



St Thérèse of Lisieux Catholic Multi Academy Trust

Competitive Tendering Policy

October 2019

Audience:	Central Team and all other CMAT employees
Approved:	Directors – 14/10/2019
Policy Owner:	Louise Wilson – Chief Executive Officer
Policy Model:	Compliance – all CMAT academies use this policy
Review:	3 Yearly
Version Number:	1.0 (October 2019)



Scope of this policy

This policy applies to St Thérèse of Lisieux Catholic Multi Academy Trust (The Trust) all constituent academies.

Objective of this policy

The objectives of this policy are to ensure that:

- The Trust's funds are used only in accordance with the law, its Articles of Association, its Funding Agreement and the Academies Financial Handbook;
- The Trust's funds are used in a way that commands broad public support;
- Value for money (economy, efficiency and effectiveness) is achieved;
- Trustees fulfil their duties and responsibilities as charitable Trustees and company directors; and
- Procedures appropriate to the procurement threshold are set out and followed.

Ownership of this policy

This policy is owned by The Trust's Finance and Estates Committee. Each academy will adopt this policy.

Monitoring of this policy

The Trust Central Finance Team and the CMAT Estates, Facilities and Health & Safety Advisor will monitor the implementation of this policy on a day to day basis. Any exceptions to the procedures set out in this policy will be reported to The Trust Board. Contracts relating to land and buildings will be reported to the NRCDES by the CMAT Estates, Facilities and Health & Safety Advisor.

Relevant legislation

Public Contracts Directive 2014

The Concessions Contracts Directive 2014

This policy is a requirement of the Academies Financial Handbook.

Related policies/documents

Financial Procedures Manual



Policy details

1 Introduction

1.1 The Academies Financial Handbook states that Trusts are required to have a competitive tendering policy, and ensure that European Union (EU) procurement thresholds are observed.

1.2 This policy is based Department for Education (DfE) guidance on procurement. This policy also complies with The Trust's Funding Agreement, Articles of Association and the Academies Financial Handbook.

1.3 Policies and procedures implemented by the Trust are there to control the organisation's exposure to risks in line with the Risk Policy and those identified within the risk register. All staff should be made aware of this and all policies of the Trust and the procedures in place including any updates issued from time to time. Should staff have any queries relating to this or any other policy or procedure they should write to the Trust's Governance Lead who will ensure adequate training and guidance is provided.

1.4 All public procurement must be based on value for money, referred to in the HM Treasury publication *Managing Public Money* as "the best mix of quality and effectiveness for the least outlay over the period of use of the goods or services bought", which should be achieved through competition, unless there are compelling reasons to the contrary.

2 Roles and responsibilities

2.1 Board of Directors (Trustees) will ensure that:

- As custodians of diocesan land and buildings, any decisions made have the prior knowledge and approval of NRCDES;
- Spending decisions represent value for money;
- The Trust's funds are used in a way that commands broad public support;
- Relevant professional advice is used, where appropriate;
- Goods or services provided by individuals or organisations connected to the Trust are provided at no more than cost;
- Nobody connected to the Trust, directly or indirectly, uses their connection to the Trust for personal gain; and
- Where any Trustee has a pecuniary or related third party interest in a procurement decision, they exclude themselves from the process and records (e.g. meeting minutes) show that they had no influence on the decision.

2.2 The Finance Director is responsible for:

- Ensuring appropriate financial governance and risk management arrangements are in place;
- Inspecting the business declaration of interests registers for conflicts in procurement;
- Procurement oversight;
- Overseeing best value in procurement; and
- Deciding on the most appropriate framework(s) for procurement

2.3 CMAT Estates, Facilities and Health & Safety Advisor is responsible for:

- Overseeing and supporting competitive tendering and framework agreements for high value purchases;
- Managing Trust procurement for schools where best value can be obtained via group purchases; and
- Reporting to NRCDES on the allocation of academy capital allocations.

2.4 Head Teacher and Academy based staff are responsible for:

- Ensuring that the purchase thresholds and procurement processes detailed in this policy are followed by budget holders;
- Responding to urgent health and safety matters where a contractor is required to attend site with less than 48 hours' notice by obtaining a verbal price for any call out and hourly charges (if appropriate);



- Checking affordability from delegated budgets before goods are purchased and seeking advice from the central finance team if needed;
- Ensuring that recurrent stock orders for cleaning, paper, curriculum and office supplies should be placed with suppliers where the Trust has agreed ongoing annual discounts where such arrangements are in place;
- Ensuring that orders are raised on the financial management system where it is appropriate for a commitment to be recorded; and
- Ensuring that best value is obtained when procuring goods and services

3 Purchase thresholds

3.1 When determining thresholds, the value over the life of the contract or for the full scope of works must be used.

3.2 If it is estimated that the cost of a contract is above the EU threshold for procurement spending, the Trust will follow EU procurement directives and seek legal advice. The current EU threshold for all goods and most services is £164,176.

3.3 A 'light touch regime', with a higher threshold of £589,148, applies for some services that are specifically for education provision. We will seek legal advice to determine if any procurement run by the Trust qualifies under the 'light touch regime'.

3.4 The procedure to follow for each threshold is set out in Appendix 1.

4 Exceptions

4.1 Proposed purchases of any value that could be novel, contentious or deemed an irregular use of public funds must be referred to the Finance Director for prior approval.

4.2 Proposed purchases of any value with a related or connected party must be referred to the Finance Director for prior approval.

5 Framework agreements

5.1 Where possible, the Trust will use a framework agreement to contract suppliers. These are arrangements that a contracting authority, such as a public sector buying organisation, ChurchMarketPlace or DfE Deals for Schools makes with suppliers. The benefits of frameworks are that they have already been through a competitive tender process and they have favourable terms and conditions. In addition, the framework provider may offer advice and support.

5.2 Depending on the framework chosen, the Trust will either pick the best value supplier from a list or run a mini-competition between listed suppliers. In either case, the Trust will follow the DfE guidance on procurement to ensure good practice. The reasons for the choice of framework, and for the choice of supplier, will be clearly recorded.

6 Monitoring and review arrangements

6.1 The Finance Director and Estates Manager are responsible for the implementation of this policy. This policy will be reviewed and approved by the Board at least every three years and when EU procurement thresholds change.

Supporting Documents

Academies Financial Handbook:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/714474/Academies_Financial_Handbook_2018.pdf

Public Sector Contracting Guidance

<https://www.gov.uk/guidance/public-sector-procurement-policy>



Procurement Thresholds and Procedures

1 Low value purchase under £2,000

Best value should be obtained and alternative quotes sought where appropriate. However, there is no absolute requirement to obtain multiple quotes.

The decision on the successful supplier/contractor is the responsibility of the Headteacher who will consider the recommendations of the budget holder taking into account both value for money and quality of product/service.

2 Medium value purchase £2,000 - £9,999

At least two written or emailed quotes must be sought by the school unless the work/goods are of a specialist nature requiring a bespoke provider. These must be uploaded to PS Purchasing when placing the order (as audit evidence – these do not get sent to suppliers).

Where quotes were not sought/obtained, the 'no quote' declaration form must be completed and uploaded to PS Purchasing with the order.

The decision on the successful supplier/contractor is the responsibility of the Headteacher and central finance team manager who will consider (where necessary) the recommendations of the budget holder taking into account both value for money and quality of product/service.

3 Higher value purchase £10,000 - £40,000

Approval must be obtained from the Finance Director prior to entering into any agreement for services, works or equipment purchases.

Headteachers must email proposals for spend falling into this category to the Finance Director at the planning stage including affordability. The Finance Director will be responsible for overseeing Trust wide procurement for works and service contracts and service level agreements that fall into this threshold.

Three formal written quotes based on comparative specifications must be obtained for all construction works, services or goods. The Trust will engage with framework agreements where best value can be obtained and obtain specialist advice where appropriate.

Where it is not possible to obtain three quotes due to specialism or suppliers declining to quote, the 'no quote' declaration form must be completed and uploaded to PS Purchasing with the order.

4 High value purchase over £40,000 but below the EU threshold

The Trust will be responsible for the procurement of all construction works and non-construction service contracts of over £40,000 (unless alternative arrangements have been agreed).

For tenders in excess of £40,000 but under £75,000 the Accounting Officer or Finance Director have delegated authority to award the contract. The award decision and criteria shall be reported to the Board of Directors at the next available meeting.

For tenders of £75,000 or higher the Chair of Trustees must approve the contract. The decision and criteria shall be reported to the next meeting of the Board of Trustees.

The Trust will make high-value purchases without a framework only in rare circumstances. When this does happen, we will use the process below:

a. Create a specification – A specification document will set out what suppliers need to understand what we are looking to buy, including the quality, quantity and delivery date.



- b. Assess the market** – We will prepare for the tendering process by developing our knowledge of the market. We will find out how many suppliers are available and the best way to advertise our contract to a range of suppliers.
- c. Check the academy’s position in relation to EU procurement thresholds**
- d. Develop a service level agreement (SLA) if appropriate** – An SLA sets out the standards of service expected from a supplier. Some suppliers may have their own SLAs, which the Trust will consider using on a case-by-case basis.
- e. Develop a contract** – A contract will include terms and conditions, a contract management plan and an exit strategy.
- f. Reduce the number of bids** – To reduce the number of bids the Trust needs to evaluate, we will either use an expression of interest process to gauge interest in the contract or a pre-qualification questionnaire.
- g. Establish how we will assess quotes** – We will set out criteria that will allow us to evaluate which of the suppliers’ bids best meets the requirements in our specification, and is the most economically advantageous tender that best combines cost and quality.
- h. Create a timeline for the tender process** – This will include the dates of the clarification period, the deadline for submitting tenders and the date we expect to award the contract.
- i. Prepare an invitation to tender** – This will include:
- A covering letter with a timeline for the process Instructions on how suppliers can ask clarification questions and submit their tender
 - The specification
 - A pricing schedule
 - Any SLA requirements
 - The contract’s terms and conditions
 - Contract management requirements (see ‘develop a contract’ above)
 - Award criteria, including the scoring system and any weightings If appropriate, an invitation for suppliers to give a practical demonstration of their goods, works or services
- j. Advertise the contract** – the contract will be advertised where suppliers are likely to look, such as:
- The Official Journal of the European Union (OJEU) – this is a requirement if the contract is over the EU procurement threshold
 - The government’s Contracts Finder service Local or national newspapers
 - Education publications or websites and trade magazines
- k. Run the tender process and provide clarifications**
- l. Evaluate tender responses** – at least 2 people will independently score and evaluate each bid, and then compare notes after completing their evaluations; records of decision making and moderation decisions will be kept.
- m. Notify suppliers and award the contract**
- n. Finalise the contract** (and advertise the award if the contract was advertised in Contracts Finder or OJEU)
- o. Abandoning the tender process** – on very rare occasions we may need to halt the tender process. Should this occur, we will notify suppliers who are preparing their bids as soon as possible.