



How we procure:  
A guide for suppliers

## Introduction

Procurement is the process that all councils use to acquire goods, works and services. As a local authority, we are subject to regulations at national and local levels which we need to adhere to as we are spending public money.

We work with a variety of organisations including small to medium-sized enterprises (SME), large organisations, micro businesses, other public bodies, charities and third sector organisations.

There are many benefits of working with local councils as we strive to be fair, non-discriminatory, professional and prompt to pay.

This guide covers:

- the types of services and goods that we buy.
- the rules and regulations that we must legally follow.
- our procurement thresholds and routes to market.
- where to find our tendering opportunities.
- the tendering process - what to expect and minimum requirements.

## Which public services are we responsible for?

We have responsibility for the following areas of expenditure:

<ul style="list-style-type: none"> <li>• Waste collection and Recycling</li> <li>• Leisure and culture</li> <li>• Car parks</li> <li>• Regeneration</li> <li>• Economic development</li> </ul>	<ul style="list-style-type: none"> <li>• Planning and building regulations</li> <li>• Electoral services</li> <li>• Communications</li> <li>• HR services</li> <li>• Corporate and community facilities management</li> <li>• Pest control</li> </ul>	<ul style="list-style-type: none"> <li>• Environmental health</li> <li>• Public toilets</li> <li>• Cemeteries</li> <li>• Information technology</li> <li>• Corporate landlord</li> <li>• Accommodation for homelessness</li> </ul>
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Generally, we are not responsible for the following as they are covered by Surrey County Council:

<ul style="list-style-type: none"> <li>• Highways Maintenance</li> <li>• Waste Disposal</li> </ul>	<ul style="list-style-type: none"> <li>• Education</li> <li>• Libraries</li> </ul>	<ul style="list-style-type: none"> <li>• Adult Social Care and Health</li> <li>• Public Transport</li> </ul>
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# The Rules and Regulations we follow

## **Procurement Act 2023**

All councils are required to follow detailed procedures and legal timescales for all procurements above certain financial thresholds and these can be found in the [Procurement Act 2023](#).

The current thresholds can be found on the [Cabinet Office's website](#). Please note that these are periodically updated by the UK Government.

We must also align our procurement priorities with those set out in the [National Procurement Policy Statement](#).

## **Internal Procurement Rules – The Contract Standing Orders**

The [Contract Standing Orders](#)<sup>1</sup> (CSOs) are our local rules and procedures for procurement and reflect the requirements of the Procurement Act 2023 and form part of our constitution. The purpose of the CSOs is to:

- provide an auditable framework for our procurement activities.
- help us to obtain value for money so that we in turn can provide value for money services to the public.
- incorporate best practice.
- ensure we comply with the law governing the spending of public money.

## **Transparency Code and Freedom of Information Act (FOI)**

The FOI Act came into force in 2005. The Act establishes a right of access to all recorded information held by a public authority, subject to some exemptions. The Local Transparency Code 2015 requires that each council, on a quarterly basis, publishes on its website details of contracts awarded with a value of £5,000 or more.

This means that the name of a supplier will be published together with a brief description of the contract, the contract start and end dates and the value of the contract. It does not mean that the commercial details of the contract will be published.

Should we receive a Freedom of Information request it is expected that any of our suppliers will co-operate with the council in their obligations to disclose information under the FOI Act.

When submitting a tender for a contract all suppliers are required to declare any parts of the bid that are confidential and commercially sensitive that should not be disclosed under the Act, as an example this may include the pricing information submitted or any innovative ways of working.

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<sup>1</sup> See Annex 5-2.

## Social Value Act

Under this Act, councils have the obligation to consider social value in procurement decisions to ensure that services, goods or work contracts not only provide value for money but also added benefits to improve the economic, social and environmental wellbeing of the area. More information on the Social Value Act can be found on the [Cabinet Office's website](#).

## Data Protection Act (DPA) 2018 and General Data Protection Regulation (GDPR)

The Data Protection Act 2018 and General Data Protection Regulation are pieces of legislation that govern all public and private organisations that process personal data.

As a supplier you need to understand how data protection legislation impacts on your goods and services you provide. You can read more in the [Information Commissioner's Office guides](#).

## Our Procurement Thresholds and Routes to Market

Below is an extract from our CSOs showing the different procurement routes available.<sup>2</sup> The contract value is the total value of the contract and calculated over its entire life, this value will include any service or maintenance costs related to the contract, but does not include VAT (unless stated otherwise).

	Goods / Services	Works
One quote / evidence of value for money	Low value: below £10,000	
Three written quotes <i>Can be advertised on the council's e-tendering portal</i>	£10,000 - £24,999 <sup>3</sup>	
Local tender process (RFQ) <i>Must be advertised on the council's e-tendering portal, unless following a Framework route to market, and on the Central Digital Platform</i>	£25,000 – £171,922	£25,000 - £4,298,086
Above threshold tender process (ITT)	Above £171,923	Above £4,298,087

<sup>2</sup> Please check our CSOs for the latest thresholds, as they are subject to change.

<sup>3</sup> For Works contracts 1 quote is sufficient if 3 is not in practical / in the interests of best value.

<i>Must be advertised on the council's e-tendering portal, unless following a Framework route to market), and on the Central Digital Platform</i>		
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## Procurement Routes

The following are some of the common procurement routes used:

- **Value for money:** An internal exercise is carried out to search for the service or product in the market that provides value for money, this can be cost or quality related. These procurements are normally undertaken directly by the department making the purchase.
- **Three quotes:** A quotation pack is sent to a minimum of three selected suppliers, ideally one of which should be local. Those suppliers put in a quotation for a specific service or product requested, usually with a value between £10k – £25k (although it may also be for a value below £25k).
- **Local Tender Process (Request for Quotation 'RFQ'):** An advert is published on Central Digital Platform / Find a tender service and any supplier interested can tender for this opportunity. Full tender and contract documents are issued and any supplier who meets the minimum requirements can submit a tender and participate in the process. These procurements have a value from £25k – government threshold.
- **Above Threshold Tender Process (Invitation to Tender 'ITT'):** An advert is published on Central Digital Platform / Find a tender service, any supplier interested can tender for this opportunity. Full contract documents are issued and any supplier who meets the minimum requirements can submit a tender and participate in the process.
- **Framework Agreement:** A framework agreement is usually established with more than one supplier for the supply of a range of goods, works or services. Councils can access Framework Agreements tendered by other government organisations and agencies at the local or national level. Public Sector Buying Organisations that often procure Framework Agreements that are accessible to councils include the Crown Commercial Service (CCS), ESPO, YPO, NEPO, Scape, HCA and Kent Commercial Services, however there are numerous others we can access. If we choose to access a Framework Agreement, the tender will not be open for all suppliers to bid, only those that are on the Framework Agreement. Frameworks are often used for purchases of IT software and hardware, telephony and mobile phones, stationery, office equipment, furniture, etc.

## Where we advertise our opportunities

Our contract opportunities are published via our eSourcing platform, In-Tend. Once registered, suppliers will be sent email alerts when opportunities are advertised in categories of interest. This portal is free for suppliers to register. Full guidance to register is available on the [system](#).

When suppliers access the portal, they're able to view the following;

- What opportunities the Council are advertising.
- Access support and guidance which will help them make the best bid.

If you require technical help with your registration, please email [support@in-tend.co.uk](mailto:support@in-tend.co.uk) or telephone 0845 557 8079.

### **Contracts Finder**

You can search for information about contract opportunities in [Contracts Finder](#).

### **Find a Tender**

[Find a Tender](#) contains all the public sector tenders above the procurement threshold.

If you have queries regarding procurement, you can email: [procurement@epsom-ewell.gov.uk](mailto:procurement@epsom-ewell.gov.uk)

## E-tendering

The majority of our procurements above £25,000 are published and managed using our In-Tend, as described above. All documentation is available via this portal free of charge to registered suppliers. Tender documents will not be emailed to suppliers.

All tender returns and project correspondence are via the portal, all clarifications are circulated simultaneously through the portal to all organisations.

Low value quotations under £25k may either be carried out using the portal or via email directly with suppliers. If the Council accesses a Framework Agreement no advertisement is required.

## Contracts Register

If you would like to find out if a contract is already in place you should our website for the latest publication of our [contract register](#).

# The Tender Process - What to Expect

When we undertake a local or Above Threshold tender exercise, the document set includes a range of documentation for suppliers to review and submit, this can include:

## **Information for Bidders**

This document contains the information on how the tender exercise will be run including:

- a brief overview of the requirements.
- information about the procurement process and the procurement timetable including key dates.
- instructions explaining how to submit bids and requests for clarification and how to complete and submit a valid tender.
- details of the evaluation process used to identify the most advantageous tender.

## **Specification**

This document contains details of the services and performance requirements that the contractor will be required to supply and adhere to throughout the contract period.

## **Quality Questions**

These assess the capability and capacity of your organisation to deliver the contract requirements as well as your organisation's commitment and alignment to our policies and standards. Responses to quality questions will need to be submitted by the bidder as part of the tender process and these will be evaluated.

## **Supplier Self-Declaration**

This is a form providing basic information about the bidders' organisation. It also asks for confirmation that you meet certain minimum requirements, and that evidence is available for some or all of these areas: Professional and Business standing, Economic and Financial standing, Insurance, Health and Safety, Safeguarding and Preventing Radicalisation, Modern Slavery and Social Value. It also contains a list of mandatory and discretionary exclusion grounds where an organisation must declare if they meet any of the criteria, these are evaluated as either pass or fail, more information is detailed below.

## **Pricing Schedule**

This is normally a simple table or Excel spreadsheet which the bidder must populate with a detailed breakdown of all the costs associated with delivering the contract, exclusive of Value Added Tax. Depending on the type of contract, this can also be a complex spreadsheet. This is used to evaluate the price element of the bid.

## **Contract Terms and Conditions**

The formal contract terms and conditions on which the successful organisation will be expected to abide by with the contracting authority. Bidders will be expected to have reviewed and confirm acceptance of the contract terms and conditions as part of the tender process. Negotiation post tender is not permitted.

## **The Selection Questionnaire (if applicable)**

In some procurements we may use a Standard Selection Questionnaire (SQ). The SQ is a three-part document designed to allow tendering authorities to establish a shortlist of skilled experienced companies to invite to submit a tender.

The document contains a list of mandatory and discretionary exclusion grounds where an organisation must declare if they meet any of the criteria, these are evaluated as either pass or fail. Mandatory exclusion criteria include activities on corruption, fraud, terrorism offences, money laundering, child labour and human trafficking. Discretionary criteria can include breaches of environmental obligations, social obligations, labour law obligations, bankruptcy and grave professional misconduct.

If an organisation has met any of the mandatory exclusion grounds it will be rejected and removed from the procurement exercise, if they meet any of the discretionary grounds there is the opportunity to declare what corrective measures have been implemented to prevent further breaches (self-cleansing) and the authority will make an assessment on whether to include the organisation further.

Further information on [exclusion grounds](#).

## **Minimum Criteria**

Before a contract is awarded suppliers will be required to submit evidence demonstrating compliance with our policies and current legislation, for all or some of the following areas. The criteria we set is applicable to the particular contract involved and therefore will vary depending on the value or nature of the contract.

### **Financial Assessment**

We might ask for a full set of audited accounts with Profit and Loss statement, the Balance Sheet and notes for at least the last two available years. The accounts should also include the auditor's report and the directors' report if applicable. The evidence should demonstrate that the successful organisation has the financial capacity to fulfil the contract. This is proportionate to the contract. In most cases we will require, at minimum, a financial turnover of twice the annual value of the contract, though other criteria may apply.

### **Insurance**

This will include public liability, employers' liability and where appropriate professional indemnity or product liability insurance. The levels of insurance required are proportionate to the contract but generally a supplier should normally have a minimum of £5,000,000 of public liability cover.

### **Health and Safety**

This will require the supplier to evidence compliance with all relevant Health and Safety Legislation including:

- commitment to the health and safety of its employees, client and others.
- up to date health and safety policies and procedures.
- adequate risk assessment procedures.
- adequate system of monitoring and reporting accidents, incidents and ill health.
- access to competent health and safety advice when relevant.

### **Safeguarding and Preventing Radicalisation**

Where there is a possibility of the contractors being in contact with vulnerable persons then bidders will be asked to confirm that they have a Safeguarding policy fully implemented across the organisation. A copy of this will be required from the preferred bidder before the contract can be awarded. For specific contracts, there may be a 'prevent duty' under the Counter-Terrorism and Security Act which is transferred to contractors. In these circumstances, a contractor will be required to have a policy in place to demonstrate the ability to report any potential for radicalisation.

### **Equalities and Diversity**

Compliance with the Equality Act 2010. In appropriate cases, bidders will be asked whether they have been subject of any investigation or finding by a court or tribunal concerning a breach of any requirement of the Act. Contractors will also be asked if they have a policy on Equalities and Diversity.

### **Social Value and Sustainability**

Commitment to supporting the local economy, creating employment and economic sustainability, promoting environmental sustainability, promotion of equality, diversity, social inclusion, fair and ethical trading practices and supporting local outreach initiatives.

Suppliers may be asked about action taken to reduce wastage, limit energy consumption and procure materials from sustainable sources, sustainable disposal, increase the proportion of materials re-used and recycled, reduction of car use and fuel consumption, reduction of water use, protection of natural resources, reduction

of air and water pollution, prevention of land contamination, reduction of noise and light pollution, etc.

### **Modern Slavery**

This will require bidders to demonstrate that they have processes in place to tackle modern day slavery and human trafficking. Suppliers may be asked to demonstrate what policies and practices they have in place; applicable organisations will be required to provide a copy of their published Modern Slavery Statement.

### **Permit to Work (PTW) – Works Contracts Only**

These are generally required for contractors working on council sites where activities could present significant risks to staff, the public, property or systems. The PTW is used to manage day-to-day work on or in the property and to ensure one contractors' activity will not affect another.

### **Business Continuity**

For contracts that we believe are strategic or high risk, e.g. linked to the delivery of a key service, we will ask the bidders to include a copy of their business continuity plan as part of the procurement process.

### **Disability Confidence**

The Council is a Disability Confident employer, and it encourages all its partners to consider the commitments and activities put forward in the [scheme](#).

## **The Tender Evaluation**

We have a robust evaluation process that we use to ensure a fair and transparent process. Returned bids are evaluated against a set of criteria, as specified and published in the tender documentation. Evaluation will focus on examining how the tender proposals will deliver the service (quality) and the cost of the service (price).

The balance between quality and price will depend on the particular requirements of the goods, services, Works being procured, and will be disclosed in the tender documentation.

An evaluation of quality is typically undertaken using the responses provided to the quality questions. Typical areas that will be assessed, depending on the service, may include:

- previous experience.
- service delivery.
- resourcing and capacity.
- quality and performance management.

- mobilisation and risk management.
- social value.

Price is traditionally assessed using whole life costing of the goods or service being procured, not just the outright purchase cost and this may include ongoing maintenance or disposal costs. Bidders are normally asked for a total cost to supply the goods, services or works across the whole life of the contract. For services where volumes are difficult to determine or are variable the cost may be evaluated on an estimated service level with indicative volumes to provide a total contract cost.

The tender with the lowest submitted cost achieves the highest score for price and all other tenders are assessed against it.

The tender evaluated as having the highest combined score for both quality and price will be determined to be the preferred bidder.

The Council needs to undertake all necessary approvals before awarding the contract to a preferred bidder, depending on the value of the contract this can sometimes go to a formal policy committee meeting to get approval. This process can take quite some time so there is often a delay between returning bids and being notified of the outcome. The timetable for this is contained within the Information for Bidders document.

### **Tips for a good tender submission**

- Read the information provided in the bidder instructions carefully as this will explain how and when you should send your response.
- Review the entire tender documentation, ensuring you understand and meet all the requirements. If you are unsure of something, ask a question via our In-Tend portal. All questions will be responded to via the portal. Your organisation will be notified of the response through a Clarification for all suppliers.
- Return the bid by the closing date and time specified. Late tenders will not be considered, so plan to have enough time to upload the documents to the system.
- Make sure you supply ALL the information requested.
- Answer the question succinctly, honestly and clearly, using plain English. Do not include any part of your submission in other appendices or attachments unless you are specifically instructed to do so.
- Stick to specifics and use facts, figures and measurable evidence, where you have it, to support your response. If your organisation is setting targets, make them clear. Don't be too general or aspirational.

- Don't provide information that hasn't been asked for example by attaching any policies or other literature such as photos, graphics, logos, charts, graphs, etc. in your response that we have not asked for explicitly. These may not be considered and may not be the best use of any word or page count requirements for a tender submission.
- After the tender submission, remember to respond to any requests for further information in full and by the specified date.

### **Common reasons for non-acceptance or rejection of tenders**

- Tenders not received by the closing date for the receipt of tenders.
- Uncompetitive – failure to submit the most cost effective, best value offer.
- Missing prices - not quoting a price for the specified product (and the alternative submitted is not the equivalent).
- Incomplete or errors – not supplying all the requested information.
- Being too general in responses to the quality questions.