



**St Ralph
Sherwin**
Catholic Multi Academy Trust



Competitive Tendering Policy

Version 4
November 2022



One of three Catholic
Multi Academy Trusts in
the Diocese of Nottingham



Document Provenance

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'If one of you is planning to build a tower, you sit down first and figure out what it will cost, to see if you have enough money to finish the job.' Luke 14:28

1. Introduction and Purpose

- 1.1. The St Ralph Sherwin Catholic Multi Academy Trust (The Trust) Board is required to set a policy to provide guidance to academies on how to ensure that the Trust achieves compliance with the legal requirements around procurement, achieves value for money and ensures that public funds are used appropriately.
- 1.2. The intention of this policy is to set out the framework in which the Finance Director and the Finance Team will manage this across the Trust to ensure that the Board's objectives and compliance with the relevant legislation is achieved.
- 1.3. 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. Objectives

- 2.1. The objectives of this policy are to ensure that the Trust's Funds:
 - Are used in accordance with the law, its Articles of Association, its Funding Agreement and the ESFA Academy Trust Handbook 2021;
 - Are used in a way that commands broad public support;
 - Achieve value for money (economy, efficiency and effectiveness);
 - Are used in a way that enables Trustees to fulfil their duties and responsibilities as charitable Trustees and company directors; and

3. Scope and responsibilities

- 3.1. This policy is owned by The Trust's Finance and Estates Committee and will be adopted by each academy but will be implemented by the Finance Director across the Trust on a day-to-day basis.



- 3.2. The Trust is required by the ESFA Academy Trust Handbook to have a Competitive Tendering Policy.
- 3.3. Policies and procedures implemented by the Trust are in place to control the organisation's exposure to risks identified within the risk register. All staff should take appropriate steps to make themselves be 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 contact the Trust's Company Secretary who will provide guidance and where appropriate, training.

4. Legislation and Regulation

- 4.1. This policy is written in accordance with:
 - Public Contracts Directive 2015
 - Concessions Contracts Regulations 2016
 - This policy is a requirement of the ESFA Academy Trust Handbook.
 - Guidance on Public Procurement Policy at <https://www.gov.uk/guidance/publicsector-procurement-policy>

5. Roles and responsibilities

- 5.1. The Board of Directors (Trustees) will ensure that:
 - As custodians of diocesan land and buildings, 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) demonstrate that they had no influence on the decision.
- 5.2. 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.

5.3. The Estates Manager 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.

5.4. The Headteacher 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

6. Purchase thresholds

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

6.2. From 1st January 2022, the thresholds for contract value which require the Trust to be compliant with the Public Contract Regulations 2015 (legislation) have both changed and now include VAT. **The limits are now:**

- Supply and services contracts £213,477
- Works contracts (i.e. construction) £5,336,937

6.3. A 'light touch regime', with a higher threshold of £663,540 applies for some services that are specifically for education provision. Where necessary, we would



seek legal advice to determine if any procurement run by the Trust qualifies for this.

- 6.4. Any contracts above £25,000 must have notices published on Contracts Finder and as part of compliance with PCR2015, contracts in excess of the above limits must also have notices published on the Government's Find a Tender Service.

7. Exceptions

- 7.1. 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 and to decide whether the transaction meets the criteria under which ESFA guidance should be sought.
- 7.2. Proposed purchases of any value with a related or connected party must be referred to the Finance Director for prior approval.

8. Framework agreements

- 8.1. Where possible, the Trust will use a framework agreement to contract with suppliers. These are arrangements that a contracting authority, such as a public sector buying organisation, Church Market Place 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.
- 8.2. 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.

9. Monitoring, Compliance and Review

- 9.1. The Finance and Estates Committee has overall responsibility for monitoring and reviewing the impact of this policy and making recommendations for updates and revisions as needed, or when there are changes in regulations and legislation to which the Trust must respond.
- 9.2. The Finance and Estates Committee will review and sign off this policy every 3 years unless there are regulatory and legislative changes which require the policy to be updated earlier.



Appendix A: Procurement Thresholds and Procedures

A1: Low value purchase under £1,000

- 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 considering both value for money and quality of product/service.

A2: Medium value purchase (£1,000 - £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 considering both value for money and quality of product/service.

A3: High value purchase (£10,000 - £20,000)

- 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.

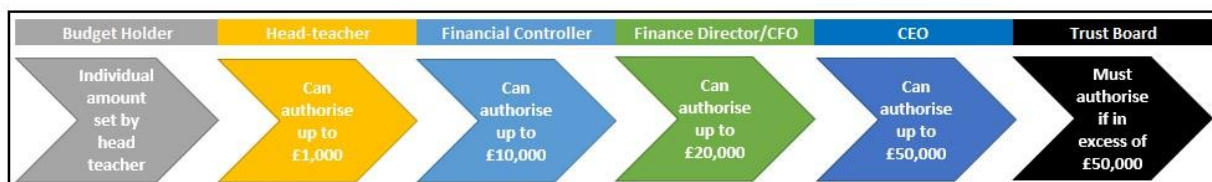
A4: Very high value purchase (£20,000-£50,000)

- The Trust will be responsible for the procurement of all construction works and non construction service contracts of over £20,000 (unless alternative arrangements have been agreed).
- For tenders above £20,000 but under £50,000 the CEO (Accounting Officer) has delegated authority to award the contract. The award decision and criteria shall be reported to the Board of Directors at the next available meeting.

A5: Board Level Purchases (£50,000+)

- For tenders of £50,000 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 diagram below shows a pictorial representation of the limits above, which is also included in the Financial Regulations.





Appendix B: Procuring without a Framework (rare)

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

- B1: Create a specification – A specification document will set out what suppliers need to understand about the purchase, including the quality, quantity and delivery date.
- B2: 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.
- B3: Check the academy’s position in relation to EU procurement thresholds
- B4: 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.
- B5: Develop a contract – A contract will include terms and conditions, a contract management plan and an exit strategy.
- B6: 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.
- B7: 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.
- B8: 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.
- B9: 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

B10: Advertise the contract – the contract will be advertised where suppliers are likely to look, such as:

- Contracts Finder/Find a Tender
- Local or national newspapers
- Education publications or websites and trade magazines

B11: Run the tender process and provide clarifications

B12: 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.

B13: Notify suppliers and award the contract

B14: Finalise the contract (and advertise the award if the contract was advertised in Contracts Finder/Find a Tender)

B15: 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.