



**UNIVERSITY OF  
PLYMOUTH**

**University of Plymouth  
Tendering Policy**

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**This policy was reviewed and approved by the University Executive Group on 9<sup>th</sup> March 2022**

**It will be reviewed again before 10<sup>th</sup> March 2024**

# Key aspects of the Tendering Policy

## Who does it apply to?

The Tendering Policy applies to all Staff and must be considered and followed prior to making financial commitments on behalf of the University.

## Why?

The Tendering Policy is driven by the University's Financial Regulations, the purpose of which are to provide control over the totality of the University's resources and to provide the Board of Governors and management with assurances that those resources are being properly applied.

## Legislation

The University must also comply with the Principles and associated thresholds set by the Public Contracts Regulations (PCR). Procurement **must** be engaged where the following spend thresholds are likely to be exceeded; Goods/Supplies & Services = £177,897.50\* Works = £4,447,448\* (Figures exclude VAT – Please see main policy section 2.2)

## So that,

We can ensure achievement of the University's strategic plans, charitable and commercial objectives including:

- Financial viability
- Achieving value for money
- Fulfilling its responsibility for the provision of effective financial controls over the use of public funds
- Ensuring that the University complies with all relevant legislation and regulatory requirements
- Safeguarding the assets of the University

## Grant Funding

Grant funding conditions often stipulate required procurement processes that must be followed (particularly ESIF/ERDF). These can differ from the University Policy and are often more complex. If you are contemplating a purchase using grant monies and are unsure of your obligations please contact Procurement for advice before proceeding.

## Key Thresholds

This Policy sets out minimum requirements for non-grant funded expenditure, broadly summarised as;

Value Threshold	Types of Purchase		Comments
	Goods & Services	Works	
£0-£10,000	1 Written Quote		Staff to source quotes against <a href="#">University terms and Conditions</a>  Procurement team to publish Award Notices on <a href="#">Contracts Finder</a> where the value exceeds £25k (INC VAT) NB – Support, advice and guidance from procurement is available
£10,001-£50,000	3 Written Quotes		Procurement to advise and lead on method of purchase which is likely to require a tender process  Procurement team to publish Opportunity and Award Notices on <a href="#">Contracts Finder</a>
£50,001-PCR Threshold	Below threshold tender process		Procurement to lead on the tender process  Procurement team to publish Opportunity and Award Notices on <a href="#">Contracts Finder</a> and <a href="#">FTS</a>
Above PCR Threshold	<a href="#">Publish on Find a Tender service (FTS)</a>		

\*Figures exclude VAT

This is a high level summary detailing key aspects of the Policy, however staff have a responsibility to ensure they have awareness of all aspect of the Tendering Policy.

For further guidance Procurement at here to support;  
Tel: +44 (0) 1752 582057

## **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 (the Regulations)
- Purchases should 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, and;
- To ensure compliance with conditions of external grant funding e.g., critically, ERDF / ESIF (see Appendix 'A')

There are some broad principles that all staff should follow when committing the University to expenditure:

- Always aim to obtain best value;
- Ensure that budget is available for any expenditure before it is incurred;
- Operating within budget does not obviate the need to ensure objectives (including quality considerations) are achieved at minimum cost;
- Staff must not authorise expenditure where they are a beneficiary.

### **1.2 Responsibility to comply with the Policy**

The Tendering Policy and compliance with it is a requirement set out in the University's Financial Regulations.

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 funding bodies, and;
- Potential for adverse publicity with potential damage to the University's reputation.

### 1.3 How Procurement can help you

The University requires all budget holders, irrespective of the source of funds, to obtain goods, services and works at the lowest possible lifecycle cost, consistent with the required quality.

The Procurement team is available to help with any value of requirement, but must 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 high risk. Please refer to the 'Thresholds' in Section 2.2

The Procurement team provides tailored advice and support to budget holders to ensure that Policy and Regulations are duly followed. Use of appropriate procurement strategies will produce the right outcome in terms of value for money and timescales and will include assistance with;

- Pre-qualification checks of suppliers (e.g. credit checks)
- Specification(s) of requirements and sustainability in accordance with sound business practice
- Ethics, legal and regulatory requirements.
- Other factors to be considered in determining best value are noted in the guidance from Procurement.

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 "quotation" is the relatively straightforward exercise of seeking price and delivery details for goods or services which are easily specified.

"Tender" - A tender is the more formal and detailed exercise of obtaining sealed bids (normally in electronic form) which may be for goods, services works, where the value is high, or the specification is detailed or complex, or where special terms and conditions apply. Application of appropriate T&Cs is formalised in the tender process

"Goods/Supplies" - Physical bought in items including both consumable, or for repeat use products, which are neither Services nor Works. *Examples include; Laboratory equipment/consumables, IT equipment and some software, Cleaning Products, Stationery etc.*

"Services" - Bought in services which are not delivered by in-house staff and which are neither Goods nor Works. *Examples include; Cleaning, Security, Training, Consultancy and specialist knowledge, including but not limited to Project Management, Surveying, Architects. NB - Also includes software arrangements on a services basis (SaaS) etc.*

"Works" - Construction, demolition, maintenance or repair to physical assets (e.g. buildings, public realm, highways). Further guidance can be found in [Schedule 3 of the Public Contracts Regulations](#), or through consultation with Procurement.

### 2.2 Thresholds

The University is subject to the Public Contracts Regulations ("PCR"), which creates legal obligations that must be fulfilled above certain value thresholds

In addition to the legal obligations under PCR, there are some fundamental Treaty principles and more general principles which have emerged through case law which are;

- Non-discrimination
- Equality of treatment
- Transparency
- Mutual recognition
- Proportionality

In addition to these fundamental treaty principles, some general principles of law have emerged from the case law of the European Court of Justice. The most

important of these general principles of law for you to be aware of in the procurement context are:

- equality of treatment
- transparency
- mutual recognition
- proportionality

As of January 2022 the PCR Thresholds are published inclusive of VAT and are as follows;

Type of purchase	Contract Value INC VAT	For Information Values EX VAT
Universities, Supplies & Services	£213,477	£177,897.50
Universities, Works	£5,336,937	£4,447,448
Light Touch Regime for Services <sup>1</sup>	£663,540	£552,950

However, the University also specifies certain minimum requirements related to procurement. These apply to all purchases from Capital and Revenue budgets.

Value Threshold	Types of Purchase		Comments
	Goods & Services	Works	
£0-£10,000	1 Written Quote		Staff to source quotes against <a href="#">University terms and Conditions</a>
£10,001-£50,000	3 Written Quotes		Procurement team to publish Award Notices on <a href="#">Contracts Finder</a> where the value exceeds £25k (INC VAT) NB – Support, advice and guidance from procurement is available
£50,001-PCR Threshold	Below threshold tender process		Procurement to advise and lead on method of purchase which is likely to require a tender process Procurement team to publish Opportunity and Award Notices on <a href="#">Contacts Finder</a>
Above PCR Threshold	<a href="#">Publish on Find a Tender service (FTS)</a>		Procurement to lead on the tender process Procurement team to publish Opportunity and Award Notices on <a href="#">Contacts Finder</a> and <a href="#">FTS</a>

Values quoted above are exclusive of VAT

**NB - Thresholds can be set at a lower value by Grant funding bodies, which will take precedence over local thresholds unless otherwise agreed.**

<sup>1</sup> Covers services considered 'Social and other specific service' – please seek advice from the Procurement Team



## 2.3 Determining a Contract's 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 threshold then the procedure for the next highest value should be followed.

2.3.3 The starting point for calculating the contract value should be a genuine pre-estimate of the entire value of the contract over the full term (Including VAT).

For example, the entire value of a contract with a commitment to a 3 year term, where the annual cost is £20K would be calculated as  $3 \times £20K = £60K$

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.

2.3.4 If it is unclear on the likely contract duration for valuation purposes, a Contract Term should be considered to be 48 months.

Staff should take into account the actual and likely costs of:

- The initial purchase price;
- Installation and commissioning costs;
- Servicing/Maintenance for the entire contract period;
- Training and other support for the entire contract period;
- Consumables for the entire contract period;
- The actual and likely annual costs of providing a service multiplied by the number of years of the contract;
- Possible extensions allowed for in the contract, and;
- Possible inflation uplifts during the contract period.

A contract can be made up of a single one-off transaction or multiple purchases over a number of months/ or years. Repeat purchases may be considered as a single contract where the value or volume of the total need could have been reasonably foreseen.

All elements of the purchase need to be considered and these must not be disaggregated to avoid or circumvent threshold requirements.

Whilst there may be seeming genuine reasons why the University's requirements can be split into separate contracts, there are specific requirements under the Regulations which may seek to prevent this, if simply being done to avoid triggering relevant thresholds through deliberate disaggregation.

If in doubt remember to seek advice from the Procurement team.

## 2.4 Contract Types

There are several types of contract and the University should ensure that the contract terms are correctly assigned.

### 2.4.1 Services

A contract where the University engages a person or company to provide services, which are not delivered by in-house staff and which are neither Goods nor Works. *Examples include; Cleaning, Security, Training, Consultancy and specialist knowledge, including but not limited to Project Management, Surveying, Architects. NB - Also includes software arrangements on a services basis (SaaS) etc.*

#### 2.4.1.1 Consultancy Services

A consultant is someone who is employed externally (either by a consulting firm or some other agency) whose expertise are provided on a temporary basis, usually for a Fee in exchange for the supply of a Service(s).

These Services will predominately be for the provision of objective advice and guidance relating to strategy, structure, management or operations of an organisation, in pursuit of its purposes and objectives. A consultant is contracted to provide expertise to the a client who is unable to meet the need through their own resources and as such the advice is provided outside the 'business-as-usual' environment and will be both time and cost-limited.

Consultancy may include the identification of options with recommendations, knowledge transfer or assistance with the management, the delivery and/or of the implementation of solutions.

### 2.4.2 Goods/Supplies

A contract for (a) the purchase of goods or (b) the hire of goods. Supply contracts include contracts for consumables and equipment, which are neither Services nor Works. Examples include; Laboratory equipment/consumables, IT equipment and some software, Cleaning Products, Stationery etc.

### 2.4.3 Works

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. This may range from simple redecoration up to major Capital Projects. Examples include construction, demolition, maintenance or repair to physical assets (e.g. buildings, public realm, highways). Further guidance can be found in [Schedule 3 of the Public Contracts Regulations](#), or through consultation with Procurement.

## 2.5 Quotes

Staff should adopt best practice by considering whether a corporate contract has been established, which can be used to fulfil their requirements and removed the need to source quotes. These contracts are established by the Procurement team to help budget holders benefit from leveraging spend across the whole University, in pursuit of value for money. They are generally established for services and commoditised goods that are required across the whole University e.g. stationary, furniture, utilities, travel (rail, air, and accommodation). For more information, please contact Procurement.

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, templates are available from in Appendix D

When seeking quotes, you should clearly stipulate:

- The specification of the requirement for the goods or services including details of the deliverables;
- Timescales for delivery;
- Reference to the appropriate University Terms and Conditions.

Quotes should be requested 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 Goods with a value of £5,000.

## 2.6 Tender Threshold

A formal tender process will be appropriate where the value of the purchase is below the relevant Public Contract Regulations (PCR) threshold but exceeds the Threshold in Section 2.2

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;
- Obtaining approval in accordance with the Schedule of Financial Limits
- Once approval is given, awarding to successful supplier and notify unsuccessful suppliers
- Starting mobilisation of new supplier and termination of incumbent supplier, where appropriate, and;
- Contract start and ongoing management

## **2.7 Compliant Tenders - Public Contracts Regulations (PCR)**

Above PCR threshold tenders will often involve processes that require the UK Public Contracts Regulations to be carefully navigated. These will be co-ordinated by the Procurement team.

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

- A straightforward Open tender exercise could typically take 2-3 months to conclude. Faster options may be possible but this can only be considered once the specific requirements have been discussed with Procurement. Forward planning is therefore essential.

## **2.8 Framework Agreements**

Purchasing consortia working within the Higher Education and wider public sector conduct tender exercises to establish PCR compliant framework agreements for a range of commonly used goods and services.

The benefits of using a framework agreement are that requirements for similar provision have already been tendered so the selection of compliant and capable suppliers has already been completed and often, indicative pricing established. As such, this can reduce the time needed to complete the process to select the best value option/supplier. Economies of scale achieved through the use of frameworks can also improve value for money, and reduce / minimise procurement risk.

Many frameworks can be accessed by the University and this should be checked with Procurement, before proceeding to obtain quotes or going out to tender. The Procurement Team can assist in identifying Frameworks that address your requirements.

## **3.0 THE STAGES OF THE TENDER PROCESS**

### **3.1 Introduction**

The following procedure will be followed for University tenders for goods, services and works.

It is essential that where the need for a tender is identified Procurement is consulted from the earliest opportunity.

The Procurement team will run and manage University Tenders and above PCR Threshold Tenders. Where Grant conditions require, this will also include OJEU compliant Tendering.

### **3.2 Identification of the requirement**

The requestor/budget holder will usually identify the need to procure and must ensure that there is an agreed source of funding and that all the necessary approvals 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 a key document and can often be overlooked during the early stages of identifying the need, leading to a delay in approaching the market.

A 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 market and to allow measurement as to whether the goods, service or works received meet the required standard.

Further details of how to draft a specification can be provided by the Procurement team, and or via e-learning on the [Procurement Training](#) page.

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

Procurement should be engaged to ensure appropriate and proportionate pre-qualification checks are used to assess suppliers, based on the value and risk of the requirement. These will include, but shall not be limited:

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

All tenders must have evaluation criteria which should clearly indicate the elements by which the University will assess bids received. These must be signed off in the Procurement Strategy.

The evaluation criteria will support the University is in delivering Value for Money (VfM) where this 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
- 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?
- Social Value - For more information please refer to Appendix B - Responsible Procurement Statement or contact the procurement team
- Sustainability - For more information please refer to Appendix B - Responsible Procurement Statement or contact the procurement team

In addition, the University will ensure that any evaluation team who are to assess and make recommendations about tenders received 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.

### **3.5 Procurement Strategy**

Procurement Outline Strategy and Award (POSA) is a document used prior to and throughout the tender process and will be populated by the Procurement team in conjunction with the end user. This approach applies to requirements that exceed the 3 quote process, unless Grant Funding conditions require this for a lower value purchase.

All of the key elements of this process must be captured within the POSA and agreed with Procurement before any Tender is undertaken

### **3.6 Invitation to Tender (ITT)**

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

- Instructions to tenderers (details on how to use the University's e-Tendering platform, 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. Potential bidders are encouraged 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](#)

All tender documentation and correspondence is downloaded directly from the system, and bidders must upload their returns to the same portal.

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 applies, then particular care must be taken to ensure that the advertising requirements in the grant conditions are met.

It is a mandatory requirement that any tender opportunity advertised on the University's e-Tendering platform (or elsewhere) is also advertised on the Government's "Contracts Finder" website.

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 the University's e-Tendering platform.

If grant funding applies, 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.

### **3.7 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 bidders can be accepted and considered by the University. It is the bidders' responsibility to ensure all documents are submitted correctly via the University's e-Tendering platform.

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

The University's e-Tendering platform maintains appropriate governance by capturing:

- The name of each supplier invited to tender, or expressing an interest;
- The date of opening, and;
- The identity of the delegate opening the documents.

### **3.8 Rules of acceptance**

Tenders may only be accepted in accordance with the Rules of Acceptance:

- The Head of Procurement 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.
- 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
- 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 their offer
- Necessary discussions (clarifications) with a tenderer regarding the content of their tender, in order to elucidate technical points before the award of a contract, shall be via the University's e-Tendering platform and recorded, unless expressly stated otherwise in the tender documents
- 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 Procurement team
- 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 will be treated as confidential and are retained within the University's e-Tendering platform
- Tenders submitted after the due date, may only be considered following consultation with the Head of Procurement in the first instance

### **3.9 Evaluation of the Tender**

An Evaluation Panel shall be established to create the tender documentation, send the tender out to bidders via Procurement and then evaluate the tenders, making 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, or any specialist advisers (as required) or consultants appointed by the University for said purpose (as required).

The Evaluation Panel will determine the responsibilities of the participants and the requirements of the process including the specification. The individuals involved must complete and score technical evaluation 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. To ensure probity, evaluators will be required to complete a Declaration of interest form to ensure any conflicts of interests are mitigated (see section 5.0).
- A non-financial benefit analysis will be carried serving as a technical evaluation. This alongside the financial evaluation shall determine the Most Economically Advantageous Tender (MEAT), unless a different criteria is adopted from the outset e.g. lowest cost.
  - The technical analyses will include whether or not the offer(s) 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 requirement(s) 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 University's e-Tendering platform.
  - 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 should be retained on the University's e-Tendering platform

### **3.10 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**

### **4.1 Exceptions to these rules: Waivers**

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

Anyone making such a request, must do so prior to committing to any expenditure. This request will need the support of the Budget Holder and Head of School/Service or equivalent.

Where permissible University competitive processes may be waived, provided sufficient justification is given. All waivers will be recorded by the Procurement team. The following examples may provide a framework under which a request to waiver may be sought, albeit a detailed explanation for the specific rationale will required in all instances:

- 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.);
- Value for money / efficiencies are demonstrated e.g. negotiated reductions, cost avoidance, risk reduction, and;
- Requests for waivers and details of the process can be found here: [Waiver Form and Process](#).

For more information, please visit the Procurement SharePoint site

## **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 entering into transactions, commitments, contracts and/or expenditure on behalf of the University are required to complete an annual declaration of interests return.

In addition to this any staff involved in a tender process, should declare to the University, via a separate form, any conflict of interest whether this be actual or perceived, **during** any tender exercise.

For further information please refer to the University's Declaration of Interest Policy held on the HR SharePoint pages

All individuals working for the public sector are expected to observe the "Seven Principles of Public Life" ('Nolan Principles')  
<https://www.plymouth.ac.uk/your-university/governance/board-of-governors/principles>

## 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, or;
- 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 (or a close member of your family, including unmarried partners, personal friend or other close relationship 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;
- 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, or;
- 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.

- 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, and;
- 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 are 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' unnecessarily;
- 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, and;
- Communicating with supplier's offline or privately during a competitive process.

For further advice and support to mitigate the risks around conflicts of interest, please contact the Procurement team.

## **6.0 KEEPING RECORDS**

- 6.1 Procurement is 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, 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:

Where the Contract is a result of EU (ERDF, ESIF for example) Funding.	10 years
Where there is not a formal contract	Two years, or the contract lifetime if longer
Formal Contracts not under seal	Six years after the expiry of the contract arrangements
Formal Contracts under seal or signed as a deed	Twelve years after the expiry of the contract arrangements

## 7.0 COMMON PITFALLS

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 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 were not published.
- 7.5 Minimal or no audit trail relating to evaluation and award.

## Appendix A - EU Grant Funding additional guidance

### ESIF / ERDF thresholds

Different guidance should be adhered to when you are considering a procurement under ERDF/ESIF.

The essence of ERDF/ESIF regulations mirrors that of the PCR2015, to ensure that transparency and fair competition is in place to all potential suppliers, not just in UK, but to suppliers in member states (EU countries). Threshold limits are set, dependant on the value of the purchase, and must be advertised and competitively tendered.

Value of contract	Minimum Procedure	Advertising Required	UoP Guidance
£0 - £2,499	Direct award	None	Written Quote obtained prior to any Order/commitment
£2,500 - £24,999	3 written quotes or prices sought from relevant suppliers of goods, works and services	None	3 written quotes obtained prior to any order/commitment, with associated email or audit trail
Over £25,000 up to and exceeding the Relevant Public Contracts Regulations threshold	Formal tender process in line with the Interpretative Communication	1) Advertised on <a href="#">Contracts Finder</a> , and 2) the opportunity is advertised on the ESIF grant recipient's website for a reasonable time period.	Must seek advice from Procurement prior to approaching suppliers

Please note the values given are excluding VAT:

\*National ESIF Procurement Requirements ESIF-GN-1-001 version 7. Date published 15 September 2020;

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/917826/ESIF-GN-1-001\\_ESIF\\_National\\_Procurement\\_Requirements\\_v7.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/917826/ESIF-GN-1-001_ESIF_National_Procurement_Requirements_v7.pdf)



## Appendix B - Responsible Procurement Statement

The University recognises sustainability as an embedded principle across everything we do. This is extended further to include Social, Ethical, Economic and Environmental factors which we refer to as 'Responsible Procurement'; a commitment to equality, diversity and inclusion is core to how the University operates and we extend a commitment to the principle across all our suppliers.

Anyone working for, or providing services on behalf of, the University of Plymouth should be able to demonstrate a commitment to equality, diversity and inclusion. As a Higher Education institution we aim to provide a supportive and inclusive learning, working and social environment where everyone feels free to be themselves. The University of Plymouth has a zero tolerance approach to all incidents of abuse, harm and hate including incidents related to a protected characteristic such as homophobia, biphobia, transphobia, misogyny, ableism and all forms of racism including antisemitism and islamophobia

Procurement activity is just one area where the University of Plymouth seek to operate in an environmentally responsible and sustainable manner. As such the Procurement team strive to embed Responsible Procurement actions into its activity and engagement with the supply chain, whilst working collaboratively with stakeholders to meet the University objectives.

Responsible Procurement actions recognise and support the University in delivering it's commitment to the Civic University and Social Value agendas as well as it's sustainability commitments such as the United Nations Sustainable Development Goals (SDG's).

The University Procurement team work to continually progress Responsible Procurement in the following way;

- Ensuring that procurement decisions contribute positively to the [University's Sustainability Policies and Action Plan](#)
- Working with suppliers to help them understand the Responsible Procurement agenda and contribute toward the Civic University and Social Value agenda as well as our sustainability commitments an Net Zero GHG targets.
- Supporting and encouraging suppliers to deliver environmentally sound products and services through a low carbon and environmentally sustainable supply chain.
- Supporting and encouraging stakeholders to reduce consumption of goods and materials and adopt the use of sustainable products as appropriate, raising awareness of, and promoting the circular economy.
- Working with key suppliers, local partners and both our regional and national Procurement networks to drive change and deliver for Responsible Procurement.

- Ensuring that suppliers' environmental credentials are considered in the supplier appraisal process. Where opportunities to enhance and improve practices are identified, the University will support such positive change through the [University's Sustainability](#) resources and networks.
- Ensuring that suppliers' diversity and inclusion credentials are considered in the supplier appraisal process, including but not limited to LGBT+ equality. Where an opportunity to enhance and improve practices is identified, the University will support such positive change through the [Equality, Diversity and Inclusion](#) team and associated resources and networks.
- Ensuring and promoting the appropriate use of Social Value and Environmental criteria as part of the award criteria for contracts including, but not limited to [HE TOMs](#)
- Monitoring our expenditure with SMEs and local suppliers to drive positive change.

## **Appendix C - Related Policies and Guidance**

[Contract Management Guidance Framework](#)

[Financial Regulations](#)

[Schedule of Financial Limits](#)

## Appendix D - Example Request for Quote Templates

The following templates serve as a guidance and can be used to obtain quotations for requirements with a total value, which is below tender thresholds detailed in Section 2.2



### INVITATION TO QUOTE FOR SERVICES

FAO: [NAME AND ADDRESS OF SUPPLIER]

[DATE]

[ANY RELEVANT REFERENCE NUMBER]

Dear XXX

### REQUEST FOR QUOTATION FOR [NATURE OF SERVICES REQUIRED]

We would like to invite you to submit your fixed price quotation, excluding VAT, for the requirements set out at 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 60 days. Please respond to the sender of this e-mail attachment.

### Requirement

[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.]

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

Please note that by providing us with a quotation you agree to be bound by University Of Plymouth Terms and Conditions<sup>2</sup>, 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.....

Appendix A cont....

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<sup>2</sup> <https://www.plymouth.ac.uk/about-us/university-structure/service-areas/procurement/terms-and-conditions>



**INVITATION TO QUOTE FOR GOODS**

FAO: [NAME AND ADDRESS OF SUPPLIER]

[DATE]

[ANY RELEVANT REFERENCE NUMBER]

Dear XXX

**REQUEST FOR QUOTATION FOR [GOODS REQUIRED]**

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 provide a cost breakdown for the below requirement to include [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<sup>3</sup>, which are available on our website. These will apply to any contract awarded to you should you been successful with your quotation. No other terms and conditions will apply unless accepted by us in writing.

Please submit you quotation to the sender of this correspondence by e-mail. Your quotation must include and show separately all lifetime costs for a minimum period of 2 years and where relevant, include all maintenance, parts, warranties and labour.

**Requirement**

ITEM NO.

QUANTITY

DESCRIPTION

DELIVERY LOCATION

REQUIRED BY[DATE]

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<sup>3</sup> <https://www.plymouth.ac.uk/about-us/university-structure/service-areas/procurement/terms-and-conditions>

Delivery Address and any Special Instructions

From

Yours sincerely

Name

Title

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

Telephone: 01752 58.....

Appendix A cont....