

## Procurement Policy

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# Procurement Policy

## Content

1. Introduction
2. Authority to Purchase / Responsibilities / Delegated Limits
3. Procurement Principles
4. Value for Money
5. One-off Purchases and Ongoing Requirements
6. Leases and Licenses
7. Process and Procedures
8. Contract Terms and Conditions
9. Safeguarding
10. Conflicts of Interest
11. Legislation and Regulatory Compliance
12. Monitoring and Review
13. Related Policies and Documents

## 1. Introduction

The College has an annual third party spend of c.£5m. All employees have a duty to ensure value for money when sourcing supplies, services and works requirements.

As a publicly funded organisation, the College is required to comply with public sector procurement regulation. This is enshrined in the Procurement Act 2023. The College, however, benefits from the Schools Exemption, which relieves the College of some elements of procurement regulation across the wider public sector, and its Financial Regulations and this Policy reflect the exemptions permitted.

This procurement policy sets out the principles to be followed when procuring third party supplies, services and works contracts by the College. This Policy shall be read in conjunction with the College's Financial Regulations.

## 2. Authority to Purchase

- a. All expenditure must be authorised in advance by the budget holder, or any person authorised by a budget holder who has been provided with a mandate to act on their behalf. Any person with such authority must be included on the approved list of signatories, held by the Finance Department. Budget holders are responsible for ensuring that all staff nominated as buyers are fully aware of all procurement procedures and the College's Financial Regulations.
- b. There must be sufficient VAT-inclusive funds in the budget to cover the total cost of the supplies, services or works procured, including any delivery charges, carriage, expenses, etc.
- c. Budget holders and other delegated persons are not authorised to enter into any form of contract commitment, whether written or oral, in excess of their authorised limits. All contracts shall be signed only by authorised officers of the College.
- d. Budget holders will be held accountable for any expenditure where the College's processes and procedures have not been followed. This may include personal liability for payment of any costs incurred.

### 3. Procurement Principles

Outcomes for students/learners are at the focus of the College's operations and these outcomes, together with sustained financial security are core to both its financial regulation and procurement procedures.

The College focusses on the following procurement principles:

- a. **Simplicity.** Procurement should be as simple as possible to ensure that the College and its suppliers are engaged in the procurement process. Anything which does not add value to the procurement process should be removed.
- b. **Value for Money.** Procurement should both demonstrate and achieve value for money when outsourcing to third party suppliers and contractors. Partnership opportunities, internal/external collaboration and use of education sector framework agreements provide routes to market which will assist the College to achieve value in its third-party expenditure.
- c. **Sustainability.** The College will include its Sustainable Procurement Policy in its procurement decision making processes. Whole life costing and end of life disposal will be taken into account when determining specifications and award of contracts.
- d. **Supply Base.** The College will support businesses local to its areas of operation to participate in its procurement activity and will structure appropriate contract opportunities to enable local and smaller businesses to compete.
- e. **Supplier Relationships.** The College will manage its third-party contracts in such a way that supplier relationships are strengthened. Strategic and higher value contracts will be actively managed to deliver value for money outcomes for the College.
- f. **Conduct.** The College will have regard to the procurement principles of transparency, equal treatment and proportionality in its conduct of procurement activities.
- g. **Procurement 'Five Rs'.** The College will apply the 'Five Rs' of procurement, seeking to obtain the right **quality**, in the right **quantity**, for the right **price**, at the right **place** and at the right **time**.

### 4. Value for Money

Purchasing decisions made by the College will aim to achieve value for money and strive to determine in each instance, the most advantageous tender/quotation. In achieving value for money, the College will not simply consider initial price, but also take account of the following non-exhaustive elements:

- a. Delivery, installation and design requirements
- b. Servicing, maintenance, operation and reliability
- c. Depreciation
- d. End of life / disposal
- e. Staff training
- f. Mobilisation costs / changes to practice & procedure
- g. Commercial and legal risk
- h. Cost of the procurement process itself, which should not be disproportionate to the value, importance or risk of the supplies, services or works procured.

The College will also consider routes to market as part of a wider value for money consideration, including:

- a. **Collaboration.** The College will seek to collaborate with other local educational and wider public sector establishments to achieve value for money through economy of scale.

- b. Frameworks.** The College will seek to procure its third-party contracts through frameworks established for use by and which are focussed on the education sector. The College recognises the value of procuring through existing routes to market which reduces the cost of procurement to the College whilst achieving value for money which education-focussed frameworks set out to deliver.

## 5. One-off Purchases and Ongoing Requirements

The College will not disaggregate requirements to avoid procurement regulation. The treatment of one-off purchases and the calculation of expenditure for ongoing requirements are set out in the College's Financial Regulations.

Ongoing requirements will be reviewed on a minimum four-yearly basis and contracts with no defined termination date, which simply roll-over from year to year will not be entered into.

## 6. Leases and Licences

All lease agreements shall be subject to consultation with the Deputy Principal & CEO with advice from the College's external auditors where appropriate.

### a. Finance Leases

Any finance lease proposal shall be referred to the Deputy Principal & CEO and Head of Finance.

### b. Operational Leases

The College will only enter into operational leases when it is financially appropriate to do so. All such lease proposals shall be reviewed and confirmed to be acceptable by the Deputy Principal and CEO and Head of Finance in conjunction with the College's external auditors and Governing Body as required. As a minimum, the following elements must be satisfied:

- i. **Funding.** Funds must be available to meet all payments required during the term of the lease and for any end of lease asset-return processes.
- ii. **Insurance.** Requirements for lessor mandated insurances shall be defined and quotations obtained from the College's insurers.
- iii. **Servicing maintenance.** Lessor requirements for servicing and maintenance shall be fully defined and costed, including establishment of suitable contracts with existing or new suppliers.

## 7. Processes and Procedures

- a. College Financial Regulations.** This Procurement Policy shall be read in conjunction with its Financial Regulations. For avoidance of doubt, the Financial Regulations shall take precedence, if there is a conflict of wording.
- b. Transparency.** Requests for quotation and formal tenders will be sought on a competitive basis where appropriate and in accordance with its Financial Regulations. All tender processes will be managed electronically. The College will access frameworks established for the education and wider public sector when it is appropriate to do so, and when value for money is demonstrated. All tender processes will be proportionate to the requirement sourced and will ensure equal treatment of suppliers in the tender process.
- c. Social Value.** The College will obtain additional social value through its third-party spend in accordance with its Sustainable Procurement Policy.

- d. Sustainability.** The College will source supplies, services and works in accordance with its Sustainable Procurement Policy, seeking to minimise negative impacts and maximise positive impacts on its community and the environment in which it operates.
- e. Plan.** The College will maintain a register of its contracts in accordance with its Financial Regulations. This will enable the College to plan and coordinate its procurement activity effectively.
- f. Define.** The College will consider the following when defining its requirements:
  - i. The overall objectives of each requirement
  - ii. In-house technical knowledge and any requirement to source external technical advice.
  - iii. The lifecycle of any product purchase, including after-sales services, in-life servicing & maintenance and end of use disposal
  - iv. Supplier/contractor conditions of contract/licensing over and above College agreed contract terms.
- g. Procure.** The College will ensure that its requirements are fully detailed, to secure the most advantageous tender or quotation for each requirement. This includes:
  - i. Allowing a realistic timetable for the procurement activity.
  - ii. Setting out technical, qualitative and quantitative requirements in its documentation and ensuring that all three elements are given consideration in the evaluation of tenders.
  - iii. Setting out the terms and conditions of contract which the College will expect suppliers/contractors to agree to.
- h. Manage.** The College will manage its awarded contracts to ensure that it receives the supplies, services and works that have been contracted. Higher value contracts will include key performance indicators, which will be actively managed and reported upon in accordance with its Financial Regulations. Any modifications and variations of awarded contracts will be recorded and agreed with the supplier/contractor.

## 8. Contract Terms and Conditions

The College will establish an agreed set of contract terms and conditions for supplies/services, which will be used when awarding third party contracts. When procuring works, the College will take advice from its specialist consultants and use their expertise to award and manage, using appropriate standard form construction contracts.

## 9. Safeguarding

The College considers as paramount, the safety and welfare of its students and this will be reflected in its relationships with third party suppliers providing supplies, services and works on and within its sites. All colleagues involved in the procurement of third-party contracts shall abide by, and shall embed, the College's Safeguarding Policy in the contracts it awards. Any person entering or working on College premises will either be subject to DBS checks at the expense of their employer or always accompanied by a staff member.

## 10. Conflicts of Interest

The College will identify and remove conflicts of interest which may, or may be perceived to, lead to the unfair treatment of suppliers/contractors and/or distort competition.

For each request for quotation or tender, both staff members and suppliers involved in the procurement and award of contract shall complete the College's Conflict of Interest form and this will be retained on file to

provide an audit trail. All staff members involved in the procurement process will ensure that the College maintains the highest standard of integrity in all business relationships. Staff members will not use their position for personal gain.

### **11. Legislation and Regulatory Compliance**

- [Procurement Act 2023](#)
- Education Act 2002
- Keeping Children Safe in Education (KCSIE) [Keeping children safe in education - GOV.UK](#)

### **12. Monitoring and Review**

Compliance will be monitored through audits, feedback from and reported to the Governing Body.

This policy will be reviewed annually or in response to legislative changes.

### **13. Related Policies and Documents**

- Financial Regulations
- Anti-Fraud and Anti-Bribery Policy
- Gifts and Hospitality Policy
- Sustainable Procurement Policy