



Tudor Grange Academies Trust

Procurement Policy

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Author/originator	D Dovydaitis
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28.11.2024	4.0	• Amended and updated wording in section 2.1 • Amended wording in paragraphs 2.3, 2.4, 2.5 • Updated wording in 2.8. including adding steps that should be taken when writing a specification • Updated 3.2. This includes providing explanation of what framework agreements are advising that the current procurement law is undergoing some change. Update also includes an introduction to the new PA 2023 and the new financial thresholds. • Section 3.3 updated to add commentary around striving to achieve value for money. • Section 3.4 updated, to note that all goods and services with a value in excess of the relevant threshold must be procured in accordance with either the PCR or PA. • Section 3.5 replaced with new section 3.5, which addresses tenders for above threshold procurements, under both the PA and PCR. • Section 3.7 replaced with a new 3.7, which covers the process of starting a procedure. • Amended 3.8 to include additional wording around the award criteria. • Updated section 3.11, to cover tender evaluation under both the PCR and PA. • Updated section 3.12, to cover contract award under both the PCR and PA.
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1 Compliance with the policy

You should ensure that you read, understand and comply with this policy.

If you believe or suspect a breach of this policy has occurred or that it may occur you must notify your manager or report it in accordance with our Whistleblowing Policy as soon as possible.

We aim to encourage openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be mistaken. We are committed to ensuring no one suffers any detrimental treatment as a result of reporting in good faith their suspicion that the terms of this policy might have been breached. Detrimental treatment includes dismissal, disciplinary action, threats or any other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should escalate this matter within your academy or, if this is not possible, to the CFO or Executive Director HR.

2 Introduction

Policies and procedures for procurement will define:

- **Probity** in the purchasing decisions
- **How purchases can be made** for the Trust and the specific controls around those methods

- **Delegated authority levels** in particular setting out the procedures to be followed for purchases above specified values, to ensure sufficient levels of oversight by the Trust Board

2.1 **Probity**

Probity refers to the principles of honesty and fairness, which are essential in any business dealings. In practice, it involves ensuring that all potential suppliers are treated fairly and without bias.

To uphold these principles, the Trust has implemented a number of policies and procedures. Firstly, the Trust will ensure that any personal business interests of officers or trustees of the Trust in relation to purchasing activity are fully declared and recorded. This will help to prevent any conflicts of interest and ensure that purchasing decisions are made objectively.

Additionally, the Trust will ensure that as far as possible, it will record and report any connected party transactions involving officers or trustees of the Trust in relation to purchasing activity. This will help to ensure transparency and accountability in the purchasing process.

Furthermore, the Trust has a strict policy of not accepting gifts from suppliers under any circumstances. However, there are some exceptions to this policy. For example, if a supplier provides a free sample of a product for testing or trial, or as a raffle or other prize, and the value is not above £100, this will not be considered a gift.

In the case of trivial gifts, such as a box of chocolates or a bottle of wine received by individuals at Christmas, these may be accepted but must be recorded. A trivial gift is defined as having a value of less than £5. Any substantial gifts above this value may not be accepted.

These policies and procedures are in place to ensure that the Trust's purchasing activity is conducted with the highest standards of probity and integrity.

2.2 **How Purchases can be made**

The Trust will appoint a budget holder to procure specific goods and services as needed, in order to support the Trust's work in meeting its core objectives. It is important that purchases made are in line with that aim and that the expenditure made is on goods and services that are appropriate for the purpose for which they are intended.

In achieving this, expenditure can be incurred on behalf of the Trust in a variety of ways. These ways are listed as follows:

- Capital expenditure requests
- Purchase Ordering
- Expenses
- Petty Cash

Each of these ways of expending money will have different processes and controls around them and each is defined below.

2.3 Grant funded capital expenditure

The Trust will procure items of a capital nature and will be ordinarily approved for the current academic year by the Trust board, with the exception of reactive maintenance expenditure, which will be monitored regularly and approved throughout the year. The scheme of delegation must be followed for all capital expenditure requirements.

Capital expenditure is required to meet the following key criteria to be classified as such:

- It is significant in value (i.e. above £1,000)
- It is of benefit to the Trust for a period greater than one accounting year

During the construction phase of any project, ALL capital expenditure in the implementation and build phases of the project requires the authorisation in accordance with scheme of delegation (section 10) for capital projects. Adequate authorisation is a requirement of the Department for Education (“**DfE**”) who will not make periodic grant claims without such authorisation.

When using grant funds from the DfE, it is necessary to follow the procurement rules set out by the DfE.

For any other grant funded capital projects (e.g. local authority, donations, etc.) the conditions set out in the associated grant agreement must be met to ensure all expenditure against such grants, is eligible.

The process by which capital expenditure can be made on behalf of the Trust is set out in the [Scheme of Delegation](#), detailed at section 8 (Financial Authorisation).

2.4 Purchase Ordering

Whenever possible, all Trust expenditure, including capital and revenue, should be made using a purchase order. However, there may be situations where this is not feasible. The following examples provide guidance on when it is not appropriate to use a purchase order, although this list is not exhaustive:

- For items of a trivial nature and value (e.g. postage stamps)
- For personal expenses incurred whilst on Trust business (e.g. mileage claims for car journeys)
- All pre agreed contract expenditure (e.g. catering, estates maintenance)
- For items of a statutory nature payable to local or central government departments such as Rates and payments to HMRC.
- For payroll related expenditure

A purchase order will need to show the following detail:

- The name of the supplier
- The name of the contact at the supplier to whom queries can be addressed, if required
- A unique purchase order number
- A description of the goods or services being purchased
- Wherever possible, the agreed price
- The name and registered address of the Trust and the place of delivery

Providing this information will help to ensure that the Trust purchases the correct goods at the correct price and that they are delivered to the correct location.

All purchase orders will be issued by the finance office and copies held by the budget holder and the finance office.

All purchase orders must be approved and authorised by an appropriate member of the Trust in line with the authorisation limits laid down in the Scheme of Delegation. For the current authorisation levels see paragraph 2.1.

A copy of all purchase orders will be held within the web portal of the PSF accounting system.

2.5 Trust Charge Card

Online purchases may be made with the use of the Trust virtual charge card platform. Such transactions will be required to follow the purchase ordering procedures described within section 2.4.

Any purchase orders raised for card purchases exceeding the value of £500 will require prior approval from the CFO, Deputy CFO or Central Finance Lead.

After obtaining approval and completing the purchase, the purchaser must submit a confirmation of payment email or equivalent to finance within 3 days. This is necessary to provide evidence that the card was used for its intended purpose.

2.6 Petty Cash

All schools within the Trust have a physical charge card for low value transactions, where it may not be appropriate to use a formal means of procurement. Such expenditure will be incidental in nature and the limit of any transaction is £75.

For any such transactions, a sundry expense form will need to be completed (virtually or manually) to confirm the understanding of the restrictions of the card usage and responsibilities, whilst the card is in the staff member's possession. In addition, confirmation from the staff member will be required to confirm that prior approval has been sought from the relevant budget holder for the proposed expenditure.

Following usage of the card, the staff member will be required to submit a receipt or equivalent, supporting the purchase made, at the same time as returning the card to the keeper of the charge card.

2.7 New Supplier

As part of the onboarding of all new suppliers please complete the New Supplier Form which can be accessed via Team. Please ensure you attach a copy of the supplier's Modern Slavery statement to the form. Once completed all forms will be automatically forwarded to the Finance Inbox for review.

2.8 Writing a specification for your Goods and Services

To ensure that suppliers have a clear understanding of what is required for a purchase, including quality and delivery date, a detailed specification should be created. Before writing a specification, the following steps should be taken:

- consult with individuals who will be using the purchased item to ensure that their needs are met.
- consult with individuals who will approve the purchase.
- consult with suppliers to obtain information on pricing and available options.
- consider whether expert assistance is needed for writing the specification or managing the procurement process.

Once you have approval to go ahead with the procurement, you should finalise your specification before you begin the procurement process.

The length of your specification will vary depending on what you're buying. For example, requirements for stationery are likely to be very short, while requirements for an ICT system are likely to involve a significant amount of technical detail.

A specification should include:

- a precise description of the goods, works or services you need
- if appropriate, an explanation of what the goods, works or services should do to meet your needs (sometimes known as an 'output specification')
- the quantity
- the quality
- when you want the supplier to deliver it by

As you develop your requirements, it is recommended that you:

- talk to the potential users in your school to find out what they need and how they plan to use it
- include feedback from any stakeholders who will need to approve the specification (if signing off the specification is part of your school's procurement process)
- think carefully about the level of detail you include, so that you don't incur extra cost by:
 - missing something out; and/or
 - including things you do not need.

Upon receipt of goods or services by the Trust, the individual who requested the goods or their representative must inspect the quality and quantity of the delivered items. This can be done by comparing the goods to the supplier's Goods Received Note, if one was issued. Once the inspection is complete, the recipient must sign the Goods Received Note to confirm acceptance of the purchases.

If there is a problem with the quality of the goods or services, the goods and/or the services should not be accepted, and the Finance office should be notified immediately.

If there are any issues with the quality of the services and/or goods received, the invoice should not be authorised for payment. Instead, any discrepancies or issues should be promptly discussed with the supplier and the finance office should be notified immediately.

All signed Goods Received Notes should be sent to the finance office to be matched with the relevant Purchase Order, where received. The budget holder must maintain their own copy in case there are any queries or problems arising.

All suppliers should send their invoices for the attention of the Finance office, where the invoice will be registered. If a supplier issues a change of account details, it must be verified directly with the supplier to ensure its validity. No change of account details can be made without this direct verification with the supplier.

All suppliers must clearly record on their invoice the unique purchase order number for the goods or services for which they are charging. This enables the fast and efficient matching of invoices to properly authorised purchase orders and their onward prompt payment. This matching process is a key financial control over the expenditure made by the Trust. Failure to comply will result in the invoice being returned to the supplier unprocessed and unpaid and may result in a disruption to future supplies from that supplier.

Upon receipt of the invoice it will be scanned, agreed to order, posted to the ledger and agreed subject to evidence of goods received in accordance with the contract.

Providing the goods and/or services have been received and the invoice has been verified against the purchase order and other relevant checks, it will be emailed to the budget holder for payment authorisation. The budget holder must respond within 7 days of receipt.

Once authorised, the invoice will be processed for payment by the finance office staff and the purchase ledger and cashbook updated accordingly.

If there is any discrepancy, the invoice will be held until an explanation of the differences is provided. Once the difference is identified and verified to the satisfaction of the budget holder, any necessary changes must be authorised by the budget holder before the invoice can be paid.

The Trust should pay a valid and undisputed invoice within 30 days. If there is a dispute, the budget holder should contact the supplier as soon as possible and, in any event, within 30 days of receiving the invoice.

2.9 Expenses

Sometimes it will simply not be possible to raise a purchase order for expenditures that are made 'on the job'. Examples of such expenditures include:

- Mileage expenses for car journeys undertaken in relation to Trust business.
- Subsistence whilst away from the Trust
- Car parking charges
- Distress purchases such as urgent stationery and cleaning materials requirements
- Public transport fares whilst on Trust business
- Overnight accommodation where pre-booking was not possible via a purchase order
- Small equipment purchases

Again, this list is not exhaustive, but indicative, and if in doubt, advice should be sought from the Finance team.

In such circumstances the employee concerned will need to fill out an Expenses Claim Form. The employee must act in accordance with the Trust's expenses policy.

3 Principles of Procurement

3.1 Delegated Authority levels

For each different type of expenditure differing authority levels apply. These are set out in the Scheme of Delegation on our web site:

<https://www.tgacademy.org.uk/document/3709#scheme-of-delegation/>

3.2 Advertising, Notices and the FTS Thresholds

General legal principles require that contracts are advertised in order to ensure that the Trust acts in a transparent way in order to ensure probity and non-discrimination.

The budget holder is responsible for ensuring that the expenditure is lawfully made.

The budget holder should consider firstly, if there is an existing contract which is available for the item of expenditure.

Where the specific item of expenditure is of relatively low value but may recur, the Trust may procure the item under a lawfully procured framework agreement through a purchasing consortium. This provides for a pre-procured mechanism for procuring routine goods and service in compliance with procurement law.

If there is no current contract or available framework agreement for the applicable goods and services, the budget holder should consider with the Finance office the best approach to procure those goods or services. A framework agreement is a contract that sets out the terms and conditions for future contracts between two or more parties. It establishes the general terms, pricing, and other important details that will govern the relationship between the parties. They are often used in situations where there is a long-term relationship between the parties and there is a need for flexibility in the specific terms of each individual contract. If an existing contract or framework agreement is not available, then the budget holder will need to ensure that the purchase is lawfully procured.

In summary the degree of advertisement may vary in order to be proportionate with the value of the contract.

Procurement Law is currently undergoing some changes and it is expected that the current set of regulations (primarily the Public Contracts Regulations 2015 ("PCR")) will be replaced by the Procurement Act 2023 ("PA") on 24th February 2025. From that date any new procurements started will be governed by the PA. However, any procurements begun prior to 24th February 2025 will still be subject to the PCR. If in any doubt, please speak to the Trust Executive team.

Whilst the PCR remains in place contracts above certain value threshold must be advertised on the Find a Tender Service (FTS), which replaces the Supplement to the Official Journal of the EU, which are mandated under the **PCR**. If the procurement is subject to the PCR then a very specific process must be followed and advice must be sought from the Trust Executive team.

Under the PA 2023, contracting authorities are generally expected to publish a greater volume of notices and information throughout the procurement cycle, from pre-

procurement planning to the expiry or termination of the contract. As such, the Trust must adhere to the following requirements:

- Publish notices or information (including in relation to below-threshold contracts) on the government's online central digital platform.
- Ensure that the notice contains the correct information specified.

As at 1 January 2024 the financial thresholds are:

Contract	Value
Goods and Services	£139,688 (central Govt); £214,904 (other contracting authorities)
Works	£5,372,609
Services under the “light touch” regime	£663,540
Small lots	£70,778

The above are set out in more detail at:

<https://www.gov.uk/government/publications/ppn-1123-new-thresholds/procurement-policy-note-1123-new-thresholds-html>

The Thresholds, above, are **inclusive of VAT** and are for the total value of the contract. The contract may not be subdivided with the effect of preventing it from falling within the scope of both the PCR and the PA. Where, for instance, items of routine expenditure may recur over additional years (such as requirements for additional services) the aggregate value of the contract must be taken into account in calculating the contract value.

The contract should be advertised:

- on the Trust's own website where multiple quotes are required;
- on the Find a Tender Service (FTS) where the contract value exceeds the FTS threshold.

There are very limited exceptions from this obligation to advertise. In case of doubt, the Finance team should seek specific legal advice.

3.3 **Routine Purchasing (non-capital expenditure) – Achieving Value for Money**

Each department budget holder is notified of their budget available as soon as a budget has been agreed for the coming academic year. Should this not be available prior to the commencement of the academic year then authority to spend rests with the Executive Principal/Principal.

It is the responsibility of the budget holder to manage the budget and to ensure that the funds available are not overspent.

Most items of routine purchasing are available through framework agreements operated by various public bodies such as Local Authorities or a purchasing consortium. The Trust advises we always obtain quotes from these bodies in order to help ensure we are seeking to achieve value for money. Examples are:

- Central Buying Consortium (CBC)
- The Crescent Purchasing Consortium (CPC)
- Crown Commercial Service (CCS)
- ESPO
- North East Procurement Organisation (NEPO)
- YPO

During the procurement process, it is important to strive for value for money by considering not only the lowest price, but also other factors such as quality, relevant environmental performance, and the whole-life cost of purchases. While quality requirements should be included in the specification as much as possible, it is crucial to take all relevant factors into account to ensure that the best value is obtained for the Trust.

Value for money is also achieved by the Trust as reserving the right to appoint a contractor which already has a business understanding of the required tasks. Examples are:

- Previously having undertaken roof surveys or architectural work on an area of the estate, which may be subject to further work or repair
- Bespoke educational platforms where there are no comparable alternatives

Quotes and tenders

Orders under £5,000 – Non IT

Order should be made based on existing relationships, where possible, where we have achieved value for money and where the supplier has shown they are reliable and professional.

Orders between £5,000 and £10,000– Non IT

Between 1-3 quotes depending upon existing relationships where we have achieved value for money and where the supplier has shown they are reliable and professional.

Orders between £10,000 and £100,000 – Non IT

3 quotes depending upon existing relationships where we have achieved value for money and where the supplier has shown they are reliable and professional.

Orders for IT related expenditure up to £100,000

The Trust recognises IT procurement to be a specialist area of procurement. The equipment must be reliable, back up must be sufficient and the equipment must operate efficiently within the Trust's IT environment. As a result we rely upon the expertise of our IT managed service provider to procure efficiently in this specialised area. The Chief Operating Officer and Chief Financial Officer will supervise the process to ensure value for money is achieved. The CFO might, for example, commission an independent review of pricing to check VfM. Where possible, 3 quotes will be sought and provided to demonstrate VfM is achieved.

Orders over £100,000 and below Relevant Procurement Threshold

All goods or services ordered with a value greater than £100,000, or for a series of contracts which in total exceed £100,000, the Trust must receive at least 3 quotes, it should be demonstrable the Trust is achieving value for money and require the approval of

the MATB. In matters of extreme urgency where to delay would not be in the best interests of the Trust, the Chair of Trustees can take a Chair's action which would be ratified by the next meeting.

The web address below offers detailed guidance on template documents and process for large procurement projects

<https://www.gov.uk/guidance/buying-for-schools/3d-run-your-own-procurement-high-value-and-eu-tenders>

Orders above the Relevant Procurement Threshold set out above

All Goods services or works with a value in excess of the relevant procurement threshold must be procured in accordance with either the PCR or PA as the case may be. You must seek authorisation and guidance from the Trust Executive Team before embarking on any such procurements. See below for some further information

Tenders for above threshold procurements

Public Contracts Regulations 2015

Under the PCR (for procurements begun before 24th February 2025), and where there is no suitable framework agreement to use, there are two forms of tender procedure that the Trust will ordinarily use: open and restricted. In very limited circumstances you may be able to directly negotiate with suppliers. The circumstances in which each procedure should be used are described as follows:

1. Open Tender

This is where all potential suppliers are invited to tender. The budget holder must discuss and agree with the Finance Team how best to advertise for suppliers (e.g. general press, trade journals or to identify all potential suppliers and contact directly if practical). Where the estimated contract value is above the FTS Threshold, the opportunity must be advertised using the FTS. It is not permissible to advertise locally prior to the advertisement in the FTS, to avoid discrimination. An invitation to tender must remain open for a minimum of 30 days.

2. Restricted Tender

This is where suppliers are specifically invited to tender, and 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.
- The nature of the goods is such that only specific suppliers can be expected to supply the Trust's requirements.
- The costs of publicity and advertising are likely to outweigh the potential benefits of open tendering.

Under this procedure the Trust may request that suppliers are subject to a selection questionnaire, in order to determine suitable tenderers. The Trust must invite at least five tenderers (provided that they meet the selection criteria).

3. The negotiated procedure without prior publication

This is a way for the Trust to award contracts to suppliers without advertising them publicly. This procedure is allowed in certain limited circumstances, such as when there is only one supplier available to provide the goods or services required, or when there is an urgent need for the goods or services that cannot be met by other means.

The procedure involves the Trust entering into negotiations with one or more suppliers to determine the best solution to meet their needs. The negotiations are conducted in a fair and transparent manner, and the Trust must document the reasons why this procedure was chosen and the details of the negotiations.

It's important to note that this procedure is only allowed in very specific situations and must be used in accordance with the PCR. This must only be used with caution and with the consent and support of the Trust Executive team.

Procurement Act 2023.

Under the PA (for procurements commenced after 24th February 2025). A public contract may be awarded to the supplier who submits the most advantageous tender in a competitive tendering procedure. This procedure must take one of two forms:

1. Open Procedure

The open procedure is a single-stage process that allows any interested party to submit a tender. The Trust must base its decision to award the contract solely on the single tender, with the exception of disregarding any tenders in accordance with section 19 of the PA 2023.

2. Competitive Flexible Procedure

The competitive flexible procedure is a non-prescriptive process that provides flexibility to design a procurement process that suits specific requirements. This procedure is typically multi-staged, with a first stage inviting tenders followed by a price negotiation stage for successful bidders. Alternatively, suppliers may be pre-selected based on essential requirements, and tenders may only be accepted from those meeting the minimum conditions.

The following is a list of some actions that may be taken in a competitive flexible procedure:

- Limiting the number of participating suppliers (generally or at different tendering rounds).
- Refining the award criteria.
- Limiting the number of lots which suppliers can tender for.
- Excluding suppliers:
 - by reference to the conditions of participation or an intermediate assessment of tenders against the award criteria and assessment methodology.
 - that are not UK or treaty state suppliers (or who intend to subcontract all or part of the contract to such entities).

3. Direct Awards

Similar to the PCR, the PA allows for direct awards in certain limited circumstances. Direct award is when a public contract is awarded without a competitive tendering procedure and the public contract is placed directly with the supplier of the Trust's choosing. Given the strict legal framework this must only be used with the consent and support of the Trust Executive team.

Under the PA, a transparency notice must be published before a contract is directly awarded. The function of the transparency notice is to inform stakeholders that a contracting authority intends to directly award a contract and ensure that there is transparency relating to this decision. It provides an opportunity for interested parties to consider the justification for direct award.

Preparation of Tender

Full consideration should be given to:

- How the goods or services to be procured might improve the economic, social and environmental well-being of the relevant area
- The object of the contract
- The overall requirements
- The technical skills required
- The after-sales service requirements
- The form of contract.

It may be helpful after all of the requirements have been established, to rank them (for example mandatory, desirable, and additional). The Trust should detail the applicable scoring criteria and weightings for those criteria to reflect their relative importance.

Starting a procedure

The Trust must meet the following requirements:

- Publish a tender notice, which is essentially an invitation for tenders or requests to participate, at the beginning of a competitive tendering procedure.
- Provide any associated tender documents in accordance with the tender notice. Associated tender documents refer to any document that contains information specified in the PA 2024. This may include supplementary information and duplication of information contained in the tender notice. Such documents may include the following:
 - The specification
 - Terms and conditions of a contract
 - Award criteria
 - Assessment methodology

The Trust must ensure that the notice and associated tender documents contain sufficient information. If they do not, the Trust cannot set a deadline, and the tendering period cannot commence. To avoid delays, disputes, and poor quality tenders, the Trust should focus on early preparation of sufficient information that will enable tenderers to bid

On receiving the tenders, the budget holder and other staff should assess the tenders strictly in accordance with the scoring and weighting criteria as detailed in the brief. The supplier with the highest point score would be an indication as to the best tender.

Aspects to Consider

1. Financial

- Like should be compared with like and if a lower price means a reduced service or lower quality this must be taken into consideration 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.
- Consideration should also be given to the scope for negotiation on price once the tender response has been received.

2. Technical/Suitability

Suitability of tenderer

- Take note of the qualifications of the contractor at the pre-selection stage.
- Take note of the relevant experience of the contractor at the pre-selection stage.
- Identify the description of the technical facilities and service facilities.
- Ensure that any certificates of quality or conformity with standard are accurate and relevant at the pre-selection stage.
- Look at the quality control procedures at the pre-selection stage.
- Take references from previous customers and take details of previous service level agreements (SLAs) made in this area.

Award Criteria

The award criteria for a contract must be related to the subject matter of the contract and be clear, measurable, and specific. It must not violate the rules of technical specifications, and it must be a reasonable way of assessing tenders.

- Consider the quality, including technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental and innovative characteristics.
- Consider the specific relevant experience of the specific staff assigned by the contractor to perform the contract.

3. Other considerations

- Look to get a pre-sales demonstration to get a better look at both the supplier and the goods or services being offered.
- Check into the availability and quality of the after sales service.
- Obtain details on the financial status of the supplier. Suppliers in financial difficulty may have problems completing contracts and in the provision of after-sales service. This can be done through the review and checking audited accounts and or taking up a credit reference from an appropriate agency at the pre-selection stage.
- Seeking assurance from the supplier themselves as to the level of current orders they are
- working to fulfil would also be helpful.

Tender Acceptance Procedures

The tender notice/invitation to tender should state the date and time by which the completed tender document should be received by the Trust. The tenders should be clearly marked that they are tenders and time and date stamped on receipt. They should then be stored in a secure location prior to opening. Tenders received after the submission deadline will not be accepted except in exceptional circumstances.

Tender Opening Procedure

All tenders submitted should be opened at the same time and the tender details should be recorded. For all tenders at least two people should be present for the opening. 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. A copy of the record, highlighting the chosen tender, should be kept with the signed purchase order once raised for the goods and service in question.

Tender Evaluation

The criteria for evaluation should be agreed upon and published with the tender notice/invitation to tender.

At least two people should be present to conduct the evaluation, who have no conflict of interests with any supplier involved.

Full records should be kept of all criteria used for evaluation and in all cases a report prepared for the finance committee which recommends a decision.

Where required by the conditions attached to a specific grant from the DfE the department's approval must be obtained prior to the acceptance of the tender.

Under the PCR the Trust must choose the tender that is the most economically advantageous and under the PA the terminology is slightly changed to Most Advantageous tender.

Public Contracts Regulations 2015

Under the PCR, all parties should then be informed of the decision (via a written notice often referred to as the "standstill letter") and permit a minimum standstill period of at least 10 days. During this period the contract award process is suspended and unsuccessful bidders may challenge the decision of the Trust if they believe that the procurement process was not conducted fairly or in accordance with the PCR.

The unsuccessful bidders should be provided with a notice comprising the following information:

- criteria for the award
- reason for decision (including characteristics and relative advantages of the successful tender)
- scores of recipient and successful tender
- name of successful tenderer
- date that standstill period will end

Procurement Act 2023

Under the PA 2023, before entering into a contract, the Trust must provide each supplier that submitted an assessed tender with an assessment summary. The summary must contain, among other things:

- the award criteria
- how the successful tender scored (total and sub-total) against the award criteria including an explanation of each score by reference to information in the tender and how the tender was assessed by reference to any sub-criteria
- how the supplier scored (total and sub-total) against the award criteria to the extent that the tender was assessed against that criteria
- any other explanation of why the contract is not being awarded to the supplier including for example disqualification for failure to meet one or more criteria.

Contract Award

Public Contracts Regulations 2015

Under the PCR, the successful tenderer must sign a formal contract prior to the delivery of goods/commencement of the service.

Following contract award the Trust must publish a contract award notice to the FTS and draw up a written report on the procurement process.

Procurement Act 2023

Under the PA 2023, before entering into a contract, the Trust is required to publish a contract award notice after providing the assessment summaries.

The publication of the contract award notice triggers an obligatory eight working day standstill period, during which the Trust is prohibited from signing the contract. The Trust must wait until the mandatory standstill period (or any longer standstill period specified in the contract award notice) is over before entering into the contract.

Light touch contracts, awards under frameworks or by reference to dynamic markets, and direct awards for urgency are exempt from the mandatory standstill period. Nevertheless, the Trust may still opt for a voluntary standstill period, which must be adhered to.

When entering into the contract, the Trust must publish a contract details notice confirming that it has entered into a contract and the successful tenderer must sign a formal contract prior to the delivery of goods/commencement of the service.

Following contract award the Trust must publish a copy of the contract within 180 days of entry into the contract (for light touch contracts) or 90 days (for all other contracts)..

More information is available at the following website:

<https://www.gov.uk/guidance/buying-for-schools>