the Invitation to Tender document
- Apply the mandatory standstill period (Alcatel Standstill) before confirming contract award
- Publish a contract award notice in OJEU once the contract has been awarded

Under the regulations we can procure using any one of the following procedures:

Procedure	Description
Open	Any supplier can express an interest to participate in a tendering opportunity and is entitled to submit a tender.
Restricted	This is a two stage process where organisations who express an interest undergo an initial pre-qualification assessment. Only shortlisted applicants are invited to submit a tender.
Negotiated	There are very specific rules regarding the use of this procedure. The scope for using this procedure has significantly reduced following the introduction of the Competitive Dialogue procedure.
Competitive Dialogue	This is procedure is used for particularly complex procurements where the Council does not consider that the Open or Restricted procedures will allow the award of a contract. The procedure permits the Council to enter into dialogue with bidders during the procurement process before inviting final tenders from them. The procedure requires interested suppliers to express an interest and undergo an initial pre-qualification assessment. Only shortlisted applicants are invited to enter into dialogue with the Council
Dynamic Purchasing Systems	A dynamic purchasing system is a completely electronic system which may be established by a contracting authority to purchase commonly used goods, works or services. It has a limited duration and is essentially designed to cover regular “off the shelf” purchases, for example, the procurement of Electricity or Gas supplies.

## Procurement opportunities

We advertise opportunities via various different media. Potential and existing suppliers should regularly check:

- the Council’s website
- local and national newspapers
- relevant trade journals
- Contrax Weekly [http://www.contraxonline.com/cw\\_uk.shtml](http://www.contraxonline.com/cw_uk.shtml)
- Supply2.gov.uk <http://www.supply2.gov.uk/>
- Improvement & Efficiency South East Business Portal [www.businessportal.southeastiep.gov.uk](http://www.businessportal.southeastiep.gov.uk)

Opportunities over the EU thresholds are also advertised in the Official Journal of the European Union (OJEU). Suppliers should review the official EU website Tenders Electronic Daily <http://www.ted.europa.eu>.

## **Providing quotations**

For low value procurements we are required to obtain a formal written quotation from suitable suppliers. As a minimum the quotation must specify the following:

- the goods, works or services to be supplied
- when and where they are to be supplied
- the value of the transaction
- terms of payment – please note that the Council’s standard term is to pay all micro and small and medium enterprises within 10 days, for other suppliers the standard terms are 30 days.

## **Pre-qualification questionnaires**

In some cases suppliers will be sent a pre-qualification questionnaire (PQQ) which will be used to assess their suitability to supply the Council, and their ability to satisfy the contract. Where used this is the first step of the procurement process. If selected, suppliers will be invited to participate further in the process to submit a tender.

It is essential that suppliers provide all the information requested and that this is returned by the stipulated deadline. Information typically sought as a minimum includes the following criteria:

- company information
- economic and financial standing
- technical and professional ability
- quality assurance
- equality
- health and safety
- sustainability
- references and experience

Suppliers are encouraged to ensure that their responses to questions are complete and unambiguous. Marks can only be awarded where information is provided in the PQQ.

The weighting of the above criteria will be dependent on the value or significance of the contract. We will publish the evaluation methodology to ensure transparency of the process.

Whether selected or not we will provide feedback on the PQQ and offer advice on any areas of improvement.

## **The tendering process**

Suppliers who have been selected either from an approved list or following PQQ evaluation will receive a set of documents which will comprise the Council's invitation to tender (ITT). The ITT may consist of some or all of the following:

<b>Letter of invitation</b>	this advises when and where tenders should be submitted and includes a list of all the documents included in the ITT.
<b>Confidential information</b>	this asks tenderers to identify any areas of their tender that they deem to be confidential and therefore exempt from disclosure under the Freedom of Information Act 2000.
<b>Form of tender</b>	this seeks confirmation that the tenderer will perform the contract in accordance with the conditions of contract and specification and at the price(s) specified.
<b>Instructions to tenderers</b>	provides guidance for completing and submitting tender documentation. The instructions also set out what is the Council's criterion for evaluation and methodology.
<b>Insurance certificate</b>	this seeks confirmation from a tenderers insurance broker what insurances the tenderer has.
<b>Price schedule</b>	this sets out how prices are to be given and may ask for a breakdown of the prices.
<b>Specification</b>	this sets out what the requirements are and any policies, procedures and guidelines that need to be followed. Tenderers are expected to tender on the basis of this specification. Variant tenders are sometimes allowed providing a compliant tender is also submitted.
<b>Tender return label</b>	this contains the address and details for submitting a tender together with the reference number and deadline and is used by the tenderer when submitting their tender.
<b>Terms and conditions</b>	this sets out the basis on which the Council would enter into a contract with and the responsibilities of both parties should a contract be awarded.

Other documents may also be included where appropriate.

Tenders must be submitted by the time and date given. Tenders received after the prescribed time may be rejected by the Council and returned to the tenderer. The reason for this is to ensure that all suppliers are treated in the same manner, with the same amount of time given to respond to ITT's. Tenders are opened at the same time under a formal opening ceremony to ensure a fair process.

Our preferred method for issuing ITT's is electronically via e-mail. At present we are unable to receive tenders electronically and so it is a requirement that tenders are submitted as hard copy documents together with a soft copy which may be supplied via CD-rom or memory stick.

When drafting a tender we expect suppliers to:

- consider the most economically advantageous solution based on whole life costing
- be innovative in the way in which goods, works and services are offered
- adhere to council policies, relevant legislation and regulations
- ensure that goods, work and services meet our minimum requirements and to the required standard of quality
- be honest and maintain integrity
- use plain English
- submit a complete tender which addresses all of the Council's needs

This checklist of do's and don'ts may help you:

- **Do** provide the requested information on time and in the required format. Remember that the date given for a response is normally the last date that can be accepted. We can legally disqualify late submissions.
- **Do** study our advertisements carefully; they are the opportunity for you to decide whether your business can carry out the contract. There will usually be a contact name and telephone number; it will often be useful to contact the Council's officer who is responsible for the contract so that you can talk through and really understand the requirements, this will avoid you wasting valuable time and money tendering for a contract for which you cannot realistically compete.
- **Do** ensure that you have proof of postage or a signature for hand delivery.
- **Do** provide clear and concise contact details: telephone numbers, e-mails and fax details.
- **Do** thoroughly check your prices and data before final submission of pricing schedules or quotations.
- **Do** review your policies on a regular basis to ensure that they comply with current legislation.
- **Do** comply with the Instructions to Tender and any other regulations that apply to procurement. Failure to do so may lead to disqualification.

- **Don't** send 'glossy' brochures or information that has not been requested, this makes any responses difficult to properly assess. Only send what has been requested and only send supplementary information if we have offered the opportunity to do so.
- **Don't** seek to influence the tender process by requesting meetings unless invited or contacting the Council to support your tender. If your tender requires clarification you will be contacted.
- **Don't** seek changes to the tender documentation after tenders have been submitted.

## **Tender evaluation**

Tender evaluation is always conducted in a comprehensive, fair and auditable manner. To ensure transparency the criteria and evaluation methodology will be clearly defined and published in the ITT.

As a public body we must ensure that we get value for money and that services are delivered efficiently. We are looking for the best balance of quality and price, and not just the lowest price. Quality is a general term and would comprise of different factors such as: technical merit, after sales service, experience, policy issues such as health and safety etc.

Contracts are awarded to a supplier with regards to price, quality and best value – this is most commonly referred to as “most economically advantageous tender”.

## **Contract award**

For contracts where the EU directives apply, a mandatory standstill period (Alcatel) of least 10 days before award of the contract must be applied. The standstill period allows suppliers to challenge the notice of award before a contract is given.

If your tender is unsuccessful you may seek feedback from us within the limits of confidentiality. Under the EU directives you are legally entitled to request feedback from us. We will provide feedback on which aspects of your tender were strongest and which were weakest, and will offer advice on how you could improve your chances of being successful in future opportunities. Being unsuccessful in one contract does not mean that you will be unsuccessful in future opportunities.

Typically a contract will comprise of the following documents:

- invitation to tender
- suppliers tender
- any correspondence post-tender including any clarification, mandatory standstill letter, award letter

## **Contract management**

We expect services to be provided in accordance with the requirements set out in the contract documentation. We will work with you to ensure a good working

relationship that is open and constructive. Good contract management will contribute to both the contract and relationship running smoothly and provide value for money.

## **Health & Safety**

We have a legal duty to ensure that suppliers who provide services on behalf of the Council meet the requirements of the Health & Safety at Work Act 1974. This Act is designed to protect the employer's staff and everyone else who is affected by their work including the public.

We encourage the majority of the suppliers working on its behalf to pass an assessment by the Contractor Health & Safety (CHAS) or an equivalent assessment scheme. The scheme is available for use by any public and private sector organisations to use when short listing contractors, suppliers and consultants (companies) who apply to work for them. It provides information about the health and safety part of their application.

Companies apply to join such schemes so that everyone knows they meet acceptable standards of health and safety compliance. Clients from both the public and private sectors are users of such schemes.

Participating in an assessment scheme helps both companies and employers:

- It makes sure a company is compliant with important parts of health and safety law.
- It means members do not have to repeat the effort of assessing health and safety compliance of applications for companies who have already been assessed to a particular standard.
- Companies do not have to undergo health and safety assessments every time they apply to a client for work.
- It will get rid of inconsistency where some contractors may be judged compliant by one client but not others.

In accordance with the EU Procurement Directives, the Council will consider equivalent health and safety assessments.

Where assessment is required, this will be clearly stipulated in adverts and procurement documentation.

For further information on CHAS please visit their website [www.chas.gov.uk](http://www.chas.gov.uk).

## **Insurance**

When letting contracts we ask suppliers to ensure that they have sufficient insurance policies in place. The type and level of cover required will be dependent on the complexity and risk associated with individual contracts.

## Payment information

The main way we pay our suppliers is through BACs, three times a week and funds are available in the supplier's bank accounts two working days after the payment is issued. Suppliers are notified of the payment via a remittance advice which is sent via e-mail, fax or post.

Cheque payments are made in certain circumstances and cheque runs are performed once a week.

We also use purchasing cards to pay for some goods and services. The benefit to accepting payment of goods and services via a purchasing card is that payment is received much quicker than other payment methods.

## Frequently asked questions

**Q1 Will the Council be interested in my product or services?**

A1 We would encourage you to contact the relevant area of our organisation which may be interested in the types of goods or services that may be of interest to them. Please see the section **Procurement in the Council** for a list of relevant contacts.

**Q2 How can I find out what opportunities exist?**

A2 We advertise opportunities in a number of different ways including local and national press, relevant trade journals, and our website.

**Q3 How can I apply for an opportunity?**

A3 If you are interested in applying for a particular opportunity please follow the instructions contained with the advertisement.

**Q4 Will my company be automatically included when renewing a contract?**

A4 No. If you were unsuccessful your company will not automatically be considered when the contract comes up for renewal; you will need to reapply. Suppliers are encouraged to monitor the Council's website for opportunities.

**Q5 Does the Council look for cheapest prices?**

A5 We seek the most economically advantageous tender as opposed to lowest price. Most economically advantageous tender takes into consideration quality and cost over the life of the contract.

**Q6 Are small companies considered?**

A6 Yes. We work with lots of small companies. As long as your company meets the requirements for a particular opportunity you will be considered.

## Definitions

**Commissioning**

The process of assessing the needs of people in an area, considering how best and by whom those needs can be met and then planning the provision of appropriate services. It is best seen as a process of continuous monitoring,

	evaluation and improvement to ensure the best possible outcomes for the specific requirement.
<b>Continuous Improvement</b>	A process of improving an organisations or Supplier's performance over a given period of time with agreed areas or criteria requiring improvement.
<b>Contract</b>	An agreement between the purchaser and the supplier that is enforceable by law.
<b>Contract Management</b>	The activities before, during and after a contract period to ensure that all parties to the contract fulfil their contractual obligations. An important aspect of this is managing the relationship between all parties in the most effective way so as to ensure the contract meets the optimum combination of cost, time, quality and continuous improvement.
<b>European Procurement Directives</b>	European Procurement Directives are the European rules that govern all public sector contracts. There are different requirements depending on the type of contract (services, supplies, and works) and the nature of the contract.
<b>EU (European Union)</b>	The European Union (EU) is a family of democratic European countries, committed to working together for peace and prosperity. The rule of law is fundamental to the European Union and mandatory for all member states to follow/abide by. All EU decisions and procedures are based on the Treaties, which are agreed by all the EU countries. For further information please visit: <a href="http://europa.eu.int/">http://europa.eu.int/</a> .
<b>Pre-Qualification Questionnaire</b>	This is a document that potential tenderers are required to complete, providing the purchasing authority with various pieces of necessary information by which the Councils can shortlist those contractors from whom a tender will be sought.
<b>Procurement</b>	Often used interchangeably with purchasing. Procurement is the totality of acquisition starting from the identification of a requirement to the disposal of that requirement at the end of its life. It therefore includes pre-contract activities e.g. sourcing and post contract activities e.g. contract management, supplier relationship management activities. However, it does not include stores management and logistics that are aspects of the wider subject of

	Supply Chain Management. Procurement generally relates to goods, works and service(s) requirements.
<b>Purchasing</b>	Often used interchangeably with procurement is to acquire goods, works or services from a Supplier. Purchasing is a component of the wider function of procurement and consists of activities such as ordering, expediting, receipt and payment.
<b>SME (Small or Medium sized Enterprise)</b>	Categorised as any organisation that employ less than 250 employees. (Not exceeding a turnover of £34m or balance sheet of £30m)
<b>Specification</b>	This is a written statement that will define the Council's requirements. The specification will vary according to the product or service concerned. For a simple product the specification may be a brief description, while in the case of a complex service it will be comprehensive document, perhaps running to many pages in length.
<b>Supplier Appraisal</b>	Methodology used prior to contract to assess the suitability and capability of suppliers to undertake defined work.
<b>Tendering</b>	This is a purchasing procedure whereby potential suppliers are invited to make a firm and unequivocal offer of the price and terms which, on acceptance, shall be the basis of the subsequent contract.
<b>Value for Money</b>	Value for money (VFM) is the optimum balance of whole-life costs and quality necessary to meet the requirement. This does not just refer to the lowest price but the most economically advantageous option.
<b>VCO (Voluntary and Community Organisation)</b>	A voluntary organisation is classified as non-profit distributing, non-statutory, autonomous, or may be charitable. A Community sector organisation is active on a local or community level, usually small, modestly funded and largely dependent on voluntary, rather than paid, effort. Can be seen as distinct from the larger, professionally staffed agencies which are most visible in voluntary sector profiles. Hence the phrase voluntary and community sector (VCS) to encompass the full range.