PROCUREMENT TASK GROUP – 16 OCTOBER 2012

A meeting of the Procurement Task Group will be held at 5.30pm on Tuesday 16 October 2012 in Committee Room 1 at the Town Hall, Rugby.

Councillor Mrs Kaur
Chairman

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Minutes (attached) – to approve the minutes of the meeting held on 19 October 2011.

2. Apologies - to receive apologies for absence from the meeting.

3. Declarations of Interest.

To receive declarations of –

(a) non-pecuniary interests as defined by the Council’s Code of Conduct for Councillors;

(b) pecuniary interests as defined by the Council’s Code of Conduct for Councillors; and

(c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

Note: Members are reminded that they should declare the existence and nature of their non-pecuniary interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a pecuniary interest, the Member must withdraw from the room unless one of the exceptions applies.

Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.
5. Procurement Toolkit.

Any additional papers for this meeting can be accessed here via the website.

Membership of the Task Group: -

Councillors Mrs Bragg, Mrs Kaur, Roodhouse and Srivastava

If you have any general queries with regard to this agenda please contact Linn Ashmore, Democratic and Scrutiny Services Officer (01788 533523 or e-mail linn.ashmore@rugby.gov.uk). Any specific queries concerning reports should be directed to the listed contact officer.

If you wish to attend the meeting and have any special requirements for access please contact the Democratic and Scrutiny Services Officer named above.
MINUTES OF PROCUREMENT TASK GROUP
19 OCTOBER 2011

PRESENT:

Members of the Group: Councillors Mrs Kaur (Chairman), Mrs Bragg, Cranham, Roodhouse and Srivastava

Officers: Paul Ansell, Scrutiny Officer; Linn Enticott, Democratic and Scrutiny Services Officer.

24. MINUTES

The minutes of the meeting held on 29 September 2011 were approved and signed by the Chairman.

25. APOLOGIES

There were none.

26. DECLARATIONS OF INTEREST

There were none.

27. DRAFT REVIEW REPORT AND ACTION PLAN

The task group considered the draft review report and agreed the following changes:

Recommendations

The third recommendation in relation to the use of Covalent should be more inclusive and be expanded to read “Covalent to be used by all departments as the Council’s contracts database.”

4.4.3 Other benefits of using Covalent

The first paragraph to be moved to the end of 4.4.1, subject to care being taken to balance transparency with the need to observe commercial confidentiality.

The final paragraph be moved to form the new first paragraph and the eleventh paragraph be moved to form the new second paragraph.

4.4.4 End user views on the use of Covalent as a contracts database

Members requested that the third paragraph be expanded to include some verbal evidence.

It was difficult to measure exactly how many existing contracts there were in total and members agreed the final paragraph should be amended to read: “Finding all of the existing contracts would also present a challenge. Currently, 80% of contracts in terms of value have been detected. However, this is believed to equate to a minority in terms of quantity of contracts.”
4.5 Collaboration

The member authorities of the Warwickshire and Worcestershire Procurement Group (WWPG) should be listed in full.

Conclusions

The final word of the first paragraph on page 16 should be changed to “control”.

The task group reviewed the Contracts Standing Orders at appendix 1 to the report.

The Scrutiny Officer informed the group that the current version of the Contracts Standing Orders did not contain a decision previously agreed by the task group whereby standing orders could be waived providing, among other things, an options appraisal had been carried out. The Scrutiny Officer agreed to incorporate this during the current review of the constitution prior to its submission to Council in April 2012.

The task group reviewed the Procurement Strategy 2012-2016 and revised action plan and raised the following points:

At its last meeting the task group identified that the action plan did not link into the strategy and that it needed to be more detailed. The action plan had since been re-drafted to include lower level actions to help establish clear linkages between action and expected outcome as detailed in the strategy.

Members commented that the action plan needed to have more specific timescales. Some of the planned dates of 2012 or 2013 would not allow ongoing supervision of the actions and checkpoints should be put in place on a quarterly or half yearly basis. Members also commented that start dates should be included.

At its last meeting the task group had agreed to suspend its work until a new Procurement Officer had been appointed and work could commence on the toolkit. The group acknowledged that the Procurement Officer had worked to a tight timescale to complete the work on the re-drafted documents and had since left the Council. The group agreed that the timescales for the action plan should be reviewed again when the new Procurement Officer had had time to settle into the post.

Members commented that the procurement toolkit should include a flow chart which would be useful for users and should include the different processes for different contract values. It was agreed that a sub-section be included in the review report in relation to this.

It was noted that the existing procurement toolkit was lengthy and out of date and could be slimmed down to reflect the changes to the way of working, in particular that full use of procurement and legal guidance and expertise was now commonplace.

The Scrutiny Officer informed the group that the Resources and Corporate Governance Portfolio Holder had been consulted but no comments had been received. The Scrutiny Officer will liaise with the Chairman regarding the Foreword and, subject to the changes minuted above, the revised draft review report will be considered by Corporate Performance Committee on 10 November.
The group also agreed to recommend to Corporate Performance Committee that the task group re-convene at a later date to review the procurement toolkit and revised action plans.

The task group placed on record their thanks to the procurement officers for their hard work during the course of the review.

CHAIRMAN
Procurement Task Group – 16 October 2012

Briefing Note

1. **Review of work completed**

The review report of the task group’s work up to October 2011 is published at [www.rugby.gov.uk/scrutiny](http://www.rugby.gov.uk/scrutiny) (click *Library of Old Reviews*). This describes the task group’s work on:

- contracts standing orders
- the procurement strategy
- the use of Covalent as a contracts database to improve compliance

On 9 January 2012, the Overview and Scrutiny Management Board resolved that the task group should reconvened to complete the outstanding work described below.

2. **Procurement Strategy action plan**

In October 2011, the task group asked for more detail on dates to be provided in the action plan. A revised action plan is attached. The procurement officers will take the task group through this and answer questions at the meeting.

3. **Toolkit**

The task group also asked for a flow chart showing the whole procurement process. This is attached in two formats: an A3 sheet showing the whole procedure, and two separate A4 sheets so that users without A3 printers can still print it.

The flowchart will be displayed at the meeting in large format, and members are invited to comment on it. It will be supplemented by guidance notes providing additional detail about the key stages. These will also be circulated at the meeting.

Paul Ansell
Scrutiny and Policy Officer
9 October 2012
**Procurement Action Plan** - The four Key Delivery Areas of the Procurement Strategy will be delivered through the Action Plan. This will be monitored through Covalent.

<table>
<thead>
<tr>
<th>Key Aim</th>
<th>Action</th>
<th>Requirements</th>
<th>Detail</th>
<th>Planned Date</th>
<th>Delivery Area</th>
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</thead>
<tbody>
<tr>
<td>1.1</td>
<td>Develop performance measures for purchasing</td>
<td>To benchmark current performance against Government published targets, Spikes Cavell (historical spend/performance/data) and collaborative councils and identify methods of improving efficiency &amp; effectiveness of procurement service</td>
<td>Develop comprehensive list of KPIs: Overall Expenditure Spend under Contract Top 10 suppliers by spend Top 10 departments by spend Top 10 categories by spend Percentage credit card spend SME Spend Savings register No of Tenders completed Maintain &amp; Report on quarterly basis</td>
<td>2012</td>
<td>Value for Money</td>
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<tr>
<td>1.2</td>
<td>Identify areas where potential savings can be made without the loss of Quality, Effectiveness or Efficiency.</td>
<td>Exploit opportunities to improve the efficiency and effectiveness of services across the Council by aggregating demand and encouraging competition</td>
<td>Spend data Analysis Category Management</td>
<td>2012</td>
<td>Value for Money</td>
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<td>1.3</td>
<td>Define streamlined procurement processes and identify cost/time saving</td>
<td>Establish streamlined procurement process (reduced waste) to improve service and reduce costs. Reduce un-planned activity by forward</td>
<td>Electronic tendering used for all tenders. New Coventry, Warwickshire and Solihull (CWS) collaborative system planned for 2013 sharing costs.</td>
<td>2013</td>
<td>Value for Money</td>
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<td>planning tenders and matching with available capacity</td>
<td>Use the Covalent Contract Management System to trigger officers into action at the appropriate time and support them with procurement process</td>
<td></td>
<td>2012</td>
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<td>1.4</td>
<td>Gain understanding of supplier capability and support supplier development</td>
<td>To secure strong supply chain and improve supplier interface in support of Council Process improvement</td>
<td>“Meet the Buyer” events to build relationships, understand capabilities and signpost opportunities</td>
<td>Ongoing</td>
<td>Value for Money</td>
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<td></td>
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<td>Maintain supplier lists to signpost opportunities</td>
<td>Ongoing</td>
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<td>Provide detailed feedback to unsuccessful suppliers to develop capabilities</td>
<td>Ongoing</td>
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<td>1.5</td>
<td>Baseline existing procurement processes including costs</td>
<td>Establish baseline processes and cost / time, audit any issues associated with them.</td>
<td>Develop comprehensive list of Key Performance Indicators and share best practice with Nuneaton and Bedworth Borough Council (NBBC)</td>
<td>2012</td>
<td>Value for Money</td>
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<td></td>
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<td></td>
<td>Benchmark against CWS and other Councils and Government metrics</td>
<td>2013</td>
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<td>1.6</td>
<td>Ensure all tenders are carried out electronically</td>
<td>Advertise all tenders using E-tendering portal. Most efficient process for tendering to reduce administrative factors and ensure compliant advertising for works, services and supplies.</td>
<td>Control all tenders across the authority to ensure appropriate competition and market forces apply</td>
<td>2013</td>
<td>Value for Money</td>
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<td>Improve officer awareness of risk when tendering independently</td>
<td>Ongoing</td>
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<td>2.1</td>
<td>Maintain a contract management system using</td>
<td>Develop and maintain a contract database to ensure Council spend is identified &amp; recorded within council</td>
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<td>2014</td>
<td>Strategic Procurement</td>
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<td>covalent enabling visibility &amp; transparency</td>
<td>appropriately controlled and ensuring tendering and collaborative work can be suitably planned and co-ordinated.</td>
<td>Contract managers to maintain contracts using the Contract Management System</td>
<td>2014</td>
<td>Strategic Procurement</td>
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<tr>
<td>2.2</td>
<td>Aggregate spend and rationalise suppliers where possible. Undertake detailed supplier and spend analysis and implement commodity groups.</td>
<td>Compare like-for-like spend (where we have multiple suppliers for similar products) and identify areas for aggregation and category management</td>
<td>Spend data analysis</td>
<td>2012</td>
<td>Strategic Procurement</td>
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<td>Category management</td>
<td>2012</td>
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<td>Work with budget holders to aggregate contracts across the council</td>
<td>Ongoing</td>
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<td>2.3</td>
<td>Collect regular Management Information to benchmark performance against agreed Key Performance Indicators</td>
<td>Insert Key Performance Indicators into Performance Management System/Covalent to monitor procurement activity/productivity and identify areas for improvement</td>
<td>Develop comprehensive list of Key Performance Indicators</td>
<td>2012</td>
<td>Strategic Procurement</td>
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<td>Maintain &amp; Report on quarterly basis</td>
<td>Ongoing</td>
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<td>2.4</td>
<td>Enforce new contract standing orders as agreed with Councillors</td>
<td>Devolve new Standing Orders across the council and ensure officers are aware of changes</td>
<td>Make officers aware of new Standing Orders through training, meetings, audit and/or intranet</td>
<td>2012/13</td>
<td>Strategic Procurement</td>
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<td>Ensure council is working to new thresholds &amp; rules through data analysis and audit</td>
<td>2012/ Ongoing</td>
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<td>2.5</td>
<td>Ensure there is a commitment to our policies</td>
<td>Working with Service Units to give guidance/steerage on issues such as: Tender Documents up to date with sustainability legislation etc</td>
<td>Ongoing</td>
<td>Strategic Procurement</td>
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<td>on sustainability and respect for the environment</td>
<td>2.6 E-Procurement</td>
<td>Improve contract compliance, spend management and efficiency</td>
<td>Suppliers sign up applicable appendix for all tenders</td>
<td>2013</td>
<td>Strategic Procurement</td>
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<tr>
<td>Ensure tender / quotation documents are maintained with latest procurement legislation</td>
<td>3.1</td>
<td>Update all documents when new case law is introduced to avoid risk to Council</td>
<td>Update documents with latest legislation to ensure compliance and upload onto Intranet</td>
<td>2012/ On-going</td>
<td>Compliant Procurement</td>
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<tr>
<td>Procurement staff suitably qualified</td>
<td>3.2</td>
<td>Attend regular procurement training events to keep up to date with any changes in legislation</td>
<td>Work towards Chartered Institute of Procurement and Supply qualification</td>
<td>2012/13</td>
<td>Compliant Procurement</td>
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<tr>
<td>Identify procurement training and resource needs within the Authority, and ensure officers are aware of relevant legislation.</td>
<td>3.3</td>
<td>Ensure Procurement Toolkit is published on the Intranet and maintained accordingly. Also offer introductory/awareness sessions to officers within the Authority.</td>
<td>Update Procurement toolkit with latest legislation, thresholds etc</td>
<td>Ongoing</td>
<td>Compliant procurement</td>
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<td>Enforce robust evaluation of tenders to keep challenges to</td>
<td>3.4</td>
<td>All submissions must be given fair treatment and scored accordingly</td>
<td>Provide advice / guidance to officers regarding evaluation</td>
<td>Ongoing</td>
<td>Compliant Procurement</td>
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<td>a minimum</td>
<td>Maintain shared service with NBBC</td>
<td>without prejudice</td>
<td>Ensure all legislation is adhered to during tender process, awards are compliant and feedback given</td>
<td>Ongoing</td>
<td>Collaboration</td>
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<tr>
<td>4.1</td>
<td>Maintain shared service with NBBC</td>
<td>Continue the close relationship between Rugby BC and NBBC with regards to governance and expertise and to collaborate on mutually beneficial projects</td>
<td>Continue with weekly meetings</td>
<td>Ongoing</td>
<td>Collaboration</td>
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<td>Discuss ongoing / new projects</td>
<td>Ongoing</td>
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<td>Utilise Contract Management System to identify collaboration opportunities</td>
<td>2012/ ongoing</td>
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<td>4.2</td>
<td>Actively develop shared services, Partnerships and Collaborative working with organisations such as ESPO, Central Buying Consortium &amp; Government Procurement Service</td>
<td>Achieve economies of scale, reduced cost of administration, whilst retaining auditable processes</td>
<td>Continue meetings with Partners and seek opportunities</td>
<td>Ongoing</td>
<td>Collaboration</td>
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<td>Check framework agreements for contracts prior to tendering</td>
<td>Ongoing</td>
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<td>4.3</td>
<td>Collaborate with Coventry, Solihull and Warwickshire for ongoing projects</td>
<td>Ability to access contracts/frameworks with significant projected spend of larger authorities and achieve significant savings</td>
<td>Continue meetings with Partners and seek opportunities</td>
<td>Ongoing</td>
<td>Collaboration</td>
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<td>Work closely with Coventry Solihull and Warwickshire Procurement departments and monitor framework options</td>
<td>2012</td>
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<td>4.4</td>
<td>Use Spikes data to improve category management</td>
<td>Manage data to identify areas of common spend and look at collaboration</td>
<td>Spend data analysis</td>
<td>2012</td>
<td>Collaboration</td>
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<td>opportunities with other authorities</td>
<td>Work with other authorities procurement departments to aggregate contracts</td>
<td>Ongoing</td>
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<td>4.5</td>
<td>Investigate ways to maximise opportunities with the local voluntary and community sector</td>
<td>Link in with other public authorities including the Police / Fire and Hospitals in the Rugby / Warwickshire area and work with RBC Economic Development Officer</td>
<td>Develop links with public authorities Identify areas for collaboration or aggregation</td>
<td>2013</td>
<td>Collaboration</td>
</tr>
</tbody>
</table>
Identify Need

What is the total contract value (multiples of annual cost including optional extension to contract)?

Make/Buy Decision

External

Internal

Notify Procurement Team

Can the Goods/Service be procured from a Corporate Contract or Framework Agreement?

No

Yes

Is a Risk Register required?

Are there any ICT Hardware/software or Personal Data Protection implications?

Risk Management Considerations:
- TUPE
- Safeguarding
- Children & Vulnerable Adults
- Equality & Diversity
- Environmental impact
- Health & Safety

Engage internal specialist or appoint external consultant

If required, develop a business case

Notify Procurement Team

GO/NO GO

Identify Stakeholders

Draft the Scope and Specification

Internal Provision = No Purchase

Request Authorisation

as per Clause 3.8 of Contracts Standing Orders

Follow the Framework Access procedure

GO/NO GO

Identify Stakeholders Internal

Provision = No Purchase

Request Authorisation as per Clause 3.8 of Contracts Standing Orders

Evaluate the level of Contract Management required using Covalent

Identify Need

What is the total contract value (multiples of annual cost including optional extension to contract)?

Make/Buy Decision

External

Internal

Notify Procurement Team

Can the Goods/Service be procured from a Corporate Contract or Framework Agreement?

No

Yes

Is a Risk Register required?

Are there any ICT Hardware/software or Personal Data Protection implications?

Risk Management Considerations:
- TUPE
- Safeguarding
- Children & Vulnerable Adults
- Equality & Diversity
- Environmental impact
- Health & Safety

Engage internal specialist or appoint external consultant

If required, develop a business case

Notify Procurement Team

GO/NO GO

Identify Stakeholders

Draft the Scope and Specification

Internal Provision = No Purchase

Request Authorisation as per Clause 3.8 of Contracts Standing Orders

Follow the Framework Access procedure

Below £5,000

1 written quote

Raise Purchase Order quoting references (attach T’s and C’s)

Raise Purchase Order quoting references (attach T’s and C’s)

Tenders to be opened on the same occasion in the presence of the contract holder and appropriate manager

Issue Award letters to successful and unsuccessful bidders

Raise Purchase Order quoting references (attach T’s and C’s)

Contract Sealing process (Contact Legal Department)

£5,000 - £24,999

Invite a minimum of 3 written quotes

Populate standard Invitation to Tender (ITT) document

Evaluate in accordance with published criteria

Cabinet report may be required

Issue Intend to Award letters to successful and unsuccessful bidders

Contract Start

48 days

Publish Contract Award Notice via OJEU

£25,000 - £74,999

Invite a minimum of 3 sealed written quotes (4 if includes internal quote) through eProcurement portal

Tenders to be opened simultaneously in the presence of the contract holder and Procurement Officer

Evaluate Tenders

Cabinet report may be required

Issue Intent to Award Letters to successful and unsuccessful bidders

Contract Start

48 days

Publish Contract Award Notice via OJEU

£75,000 - EU Threshold (£173,934 Goods & Services, £4,348,350 Works)

Open Procedure

Populate standard ITT document

Create Tenderbox on eProcurement portal

Tenders opened simultaneously in the presence of the contract holder and Procurement Officer

Evaluate in accordance with published criteria

Cabinet report may be required

Issue Intend to Award letters to successful and unsuccessful bidders

Contract Start

48 days

Publish Contract Award Notice via OJEU

Above EU Threshold (£173,934 Goods & Services, £4,348,350 Works)

Receive Procurement Advice

Restricted Procedure

(2 Phase Process)

Compose Pre-Qualification Questionnaire (PQQ) document for Phase 1

Create eProcurement Tenderbox and upload PQQ return documentation

Advertise the opportunity via OJEU, Contracts Finder and RBC website

Compose specification, evaluation and ITT documents for Phase 2

PQQ Documents returned via eProcurement portal

Issue ITT to shortlisted bidders and letters of regret to unsuccessful bidders via eProcurement portal

Tenders submitted via eProcurement Portal

Tenders opened simultaneously in the presence of the contract holder and Procurement Officer

Evaluate Tenders

Cabinet report may be required

Issue Intent to Award Letters to successful and unsuccessful bidders

Contract Start

48 days

Publish Contract Award Notice via OJEU

Below EU Threshold:
Advertise on RBC website. Above EU Threshold:
Advertise opportunity via OJEU (45 days), Contracts Finder and RBC website

Compose specification, evaluation and ITT documents for Phase 2

PQQ Documents returned via eProcurement portal

Issue ITT to shortlisted bidders and letters of regret to unsuccessful bidders via eProcurement portal

Tenders submitted via eProcurement Portal

Tenders opened simultaneously in the presence of the contract holder and Procurement Officer

Evaluate Tenders

Cabinet report may be required

Issue Intent to Award Letters to successful and unsuccessful bidders

Contract Start

48 days

Publish Contract Award Notice via OJEU

Below EU Threshold:
Advertise on RBC website. Above EU Threshold:
Advertise opportunity via OJEU (45 days), Contracts Finder and RBC website

Compose specification, evaluation and ITT documents for Phase 2

PQQ Documents returned via eProcurement portal

Issue ITT to shortlisted bidders and letters of regret to unsuccessful bidders via eProcurement portal

Tenders submitted via eProcurement Portal

Tenders opened simultaneously in the presence of the contract holder and Procurement Officer

Evaluate Tenders

Cabinet report may be required

Issue Intent to Award Letters to successful and unsuccessful bidders

Contract Start

48 days

Publish Contract Award Notice via OJEU

Notify the Head of Resources

Personal Data Protection implications?

Follow the Framework Access procedure

GO/NO GO

Contract Sealing process (Contact Legal Department)
STEP 1
Identify Need

What is the total contract value (multiples of annual cost including optional extension to contract)?

Draft the Scope and Specification

Identify Stakeholders

Make/Buy Decision

External

Can the Goods/Service be procured from a Corporate Contract or Framework Agreement?

Notify Procurement Team

Notify the Head of Resources as per Clause 3.9 of Contracts Standing Orders

Follow the Framework Access procedure

Are there any ICT hardware/software or Personal Data Protection implications?

Risk Management Considerations:
- TUPE
- Safeguarding
- Children & Vulnerable Adults
- Equality & Diversity
- Environmental impact
- Health & Safety

Engage internal specialist or appoint external consultant

If external consultant, return to Step 1 to procure

If required, develop a business case

Proceed to Step 2

NO GO

GO

Evaluate the level of Contract Management required using Covalent

GO/NO GO

If required, develop a business case