ZENITH
MULTI ACADEMY
TRUST

Competitive Tendering Policy

Approved by:	Finance, Audit and Risk Committee
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This policy is based on a model from The Key

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1. Introduction

This policy aims to ensure that:

- The Trust's funds are used only in accordance with the law, its articles of association, its funding agreement and the Academies Trust Handbook
- The Trust's funds are used in a way that commands broad public support
- Value for money (economy, efficiency and effectiveness) is achieved
- Trustees fulfil their duties and responsibilities as Charitable Trustees and Company Directors
- Conflicts of interest are managed adequately and appropriately
- The Trust has open and transparent procurement procedures

2. Legislation and guidance

The Academies Trust Handbook states that academy trusts are required to have a competitive tendering policy, and ensure that the Public Contracts Regulations (PCR) procurement thresholds are observed.

This policy is based on:

- Academies Trust Handbook
- Department for Education (DfE) guidance on buying procedures and procurement law
- The Public Contracts Regulations 2015

This policy also complies with our funding agreement and articles of association.

3. Roles and responsibilities

3.1 Trustees

Trustees will ensure that:

- Spending decisions represent value for money
- The Trust's funds are used in a way that commands broad public support
- Relevant legal or professional advice (such as an external auditor) is used, where appropriate
- Goods or services provided by individuals or organisations connected to the Trust are provided at no more than cost
- Nobody connected to the Trust, directly or indirectly, uses their position or connection to the trust for personal gain
- Where any Trustee has a pecuniary interest in a procurement decision, they exclude themselves from the process and records (e.g. meeting minutes) show that they had no influence on the decision

3.2 Finance, Audit and Risk Committee

Trustees delegate competitive tendering responsibilities to the finance, audit and risk committee. The committee is responsible for reviewing the Trust's tendering processes, and for reporting to Trustees on tenders.

3.3 The Chief Financial Officer (CFO)

The CFO is responsible for:

- Ensuring appropriate financial governance and risk management arrangements are in place
- Preparing and monitoring budgets
- Providing information to the finance committee and academy trustees, as appropriate
- Overseeing and supporting competitive tendering

4. Purchase Thresholds

4.1 De-Minimis Level

The 'at cost' requirement applies to contracts for goods and services form a connected party exceeding £2,500, cumulatively, in any one financial year of the Trust. Where a contract takes the cumulative annual total with the connected party beyond £2,500, the element above £2,500 must be at no more than cost.

4.2 Low to high value purchase thresholds

Purchase levels are divided into the following:

- Low-value purchase: £1 - £4,999
- Medium-value purchase: £5,000 - £60,000
- High-value purchase: over £60,000, but below the PCR procurement threshold

4.3 Procurement Act threshold

If it is estimated that the cost of a contract is above the Procurement Act threshold for procurement spending, the Trust will seek legal advice to ensure it runs a Procurement Act compliant buying process. The current Procurement Act threshold for all goods and most services is £214,904

A 'light touch regime', with a higher threshold of £663,540 applies for some services that are specifically for education provision. We will seek legal advice to determine if any procurement run by the Trust qualifies.

5. Approval authority

Approval authority is as stated in the most recent finance regulations.

6. Framework agreements

Where possible, we will use a framework agreement to contract suppliers. These are arrangements that a contracting authority, such as a public sector buying organisation, makes with suppliers. The benefits of frameworks are that they have already been through a competitive tender process and they have favourable terms and conditions. In addition, the framework provider may offer advice and support.

Depending on the framework we choose, we will either pick the best value supplier from a list, or run a mini-competition between listed suppliers. In either case, we will follow the DfE guidance on procurement (see section 2 of this policy) to ensure good practice. The reasons for the choice of framework, and for the choice of supplier, will be clearly recorded.

7. Valuing contracts

The value of a contract will be determined by calculating the estimated whole-life value of the goods, works or services, including any related fees.

For fixed term contracts with an option to extend the term, the value of the contract will be the price of the fixed term plus the potential extension period.

We will not divide a single contract into smaller contracts to bypass the purchase thresholds (see section 4).

8. Evaluating tenders

Tenders will be evaluated against the criteria and weighting outlined in the tender document. This criteria will include:

- Cost
- Quality
- Delivery
- Performance
- Risk

We may specify additional criteria based on the type of tender, as outlined in the tender document.

9. Conflicts of interest

We will report all contracts and other agreements with related parties to the Education and Skills Funding Agency (ESFA) in advance of the contract or agreement commencing.

Related parties include persons and entities with control or significant influence over the Trust, and members of the same group (e.g. parent and subsidiary companies, key management personnel and close family members). This description is not comprehensive. See section 33 of Financial Reporting Standard 102.

The Trust will obtain the ESFA's prior approval for contracts and other agreements for the supply of goods or services to the Trust by a related party where any of the following limits arise:

- A contract or other agreement over £20,000
- A contract or other agreement of any value that would mean the cumulative value of contracts and other agreements with the related party exceeds, or continues to exceed, £20,000 in the same financial year ending 31 August

10. Tendering procedure: low and medium value purchases

When making low or medium-value purchases without a framework agreement, the Trust will use the process outlined below.

a. **Create a specification** – a specification document will set out what suppliers need to understand about what we are looking to buy, including the quality, quantity and delivery date

b. **Compare suppliers** – a comparison of different suppliers, including their reputation, will help the Trust develop a shortlist of at least 3 suppliers we want to approach for a written quote

c. **Assess quotes** – an award criteria will be developed to assess suppliers' quotes.

Criteria may include:

- How well the supplier meets our specification
- The whole-life cost of the contract, which may include:
  - The sale price of the goods, works or services
  - Delivery charges
  - Maintenance costs
  - Running costs
  - The cost of removing and disposing of an item or service once we no longer need it
- Whether there will be price increases or decreases over the life of the contract
- Value for money

Each aspect of the criteria will be scored on a scale of 1 to 5, with 5 being the highest score. A record of how the quotes are evaluated will be kept.

The CEO will evaluate quotes with support from the CFO.

When we contact suppliers, we will send them:

- The specification
- Deadlines for quotes and when decisions will be made
- Instructions for how to ask clarification questions about the specification

d. **Place an order** – when the best value quote is identified, we will send the supplier a purchase order, which includes details of the:

- Goods, works or services we are purchasing
- Price
- Delivery address
- Delivery deadline and any other important dates
- Payment schedule

11. Tendering procedure: high value purchases

The Trust will make high-value purchases without a framework only in rare circumstances and only with legal support. When this does happen, we will use the process below.

a. **Create a specification** (see section 10)
b. **Assess the market** – we will prepare for the tendering process by developing our knowledge of the market. We will find out how many suppliers are available and the best way to advertise our contract to a range of suppliers
c. **Check the school's position in relation to the PCR procurement thresholds** (see section 4)
d. **Develop a contract** – a contract will include terms and conditions, service levels expected, a contract management plan and an exit strategy
e. **Reduce the number of bids** – to reduce the number of bids the Trust needs to evaluate, we will either use an expression of interest process to gauge interest in the contract or a pre-qualification questionnaire
f. **Establish how we will assess quotes** – we will set out criteria that will allow us to evaluate which of the suppliers' bids best meets the requirements in our specification, and is the most economically advantageous tender that best combines cost and quality
g. **Create a timeline for the tender process** – this will include the dates of the clarification period, the deadline for submitting tenders and the date we expect to award the contract
h. **Prepare an invitation to tender** – this will include:
    - A covering letter with a timeline for the process
    - Instructions on how suppliers can ask clarification questions and submit their tender
    - The specification
    - A pricing schedule
    - The contract's terms and conditions
    - Contract management requirements (see 'develop a contract' above)
    - Award criteria, including the scoring system and any weightings
    - If appropriate, an invitation for suppliers to give a practical demonstration of their goods, works or services
i. **Advertise the contract** – the contract will be advertised where suppliers are likely to look, such as:
    - The Find a Tender service – this is a requirement if the contract is over the PCR procurement threshold
    - The government's Contracts Finder service
    - Local or national newspapers
    - Education publications or websites
    - Trade magazines
j. **Run the tender process and provide clarifications**
k. **Evaluate tender responses** – at least 2 people will independently score and evaluate each bid, and then compare notes after completing their evaluations; records of decision making and moderation decisions will be kept
l. **Notify suppliers and award the contract**
m. **Finalise the contract** (and advertise the award, if the contract was advertised in Contracts Finder or the Find a Tender service)
n. **Abandon the tender process** – on very rare occasions we may need to halt the tender process. Should this occur, we will notify suppliers who are preparing their bids as soon as possible

12. Record keeping

Records will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

13. Monitoring Arrangements

The Chief Financial Officer is responsible for the implementation of this policy.

This policy will be reviewed and approved by the Trust's Finance, Audit and Risk Committee every 3 years and when PCR procurement thresholds change.

14. Links with other policies

This competitive tendering policy is linked to the following policies:

- Finance Regulations
- Investment policy