




# Procurement and Tendering Policy

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**November 2023**

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| <b>Signed (Chair of Trustees):</b> |  |
| <b>Date:</b>                       | <b>November 2023</b>                                                                 |
| <b>Date of Review:</b>             | November 2024                                                                        |

*The Arbor Academy Trust reviews this policy annually. The Trustees may, however, review the policy earlier than this, if the Government introduces new regulations, or if the Trust receives recommendations on how the policy might be improved. This document is also available in other formats e.g. e-mail and enlarged print version, on request to the School Offices and is displayed on the schools' websites.*

The Trust is obliged to comply with the Academy Trust Handbook (also Known as the Academies Financial Handbook), Funding Agreements with the Department for Education (DfE), any DfE guidance including the Academies Procurement Resources and the Public Contracts Regulations 2006 (the Regulations). Under our Funding Agreements and as a registered charity, the Trust's board of trustees have specific obligations to ensure **best value**.

It is essential that the correct level of authority is sought and obtained before entering in to any contract as set out in this document. These guidelines apply to everybody in the Trust and Academies who is responsible for purchasing, whether as an employee or contractor.

This document applies to any contract for services, supplies or works which results in a payment being made by the Trust or an Academy.

The aim is to ensure any procurement should deliver **best value** to the Trust.

### **Using existing DfE framework arrangements**

Wherever possible and in accordance with the Academies Financial Handbook and DfE policy, the Trust should consider using the existing DfE framework arrangement. Any other agreed arrangement should be formally agreed upon and regularly reviewed for **best value**.

### **Where can I find a framework?**

Examples of existing frameworks include those set up by Pro5, Eastern Shires Purchasing Organisation and Yorkshire Purchasing Organisation and cover a wide range of areas.

Check with the following organisations to see if there is an existing contract / framework agreement for the goods or service you want to buy:

- Crown Commercial Service (CCS)
- The Crescent Purchasing Consortium (CPC)
- Pro5

## **QUOTATION AND TENDERING**

A supplier/contractor is exempt from the quotations below as long as they are part of the DfE approved supplier framework. These supplies have been picked by the DfE as providing best value to public sector organisations. The approved supplier framework is reviewed and scrutinised regularly by the DfE to ensure best value.

The minimum required numbers of tenders or quotations from appropriate contractors for a given estimated value of contract are:

- Low Value transactions (£0.00 - £1,000)

For all transactions of a similar type with a total value of less than £1,000 exclusive of VAT, competitive quotes are not needed. Academies should follow the Trust purchasing rules, requisitions to be accompanied by system generated Purchase Order Number and comply with their own budget delegations and segregation of duties requirements.

- Above £1,000 and up to £5,000; 1 verbal quote approved by Head of School/Headteacher

- Above £5,000 and up to £10,000; Minimum two written quotes approved by Head of School/Headteacher
- **All above requirements are exempt for construction works up to £10,000. If the works are below this amount the trust will pick its preferred supplier based on best value.**
- **Emergency nature of procurement and time pressures might require tender/quotation waiver this must be approved by the CEO and reasons for the waiver clearly stated.**
- **Waiver and reason to be reported at the next Risk and Audit committee meeting**
- Above £10,000 and up to £20,000; three written quotations approved by the CEO/Executive Principal
- Above £20,000 and up to £75,000; three written quotes with formal specification approved by the CEO/Executive Principal
- Above £75,000; Formal Tendering Process approved by the Board of Trustees

## PROCEDURES

All purchases with a value greater than £75,000 must be put out to formal tender. The following procedures must be followed in such circumstances:

1. A specification will be prepared and authorised by the Chief Executive or the nominated representative in consultation with the relevant Head teacher/Head of School and Chair of the Local Governing Board. It is anticipated that for any major building works of a value greater than £75,000 the services of an architect would be engaged to deal with the handling of specifications and suitability to tender.
2. Where appropriate, the suppliers invited to tender should be drawn from an approved list **or** from those agreed with the architect. Otherwise, invitations to submit tenders will be advertised in local newspapers and trade journals if appropriate. The invitations to tender will include:
  - (a) an introduction/background to the project;
  - (b) the scope and objectives of the project;
  - (c) any technical requirements;
  - (d) implementation details for the project;
  - (e) the terms and conditions of the tender; and

3. All replies, if to an individual, should be addressed to the CEO in a plain sealed envelope or via email with password protection marked 'Tender' to reach him/her by a specified date. All replies must be kept sealed until that date and passed to the Chair of the Local Governing Board or the Chair of Finance and Resources Committee as appropriate.
4. All tenders will be opened at the same time and details of the contractor, quotation and any other details recorded at the time of opening,
5. No contractor will be allowed to amend the tender after the time fixed for receipt.
6. The School Finance Officer will open a separate correspondence file for each tender, which will contain copies of all correspondence or other relevant information.
7. For purchases up to £10,000, provided the expenditure is included in the budget, the decision as to which quote to accept will be taken by the Head of School/Headteacher, in consultation with Principal or Chief Executive Officer and the Chair of the Local Governing Board and reported to the Local Governing Board at its next meeting.
8. For purchases exceeding £10,000, provided the expenditure has been budgeted for, a decision as to which tender to accept will be taken by the Chief Executive Officer or Principal, in consultation with the Head of School/Headteacher the Trust's Financial Director and the Chair of the Local Governing Board and reported to the Local Governing Board at its next meeting.
9. Where expenditure is not included in the budget or anticipated expenditure exceeds the budget allocation, the decision as to which tender to accept will be taken by the Chief Executive Officer. This will be in consultation with the Trust's Finance Director and the Chair of the Finance and Resources Committee. It reported to the next meeting of the Local Governing Board and the Trusts' Finance and Resources Committee.
10. The reasons for accepting a particular tender must be documented, especially if it is decided to accept other than the lowest tender. All decisions must be reported to the Local Governing Board.

### **ACCEPTANCE OF TENDER**

The following points will be considered when deciding which tender to accept:

1. The overall price and the individual items or services, which make up that price.
2. Whether there are any 'hidden costs'; that is additional costs which the academy will have to incur to obtain a satisfactory product.
3. Whether there is scope for negotiation, while being fair to all tenderers.
4. The qualifications and experience of the supplier, including membership of professional associations.

5. Compliance with the technical requirements laid down by the school.
6. Whether it is possible to obtain certificates of quantity.
7. The supplier's own quality control procedure; pre sales demonstrations, after sales service and, for building works, a six month defects period and insurance guarantees.
8. The financial status of the supplier.
9. References from other establishments.
10. Understanding & compliance with Health & safety, CDM regulations and Child Protection issues related to working on a school site

In the case of building works, where the tendering process is being carried out by the architect or quantity surveyor, they will be responsible for checking the documents of the lowest tender before making a recommendation to the academy.

Once a tender is accepted an order should be issued immediately to the supplier in the normal way.

The successful contractor should be informed that the school is a NON SMOKING site

*The Schools' Funding Agreement should be considered when applying this policy*