TENDERING POLICY

This policy was reviewed and approved by the University Executive Group on [5 October 2016]

1.0 PURPOSE OF THE POLICY:

1.1 Why does the University need a tendering policy?
- The University is a Public Contracting Authority and therefore a policy is required to ensure that the University complies with UK Public Contracts Regulations 2015 and EU public procurement regulations and legislation
- To demonstrate that the University has tested value for money and is making best use of its resources
- To minimise risk and protect the University’s reputation
- To provide transparency for staff and students on how and what the University buys
- To ensure compliance with conditions of external grant funding

1.2 Failure to comply with the Policy

Failure to comply with the requirements of the Policy could result in:
- Allegations of fraud and corruption being made against the University & individual members of staff.
- The University not making the best use of its resources.
- The need to re-tender resulting in additional costs and delays
- Legal challenge/litigation
- Clawback of funds by EU bodies.
- Adverse publicity with inevitable damage to the University’s reputation.

1.3 How Procurement can help

The Procurement team are available to help at any time but should be contacted for all complex purchases or where budget holders are unsure of the proper procedures to follow. Even relatively low value contracts can involve risk.

The Procurement team can provide tailored advice and support to budget holders to ensure that regulations are being followed and procurement strategies are likely to produce the right outcome in terms of value for money and timescales.

It is particularly important that the Procurement team is contacted at the earliest stage possible as there are often legally prescribed timescales that will apply to the various stages of any procurement. Early engagement also allows the Procurement team to properly plan the support you will need later in the process.
2.0 THE POLICY

2.1 Definitions

The definitions of "quotations" and "tenders" vary from institution to institution. The interpretation used for the purposes of this guide is that "quotations" is the relatively straightforward exercise of seeking price and delivery details for goods or services which are easily specified. A "tender" is the more formal and detailed exercise of obtaining sealed bids for goods or services where the value is high, or the specification is detailed or complex, or where special terms and conditions apply.

2.2 Thresholds

The University is subject to the Public Contracts Regulations 2015 (PCR 2015). These are particularly complicated for higher value procurements and codify the various procurement routes that are available and the rules that must be followed.

The thresholds for the full application of the regulations, and the requirement for an EU tender are currently:

<table>
<thead>
<tr>
<th>Type of purchase</th>
<th>Contract value / EU Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Universities, Supplies &amp; Services</td>
<td>£181,302</td>
</tr>
<tr>
<td>Universities Works</td>
<td>£4,551,413</td>
</tr>
<tr>
<td>Light Touch Regime for Services¹</td>
<td>£615,278</td>
</tr>
</tbody>
</table>

However, the University also specifies certain minimum requirements related to procurement. These apply to all purchases being made from any funding source, including research and other grants. **These thresholds may be lowered subject to funding Bodies individual requirements.**

<table>
<thead>
<tr>
<th>Value of purchase</th>
<th>Procedure</th>
<th>Authorised to obtain</th>
</tr>
</thead>
<tbody>
<tr>
<td>£1,000 - £10,000</td>
<td>One Written Quote</td>
<td>All University Staff</td>
</tr>
<tr>
<td>£10,001 - £50,000</td>
<td>Three Written Quotes</td>
<td>All University Staff</td>
</tr>
<tr>
<td>£50,001 – EU Limit</td>
<td>University Tender</td>
<td>Procurement only</td>
</tr>
<tr>
<td>Above EU limit</td>
<td>EU Tender</td>
<td>Procurement only</td>
</tr>
</tbody>
</table>

¹ Certain services only such as training services, security services and legal services – please seek advice from the Procurement Team if in doubt
2.3 Determining the Contract Value

2.3.1 A whole life costing approach should be taken in determining the value of the contract.

2.3.2 Where a contract value is close to or likely to exceed a particular procedure threshold then the next procedure should be followed.

2.3.3 The starting point for calculating the contract value is that it should be a genuine pre-estimate of the entire value of the contract (excluding VAT). This includes all payments to be made, under the entirety of the contract and for the whole of the contract period – including proposed extensions and options. For example:

(a) For the purchase of equipment you should take into account the actual and likely costs of:

- The initial purchase (including cost of purchase if is funded by way of a lease)
- Installation
- Servicing for the entire contract period
- Training and other support for the entire contract period, and
- Consumables for the entire contract period.

(b) For the carrying out of services you should take into account:

- The actual and likely costs of the annual cost of providing the service multiplied by the number of years of the contract
- INCLUDING possible extensions allowed for in the contract, and
- Possible inflation uplifts during the contract period.

In determining the contract value, the length of the entire contract must be taken into account. If for example the contract is for an initial period of three years but with an option to extend for a further two years then the value of the contract is determined by reference to the five-year period, not just the initial three-year period. Similarly, if the contract relates to an initial purchase but there are options to make additional purchases in the future then the total potential value, including the value of potential additional purchases, must be taken into account in valuing a contract. A contract can be made up of a single one-off transaction or multiple purchases over a number of months/years, and repeat purchases may be considered as a single contract. All elements of the purchase need to be considered as part of the contract, for example, any training, servicing, any potential extension of contract, and these should not be disaggregated to avoid threshold requirements. Whilst there may be genuine reasons why the University’s requirements can be split into separate contracts there are specific requirements under the EU procurement rules which prevent this being done to avoid triggering the threshold for EU contracts.

Advice from the Procurement team should be sought if in doubt.
2.4 Contract Types

There are several types of contract and the University should ensure that the contract terms assigned reflect the contract type. Advice from the Procurement Team should be sought if in doubt.

2.4.1 Services Contract

A contract where the University engages a person(s) to provide services, examples include: professional services such as design, financial advice, project management, technical advisory services.

2.4.2 Supply Contract

A contract for (a) the purchase of goods or (b) the hire of goods. Supply contracts include contracts for consumables and equipment.

2.4.3 Works Contract

Works contracts can include both direct arrangements entered into by the University for the delivery of works such as roofing, bricklaying etc. as well as more indirect arrangements where the University arranges for another entity to carry out works on its behalf.

2.5 Quotes

Quotes must be obtained for any purchases between £1,000 and £50,000. At least one quote must be obtained for contracts with a value of up to £10,000 and at least three quotes must be obtained for contracts with a value of £10,001 to £50,000. Where quotes are to be obtained, the following templates should be used:

Appendix A.

These will include:

- The specification of the requirement for the goods or service including details of the deliverables. See appendix B for more details of what to include in a specification
- Timescales for delivery
- University Terms and Conditions
  
https://www.plymouth.ac.uk/your-university/about-us/university-structure/service-areas/procurement/terms-and-conditions

Quotes should be sought from similar, suitable suppliers, capable of carrying out the work/services/supplies. The specification should be relevant and proportionate and to the estimated value of the contract. For example, you would expect a more detailed
set of requirements for the provision of consultancy services estimated at £30,000 than for the supply of Microsoft Office Licence Agreements with a value of £5000.

2.6 Sub EU threshold tenders

A formal tender process will be appropriate where the value of the purchase is below the relevant EU threshold but exceeds £50,001. See Section 3.0 for further detail. The main stages of the tender will typically include the following:

- Identification of the requirement
- Obtaining all necessary approvals including funding
- Drafting the specification and requirements
- Agreeing a timetable with Procurement
- Procurement to finalise the documentation
- Sending contract notice to Contracts Finder (as appropriate)
- Expressions of interest from suppliers and download the tender documentation
- Conducting site visits if appropriate
- Bid submissions received from suppliers
- Evaluating returns – to include presentations, site visits, technical evaluation etc.
- Concluding evaluation and make recommendations
- Once approval is given, awarding to successful supplier and notify unsuccessful suppliers
- Starting mobilisation of new supplier and termination of incumbent supplier, where appropriate
- Contract start

2.7 EU Tenders

Above threshold tenders often involve complicated processes that require the EU & UK Public Contracts Regulations to be carefully navigated. These will be coordinated by the Procurement team.

The procurement route options available include the following:

- Open
- Restricted

In certain circumstances the following routes are also available:

- Competition with negotiation
- Competitive dialogue
- Innovation partnership
- Light touch regime

The choice of procurement route will depend on a range of circumstances including timescales, value, size and complexity of the market, the specification and so forth, and making the right choice will influence how successful the procurement is.
The Procurement team will assist in the decision making to apply the appropriate process and preparation of documentation.

As a guide to indicative timescales for purchases above the EU threshold value:

- A straightforward EU tender exercise could typically take 3 months
- A complex EU tender exercise could typically take between 6 and 12 months

2.8 Framework agreements

Purchasing consortia working within the Higher Education and wider public sector conduct tender exercises to establish framework agreements for a range of commonly used goods and services. Many frameworks can be accessed by the University and this should be checked before proceeding to obtain quotes or going out to tender. The Procurement Team can assist in identifying any frameworks which may meet the contract requirements.

The benefits of using a framework agreement are that requirements for the provision have already been tendered so the selection of compliant and capable suppliers has already been completed and indicative pricing established. This reduces the time needed to conduct the process to select the best value option/supplier. Economies of scale achieved through the use of frameworks can also improve value for money.

3.0 THE STAGES OF THE PROCEDURE FOR TENDERS ABOVE £50,001 AND BELOW THE EU THRESHOLDS

3.1 Introduction

The following Procedure is for University tenders only and is for use by all staff involved in a University tender for goods & services and works above £50,000 up to the relevant EU Procurement threshold. It is essential that where a need for a tender is identified Procurement is consulted from the earliest opportunity.

These Procedures do not apply to EU Tenders, where the process is set out in Regulations and statutory guidance. Further information on tenders above the EU thresholds can be found on the Crown Commercial Services website - https://www.gov.uk/government/organisations/crown-commercial-service.


Procurement will run and manage both University tenders and EU Tenders.
3.2 Identification of the requirement

The requestor will usually identify the need to procure goods and must ensure that there is an agreed source of funding and that all the necessary approvals (per the Financial Regulations) have been provided. In some cases, a Business Case will be required and it is essential that Procurement is consulted so that an appropriate strategy can be put in place at an early stage. In any event, all University tenders will require a written procurement strategy, signed off by the Head of Procurement.

3.3 Drafting the specification

The specification is the description of the requirement that needs to be met. The purpose of the specification is to communicate what is needed to the supplier and to allow measurement as to whether the goods or service delivered meet the required standard.

Further details of how to draft a specification are included at appendix B.

The specification is a key document in the tender process and crucial to the success of the tendering exercise. Where a specific quality standard is set as a minimum requirement care should be taken to ensure that you are evaluating “like for like” responses.

3.4 Evaluation criteria

All tenders must have evaluation criteria which should clearly indicate the elements by which the University will assess the bids and these must be signed off by the Head of Procurement. It is important that the evaluation criteria are set prior to any site visits, trial or analysis of offers takes place.

The University is looking for suppliers that will deliver the best Value for Money (VfM) where VfM is defined as:

‘the optimum combination of whole life costs and quality (or fitness for purpose) to meet the users’ requirement’.

Examples of evaluation criteria include:

- Quality/technical merit – is the product/service/solution fit for purpose? How well does it perform?
- Design, functional characteristics and aesthetics – How should the product look and feel? How easy is it to use?
- Sustainability – such as social, economic and environmental considerations
- Innovation, where appropriate
- Maintenance, ongoing technical support and after sales service – What support is required, available from the supplier?
- Delivery of period of completion – the guaranteed turnaround time from order to delivery or provision of service
• Price – the Whole Life Cost including: initial purchase price, operating costs, consumables and spares, and disposal costs. How effective will the goods/service prove to be over the term of the contract?

In addition, Procurement will assess suppliers for:

• Business probity and criminality checks
• Relevant technical and professional qualifications
• Capability, including previous experience
• Economic and financial standing

The University will ensure that any evaluation team who are to assess tenders are appropriately skilled to do so and have the necessary skills, knowledge and experience relating to the services, supplies or works being procured.

Tenderers must be advised of the criteria and their relative priorities or weightings in the Invitation to Tender (see below).

3.5 Invitation to Tender (ITT)

The ITT documents will include the specification and should also include:

• Instructions to tenderers (details on how to use In-Tend, ask for clarifications, the closing date etc.);
• The award criteria, scoring criteria, any budgetary information and outputs required;
• Terms and conditions of contract; and
• Any other relevant documentation relating to the tender requirement.

Once all the documentation is finalised, the tender will be given a unique reference by Procurement and the details will be advertised on the University’s online tendering portal, In-Tend. Suppliers are able to register on the portal which provides them with access to all advertised tender opportunities free of charge. The process for registering can be found here - In-Tend.

All tender documentation and correspondence is downloaded directly from the system, and suppliers must upload their returns here.

The contract must be advertised sufficiently widely to attract a representative sample of the market supply. A minimum of 3 bidders is preferred. If grant funding is being used, then particular care must be taken to ensure that the advertising requirements in the grant conditions are met.

During the period that tenders are open site visits and trials may be undertaken. Reports or evaluation forms must be submitted to contribute to the overall analysis of the offers from suppliers and be uploaded to In-tend.
If grant funding is being used then any publicity requirements must also be followed – for example, the name of the relevant grant award body may be required to be used on all tender documentation and reference to the use of grant funding should be made clear in the advertisement and tender documents.

3.6 The receipt and safe custody of tender documents

The University must provide clear and concise details of how and when the tenders are to be returned.

The receipt and safe custody of tender documents is an important part of the process that governs whether or not offers from suppliers can be accepted and considered by the University. It is the suppliers’ responsibility to ensure all documents are submitted correctly via In-Tend.

The Receiving Officer (RO) in Procurement is independent from the tendering process and is responsible for the safe custody of tenders on the In-Tend system until the time appointed for opening. The RO must ensure that the files have not been accessed before the opening time.

Individual Suppliers may request an extension to the bid time, which will be granted to all bidders at the absolute discretion of the Head of Procurement.

A Register must be kept by the RO on In-Tend for all tender bids identifying:

- The name and reference of each supplier invited to tender,
- The date of opening,
- The identity of the delegates opening the documents.
- The Register should be signed and dated by the delegates opening the documents.

3.7 The opening of tenders

Tender documents must be opened in accordance with rules that ensure probity and demonstrate that all tenders are treated equitably.

These rules are as follows:

- All documents must be opened at the same time.
- Documents must be only be opened by the RO.
- After all documents are opened and recorded, it is the responsibility of the RO to arrange for online access to the responsible department.

3.8 Rules of acceptance

Tenders may only be accepted in accordance with the Rules of Acceptance:
The designated officers shall have regard as to whether value for money will be obtained by the University and whether the number of tenders received provides adequate competition. In cases of doubt they shall consult the Head of Procurement.

Tenders received after the due time and date will not usually be accepted without a valid reason as this could give rise to challenge from another bidder that that bidder has been treated more favourably. A decision to admit a tender after the closing date and time may be considered only at the discretion of the Head of Procurement, in particular the Head of Procurement may decide that there are exceptional circumstances, e.g. where significant financial, technical or delivery advantages would accrue, and other bidders are not disadvantaged. The Head of Procurement must be satisfied that there is no reason to doubt the bona fides of the tender concerned.

The Head of Procurement shall decide whether such tenders are admissible and whether re-tendering is desirable. Re-tendering may be limited to those tenders reasonably in the field of consideration in the original competition. If the tender is accepted the late arrival of the tender should be reported to the Chief Financial Officer.

Incomplete tenders (i.e. those from which information necessary for the adjudication of the tender is missing) and amended tenders (i.e. those amended by the tenderer upon his own initiative either orally or in writing after the due time for receipt) should be dealt with in the same way as late tenders.

Where examination of tenders reveals errors, which would affect the tender figure, the tenderer is to be given details of such errors and afforded the opportunity of confirming or withdrawing his offer.

Necessary discussions with a tenderer of the contents of his tender, in order to elucidate technical points before the award of a contract, need not disqualify the tender all such communication will be via In-Tend and recorded.

While decisions as to the admissibility of late, incomplete, or amended tenders are under consideration and while re-tenders are being obtained, the tender documents shall remain strictly confidential and kept in safekeeping by the RO.

Where only one tender/quotation is received the University shall, as far as practicable, ensure that the price to be paid is fair and reasonable.

All tenders should be treated as confidential and should be retained for inspection for a minimum of six years or where contracts extend beyond six years at least one year beyond contract termination.

Tenders may only be opened 24 hours after the due date, if the Head of Procurement gives permission for an exception.
3.9 Evaluation of the Tender

An Evaluation Panel shall be established to create the tender documentation, send the tender out to bidders via the RO and then evaluate the tenders and make a recommendation as to the successful bidder to an Adjudication Panel, in accordance with the following rules.

- The constitution of the Evaluation Panel shall be the user(s), a procurement manager, a finance business partner and any specialist advisers or consultants appointed by the University for said purpose. An initial meeting of the Evaluation Panel will determine the responsibilities of the participants and the requirements of the process including the specification. The individuals involved must complete a technical evaluation for all items of equipment or other goods, following full product testing or site visits, and these will be collected and collated by the lead user for presentation at the final evaluation panel.

- Evaluation criteria must be kept as a permanent record with the tenders. Once the tenders have been received and opened in accordance with the Tendering Policy, the appropriate users and technical advisers will undertake individual analyses of the submissions.

- A non-financial benefits analysis must be carried out of the goods and services. Procurement must carry out a full financial analysis of the tenders.

- The technical analyses will include whether or not the offers meet the specification and will score each one in accordance with the pre-set criteria agreed at the start of the process.

- The financial analysis will compare the core items and include any enhancements offered by the suppliers as well as the available budget.

- A cost benefit analysis combining all of the factors being assessed will be undertaken.

- The Evaluation Panel will co-ordinate all of the paperwork needed for presentation to the Adjudication Panel. It may be necessary to seek further clarification from suppliers. This must be done via the Intend system, through the RO.

- The Evaluation Panel should make available all analyses and details of the evaluation to the Adjudication Panel at least two working days before the Adjudication Panel meets in the form of an evaluation report setting out details of the process and its outcome, including a recommendation.
Where a presentation is being used as part of the tendering process this should have the criteria for assessment set in advance for the purpose of scoring potential suppliers.

- A record of all scoring must be kept on In-Tend.

### 3.91 The adjudication of the tender evaluation

An Adjudication Panel, duly set up for the purpose, must approve the letting of a tender, based on the presentation from the Evaluation Panel.

The Adjudication Panel shall comprise the Head of Procurement and a relevant independent Senior Manager from the requesting area.

The Adjudication panel must also pay attention to the financial viability, resources and technical abilities of the companies on the shortlist. The panel must satisfy itself that there is appropriate competent technical advice to inform their decision.

Following the approval to proceed, Procurement will issue the relevant documents to the preferred supplier and inform unsuccessful suppliers of the outcome of the competition.

#### 4.0 Reporting to the Chief Financial Officer

The outcome of all tenders will be reported on a monthly basis to the Chief Financial Officer, along with any Waivers for the same period. Periodic reports of Waivers will then be reported to the Audit Committee.

#### 4.1 Exceptions to these rules: Waivers

The Head of Procurement (HoP) may waive the requirements of this policy except where the rules of public procurement apply (i.e. above EU threshold tenders).

All University competitive processes contained within this Policy may be waived in the following cases, provided sufficient justification is given and any waivers will be recorded with full reasons:

- The goods and services required are of such specialised nature that it would not be possible or desirable to obtain competitive bids.
- The supply of the goods and services are so urgently needed as to justify bypassing competitive bids.
- The Goods or Services are embedded and are considered monopoly suppliers (software maintenance renewals, subscription services etc.)
- Requests for waivers and the process can be found in **appendix D.**
5.0 PROCUREMENT ETHICS & STANDARDS

5.1 Ethical behaviour in purchasing is particularly important for Public Sector bodies due to the extra scrutiny involved with the expenditure of public funds. Procurement Team staff will adhere to the Chartered Institute of Purchasing and Supply (CIPS) Code of Conduct.

All staff, involved in a tender process, must declare to the University, via the declaration process outlined in appendix C, any conflict of interest whether this be actual or perceived, prior to any tender exercise.

In addition, the following guiding principles of ethical behaviour apply:

- The conduct of the University’s employees should not foster the suspicion of any conflict between their official duty and their personal interest.
- The action of the University should not give the impression that they have or may have been influenced by a gift or consideration to show favour or disfavour to any person or organisation.
- Dealings with suppliers must at all times be honest and fair and transparent to the public.
- Information provided by suppliers should be regarded and treated as confidential.
- The University should keep sufficient records to establish an audit trail to demonstrate that appropriate standards have been observed on each purchase.

5.2 It is an offence under the Bribery Act 2010 for staff to accept any gifts or consideration as an incentive or reward for doing anything in an official capacity, or showing favour or disfavour to any person in an official capacity.

5.3 All staff in contact with suppliers is vulnerable to accusations of fraud and corruption as they are in contact with the commercial world where it may be normal practice to offer gifts and hospitality.

5.4 It is vital that University staff are above reproach in their actions and that their personal judgement and integrity cannot reasonably be seen to be compromised by the acceptance of benefits of any kind from a third party.

5.5 Examples of actions or behaviours that must be avoided are

- The sending of drawings, specifications, prototypes or samples of one supplier to another.
- The divulgence of prices of one supplier to another.
- The invention of lower bids to force prices down.
- Bullying, harassing or threatening suppliers in negotiations or meetings.
- Refusing to undertake trials on new products/suppliers.
- Exaggerating quantities above known requirements.
- Calling for unnecessarily short delivery times.
- Stating time as ‘of essence to the contract’ unnecessarilly.
- Promising that a contract has a longer term than is warranted or practicable.
- Permitting some suppliers to re-quote while others are denied this facility.
- Giving false information under any circumstances.
- Using a dominant position to take unfair advantage of a small supplier.
- Allowing personal bias or prejudice to influence purchasing decisions.
- Taking ‘prompt payment’ or other discount when they are not ‘current’ or not earned or relevant.
- Soliciting or accepting ‘personal favours’ from suppliers.
- Accepting bribes of any kind.
- Developing personal relationships with sales staff, which could affect decisions.
- Making alterations to tender documents.
- Allowing gaps in records.
- Communicating with supplier’s offline or privately during a competitive process.

### 6.0 Keeping records

6.1 Procurement are responsible for managing information and keeping control of written records relating to Procurement. All records must be maintained in an identifiable filing system, easily accessible for inspection by the auditors, or other staff members, upon request. If you therefore obtain quotes or sign a contract under the contract signature Protocol, these should be forwarded to Procurement to file correctly.

6.2 Files should be kept tidy with contents secured, in date order. Documents should be clearly labelled and dated. All files should be coded in relation to their content.

6.3 Electronic documents must also be kept in an identifiable filing system on the shared drives, with clearly defined references that are centrally known and understood.

6.4 Written records in relation to the procurement process must be maintained, in particular, information on quotations (written and verbal), tenders, evaluations, decision-making, and value for money.
6.5 For University Tenders the following are the minimum that should be retained for audit purposes:

- Advert
- Pre-qualification (PQQ) / selection stage document (if used)
- PQQ issued to suppliers (if used)
- PQQs received from suppliers (if used)
- PQQ opening sheet – signed and dated (if used)
- PQQ evaluation – signed and dated (if used)
- ITT documents including specification, terms and conditions and information for bidders
- Copies of any clarifications received and issued
- Tenders received (successful and unsuccessful)
- Form of Tender, certificate of non-collusive tendering and certificate against canvassing received from suppliers (where applicable)
- Tender opening sheet – signed and dated by at least two persons
- Evaluation documents – including any documents used for presentation – signed and dated by evaluators where relevant
- Rejection letters to unsuccessful suppliers
- Copies of emails/letters/file notes of any feedback provided
- Letter to successful supplier
- Signed and dated contract

6.6 If critical documents are emailed they must be carefully saved electronically and in some cases printed and filed, (documents such as quotations, proposals, and acceptance letters and so on).

Financial documents must be retained **for six years**; other documents should be retained as follows:

<table>
<thead>
<tr>
<th>Where the Contract is a result of EU Funding.</th>
<th>Currently 2033</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where there is not a formal contract</td>
<td>Two years, or the contract lifetime if longer</td>
</tr>
<tr>
<td>Formal Contracts not under seal</td>
<td>Six years after the expiry of the contract arrangements</td>
</tr>
<tr>
<td>Formal Contracts under seal or signed as a deed</td>
<td>Twelve years after the expiry of the contract arrangements</td>
</tr>
</tbody>
</table>
7.0 Common Errors

Examples of some of the most common errors made in procurement, which can cause problems for the University, include but are not limited to:

7.1 Contracts awarded without sufficient advertisement (particularly where grant funding is being used).

7.2 Amendments to contracts for additional works, services or supplies without consideration of whether such an amendment is permissible (always seek guidance from the Procurement Team).

7.3 A selection/PQQ process which does not set out how the applications are to be assessed or the assessment is not carried out in line with what was published.

7.4 Award criteria which are not applied correctly or where additional criteria are followed in assessment which was not published.

7.5 Minimal or no audit trail relating to evaluation and award.
Appendix A

INVITATION TO QUOTE FOR SERVICES

FAO: [NAME AND ADDRESS OF SUPPLIER]
[DATE]
[ANY RELEVANT SE REFERENCE NUMBER]

Dear XXX

REQUEST FOR QUOTATION FOR [NATURE OF SERVICES REQUIRED]

1. We would like to invite you to submit your fixed price quotation, excluding VAT, for the requirements set out at “2” below by [DATE]. Please show [INSERT INFORMATION TO BE PROVIDED SUCH AS NUMBER OF DAYS, THE DAILY RATE, FIXED PRICE]. No costs other than those shown in the quotation will apply. Your Quotation must be valid for 90 days. You must respond to the sender of this e-mail attachment.

2. [INSERT A CLEAR, ACCURATE AND COMPLETE DESCRIPTION OF THE RELEVANT SERVICES REQUIRED AND ALL REQUIRED DELIVERABLES. IF NECESSARY, ATTACH FURTHER DETAILS. LIST ANY SPECIAL INSTRUCTIONS WHICH ARE RELEVANT.]

3. It is envisaged that the Contract will commence on [DATE].

4. Please note that by providing us with a quotation you agree to be bound by University Of Plymouth Terms and Conditions for the Purchase of Goods & Services, or Consultancy, whichever is applicable, which are available on our website. These will apply to any Purchase Order awarded upon receipt of a satisfactory quotation. No other terms and conditions will apply.

Yours sincerely

Name

Title
Email: ........@plymouth.ac.uk
Telephone: 01752 58…..
INVITATION TO QUOTE FOR GOODS

FAO: [NAME AND ADDRESS OF SUPPLIER]
[DATE]
[ANY RELEVANT REFERENCE NUMBER]

Dear XXX

NOTE: PLEASE SUBMIT YOUR QUOTATION BY [DATE]

We would like to invite you to submit a fixed price quotation, excluding VAT, for the following goods, (carriage included), to the address below. Please show a breakdown of [INSERT INFORMATION TO BE PROVIDED SUCH AS PER UNIT COST, CARRIAGE, DISCOUNTS]. No costs other than those shown on your quotation will apply.

Please note that by providing us with a quotation you agree to be bound by The University of Plymouth Terms and Conditions for Purchasing Goods & Services, which are available on our website. These will apply to any contract awarded to you after you have provided us with your quotation. No other terms and conditions will apply unless accepted by us in writing. Please send your quotation back to the sender of the e-mail attachment. Your quotation must include and show separately all lifetime costs for a minimum period of 2 years. This must include all maintenance, parts, warranties and labour.

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>QUANTITY</th>
<th>DESCRIPTION</th>
<th>DELIVERY REQUIRED BY...</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>[DATE]</td>
</tr>
</tbody>
</table>

**Delivery Address and any Special Instructions**

From

Yours sincerely

Name

Title

Email: ........@plymouth.ac.uk

Telephone: 01752 58.....
Appendix B

Specifications

What is a specification?

- A specification is a detailed description of the requirements to which goods, services or works should conform.
- It is a detailed description of the quality of materials and standards of workmanship
- Specifications typically must not reference specific products, brands, marks or part numbers. International or European standards must be referenced where possible.

Who should write the specification?

- The project lead is responsible for producing the specification. The Procurement team can assist to refine the specification from a procurement perspective.

Approach to the specification:

- A requirement should be set out in terms of FUNCTION (states the requirement to be performed by the product or service, i.e. its purpose. It should usually focus on what is to be achieved rather than the method of achieving the result) and PERFORMANCE (usually defines the level of performance required from the product or service rather than how the performance is to be achieved), as this:
  - Ensures no bias or favouritism towards one supplier, product or service;
  - Draws attention to the results rather than the means of achieving them;
  - Allows suppliers to offer solutions to the requirement;
  - Minimises the resources required to write the specification;
  - Specifications should refer wherever possible to relevant European and International standards.

- TECHNICAL (defines the physical characteristics of the product) specifications may be required where dimensions, colour or capacity need to be detailed, and bias should be avoided by the use of descriptions such as “similar to” or “equivalent to”.
- DRAWINGS may be used where the requirement cannot be sufficiently described, or to provide clarification, but suppliers can be given the opportunity to suggest innovative or alternative solutions.

Style of specification:

- In addition to the specification complying with functional and performance aspects, the following should be adhered to:
- The requirement should be in plain English.
- Care should be taken to avoid jargon, and all symbols, acronyms and technical terms should be clearly defined in a glossary.
- Generic terms should be used rather than supplier references.
- All performance requirements or design characteristics should be quantifiable.
- The specification should identify all relevant details, including delivery schedules, milestone payments, ownership of intellectual property rights, and so forth.

- It is best practice to incorporate the following points:
  - Use of a clear and simple title to ensure that it is not misleading. Where several items are required, the title should make it clear what the whole purchase is.
  - A list of contents
  - An introduction that may serve to increase the supplier’s interest and enable them to understand the requirement in a broader context.
  - Compliance with legal requirements.

Key Performance Indicators and Contract Management:

The following is a guide showing typical KPI’s that should be included in your specifications:

Appendix C:

Declarations of Conflicts of Interest in Relation to Procurement and Contract Management

Requirement to Declare an Interest

The University has an existing policy and procedure for managing Conflicts of Interest for Staff, administered by HR.

However, it is important that the University is able to conduct its business transparently, ethically and within the law specifically in relation to Procurement and Contract Management. The University lets and manages a large number of contracts and there is the potential for staff to find or put themselves in a difficult position where an outside interest may conflict, or appear to conflict with their duties. In order to manage or resolve that situation disclosure should always be made.

The University requires that any individual who has an interest, financial or otherwise, either directly or indirectly in the outcome of any tendering exercise or how contracts are managed declare such interest.

Any possible conflict of interest or potential for bias should be discussed with the Head of Procurement as soon as it arises. If individuals are not sure whether an interest should be declared they should err on the side of caution.

What is a Conflict of Interest?

A conflict of interest is a situation:

- that prevents or may give a perception that it prevents you making an unbiased decision in the performance of your duties for the University;
- where you promote or pursue, or may be perceived as promoting or pursuing, your own interests ahead of those of the University;
- where you use, or may be perceived as using your position with the University for personal gain or purposes which are not in the interests of the University or which may damage the University’s reputation;

A conflict of interest can therefore be either perceived or actual. Its existence does not necessarily arise due to unethical or unlawful behaviour; it may just be a coming together of circumstances.

Examples of conflicts of interest include:

- Having a financial interest (e.g. holding shares or options) in a potential tenderer or an existing supplier to the University;
- Having a financial or any other personal interest in the outcome of any tender process or the success of any existing supplier relationship;
- Being employed by (as staff member or volunteer) or providing services to any potential tenderer or existing supplier;
• Being a member of a potential tenderer’s or existing supplier’s management/executive board;
• Receiving any kind of monetary payment or non-monetary gain or incentive from any tenderer or existing supplier or its representatives;
• Canvassing, or negotiating with any person with a view to entering into any of the arrangements outlined above;

• Having a close member of your family (which term includes unmarried partners), personal friend or other close relationship (current or historical) who is associated with a potential tenderer or an existing supplier to the University;
• Being a member of an organisation that has the potential to influence the outcome of a tender process or management of an existing supplier.

The above is a non-exhaustive list of examples, and it is your responsibility to ensure that any and all potential conflicts, whether or not listed above, are disclosed to the Head of Procurement

Managing Conflicts of Interest

The Head of Procurement will decide on the appropriate course of action to ensure there is no real or perceived distortion of competition or potential for fraud and record the outcome accordingly.

The actions that might be taken include:

• **Avoidance**: the conflict, perceived or actual, could be avoided, for example you do not participate in the planned action.
• **Disclosure**: disclosing the conflict to all parties involved and being transparent may allow the relationship to go ahead.
• **Stepping back**: stepping back may be appropriate, for example, if a relative is involved, the employee could step back to ensure they are not involved in or be in a position to influence the relevant decision.
• **Refusal**: in some circumstances not accepting the circumstances may avoid the conflict, e.g. not accepting a personal gift.

This list is non-exhaustive and a combination of actions may be required to manage a conflict. However, if in doubt, always disclose the conflict.

The Declaration of Interest Forms for Tenders and Contract Management can be found here: **Appendix C**.
Appendix C Cont.…

PLYMOUTH UNIVERSITY

DECLARATION OF INTERESTS

The University is required to demonstrate good stewardship of the public funds which it spends, and to ensure that all procurement activities are conducted within the spirit of the Public Contracts Regulations, and in accordance with the University’s Financial Regulations. The University maintains a Register of Interests for all staff and Consultants involved in the award of Contracts on behalf of the University.

The Register of Interests held by Procurement & Sustainability requires that all staff and external Consultants involved in Contract awards should complete a declaration of interest, to demonstrate that they have no personal or financial interest, or to record same, which may affect, or be seen by others to affect, their impartiality in the award of Contracts.

A separate Declaration of Interests is completed for each Tender or Fee Bid, and is held on the e-tender system. The information disclosed is confidential between the member of staff / consultant and the Procurement Team. Any such interest will be recorded in the Register on the same basis.

Any personal interest should cover the individual’s own personal interest, plus any interests of their immediate family, and may cover employment, previous employment, investment or other pecuniary interest. Members of staff are encouraged to consider and declare all potential or perceived areas of conflict. This applies equally to any external Consultant involved in a Contract award.

The decision to exclude any member of staff or external Consultant or their scoring as a result of a declaration of interest will be taken by the Head of Procurement & Sustainability or their nominee. Failure to declare a relevant personal interest will be treated as a breach of the University’s Financial Regulations and will be referred to the Chief Financial Officer.
Appendix C Cont…..

**Tender Name:**
**Tender Reference:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Department / Consultant</th>
<th>Any interest Y (provide details) / N</th>
<th>Signature</th>
<th>Date</th>
</tr>
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Appendix D

PROCUREMENT AUTHORITY TO WAIVER TEMPLATE

Please complete this document and send to Procurement@plymouth.ac.uk together with all relevant supporting documentation including quotation(s).

PLEASE NOTE: We cannot guarantee that this request will be considered immediately. Therefore, please ensure that the request is submitted well in advance of the requirement.

<table>
<thead>
<tr>
<th>To be completed by Originator:</th>
</tr>
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<tbody>
<tr>
<td>Originator</td>
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<tr>
<td>Department</td>
</tr>
<tr>
<td>Contact telephone number</td>
</tr>
<tr>
<td>Name of Supplier</td>
</tr>
<tr>
<td>Description of Goods/Services/Works</td>
</tr>
<tr>
<td>Value</td>
</tr>
<tr>
<td>VAT (£0 if exempt/not applicable)</td>
</tr>
<tr>
<td>Total Value</td>
</tr>
<tr>
<td>Funding source (University, grant etc.)</td>
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<tr>
<td>If grant funding, is the Supplier nominated by the Funding body?</td>
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<table>
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<th>To be completed by Procurement:</th>
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<tbody>
<tr>
<td>Outcome</td>
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<tr>
<td>Approved/Declined*/Request additional information*</td>
</tr>
<tr>
<td>*Purchase / Consultancy etc. approved on grounds of operational need but waiver under review and may be subject to Audit</td>
</tr>
<tr>
<td>Date of outcome</td>
</tr>
<tr>
<td>Procurement Approval:</td>
</tr>
<tr>
<td>Waiver Number:</td>
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<tr>
<td>Review Date:</td>
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<tr>
<td>Procurement Notes</td>
</tr>
</tbody>
</table>
AUTHORITY TO WAIVER JUSTIFICATION

The need:

The market:

Added value / discount negotiated / risk reduction / other value for money:

The options:

1
2
3

Summary table:
Summarise the options in relation to cost and critical factors, e.g. value / risk / timescales / commercial confidence.

<table>
<thead>
<tr>
<th>Option</th>
<th>Cost 1</th>
<th>Factor 1</th>
<th>Factor 2</th>
<th>Total cost (ex VAT)</th>
<th>Total cost (inc VAT)</th>
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<td>Two</td>
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<td>Three</td>
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Requested option:

APPENDIX

Any additional