



MidKent College

Procurement Policy 2022-23

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1 INTRODUCTION

1.1 The purpose of this document is to guide and inform the procurement processes within the MidKent College Group (MKC). This will ensure the achievement of value for money by operating best practice.

1.2 Roles and Responsibilities

- Governors have delegated authority for procurement to MKC management and staff within clearly identified limits. These limits can be found in the Financial Regulations, and are updated from time to time. The Appendix to this document gives the necessary detail.
- The Chief Executive and the Executive Team have a responsibility to ensure that appointed budget holders are capable of making effective procurement decisions and effectively managing the resources at their disposal.
- Budget holders are required to research each procurement decision by comparing competing suppliers and selecting the best based on a number of factors which are identified in 2.2 below. Any procurement begins with the identification of a need which should be challenged to ensure it is really needed. A procurement decision may involve the one-off purchase of a piece of equipment, or a large number of repeat orders such as stationery or paper supplies. The requirement to test the market applies equally to both examples, though the process may vary.
- The Finance Service has a responsibility to maintain the purchase ordering system on the current finance system and to ensure that all those involved in ordering and approving the procurement of goods and services have received appropriate training. The Finance Service will also ensure the accounting transactions that follow the order are managed effectively.

2 PROCUREMENT OBJECTIVES

2.1 Effective procurement will enable MKC to obtain goods and services in an efficient and effective manner. To achieve this, MKC has identified clear objectives, and staff who purchase goods and services are required to meet these objectives.

2.2 Value for Money (VfM)

There is an inherent desire to obtain optimum value for money in terms of the goods and services procured. There is also a probity-based requirement to be able to demonstrate that reasonable steps have been taken to achieve this desired VfM. This can be shown through the use of appropriate levels of competition between potential suppliers of the required products.

Good practice requires that each purchasing decision is effectively researched. Likely sources of information are:

- Supplier catalogues
- Telephone enquiries

- The internet
- Trade journals
- Supply consortia

The use of quotation and tender procedures serves two main purposes:

- the process should endeavour to identify potential suppliers that are capable of supplying the required product
 - to a quality that meets the needs of the user
 - at a price that represents value for money
 - at the time the goods/services are needed by the user
 - in a quantity that meets the needs of the user, and
 - to the location required by the user.
- To provide evidence of the use of fair, open, transparent and non-discriminatory methods of placing business with the supplier used. The procedures provide protection to the buyer carrying out the procurement process as well as to MKC.

A quotation is a simple process to investigate the availability of suppliers for a product needed and to identify the prices, delivery timescales etc. for them.

A tender is a much more detailed and robust process used to investigate the availability of a supplier for the product needed and to identify the prices, delivery timescales etc for them. Tenders will be published via the e-procurement system In-Tend.

2.3 Accountability

MKC is accountable to the community it serves and those who fund its activities. It is not sufficient to merely achieve value for money, it must be demonstrated. MKC will adopt a professional approach by proactively seeking the best deal available on each occasion. Staff will deal fairly with suppliers and adhere to the procurement standards identified in this document. This will protect staff from allegations of prejudice or malpractice.

2.4 Fair and Open Competition

It is important to ensure the competitive process is a prominent element in all purchasing decisions. European law requires competition throughout the Union and specifies rules for higher value procurement. The detailed requirements with regard to the competitive process are shown in the appendix to this procedure.

2.5 Sustainable Procurement

The College recognises a responsibility to ensure that where possible the suppliers it deals with share its ambitions to increase resource efficiency, reduce social inequality and promote transparency in its supply chain.

Although the College is not a relevant authority for the purposes of the Public Contract Regulations 2015 (PCRs) and as such the Public Services (Social Value) Act 2012 does not apply to it, the College voluntarily wishes to adopt the principles contained therein and consider how procurement of goods or services might improve the economic, social and environmental wellbeing of the relevant geographical area and how, in the procurement, we might go about securing these improvements.

In addition, the College recognises the UN Sustainable Development Goals (SDG) Accord. The Accord recognises the critical role that education has in delivering the SDGs, in particular the goals around promoting decent work and economic growth, responsible consumption and production, taking action on climate change and fostering more resilient, inclusive and sustainable industrialisation.

The College operates a semi-devolved system of purchasing and sustainability considerations should be factored into all purchasing decisions. The Colleges Finance, Central Purchasing and Facilities teams are here to help you with these considerations.

Specifically, consideration should be given to the following:

- Seek to ensure that procurements are carried out in accordance with the college energy plans relating to the installation of energy efficient lighting, motors and controls.
- Embed sustainability and social value questions in all ITTs
- Identify and prioritise high value, high volume and high environmental impact and social risk spend categories
- Use whole lifecycle costing in decision-making. As a minimum this should include an assessment of ongoing maintenance, running and disposal costs, in each case with consideration to the environmental impact beyond the initial purchase.
- How you might measure the sustainability impact of the purchase and be able to demonstrate how sustainability was considered.

In the case of ongoing purchasing partnerships with suppliers, the following considerations should also be made:

- Raise the partner's awareness of the Colleges sustainability policies and goals. Sustainable Procurement Policy Statement, will be used in the ITT package, and more generally.
- Work with suppliers to promote and embed initiatives to reduce environmental impact including:

- Minimising delivery frequency and distance

- Reducing single use packaging and increase recoverable / recyclable content
- Reducing carbon intensity of products
- Encouraging a cradle to cradle approach which considers the end-life of a product and recovery prior to manufacture.
- Work with suppliers to promote and embed initiatives to increase social value including;
 - Inclusion of small and medium sized enterprises (SME's) and local suppliers / partnerships in the supply chain
 - Exploration of opportunities for student placements, work experience and collaborative research partnerships
 - Better understanding and auditing of supply chains, encouraging transparency

Sustainability considerations in purchasing are to be promoted by:

- Educating, informing and encouraging staff and students to understand the College's Procurement policy and how to deploy sustainable principles in all procurement activities;
- Providing training for procurement managers in line with the Government's flexible framework on sustainable procurement and monitor the sustainability impacts of their contracts
- Addressing any obstacles which could restrict SMEs and local suppliers to bid for any goods/services or works;
- Question the need for the purchase and the choice of product in support of the Colleges sustainability agenda. The challenge is; does the College need to buy this product or service at all? An example is business travel flights.

3 PROCUREMENT ETHICS

- 3.1 The principles governing the conduct of MKC staff are incorporated in the staff handbook. This section guides staff on the proper conduct of business with existing or potential suppliers. The main areas that budget holders need to be alert to are discussed in the following paragraphs.

- 3.2 It is a criminal offence under the Bribery Act 2010 for any supplier to offer corrupt gifts or payment to induce business. Similarly, it is an offence to accept such an offer. Discretion in dealing with suppliers is required at all times. Incidents of this nature must be reported to the Chief Executive or Executive Director of Finance and Estates (or deputy) immediately.
- 3.3 Gifts or gratuities are not acceptable for other than insignificant items such as pens, diaries or other publicity material. The occasional offer of hospitality is acceptable such as receptions, lunches or trade dinners, but if valued at £50 or more this must have the prior approval of the relevant line manager or be declined. The recipient (and line manager where relevant) must ask the following questions:
- Will it further MKC's aims?
 - Is the level of hospitality reasonable in the circumstances?
 - Has it been openly offered?
 - Could it be construed as any form of inducement, and is it likely to place an obligation on a staff member?
- 3.4 Gifts or gratuities valued at £50 or more must be reported to the Clerk to the Governors, who will maintain a register of such items for onward reporting to the Finance and General Purposes Committee.
- 3.5 Conflicts of interests must be disclosed to the Executive Director of Finance and Estates (or deputy) who will make arrangements to include a potential supplier in the competitive process whilst addressing any potential conflict of interest.
- 3.6 In the course of procuring goods, staff have access to sensitive information. This information must be treated as strictly confidential and disclosed only on a need to know basis. However the Freedom of Information Act 2008 is applicable to quotations and tenders.
- 3.7 Staff must also refer to the Anti-Fraud Policy and Staff Handbook when considering procurement ethics.

4 TENDERING REQUIREMENTS

- 4.1 Tendering will be used for purchases with a value in excess of £50,000 where there is a realistic competitive choice. The following is a summary of the tendering process; more detailed information is available on the FE Library – Procurement website www.felp.ac.uk.
- 4.2 When drafting the specification for the goods or services required, the specification describes what it is that you wish to purchase. The separate elements of the specification form the basis of the tender submission and of the assessment process. It is important, therefore, that these elements can be objectively assessed so that when carrying out the evaluation process, it can be completed in a fair and open manner. There are specific legislative requirements regarding the use of the initial selection criteria and when evaluating the bid submissions against the published award criteria. Both the selection and award

criteria must be published in, where appropriate, the advertised contract notice, and in the quotation/tender documentation.

- 4.3 A record of how the selected tendering list is compiled must be carefully maintained to ensure fairness and objectivity can be demonstrated. The following must be ensured:
- Sufficient number of interested, competent, financially sound suppliers with adequate capacity to undertake the work are identified.
 - The possibility of disqualifying a supplier after receiving their tender for reasons which should have been identified is reduced.
 - The number of potential suppliers is kept to a manageable level.
 - Tenderers do not incur unnecessary costs in preparing their bids.
- 4.4 The tenderers must all be circulated with an invitation to tender simultaneously. The closing date and time for the receipt of tenders should be clearly stated and should not be extended, but if exceptionally it is, then this must be communicated to all tenderers.
- 4.5 All tenderers must be given the same opportunity and treatment on a like for like basis. If visits are permitted, then this must be extended to all parties. A record of information disclosed will be maintained, and the identity of tenderers must not be disclosed to others. Care must be taken to allow sufficient time for return of tenders and evaluation. Inadequate time may result in the failure to achieve best practice.
- 4.6 Instructions to tenderers must be unambiguous.
- All Tender submissions must be sent via In-Tend
 - If for any reason the In-Tend system cannot be used, return envelopes must be sealed, marked with the tender reference and the required date and time provided for returns.
 - The date and time of receipt of each submission must be recorded on the return envelope.
 - All returned bids must be held in a secure location until the stated closing date and time has passed.
 - Any submissions received after the stated closing date and time will not be opened and not be considered.
- 4.7 The following will be observed when opening and evaluating tenders:
- Once the deadline has expired the Finance Manager will complete the system generated and fully audited opening ceremony and will download all ITT documents.
 - If the system is not used, after the stated closing time and date, the bids will be opened by two members of staff, one of which will normally be the Finance Manager.
 - Nobody involved in managing the service shall be part of the tender opening procedure.
 - A summary schedule will be prepared on which the name of each supplier and its prices will be recorded. The members of staff will sign

and date each submission and all pages therein containing pricing information.

- The names of suppliers that have not replied, or replied after the stated closing time and date, will also be noted.
- Each member of staff will then sign and date the summary schedule.

4.8 The evaluation procedure, which will be set at the start of the process, will consider all relevant factors which would generally include commercial, technical and financial issues. Further information on this stage can be found on the FE Library – Procurement website www.felp.ac.uk.

4.9 The evaluation panel should include:

- The individual responsible for managing the tendering process
- An end user of the product or service
- A representative from the Finance team
- An external specialist if necessary.

4.10 In circumstances where there is a technical or qualitative element to the tender scoring, all pricing information shall be retained by the Finance Manager and the technical or qualitative tender content passed to the panel for evaluation. The resulting scores will then be added to the pricing scores by the Finance Manager and weighted according to the tender terms.

4.11 The award criteria must be carried out using Most Economically Advantageous Tender (MEAT) which allows the College to take account of a criteria that reflects qualitative, technical and sustainable aspects of the tender submission as well as price when reaching an award decision. Awarding purely on the lowest price is not permissible but where the cheapest tender is not selected, the reasons for the decision should be noted with the tender file. It is not necessary to select the cheapest tender in all cases and the use of pre-determined weighting factors would generally be appropriate, providing that at least 50% of the total weighting (30% with written authority in advance from the Executive Director of Finance and Estates (or deputy)) is allocated to price.

4.12 Local suppliers will be prioritised if price, quality, product requirements and delivery timescales meet the colleges and purchasing department's requirements.

4.13 Suppliers who are unsuccessful should be informed and given the opportunity for feedback.

4.14 Single tenders may take place only with the express approval of the Executive Director of Finance and Estates (or deputy). The circumstances in which this is acceptable are when:

- Following appropriate research, there is no evidence of alternative sources of supply.
- Specialist attention is needed to extend, repair or refurbish proprietary or specialist equipment.

- The use of specialist professional services is indicated.
- Exceptionally, if an emergency arises. In such cases the duration of supply is likely to be limited such that an open tendering process can be conducted at the earliest possible opportunity.

The circumstances leading to a single tender action must be recorded. For every occasion when single tendering has been used, the Executive Director of Finance and Estates (or deputy) must report the event to the Finance and General Purposes Committee.

- 4.15 MKC policy is to establish Preferred Suppliers for certain goods and services over periods of up to three years. In order for Preferred Supplier status to be conferred on a supplier they must be successful in a tender designed specifically for the purpose, or be the sole supplier under a suitable procurement framework (CPC will be assumed by default). In return for favourable pricing or other terms, MKC will undertake to use that supplier wherever practicable within the timescale agreed. Staff wishing to establish Preferred Supplier arrangements should contact the Finance and Procurement Manager for advice and support. A list of Preferred Suppliers will be maintained on the Finance SharePoint site.

5 IN-TEND E-PROCUREMENT SYSTEM

- 5.1 For all quick quotes and tenders, the In-tend e-procurement system should be considered and any individual who requires access or training should contact the Finance Manager.
- 5.2 In-Tend provides the college with a full robust system to get easy access to quick quotes and Tenders:
- Quick Quotes – The aim of the quick quote tool is to provide a simple way for a non-procurement user to generate a quotation with minimal training, whilst still adhering to all procedures required by both the system and MKC.
 - Tenders (Inc. OJEU) – The Tendering Project tool provides the user with a set template and easy process to complete a full tender. The system controls the full tender requirement details, OJEU Notice dates, Pre-Qualification requirements, timescales, classifications, Opening Ceremonies and holds a full audit trail of the communications between MKC and suppliers.

6 QUOTATIONS

- 6.1 For purchasing decisions with a value between £2,000 and £50,000, quotations will be used. Three quotations will normally be obtained. Variations from this requirement are acceptable only on grounds of technical compatibility, or lack of alternative suppliers.
- 6.2 Telephone quotations are acceptable only if followed up in writing. Budget holders are responsible for holding this documentation, and they may not sign

requisitions without first verifying that the tendering and quotation requirements have been met.

- 6.3 Scanned copies of the three quotations are to be maintained centrally and attached to purchase orders via the electronic purchasing system.

7 LOWER VALUE PURCHASES

- 7.1 Paragraph 2.4 states that the competitive process should be evidenced in all purchasing decisions. The Government's view is that competition should be appropriate to the value and complexity of the goods and services to be acquired.
- 7.2 For purchases with a value below £2,000, the requirement to obtain three written quotations is relaxed, though the requirement to obtain value for money, and be seen to act fairly and objectively remains.
- 7.3 In these circumstances, budget holders are required to exercise their judgement when assessing the number of suppliers to be researched. A quotation should always be obtained from a supplier before the order is placed. The successful quotation should be confirmed with an official College order which contains a clear specification of requirements.

8 Sub- Contracting Education Provision (College Only)

- 8.1 Before the procurement process can take place the College must have approval to sub- contract from the Skills Funding Agency in writing - Please see the current SFA Funding rules for further guidance.
- 8.2 The procurement of any sub-contracting partners must comply with the College's procurement purchasing requirements summary as shown in the APPENDIX.
- 8.3 For all training contracts over £50k the college must follow the tendering requirements in section 4.
- 8.4 The use of the College e –tendering system In-tend will be used for all tenders . See section 5 for more details.
- 8.5 For any specific individual instances where it may not be appropriate to follow the College tendering process please contact the Finance and Procurement Manager for further details. All occurrences where this is the case should be reported at the next F&GP committee.

APPENDIX

Summary of requirements for purchasing goods and services.

Purchases over £50,000.	<p>Full tendering, unless no realistic competitive choice. In this event, reasons must be documented.</p> <p>See: Section 4 of the Procurement Objectives & Procedure.</p>
Purchases with a value of between £2,000 and £49,999.99	<p>Requirement to obtain three quotations. Quotations in writing must be obtained prior to placing orders. Variations only acceptable on grounds of technical compatibility or lack of alternative suppliers.</p> <p>See: Section 6 of the Procurement Objectives & Procedure.</p>
Purchases with a value of less than £2,000.	<p>Requirement to obtain value for money and to act fairly and objectively.</p> <p>See: Section 7 of the Procurement Objectives & Procedure.</p>