



Warrington Primary Academy Trust

Competitive Tendering Procedure

Ratified: April 2022

Next Review Date: April 2024

Procedure Responsibilities and Review

Policy type:	Trust Wide procedure
Guidance:	This procedure uses guidance from the EFSA
Related policies:	<ul style="list-style-type: none"> • Financial Regulations • Anti-Fraud, Corruption and Bribery Policy • Reserves Policy • Whistleblowing Policy
Review frequency:	Biennially
Committee responsible:	Audit Committee
Chair of Trustees signature:	Chris Forrest
Changes in latest version:	<p>Change from OJEU to 'Find a Tender' (FTS)</p> <p>Clarification about use of negotiated tenders and if late tenders could be accepted.</p>

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1. Introduction

For goods or services where the value exceeds £25,000 but is below the threshold for the Find a Tender (FTS) procurement regulations, a competitive tendering process must be followed in accordance with the WPAT Scheme of Delegation, and a recommendation made to the Trust for decision.

2. Forms of Tender

There are three forms of tender procedure: open, restricted and negotiated and the circumstances in which each procedure should be used are described below.

Open Tender: This is where all potential suppliers are invited to tender. The budget holder must discuss and agree with the Finance and Operations Director how best to advertise for supplier's e.g. general press, trade journals or to identify all potential suppliers and contact directly if practical. This is the preferred method of tendering, as it is most conducive to competition and the propriety of public funds.

Restricted Tender: This is where suppliers are specifically invited to tender. Restricted tenders are appropriate where:

- There is a need to maintain a balance between the contract value and administrative costs,
- A large number of suppliers would come forward or because the nature of the goods are such that only specific suppliers can be expected to supply the Academy's requirements,
- The costs of publicity and advertising are likely to outweigh the potential benefits of open tendering.

Negotiated Tender: The terms of the contract may be negotiated with one or more chosen suppliers. This is appropriate in specific circumstances:

- The above methods have resulted in either no or unacceptable tenders
- Only one or very few suppliers are available
- Extreme urgency exists
- Continuation with the existing supplier is justified

Any negotiated tenders would be discussed in detail at Resources Committee.

3. Preparation for Tender

Full consideration should be given to:

- Objective of project
- Overall requirements
- Technical skills required
- After sales service requirements
- Form of contract

It may be useful after all requirements have been established to rank requirements (e.g. mandatory, desirable and additional) and award marks to suppliers on fulfilment of these requirements to help reach an overall decision.

4. Invitation to Tender

If a restricted tender is to be used then an invitation to tender must be issued. If an open tender is used an invitation to tender may be issued in response to an initial enquiry. An invitation to tender should include the following:

- Introduction/background to the project
- Scope and objectives of the project
- Technical requirement
- Implementation of the project
- Terms and conditions of tender
- Form of response

5. Tender Acceptance Procedures

The invitation to tender should state the date and time by which the completed tender document should be received by the Trust. Tenders should be submitted in plain envelopes clearly marked to indicate they contain tender documents. The envelopes should be time and date stamped on receipt and stored in a secure place prior to tender opening. Tenders received after the submission deadline can be declined. Late tenders will only be accepted under exceptional circumstances.

6. Tender Opening Procedures

All tenders submitted should be opened at the same time in the presence of two people, one of whom should be a senior representative from WPAT. A record should be made of the names of the firms submitting tenders and the amount tendered. This record must be signed by both people present at the tender opening.

7. Tender Evaluation and Decision

When evaluating tenders consideration should be given to:

Cost - Care should be taken to ensure that competing suppliers have quoted for the same service. Where discrepancies arise, suppliers should be contacted to amend their quotes where necessary to ensure a fair comparison between suppliers. There may be scope for negotiation on cost if a particular supplier is preferred for quality/suitability reasons, but is not the cheapest.

Quality/Suitability - Due regard should be given to the qualifications and experience of the contractor, and the quality and suitability of the goods/services offered. Where necessary, references should be sought from other customers.

The evaluation process should involve at least two people, one from the WPAT central team. Full records should be kept of all criteria used for evaluation, and a one page summary report prepared for the Trust summarising the options and giving a recommendation.

The accepted tender should be the one that is economically most advantageous to WPAT.

8. Tendering for major contracts via FTS

In rare circumstances the Trust may tender for supplies where the value exceeds the national procurement threshold, currently £118,000. For tenders above this threshold, the Trust would be required to either tender for the work via a national compliant purchasing consortium, or by inviting tenders on the FTS website. In both cases the principals above remain, but when advertising directly with FTS, there are certain additional procedures which need to be followed.

The Trust must first register as a buyer on the FTS website www.find-tender.service.gov.uk

A tender specification can then be uploaded, giving a minimum time of 52 days in which to respond. Once all tenders have been received and evaluated, and a decision made at the Trust, a "decision notice" or "standstill letter" must be issued to all candidates giving the following information:

- The award criteria used
- Reasons for the decision including the characteristics and relative advantages of the successful tender
- The scores obtained by the recipient of the letter and the successful contractor
- The successful contractor's name
- A statement of when the standstill period is to end. If the letter is sent by electronic means, this period will be 10 days

Once the standstill period has ended, the contract can be awarded officially. A contract award notice must be issued in the FTS within 48 days of the award of the contract.