



# Procurement Policy and Procedures

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## Section 1

### 1. Introduction

#### 1.1 The main purposes of these procedures are to:

- assist university purchasers and budget holders in all of their purchasing activities;
- support and be fully responsive to the University's diverse needs;
- ensure that the institution complies with legislative regulatory requirements;
- protect the legal and commercial interest of the institution;
- satisfy audit requirements in respect of the proper control of expenditure; and
- encourage transparency, fairness and probity in the conduct of the University's affairs

### General Principles

#### 2. Responsibilities of faculties and service departments

2.1 As the University operates under a devolved budget system, operational responsibility for the procurement of goods and services rests with the 'Heads' of schools and service departments. There has to be a clear definition within each school and service department of who:

- may request goods and/or services to be bought;
- is to do the ordering;
- is to authorise the transactions, which will be linked to the delegated authority structure;
- will be the receiver of the goods and/or service

2.2 There is a need for a separation of duty, where-ever possible, which requires that a member of staff receiving goods against an order is not the same person who authorised the purchase.

2.3 As a general rule, within each physical location or natural grouping of areas, purchasing duties should be consolidated as far as possible, with university purchasers nominated to cover the requirements of a number of sections/cost centres, please see Section 3, para 6.4.

2.4 The general benefits of this approach will be:

- generation of fewer orders and invoices for the same requirement;
- greater discounts;
- development of in-house expertise;
- better over views of supplies operation;
- Improved co-ordination of orders and deliveries

2.5 All university purchasers must be aware of and follow the CIPS Code of Conduct based on that adopted by the Chartered Institute of Purchasing and Supply. The CIPS Code of Conduct covers the following commitments:

- Enhance and Protect the Standing of the Profession
- Maintain the highest standard of integrity in all business relationships
- Promote the eradication of unethical business practices

- Enhance the proficiency and stature of the profession
- Ensure full compliance with laws and regulations

Full details on the CIPs Code of Conduct, including how these commitments can be met, can be found in Appendix 6 and on the Strategic Procurement intranet page via the link below:

*Strategic Procurement - Staff Zone ([londonmet.ac.uk](http://londonmet.ac.uk))*

2.6 CIPs have also produced a guide to Ethical and Sustainable Procurement which all purchasers must be aware of and consider when completing procurement. This guide outlines how purchasers can be more aware of risks within their supply chains and how these can be managed to ensure purchases are both sustainable and ethical.

A copy of this guide can be found in Appendix 6 and on the Strategic Procurement intranet page via the link below:

[Strategic Procurement - Staff Zone \(londonmet.ac.uk\)](http://londonmet.ac.uk)

### **3. Pre-quotation/tender due diligence**

3.1 University purchasers should ensure that:

- sufficient budget is available to meet the anticipated contract expenditure and where appropriate, have obtained any necessary pre-approval prior to commencing a tender process;
- reasonable and sufficient timescales have been allowed for a fully compliant procurement process to be undertaken and to enable suppliers to provide a quality response to the quotation'/tender documents

3.2 Before going out to get quotations, university purchasers should check to see if:

- an existing university contract is not already in place;
- the requirement can be met by a consortia framework and if so to follow the 'call-off' options available under that framework

3.3 Should it be necessary to undertake a new quotation/tender exercise, prospective suppliers should be identified as result of research of the market or advertising at a local, regional or national level based on the university's purchasing routes (Appendix 1). Further guidance can be found in the document "How do I find potential suppliers for what I want to buy", which can be found in Appendix 7 and on the procurement webpage.

*Strategic Procurement - Staff Zone ([londonmet.ac.uk](http://londonmet.ac.uk))*

#### 4. Procurement routes

- 4.1 When seeking 'quotations' or undertaking a 'tender' exercise, the decision to award, which should use the determinant of most economically advantageous bid, should take into account the "whole life" of the products/services being supplied.
- 4.2 The procurement routes (Appendix 1) have been put in place to ensure we are demonstrating our willingness to play a part in building a fluid and innovative marketplace and with that achieve best value. The thresholds apply to the anticipated contract value over the entire contract term including extensions.
- 4.3 External funding providers may stipulate different conditions and their own thresholds to demonstrate best value has been achieved to meet their funding requirements. It is advised that if the payment for a project is based on external funding, the university purchaser should always check the conditions of the funding and in the event of conflict between the university's and the funders threshold limits, apply the strictest conditions.

#### Thresholds

- 4.4 The relevant UK regulations, which the UK decided to implement are the Public Contract Regulations 2015 (PCR 2015).

**For further help on PCR 2015 and recommended documentation to support the purchasing activity, please contact the Procurement Team.**

#### Thresholds & the aggregation rule

##### Principle –

- 4.5 The general assertion given by the PCR 2015 is that the choice of the procurement route should be based on a calculation of the estimated value, exclusive of vat, of the contract including extensions. The decision for the route to take should never be made with the intention of excluding it from the scope of the regulations nor should it be subdivided with the effect of preventing it from falling within the scope.

##### Protocol –

- 4.6 In saying this, when a requirement for any goods/service/works arises, university purchasers should consider possible/probable future need of the same good/service/works as part of their continuity plan which will assist in deciding the appropriate procurement exercise to carry out.

For example –

In the first week of January 2023 department X purchased a piece of equipment & maintenance valued @ £42,000 pa, prior to this they made a purchase of the same type in September 2022 valued @ £42,000pa and historically based on purchasing patterns, they will need further purchase of the same type in May 2023, valued approximately @ £42,000pa.

Individually, the formal quotation process was followed but aggregately it would have been preferable to follow the tender process.

More suppliers would have been invited to bid to ensure the university achieved the best value possible through more competitive bids and bulk purchasing.

Additionally, if each of the three requirements above were to cover an anticipated contract term of 2 years, normally the minimum for maintenance, the total aggregate value would be pitched @ £252,000.

This value exceeds the PCR 2015 threshold and should have followed the PCR 2015 requirements unless a consortia framework was available.

4.7 Apart from being compliant with the PCR 2015, aggregating offers key opportunities such as:

- reduced and/or standardised prices;
- improved non-price values such as enhanced service levels;
- reduced duplication of quotations/tendering, evaluation of bids and Supplier management effort ;
- better quality of goods or service as concentrated with one supplier;
- greater purchasing expertise (purchase through lead departments) – [Section 3, para 6.4](#);
- compliance with legislative requirements (such as improved social or environmental standards met)
- assist in reaching our Sustainability targets

4.8 To establish which purchasing route to follow, university purchasers should, once a need has been identified:

- determine the length of time the required goods/services/works will be needed for;
- consider the estimated value for the period in (a), include all essential elements such as whole life costs and any extension periods;
- determine whether the same type of goods and/or services was purchased in the last 36 months, how often and the spend for those purchases (historical picture);

- calculate using both figures, if applicable, aggregated spend and conclude which process should be followed.

For further help on aggregation please contact the Procurement Team.

## 5. Specification Principle

- 5.1 Many of the goods/services/works, which the University wishes to purchase, should normally be straightforward in terms of description but there may be occasion where a description of a 'service' or 'product' may be more complex.
- 5.2 The guiding principle is that the specification should be equitable, comprising expected quality and workmanship standards, service level standards and functionality, which will allow all bidding suppliers to quote on equal terms.
- 5.3 The use of brand names within the specification should not be used unless efficient utilisation of existing equipment or supplies requires the acquisition of compatible equipment or supplies but use should be transparently demonstrated.

### Protocol –

- 5.4 The specification should include all factors that would form the basis for determining the most economically advantageous criteria in making the final decision to award to a supplier. It should consider the 'whole-life cost (WLC) of the entire requirement, see Appendix 2 for further details on aspects to be included.

## 6. Purchasing and value for money

- 6.1 Value for money (VfM) is defined as being "the optimal use of resources to achieve intended outcomes".
- 6.2 VfM does not mean whilst purchasing to meet the objectives of the university's strategic plan, we do so in the 'cheapest' manner. It means that we need to get better at understanding what is driving our costs and make sure that we are getting the desired quality at the lowest price. We need to be very clear about what is/are the expected output(s) and outcome(s) along with costs for any purchasing activity undertaken.
- 6.3 VfM should be seen as a way of encouraging competition through working in an ethical, accountable and transparent manner when making purchasing decisions.
- 6.4 The VfM ethos is a fundamental tool in helping the University meet its key objectives within the strategic plan as it seeks to continually appraise and challenge not only our performance but also our working practices.

### Principle –

- 6.5 University purchasers should:
  - follow a standard approach to procurement based on a transparent, competitive basis that ensures consistency, efficiency and economy across all types of purchasing;
  - demonstrate that VfM comparisons have taken place against other similar activities;



- plan and carry out purchasing activities in good time to avoid having to settle with a costlier solution;
- ensure the full scope of purchasing methods such as hire or lease are considered when carrying out purchasing activities;
- ensure that the specification for their planned purchase is not over- scoped;
- throughout the life of their contract monitor the VfM aspect to ensure best value is continually being achieved;
- report any efficiencies and savings made post purchasing activities so that it can be included in the HEPA Procurement Value for Money Survey.

## **7. How can savings/efficiencies be captured**

- 7.1 For any business to flourish and remain solvent, it needs to achieve the greatest outcomes of every pound spent. One of the main aims within the University's strategic plan is 'Financial Sustainability – driving resources harder.'
- 7.2 The main theme for financial sustainability is achieving best value on all the University's purchasing exercises. It is important that we demonstrate to both our Governors/audit committees and central government the efforts we are making in delivering procurement efficiencies.
- 7.3 The Chief Operating Officer produces an annual value for money report for the Finance and Resource committee to demonstrate that for each retrospective financial year, the university has captured effective savings and efficiencies to meet the aim within the plan.
- 7.4 Coupled with this, there is also a requirement that each university completes an annual efficiency survey, which provides details on any savings/efficiencies made for each financial year. The HEPA Procurement Value for Money Survey data forms an important part of the evidence of efficiencies in the higher education sector and includes contribution made by purchasing consortia to meet the set target of 30 per cent savings to be made by English HEIs.
- 7.5 There are five identifiable areas where the University can gain savings and/or efficiencies, which can be used to report against, these, are:
- Price reduction
  - Added value
  - Risk reduction
  - Process Re-engineering
  - Sustainability

### **Capital projects/tenders**

#### Protocol –

- 7.7 Savings and/or efficiencies should be a main point of focus when completing a business case, particularly around business drivers and the 'benefits and scope'. University

purchasers should mention possible savings and/or efficiencies when laying out the options in the business case.

- 7.8 Following the purchasing exercise, it is expected that university purchasers will complete a 'record of savings/efficiency proforma' with details of any savings/efficiencies made. If none made, then a 'nil' return should still be made for recording purposes.

### **Contract savings/efficiencies**

#### Protocol –

- 7.9 Once a contract is in place following a quotation/tender exercise, achieving best value does not end there, the university should continue to work with the supplier to review the service methods and focus on realising benefits which will help reduce costs. University purchasers should complete record if any savings and/or efficiencies are achieved through the life of the contract.

#### **For example –**

**Negotiating with the contractor/supplier that the annual fee remains the same for the coming year, so no annual RPI % uplift applied**

## Section 2 – Purchasing activities

### Request for Quotation

#### 1. Introduction

- 1.1 “Request for Quotation (RfQ)” refers to any purchasing requirement/activity, up to the value of £100,000 excluding vat, which is sought and administered by the individual department/school.
- 1.2 Seeking multiple competitive quotes will ensure prices are kept economical, providing the University with greater leverage to obtain best pricing and value.
- 1.3 When seeking quote(s), university purchasers should use the ‘Request for quotation (RfQ) form in the first instance. The quotation form will:
  - provide clarity as to the exact requirement and inviting the supplier(s) to make an offer for the supply/provision of goods or services to meet it;
  - enable the supplier to clearly outline the details of their offer in response to enable a fair assessment to be made by the University;
  - assure the terms and conditions that will apply thus ensuring it meets the University’s legal contract requirements;
  - provide a record of agreement as to delivery and payment to be kept should it be required either in a future dispute or should the purchase be subject to an audit.

**Please note:** Written quotations should always be obtained prior to any purchase order being raised, see [Section 3, para 1.1](#) of this policy.

#### Protocol –

- 1.4 University purchasers should always check whether the goods or services required are not already available from an existing contract. Use of university, consortia or national agreements is mandatory where they are available.

### What should be included in a Request for Quotation

#### Protocol –

- 1.5 The RfQ that University purchasers issue to supplier(s) should include as a minimum the following:
  - school/service department reference number (please do not use the prefix LMU20XX, as this solely designates the numbers assigned by the Procurement Team);
  - full details of the requirement, include a wider overview of the project/department to give a broader context as required. Remember the specification should be generic and not include any manufacturer proprietary information or brand names;
  - copy of proposed contract to be signed
  - deadline for submission and key dates;

- quantity information;
- additional requirements such as warranty, training, installation & commissioning, key milestones;
- delivery requirements and timescales;
- basis for prices submission and available discounts;
- how the response should be submitted;
- how questions can be raised

1.6 If carrying out 'formal quotation process', university purchasers should issue the RfQ along with the timescales and deadline for response to all suppliers at exactly the same instance so they all have the same time and opportunity to submit a response.

**Please note:** Where quotations, based on consortia frameworks, are sought via the University's electronic tendering system, it will follow a similar process as a university tender, albeit with reduced timescales and documentary requirements.

## **Supplier's response - assessment/evaluation**

### Protocol –

- 1.7 After the closing date and time has passed, upon receipt of the quotations, an assessment should be carried out by university purchasers, to make an informed decision as to who to award to. University purchasers should ensure that all information requested has been provided and these are on a like for like basis.
- 1.8 It is acceptable to seek clarification on any information which is not clear within a supplier's submitted quote with the supplier but in doing so if further general information is to be provided by the University then the University purchaser has to issue the same information to the other bidders for fairness and transparency.

### Best value vs lowest price

- 1.9 If university purchasers are just purchasing goods as a one-off requirement with no qualitative aspects, then the decision for award could be purely based on the lowest price.

### Qualitative elements

- 1.10 If the procurement is based on the purchase of services in any form or if the purchase of goods involves elements of service which will affect the execution of the requirement, then the decision for award should be made on the basis of the 'most economically advantageous' bid and not necessarily the lowest bid.
- 1.11 This will necessitate an assessment to take place. It is important for university purchasers to fully understand the critical factors of importance and to ensure the decision is made fairly and robustly.
- 1.12 Qualitative elements should be tested through asking relevant questions to be responded to as part of the supplier's returned quote. Careful evaluation of all technical and commercial criteria should be assessed and scored using the "Quotation Evaluation Template" which should be used to record the scores.

- 1.13 Where commercial contracts are to be entered into, the saying “Caveat Emptor” or “Buyer Beware” cautions that assumptions should never be made about a supplier’s financial status but checks of certain elements, wherever possible, should be made.
- 1.14 The following most common due diligence aspects normally carried out for tenders is of some use. It is not suggested that these need to be assessed for every quotation activity but where the risk of failure to deliver will have a high impact on the university meeting its objectives then they should be considered proportionally.

AREA	DESCRIPTION
Financial	Analysis of recent accounts and credit checks - this is particularly relevant if the contract will be awarded for a prolonged period e.g. across multiple years. It’s difficult to predict when a company will cease trading but initial and continuous checks may alleviate possible issues
References	Obtaining references from current or recent past clients of the supplier can provide added confidence around the supplier’s capability, standards of performance and levels of customer satisfaction.
Information Security and Data Protection	This is an important for purchases of goods/services which would involve or relate to personal or sensitive data. This is more pertinent to certain software programmes, 3rd party hosting of data or systems, development of websites.
Insurance	Advisable to ensure that the supplier has adequate and up to date insurance cover. The subject matter of the quotation will determine the appropriate insurance policy required.
Conflicts of Interest	Any conflict of interest between a supplier and a member of the staff who will be part of the purchasing process should be raised.

**Please note:** When considering costs/price, it will be appropriate to seek details, not only on the one-off purchase price, but also any additional associated costs such as delivery charges, running costs, costs of consumables, costs of servicing and maintenance, decommissioning and disposal.

### Record keeping/auditable trail

Protocol –

- 1.15 The final decision relating to the award to a supplier following the quotation activity rests with the University purchaser.
- 1.16 University purchasers must advise unsuccessful suppliers of the decision made and the reason as to why they were not successful. Suppliers are entitled to receive a debrief as to the outcome within 15 days of the result being known. Commercial sensitive information about the winning bid should not be disclosed as part of the debrief.
- 1.17 Where quotation activities are carried out not using the University’s electronic tendering system, the University purchaser should ensure a robust, documented audit trail is maintained with evidence of how the decision was made for the award.
- 1.18 The evidence which should demonstrate fairness and transparency should include:

- a copy of the completed 'Record of Quotation' sheet which will act as the cover sheet and will demonstrate the decision of awarded supplier including the reason why;
- a copy of the email issued to the supplier(s) via the blind copy route with the attached request for quotation;
- copies of responding bids including pricing and responses to the qualitative questions asked to form part of the evaluation;
- if only one quote received back out of three, follow up communication to suppliers requesting reason as to failure to submit a quote back;
- copy of completed evaluation proforma with comments if below par scores awarded.

1.19 The above must be retained for audit purposes for six years plus the year when the quotation exercise took place.

1.20 Advice should be sought from both the Legal office and the Procurement Team before agreement is given to any amendments to the University's contractual terms and conditions as in Section 3, para 8.1

1.21 To comply with the PCR 2015, all quotation activities that result in an award of a value above £25,000, the award must be publicised via the government's portal – Contract Finder. The awarding department should provide details to the Procurement Team to enable the publishing of the award for compliance purposes and to maintain a record of current contractual commitments on the university's contract register.

1.22 The final agreed contract is to be signed by both parties before the contract commences.

## **Quotation Responsibilities:**

### **University purchaser**

- obtains quote(s)
- selects preferred supplier based on quote(s) and prepares record of quotation sheet
- ensures that quote is under the appropriate terms and conditions
- completes purchase requisition
- obtains contract signatures

### **Authoriser**

- reviews purchase requisition details;
- examines record of quotation along with quote(s) received;
- authorises requisition

### **Departmental Finance personnel/Accounts Payable section**

- receipt of purchase requisition;
- ensures that competitive quotes have been obtained before raising an order;
- inputs information on the finance system;
- obtains further authorisation if required before purchasing order is issued

**For further help on the detailed steps in following the quotation process including relevant documentation, please contact the Procurement Team**

## **Tenders**

### **2. Introduction**

- 2.1 “Tender” refers to any purchasing activity valued above £100,000 (total for full period of requirement), which is managed by the Procurement Team via the electronic tendering system. This also refers to the further competition tender exercises based on consortia frameworks.
- 2.2 Tenders are classified as either ‘local’ or ‘PCR 2015’ depending on the estimated contract value. For values above £100,000 but below the current PCR 2015 threshold limit, these need only to be advertised and awarded within the United Kingdom. For values above the PCR 2015 threshold, these need to follow the regulation processes and be advertised on Find a Tender.
- 2.3 The main objectives for carrying out a tendering exercise are to:
  - obtain best value through a competitive bidding process; and
  - ensure that the University can demonstrate that the expenditure of public funds is fair, impartial, transparent and robust enough to stand up to scrutiny or legal challenges.

#### Protocol –

- 2.4 A formal tendering process should be followed where the contract value for any goods, services and works is likely to be equal to or over the threshold value shown in Appendix 5 unless identified as an exception as detailed in Section 2, para 2.28.
- 2.5 For local tenders, between five and ten suppliers should be invited to tender, with at least two small, medium enterprises (SME). Exceptionally, if it can be demonstrated, that there are fewer suppliers in the position to supply the requirement, all available suppliers should be invited. If a minimum of five cannot be found, then the requirement must be advertised via Contracts Finder and the Find a Tender portal.
- 2.6 The tender process will be facilitated by the Procurement Team . To initiate advice and assistance for the tender process, university purchasers should complete the following in draft and email to the procurement unit: -
  - procurement strategy document (includes the award criteria and weightings);
  - Specification;
  - questions and award criteria;
  - pricing schedule
- 2.7 The completion of the above documents acts as a ‘tool’ for both the University purchaser and the Procurement team in considering how the requirement can be researched, estimated value, how to specify and what areas will need to be evaluated as part of the selection part of the process.
- 2.8 The award criteria and weightings within the procurement strategy document should reflect what is of importance to you and the requirement as these will allow university purchasers to make the final selection decision.

- 2.9 It is a regulatory requirement that the award criteria and weightings, along with how they will be evaluated (questions and scores) are documented and issued to all bidders when going out to tender.
- 2.10 The tendering process should be applied consistently, and all staff involved with the tendering should be able to verify that during their involvement, the tendering procedure has been adhered to.
- 2.11 Any person involved in the tendering process who has a personal interest in the tender should declare this at the start of the process. Failure to do so could result in disciplinary action.
- 2.12 Under no circumstances should any member of staff take action to deviate from the stated tendering process without express approval of the Chief Operating Officer or Head of Procurement. Any breach of the procedure without prior approval should be reported to the Head of Procurement and the staff concerned may be subject to disciplinary action.

## The Invitation to Tender documents

### Protocol –

- 2.13 All tender documents will be published, issued and returned via the university's electronic tendering portal, InTend.
- 2.14 The invitation to tender document (ITT) should include:-
- Introduction and Background Instructions & conditions of tendering
  - procurement exercise timetable and award/evaluation approach
  - presentation/demonstration instructions (if applicable)
  - specification requirements (including any drawings if applicable)
  - terms and conditions of contract
  - Pricing Schedule

**Please Note:** The publication of the tender documents will not take place until all documentation is at the agreed standard including the questions and scoring mechanism which will form the basis for evaluation Tender communication and returns

### Protocol –

- 2.15 For fairness and transparency purposes, university purchasers must ensure all communication is made via the electronic tendering portal.
- 2.16 Any clarification questions raised by potential bidders in connection to tenders should be via the portal. If any questions are received external to the portal, the bidder should be advised to raise in the correct manner to receive the appropriate response.
- 2.17 Responses to any questions must be posted on the portal to all bidders unless the question is specific to an issue only affecting the supplier who has asked for clarity, if in doubt, further guidance should be sought from the Procurement Team.



2.18 All responses to questions raised by bidders during the tender exercise should be developed by the University purchaser and the Procurement Team will upload on their behalf. The only deviation from this is if the question is around the technical use of the portal or procurement process technicality then a member of the Procurement Team will respond.

2.19 All bids/returns must be received via the University's electronic tendering portal. The only deviation is if the bidder encounters a technical issue when submitting, in this instance the Procurement Team will advise both the bidder and the university purchaser as to the permitted deviation procedure.

### **During the tender process**

#### Protocol –

2.20 During the tendering process, the university purchaser must ensure that the details of any tender is be kept confidential and not disclosed to other bidders or anyone outside of the University. Meetings and discussions with the suppliers during the tender period are not advised and should not include any discussion regarding the tender if they are unavoidable.

### **Tender opening**

#### Protocol –

2.21 All tenders will be kept electronically 'sealed' until the submission deadline date and time has ended.

2.22 The tenders will be opened an hour after the appointed date and time has been reached. The additional hour is to address any issues that a bidder may have in submitting as once the opening ceremony takes place it is difficult to submit a bid.

### **Tender evaluation & award decision**

2.23 The selection of the preferred supplier is based on a careful examination of all technical and commercial criteria as defined within the specification and questionnaire contained within the invitation to tender document, and in some cases the request for quotation. The supplier selected should be the one who obtains the highest score, meeting the most economically advantageous principles.

#### Protocol –

2.24 The University purchaser is responsible for overseeing the evaluation of the tenders.

2.25 The University purchaser will as part of their role within the evaluation stage: -

- cascade panel score sheets along with copies of the returns to panel members;
- send all sheets to the Procurement team for entering into evaluation proforma;
- If a presentation/demonstration stage is part of the evaluation, cascade further panel score sheets to the panel members for scoring;
- will arrange presentation/demonstration timeslots and inform the bidders via the portal;
- once agreed decision made as to who to award to, prepare de-brief letters for issue via the portal (it will include both winning bid and unsuccessful score);
- assist with the development of, or develop, the contract;
- complete the relevant documentation required by the University's Legal office for both the review of contract terms and for the signing of the contract.

- 2.26 At the end of the tender exercise the Procurement Team will complete a Tender Report and gain Gateway Approved (see Contract Management Policy, for audit and FOI purposes, which will be kept on file with a copy of the contract and the statement of assurance.
- 2.27 If the information is not readily available for the completion of the Tender Report, the University purchaser should provide the relevant information to the Procurement Team to aid completion.

### **Exceptions to carrying out a quotation/tender exercise**

- 2.28 It is not necessary to carry out a quotation or tender exercise under the following circumstances:
- the required good/service is already covered by a university contract (e.g. business travel – a full list is supplied in Annex 5 and the procurement webpages);
  - Research contracts, ESF contracts;
  - Fees for –
    - Franchises Procurement
    - Tuition to other colleges or universities
    - Student examination
    - Registration
    - college corporate fees e.g. Nursing
    - UCAS
    - Research or ESF contracts
    - Payment of Grants to appropriate bodies
    - Subscription payments to professional bodies for teaching purposes

## **PCR 2015 tenders**

### **3. Introduction**

- 3.1 The Public Procurement Regulations 2015 (**PCR 2015**) sets out the legal conditions for public procurement. It applies when public sector/funded organisations seek to procure goods, services, civil engineering or building works when over the threshold value, as set out in Appendix 5.

#### Principle –

- 3.2 PCR 2015 When scoping the procurement, if the estimated contract value is expected to be above the PCR 2015 Threshold a PCR 2015 tender route must be followed.
- 3.3 The PCR 2015 tender route must be administered by the Procurement Team and will follow one of the processes below:
- Open
  - Accelerated Open (Where duly justified)
  - Restricted
  - Competitive Dialogue & Innovation Partnership procedures

- Accelerated Restricted Procedure & Competitive Procedure with Negotiation (Where duly justified)
- 3.4 Each of the processes have different rules as to the minimum number of bidders to be invited and pre-selection stages

### **Choice of PCR 2015 procurement procedure**

- 3.5 The required timescales for carrying out PCR 2015 tenders vary depending on which of the processes chosen. The minimum times given in Appendix 4 only covers the period for either expression of interest and/or tender submission.
- 3.6 The times shown does not factor in the different stages to arrive at the final decision such as pre-qualification stage (restricted procedure), preparation of tender documentation, evaluation stages (scoring returned tender/presentations/demonstrations), references and official standstill period. University purchasers need to be mindful when planning the procurement timetable for their requirement of this.

### **What might happen if we fail to comply with the PCR 2015?**

- 3.7 It is widely understood that the cost of not complying with public procurement rules can at times be high. Failure to comply with the PCR 2015 could result in the risk of a legal challenge by suppliers who can show that they have suffered loss as a result of the breach.
- 3.8 There are remedies available to disappointed bidders to sue if a contract is entered into before the compulsory standstill period or an automatic right to cancellation or variation of any contract awarded to another bidder in breach of the rules.

#### Protocol –

- 3.9 It is important that university purchasers recognise the following:
- The need for objectivity when carrying out the evaluation for any purchasing activity undertaken: and
  - the need for additional time to be built in at the end of their purchasing exercise, to enable unsuccessful bidders to fully understand why they were not chosen, before an official award be made to the winning bidder. It is mandatory in all PCR 2015 tenders but discretionary yet encouraged below PCR 2015 thresholds, including any call-off from Framework agreements.
  - the need to have the contract finalised and signed before the contract commences
- 3.10 University purchasers are to acknowledge the following are risks in regards to any purchasing activities undertaken that may breach or do not follow the appropriate PCR 2015 process and will require sign-off from a member of the Senior Leadership Team that will agree to take the risk.

#### Possible risks –

- ineffectiveness (contract cancellation) as a remedy for certain serious breaches of the rules, such as illegal direct awards
- civil financial fines and contract shortening, which the courts may use as an alternative to ineffectiveness if the courts consider that there are important public interest reasons why the contract should continue. A civil financial penalty will also be required to accompany an ineffectiveness ruling.
- an automatic suspension procedure whenever legal proceedings are started in respect
- a time period of six months when a declaration of ineffectiveness is sought where a contract award notice has not been published.

1.11 Even when carrying out a purchasing activity below the current PCR 2015 threshold, the directives principles of non-discrimination, equal treatment, transparency and proportionality should still be observed which will also be in line with the UK law's objective of achieving value for money in all public procurement.

**For further help and information on PCR 2015 tendering contact the Procurement Team**

## **Additional Fundamentals**

### **Single source justification**

#### **4. Introduction**

##### Principle –

- 4.1 A single source justification should be completed in the rare event that you are unable to obtain comparable cost bids for purchases below the current PCR 2015 thresholds as this practice goes against achieving best value through open and fair competition.
- 4.2 The exceptions where single sourcing may be considered as a justified reason are as follows:
- the 'work' is clearly seen as a follow on - it is directly related to a recently completed contract, which was not included originally and the added value gained from the additional work being given to the same contractor/supplier outweighs any potential reduction in price that may be derived through competitive quotes/tenders or for technical reasons.
  - It needs to be demonstrable and the follow up work should not be of significant costs that will take the value over the current PCR 2015 threshold
  - the expertise or goods required is only available from one source. This may be due to ownership of exclusive design rights or patents but the specification should demonstrate how this was chosen initially and no other product/service would meet the requirement;
  - owing to a catastrophic event, there is an urgent need for the goods, works or technical services, making it impractical to use other methods of procurement because of the time involved in using those methods.

Protocol –

- 4.3 Where the use of a single supplier is inevitable, university purchasers should ensure that care is taken to endeavour that best value is being achieved, for example, by checking the suppliers' price list and/or benchmarking with industry price indices.
- 4.4 The appropriate form should be fully completed and accompanied with the correct evidence supporting the justification and a proper check was made to ensure best value was sought.
- 4.5 It should be remembered that a single source still requires use of a standard Request for Quotation (RfQ) form to ensure we are conducting business under the University's terms and conditions of purchase. A copy of the RfQ should be attached to the single source form.
- 4.6 The information as in paras 4.4 - 4.5 above should be forwarded to the Procurement Team for authorisation and the assignment of a University contract reference number before the issue of any purchase orders or any purchases of goods and/or services made.
- 4.7 The single source justification form will require authorisation by the Dean/Head of department and the Procurement Team.
- 4.8 University purchasers should be aware that continuous extension requests on a single sourced activity will be seen as attempting to circumvent obtaining best value for money and avoiding the PCR 2015 procedures.
- 4.9 For purchases that are externally funded, any conditions imposed by the funding body should also be adhered to. Funding bodies may not permit the use of a single source justification.

**5. Consortia framework agreements**

- 5.1 Consortia framework agreements are carried out via the PCR 2015 route, which means all suppliers awarded have been through a rigorous assessment of their financial, technical capability and capacity. Previously any public sector body could make use of any available framework, but PCR 2015 has changed this where only 'named' parties within the advert can call-off on a particular framework.
- 5.2 One of the advantages of making use of a framework is the potential savings available, through the suppliers offering more competitive prices in regards to possible aggregated volumes and economies of scale. As each project will have its unique requirement, it is imperative to consider the 'scope' and therefore 'suitability' of a particular framework to determine whether it will meet the University's needs.

Protocol –

- 5.3 The framework sets out the terms under which specific purchases (call-off) can be made and before 'calling-off' from any consortia framework, university purchasers need to establish: -
- that the University is eligible to use the framework (named on the tender notice and/or framework documentation);
  - that the particular framework will meet the University's requirements as deviation from the advertised framework specification is not permitted unless expressly stated;
  - validity of the framework period (some frameworks do not permit call-off contracts to extend beyond the framework's expiry date).
  - The Framework can be used free of charge, or if any fees are applicable.
- 5.4 As paid subscribers to the London Universities Purchasing Consortium (LUPC), university purchasers should make their frameworks the first port of call for consideration. Secondly, any of the other HE consortia, thirdly other public sector consortia frameworks such as the Crown Commercial Services (CCS) or the Eastern Shires Purchasing Organisation (ESPO) before a decision is made to undertake our own tender process, a full options and sourcing appraisal should be conducted.
- 5.5 To know which frameworks are available to us, university purchasers should contact the Procurement Team.
- 5.6 Each consortia framework will have specific conditions such as the evaluation criteria, which are to be applied when calling-off either direct award or further competition. University purchasers should ensure any conditions stated are complied with when using the particular framework. If in doubt, advice should be sought from the framework owner in the first instance, or the Procurement team.
- 5.7 Any award made following a purchasing exercise based on a consortia framework for long-term services, (i.e. desk-top or further competition) should be formalised by completing either the specific consortia paperwork or the University's contract template.

## University purchasing contracts and agreements

- 6.1 There are a number of contracts/agreements, which have been set up to cover university-wide requirements. These have been put in place either by the Procurement team or by a 'Lead purchasing departments' (see Section 3, 6.5 for further details), these contracts should be used and adhered to by all university purchasers.
- 6.2 The Procurement Team maintains the University's contract register, which contains overview information for each agreement that has been assigned using the Procurement Team's suffix of 'LMU20XX'. The information held for each agreement is:
- the title of provision (i.e. supply of maintenance service),

- contract reference number
- contracted period & value,
- extension period & value (if any),
- Link to the Contract and Contract Cover Sheet, including compliance check.
- Details of the Contracted Supplier
- Details of contract manager

6.3 It is the responsibility of all university purchasers to inform the Procurement Team of any changes to the details held on the register for their particular contract.

## Section 3 – Post quotation/tender stage

### 1. Purchase requisitions and purchase orders

#### Protocol –

- 1.1 University purchasers should ensure that all goods/services are purchased using either:
  - a purchase order (raised via the finance system);
  - a contracted supplier's online catalogue/tool (e.g. stationery or business travel);
  - a university purchasing card.
- 1.2 The purchase order should be raised, following the completion of a purchase requisition in advance of making a purchase. The purchase requisition provides a record of budget holder approval prior to expenditure being committed and, where necessary, provides the record of the quotations sought or tender and contract references. The requisition should detail – delivery date and location, your contact information and the specific quantities required
- 1.3 The University does not undertake to accept liability for the payment of any invoice unless the goods or service has been supplied in response to an official order authorised by an approved signatory.
- 1.4 Before a purchase order can be raised the supplier concerned should be registered on the finance system. University purchasers should, wherever possible, use existing authorised suppliers.
- 1.5 Telephone orders are not permitted unless it has been agreed as part of a contracted supplier's process with the Procurement Team and payment is made using the university purchasing card.

### Values entered in requisitions/orders

- 1.6 The value for the requirement entered on the order should be itemised accordingly. This will ensure that costs can be allocated and apportioned correctly to the budget code and payment is made when work has been completed depending on which stage has been fulfilled.



***For example –***

***If a service is valued at £80,000 but the work is to be carried out over a number of months and stage payments have been agreed, then this must be reflected in the order and broken down – in this case £10,000 per stage to be completed over 8 months (Value=£10K, Quantity=8)***

**Please Note:** As part of the university's internal auditors remit, purchase requisitions/orders are checked regularly to ensure that they are in place for invoices to be matched against.

## **2. Setting up a supplier**

Protocol –

- 2.1 Following a purchasing exercise, if it is found that a supplier is not registered on the University's finance system, a 'new supplier form' will need to be completed and forwarded to either 'accounts payable' (visiting lecturer/guest speaker) or the Procurement Team (commercial goods/services).
- 2.2 University purchasers should ensure the above form is accompanied with copies of the relevant evidential paperwork as in Section 2, para 1.18 to enable the relevant action to take place.
- 2.3 In order to keep the number of suppliers registered on the finance system as streamlined as possible, supplier activity will be monitored and any supplier that has not traded with the University for a period of two years may be disabled/removed from the system. A new application will need to be made before further orders can be placed with them following a purchasing exercise.

## **3. Receipt of goods**

Protocol –

- 3.1 The following process should be followed to minimise the risks of paying for deliveries, which are over/under quantified, damaged or incorrect.
- 3.2 When goods are delivered, ensure it is checked at the earliest opportunity for any sign of damage, quantity discrepancies or the incorrect items sent.
- 3.3 If the supplier's delivery personnel expect you to sign the delivery note before you have had the opportunity to check, write "unchecked" and then sign the delivery note but the checks need to be carried out as soon as possible after delivery and if anything found wrong, the supplier should be contacted immediately to rectify the problem.

For further advice in dealing with delivery issues, please visit contact the Procurement Team.

#### **4. Payment of invoices**

##### Protocol –

- 4.1 All invoices must be sent to accounts payable to be registered on the finance system. Invoices are then sent to departments/faculties for authorisation by delegated budget holders. Once authorised the invoice will be matched to the purchase order and be paid according to the pre-determined payment terms.
- 4.2 Disputes on invoices should be raised immediately with the supplier and accounts payable should be notified in order to record a note on the finance system. Invoices that do not quote a valid university purchase order number will be returned to the supplier.
- 4.3 It is mandatory requirement that the person authorising an invoice for payment should be different from the person who has certified receipt of the goods or service as this will cover segregation of duties.
- 4.4 It is essential that accurate prices are quoted on the invoice and it matches the purchase order. Accurate prices give both parties to the contract the opportunity to repudiate on the basis of price. This is an important safeguard. Furthermore, the correct pricing of orders facilitates the checking of invoices and enables accurate commitment accounting.
- 4.5 In the event of a complaint against a supplier that necessitates the withholding of payment, this complaint should be promptly and clearly communicated to the supplier in writing by the university purchaser. Copies of any relevant correspondence should be kept on record. Telephone complaints do not constitute adequate notice to the supplier, who may continue to press for payment to the point of litigation.
- 4.6 Where a purchase order was not raised, a written explanation should be provided to the Chief Operating Officer as to the reason why. The Chief Operating Officer will give approval if a satisfactory reason is provided.

#### **5. Purchasing cards**

- 5.1 The University has in place a purchasing card programme with a number of approved cardholders. The card programme is managed by the Finance Department.
- 5.2 Purchasing cardholders have delegated authority to purchase goods or services for and on behalf of their department using the purchasing card payment mechanism. The

regulations concerning the use of purchasing cards can be found on the procurement webpages.

#### Protocol –

- 5.3 It is advisable that following the appropriate quotation exercise for low value one-off purchases, payment should be made using the purchasing card rather than setting the supplier up on the finance system.
- 5.4 The purchasing cycle runs from the 27th to the 26th of every month (If the 26th falls on a weekend the period will be extended until the following Monday). Cardholders can log into the Lloyds SDG2 portal at any time during this period and upload receipts, enter coding information and expense descriptions.
- 5.5 Cardholders will receive an email 48 hours after the purchasing cycle closing date to remind them that there is an outstanding expense report to submit. It is only then that a cardholder should submit the full monthly report.

**Please Note:** If a cardholder has not completed a previous month's report, they will continue to receive emails until all overdue reports have been submitted.

- 5.6 Once submitted the approver will receive an email reminder asking them to log in and approve any outstanding expense reports. If the approver requires further information from the cardholder the expense report can be rejected. This will return the report to the cardholder with any request from the approver.
- 5.7 This process should be completed by both cardholder and approver in time for the Finance month end closedown.
- 5.8 The University will continually review its purchase ordering procedures to take advantage of any eProcurement developments. The use of online ordering and the development of the purchasing card programme are examples of how eProcurement can improve ordering methods and provide transaction efficiencies.

## **6. Lead purchasing departments**

- 6.1 In keeping with the value for money ethos, where it is found that the same category of commodity is being procured separately by individual school or service department, the University must consolidate its requirements under one contract.
- 6.2 Consolidation of requirement will lead to:
- a reduction in administrative time for carrying out separate purchasing exercises;

- less diversity in prices and the aggregation of demand can achieve lower unit costs.
- 6.2 Where a category commodity area is largely focussed upon one department, that department will be nominated as the 'Lead purchasing department'.
- 6.3 For the more generalised category commodities such as 'office stationery and paper' then the lead purchasing department will be the Procurement Team.

Protocol –

- 6.4 Appendix 3 defines the current key category areas and their nominated lead purchasing department. The lead purchasing department will be responsible for determining the University-wide standard, by either drawing up a specification or service level agreement and/or nominating a member of staff to sit on the appropriate consortium commodity group
- 6.5 Once a contract has been put in place for a key category area, purchases can be made in the following manner: -
- for general key commodities such as business travel, hotels & conferencing, stationery, university purchasers should place orders using the following –
    - Business travel (including hotel and conferencing – bookings should be made via the online booking tool which will have an embedded purchasing card for payment using your specific account details
    - Stationery – place orders using the contracted stationery supplier's online system which will have an embedded purchasing card for payment using your specific account details.
- or
- all other key category areas, purchases must be authorised by the lead purchasing department.
- 6.6 For process B above, purchase requisitions should be sent to the contract manager of the key category area (Appendix 3) and he/she will in turn complete the relevant contract number and the cumulative spend against the contract sum on the form, keeping a running total on record.
- 6.7 Once the above action has taken place, it will be the responsibility of the contract manager to put in place a system for either raising the purchase order on behalf of the requesting school or department or sending the completed purchase requisition back to the school or department for them to arrange the raising of the order. The contract manager should communicate the process to all stakeholders for clarity.

**For most up to date list of key category areas, please visit the procurement web pages**

## 7. Contract performance management

### Principle –

7.1 Something we can all improve on is managing, monitoring and improving performance against orders and contracts. Where supplier management is concerned, proportionality is important, more effort will need to be focussed on critical supplies more than orders for routine goods, but managing the quality of supplier performance is always important.

### Protocol –

7.2 The university purchaser, regardless of the value of the order, agreement or contract is responsible for ensuring that:

- the supplier delivers or performs in accordance with their written instructions in the form of the specification;
- if the delivery of the goods/service is over a longer period then regular review meetings must take place to discuss what elements of the supplier performance can be improved on (if applicable), and what cost savings might be available (*this process must be more formalised and the use of the supplier review template is greatly encouraged*);
- If any amendments need to be made to the contract and does not alter the original to a great degree, a contract change notice is completed in the correct manner;
- if there are any continuous issues and call-off contract was based on a consortia framework, feedback on performance is provided to both the Procurement Team and the consortia

7.3 University purchasers must ensure that a record is kept of review meetings, and must send copies to the Procurement team for any contract which has been assigned a number by the Procurement team.

7.4 The record of the reviews should hold the following details:

- date of meeting
- attendees
- supplier's performance against any KPIs set
- action points to address any issues, along with deadline dates (if applicable);
- action points for realising any cost savings and date by;
- acknowledgment from supplier of the above action points

**A copy of the Contract Management Policy can be found on the Strategic Procurement Intranet page, via the link below:**

[Strategic Procurement - Staff Zone \(londonmet.ac.uk\)](https://londonmet.ac.uk/strategic-procurement-staff-zone)

**For further help and information on Supplier Performance management please contact the Procurement Team**

**What amendments are permitted – PCR 2015 contracts**

7.5 The PCR 2015 provides clarity about the extent to which a contract can be amended after award without the need to re-advertise in Find a Tender provided certain conditions are met.

7.6 The following Key points have been taken from the government procurement body 'Crown Commercial Services' guidance document:

CHANGE	DESCRIPTION
<p><b><u>Any Change</u></b></p> <p>A contract may change without re-advertisement in Find a Contract where:</p>	<ul style="list-style-type: none"> <li>· the change is provided for in the initial procurement documents in a clear, precise and unequivocal review or option clause, which specifies the conditions of use and the scope and nature of the change; and the overall nature of the contract is not altered; or</li> <li>· The change is not “substantial” as defined in PCR 2015</li> </ul>
<p><b><u>Major Change</u></b></p> <p>A contract may change without re-advertisement in Find a Contract where:</p>	<ul style="list-style-type: none"> <li>· additional works, services or supplies “have become necessary” and a change of supplier would not be practicable (for economic, technical or interoperability reasons) or would involve substantial inconvenience/duplication of costs (limited to 50% of original contract price); or</li> <li>· the need for the change could not have been foreseen by a “diligent” contracting authority, provided these changes do not affect the nature of the contract or exceed 50% of the price of the original contract.</li> </ul>
<p><b><u>Minor Change</u></b></p> <p>A contract may change without re-advertisement in Find a Contract where:</p>	<ul style="list-style-type: none"> <li>· it is a minor change that does not affect the nature of the contract; and</li> <li>· does not exceed the relevant PCR 2015 threshold; and</li> <li>· does not exceed 10% (services or supplies) or 15% (works) of the initial value.</li> </ul>
<p>Insurance</p>	<p>Advisable to ensure that the supplier has adequate and up to date insurance cover. The subject matter of the quotation will determine the appropriate insurance policy required.</p>
<p>Conflicts of Interest</p>	<p>Any conflict of interest between a supplier and a member of the staff who will be part of the purchasing process should be raised.</p>

7.5 There are no hard and fast rules for below PCR 2015 threshold contracts but best practice dictates that the above process can form a guiding basis locally.

## **8. Signing of commercial contracts**

8.1 Purchases made using either the 'informal' and 'formal' quotation process, are normally under the University's general terms of purchase which the supplier should agree to on acceptance of both the request for quotation and the purchase order.

### Protocol –

8.2 University purchasers should be aware that supplier(s) may attempt to introduce their own terms on the reverse of their submitted quote or delivery note which may put the University at a disadvantage. In these cases, seek advice from the Procurement Team as to how to proceed.

8.3 For purchases above the PCR 2015 tender thresholds these will require formal commercial contracts to be agreed and put in place based on specific terms of contract agreed with both the University and the supplier.

8.4 There may be instances where a below PCR 2015 tender threshold purchase is critical in risk that will require such a contract in place.

8.5 All commercial contracts should be signed by both the supplier and the University to formalise the process and prior to contract commencement.

### **Advice/Legal review of contracts**

8.6 Where a contract will not be based on the University's terms and conditions, Legal will give legal advice/reviews on the assumption that the correct procurement procedures have been adhered to. To request a legal review of a proposed contract, the following should be sent to the Legal:

- a completed Contract Review Instruction Sheet
- a complete copy of the contract/terms and conditions; and
- a copy of any documents referred to in the terms and conditions.

### **Signing/Execution of the Contract**

8.7 Before a contract can be signed Legal will need either the contract reference number assigned by the Procurement team or an assurance from the Procurement Team that the contract does not require their approval.

- 8.8 University purchasers need to ensure that the contract sent for signing has been through the required approvals as per the scheme of delegation and is being signed by signatories with the authority to do so as per the Board Regulations. An up to date register of authorised signatories, and their approved delegations, can be provided by the University Secretary. This may include submitting the contract for review and approval by the Senior Leadership Team, Audit and Risk Committee, Finance and Remuneration Committee or the Board of Governors. These approvals, and the frequency of meetings, should be considered and built into the timescales at the beginning of the procurement process.
- 8.9 Contracts must correspond with the agreed conditions (contract period including extensions and value) when the Procurement Team assigned the original contract reference number for the purchasing activity to ensure compliance with PCR 2015.
- 8.10 When the contract is sent for signature or execution, it should be accompanied by a Statement of Assurance, which is the School or Professional Service Department's assurance that the applicable regulations and procedures have been complied with.

For further details and Information regarding requests for legal review and requests for signatures visit Legal matters - Staff Zone ([londonmet.ac.uk](http://londonmet.ac.uk))



## Section 4 – Legislations/Regulations

### 1. Procuring Sustainably

- 1.1 As a part of the wider higher education sector and operating as a business within our local community, this university, when making its procurement decisions must consider the environmental, social and economic impact of activities through design, material selection, manufacturing, transportation, usage and disposal options.
- 1.2 The University's sustainable procurement policy aims to help mitigate any adverse effects the University's purchasing activities may have and to use our purchasing power to create a positive impact.
- 1.3 Buying sustainably means the University has to be 'forward-thinking' when planning its purchasing activities. It needs to take into consideration different means and methods of obtaining the goods or service which will:
  - support sustainable communities;
  - reduce greenhouse gas emissions;
  - embed zero waste mind-set;
  - encourage suppliers to operate better production processes;
  - enhance corporate image

#### Protocol –

- 1.4 In the first instance university purchasers are expected to take environmental and social factors into account when making purchasing decisions as part of carrying out request for quotation exercises by asking relevant questions as part of the evaluation stage.
- 1.5 All HEIs are encouraged to work within the 'Sustainable Flexible Framework' which is a self-assessment tool that measures and monitors progress on sustainable procurement. Their approach is to embed the measurements of 'People', 'Policy, Strategy and Communications', 'Procurement Process', 'Engaging Suppliers' and 'Measurement and Results' within our strategic plan.
- 1.6 HEIs are asked to manoeuvre systematically through each theme from levels one to five. As part of the annual Efficiency Measurement model (Section 1, para 6.5), we have to report on what overall level the institution sits at with the view to improve from one to five over time.
- 1.7 University purchasers are asked to support the institution in improving and sustaining the upper levels of the framework by purchasing/procuring sustainably and following any guidance given by the Procurement Team.

**For full details of the University sustainability procurement policy please see Annex 6. For sample environmental, social and corporate questions as part of a purchasing exercise, please visit the Sustainability webpages**

## **2. Modern Slavery Act 2015**

2.1 The Act was passed into law on 26 March 2015 and applies to all organisations with a turnover of £36 million or more. Section 54 of the Act 'transparency in supply chains' requires those organisations to prepare and publish a statement setting out the steps that they have taken during the previous financial year (on or after 1st April 2016) to ensure that slavery and human trafficking are not taking place anywhere in their supply chains and in any part of their own business.

### Protocol –

2.2 When seeking quotations or tenders, university purchasers should be mindful of whether the goods or service requested may have some likelihood of modern slavery occurring within the supply chain and ask relevant questions as part of evaluating the supplier such as 'Does the supplier have a code of conduct? does this expressly prohibit the use of forced/trafficked labour?'.  
  
2.3 By using HEI consortia frameworks to call-off agreements, the university should feel rest assured that they will be putting in frameworks that meet the steps required under the MSA 2015 Section 54. LUPC has a statement on their webpage detailing their ethos and how they will address the five 'super categories' which their supply chains mainly fall under:

- Office supplies;
- Laboratory Consumables and Equipment;
- Library Resources;
- Professional services;
- ICT equipment and services;
- Estates Goods and Services (i.e. cleaning and security)

## **3. Corporate Manslaughter and Corporate Homicide Act (CMCHA) 2007**

3.1 The CMCHA 2007 was given royal assent on 26 July 2007 and builds on the Health & Safety at Work Act 1974 by shifting responsibility of negligence for very serious failings of an organisation in the management of activities which have resulted in death of an employee, from just one senior individual but to the organisation as a whole.

3.2 The Act concentrates on ensuring the 'duty of care' aspect exists in the organisation in respect of the systems of work and equipment used by employees, the condition of worksites and other premises occupied by an organisation and in relation to products or services supplied to customers.

- 3.3 A company's duty of care extends to employees on business travel and expatriate assignments, whose travel puts them generally at higher risk of harm than employees who work in a single office environment.

Protocol –

- 3.4 University purchasers should use the contracted Travel Management company when making arrangements to travel on behalf of the university as this will provide a better management of risk associated with business travel, such as:

- **Traveller's information** - An organisation should know how many employees travel; how often; whether they go to high-risk destinations; if so, where they go; use of vehicles (If one supplier is used then this information is easily available);
- **Destination Intelligence** - Employees need up-to-date information about the threats they may encounter during their trip. Pre-trip information about the intrinsic threats (security, health, weather, transportation) of a particular location is important;
- **Airline Safety** - In 2006, the European Union (E.U.) first published its "Black List" of unsafe airlines, those airlines prohibited from flying or restricted in their flights within European airspace. While the Black List is specific to the E.U. many airlines on the list operate outside the E.U. (This list is available via the TMC but not through all travel suppliers);
- **Hotlines** - Each travelling employee should know whom to call if something goes wrong. Most companies have multiple response vendors — for medical assistance, security evacuations, kidnapping response and IP theft. Many companies, though, are consolidating their response under one global hotline so their employees are not left wondering which phone number to call in time of need (the latter applies to the contracted TMC).

#### 4. **Bribery Act 2010 & Money Laundering regulation 2007**

- 4.1 Further information about both of these acts can be found in the University's financial regulations.

## **Section 5 – Supplementary purchasing procedures**

### **1. Purchasing IT hardware & software**

Information can be found on the Information Technology and Services department's webpage titled [IT Help and Support - Staff Zone \(londonmet.ac.uk\)](https://londonmet.ac.uk/it-help-and-support-staff-zone).

## Appendix 1 - Purchasing Routes

Procurement policy: required procedures			
<p><b>All proposed purchases: preparing to buy - musts</b></p> <ol style="list-style-type: none"> <li>1. Prepare a specification for the goods/services required and estimate the cost.</li> <li>2. Obtain authorisation to spend from budget holder.</li> <li>3. Check with the Procurement Team whether the University already has a relevant contract in place. If so, contact the contract manager to request a purchase order against that contract.</li> <li>4. If no suitable existing contract is in place, follow the procedure outlined below.</li> <li>5. Documentation must be kept in case of audit, to show the fairness of the evaluation process and justification of the value for money of the contract awarded.</li> <li>6. Confirm procedure to be followed, based on estimated cost, as follows.</li> </ol>			
Estimated contract value less than £25,000, excluding VAT	Estimated contract value between £25,001 and £100,000, excluding VAT	Estimated contract between £100,001 and PCR 2015 threshold, excluding VAT	Estimated contract value above the PCR 2015 threshold <b>including</b> VAT
<p><b>Informal Quotation route:</b></p> <p>Only one quotation is required, although you should consider whether additional quotes would help to test value for money. There is no need to complete a single source justification form for purchases below this value.</p>	<p><b>Formal Quotation route:</b></p> <p>Use a consortium framework OR obtain three quotations.</p> <p>Sustainable procurement by use of local SMEs/ suppliers should be considered when selecting suppliers to ask for quotations.</p>	<p><b>Local tender route:</b></p> <p>Use a consortium framework, OR invite a minimum of five companies to respond to an invitation to tender.</p> <p>The supplier list should include a minimum of two SMEs/ local suppliers.</p> <p>Any exceptions must be justified and signed off by the Procurement Team as part of the procurement strategy.</p>	<p><b>PCR 2015 tender route:</b></p> <p>Use an PCR 2015 compliant consortium framework, OR procurement exercise must follow the PCR 2015 tender rules.</p>
<p>Musts:</p> <p>Select supplier.</p>	<p>Musts:</p> <p>Select suppliers.</p>	<p>Musts:</p> <p>Prepare a brief procurement</p>	<p>Musts:</p> <p>Prepare a brief procurement</p>

<p>Issue the request for quotation. Payment must be made using a University purchasing card wherever possible to reduce processing costs.</p>	<p>If not using a framework, issue the request for quotation to all three.</p> <p>Decision to be based on test for best value (price and quality). Record of decision criteria and assessment to be kept on file.</p>	<p>strategy, including the rationale for supplier selection, which must be reviewed by the Procurement Team to ensure compliance with purchasing regulations.</p> <p>If the appropriate minimum number is not available, the requirement must be advertised.</p> <p>A member of the Procurement Team must be a member of the Procurement Team throughout the procurement exercise.</p> <p>If not using a framework, due diligence must be carried out on the financial status as regulatory policies of the supplier. throughout the procurement exercise.</p>	<p>strategy, which must be reviewed by the Procurement Team to ensure compliance with PCR 2015 regulations.</p> <p>All tenders must follow the PCR 2015 prescribed method and be advertised in Find a Contract.</p> <p>A member of the Procurement Team must be a member of the Procurement Team throughout the procurement exercise.</p> <p>If not using a framework, due diligence must be carried out on the financial status as regulatory policies of the supplier. throughout the procurement exercise.</p>
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**Post Award: Required Procedures**

**All proposed purchases above £25,000: musts**

- Contact the Procurement Team post award with details of the contract and value for money evaluation to enter into the University Contracts Register, to obtain a contract reference number and to publicise the award via the governmental portal 'Find a Contract' within 90 days of the contract award .
- If required prepare supplier set-up form and pass this to accounts payable.
- Raise an order for the contract value.
- The purchase order reference must be quoted on supplier invoices for payment to be made
- There must be a signed contract in place

**Publication of contracts awarded information on Contracts Finder and Find a Tender**

Once a contract has been awarded as a result of a procurement process, contracting authorities, should, within a reasonable time (no later than 90 calendar days), publish on Contracts Finder and/or Find a Contract at least the following information: -

- the name of the contractor;
- the date on which the contract was entered into;
- the value of the contract;
- whether the contractor is a Small and medium enterprises (SMEs) Voluntary, community and social enterprises (VCSEs)

## Appendix 2

### Defining the specification

The specification should describe the important features of the equipment, goods or service required

### Key aspects

- Minimum standards expected;
- The application – where and how the equipment will be used and what for;
- What is 'essential' & what could be considered 'desirable';
- Delivery lead times and any special delivery requirements;
- Installation and set up;
- Length of warranty or any period of free or inclusive maintenance (**WLC**);
- Annual maintenance (**WLC**);
- Future upgrades of system, equipment or software (**WLC**);
- Spares/replacements (**WLC**);
- Decommissioning (**WLC**);
- Disposal (likely sale or scrap value);
- Energy usage (running costs, consumable items, fuel, water, electricity) (**WLC**);
- Sustainability/Environmental (including source of material, harmful emissions, appraisal of impact of the equipment or service on offer;
- Training;
- Labour;
- Health & Safety;
- Service delivery;
- Expected life of the equipment in a normal working environment (if applicable) (**WLC**);
- WEEE (**WLC**)

**(WLC) – Whole life costs**



### Appendix 3

#### Key Commodity Areas

Key commodity	Lead Purchasing Department
Advertising	External Relations
Audio Visual Equip, consumables	ISS*
Books & Periodicals (print and/or electronic)	Library Services
Branded merchandise (for sale)	Estates
Branded merchandise (for promotion)	External Relations
Building contractors & minor works	Estates*
Business travel (inc hotels and conferencing)	The Procurement Team
Catering/Hospitality	Estates - Campus Services*
Computer hardware, software & consumables (inc tablets)	Information Systems & Services*
Courier Services	Estates – Campus Services*
Employment Agencies (Temporary staff)	Human Resources*
Facilities Management (cleaning, pest control, security)	Estates – Campus Services*
Furniture (office, classrooms)	Estates
Insurance	Finance*
Legal Services	Legal's office*
	Estates*
	Human Resources*
Minor/Ad hoc Works	Estates*
Multifunctional devices and photocopiers	ITS
Office supplies & equipment	The Procurement Team
Postal Services	Estates*
Security services	Estates – Campus Services*
Telecommunications	Information System and Services*
Van hire	Estates – Campus Services*

## Appendix 4

Timescales under PCR 2015

Procedure	Minimum period for response to contract notice (or invitation to confirm interest where PIN used as call for competition – sub central bodies only)	Minimum period for tender submission	Comment
Open	35 days (less 5 days for electronic receipt of tenders)		Single stage procedure, therefore response to contract notice is also tender submission. Contract notice is only means of call for competition.
Accelerated Open (Where duly justified)	15 days		As above - the 15 day timescale also applies where a valid PIN has been published not as a call for competition
Restricted	30 days	10 days	A single tender return timescale may be set by mutual agreement with tenderers. 10 days is the minimum otherwise
Competitive Dialogue & Innovation Partnership procedures	30 days	No prescribed minimum	Same minimum timescales for all contracting authorities. Contract notice is only means of call for competition
Accelerated Restricted Procedure & Competitive Procedure with Negotiation (Where duly justified)	15 days	10 days	Accelerated timescales only provided for with contract notice as call for competition

## Appendix 5

### Summary of The Public Contracts Regulations Threshold Levels (Inclusive of VAT) from 1 January 2022

#### **Supplies & Services (except subsidised services contracts)**

Central Government bodies: £138,760

Others: £213,477

#### **Subsidised services contracts**

All bodies £213,477

#### **Works (including subsidised works contracts)**

All bodies £5,336,937

#### **Light Touch Regime for Services**

All bodies £663,540

Small lots Supplies and services

£70,778

Works £884,720

#### **The Utilities Contracts Regulations Supplies and Services**

All sectors £426,955

Works All sectors £5,336,937

Small lots Supplies and Services

£70,778

Works £884,720

#### **The Concession Contracts Regulations**

Concession contracts £5,336,937

#### **The Defence and Security Public Contracts Regulations**

Supplies and Services All sectors £426,955

Works All sectors £5,336,937

Small lots

Supplies and Services £70,778

## Appendix 6

### CIPS Code of Conduct



# CIPS Code of Conduct

The purpose of this code of conduct is to define behaviours and actions which CIPS members must commit to maintain as long as they are members of CIPS.

AS A MEMBER OF CIPS, I WILL:		USE OF THE CODE
<p><b>Enhance and protect the standing of the profession, by:</b></p> <ul style="list-style-type: none"> <li>Never engaging in conduct, either professional or personal, which would bring the profession or the Chartered Institute of Procurement &amp; Supply into disrepute</li> <li>Not accepting inducements or gifts (other than any declared gifts of nominal value which have been sanctioned by my employer)</li> <li>Not allowing offers of hospitality or those with vested interests to influence, or be perceived to influence, my business decisions</li> <li>Being aware that my behaviour outside my professional life may have an effect on how I am perceived as a professional.</li> </ul>	<p><b>Promote the eradication of unethical business practices, by:</b></p> <ul style="list-style-type: none"> <li>Fostering awareness of human rights, fraud and corruption issues in all my business relationships</li> <li>Responsibly managing any business relationships where unethical practices may come to light, and taking appropriate action to report and remedy them</li> <li>Undertaking due diligence on appropriate supplier relationships in relation to forced labour (modern slavery) and other human rights abuses, fraud and corruption</li> <li>Continually developing my knowledge of forced labour (modern slavery), human rights, fraud and corruption issues, and applying this in my professional life.</li> </ul>	<p><b>Members of CIPS worldwide are required to uphold this code and to seek commitment to it by all the parties they engage with in their professional practice.</b></p> <p>Members should encourage their organisation to adopt an ethical procurement and supply policy based on the principles of this code and raise any matter of concern relating to business ethics at an appropriate level within their organisation.</p> <p>Members' conduct will be judged against the code and any breach may lead to action under the disciplinary rules set out in the Institute's Royal Charter. Members are expected to assist any investigation by CIPS in the event of a complaint being made against them.</p>
<p><b>Maintain the highest standard of integrity in all business relationships, by:</b></p> <ul style="list-style-type: none"> <li>Rejecting any business practice which might reasonably be deemed improper</li> <li>Never using my authority or position for my own financial gain</li> <li>Declaring to my line manager any personal interest that might affect, or be seen by others to affect, my impartiality in decision making</li> <li>Ensuring that the information I give in the course of my work is accurate and not misleading</li> <li>Never breaching the confidentiality of information I receive in a professional capacity</li> <li>Striving for genuine, fair and transparent competition</li> <li>Being truthful about my skills, experience and qualifications.</li> </ul>	<p><b>Enhance the proficiency and stature of the profession, by:</b></p> <ul style="list-style-type: none"> <li>Continually developing and applying knowledge to increase my personal skills and those of the organisation I work for</li> <li>Fostering the highest standards of professional competence amongst those for whom I am responsible</li> <li>Optimising the responsible use of resources which I have influence over for the benefit of my organisation.</li> </ul>	
<p><b>Ensure full compliance with laws and regulations, by:</b></p> <ul style="list-style-type: none"> <li>Adhering to the laws of the countries in which I practise, and in countries where there is no relevant law in place I will apply the standards inherent in this Code</li> <li>Fulfilling agreed contractual obligations</li> <li>Following CIPS guidance on professional practice.</li> </ul>		<p><b>CONTACT US</b></p> <p><b>UK</b> +44 (0)1780 756777</p> <p><b>Africa</b> +27 (0)12 345 6177</p> <p><b>Australasia</b> +61 (0)3 9629 6000</p> <p><b>MENA</b> +971 (0)4 311 6505</p> <p><b>Singapore</b> +65 6808 8721/+65 6808 8722</p> <p><b>Email</b> info@cips.org</p>

This code was approved by the CIPS Global Board of Trustees on 10 September 2013.

[cips.org](http://cips.org)

CIPS Guide to Ethical and Sustainable Procurement



**CIPS Ethics  
Guide.pdf**

## Appendix 7

### How to Identify Potential Suppliers

#### **Current Contracts and Approved Suppliers**

In the first instance, purchasers should review existing contracts and suppliers that already available within our E5 system.

Existing suppliers will already have agreed contract terms with the university and may offer preferential pricing. They will have also been through due-diligence, ensuring they are able to meet our requirements.

Using suppliers with existing contracts, or that are already set up on E5, will also offer the most efficient purchasing route, saving time and resources.

#### **Previous Contracts**

As well as looking at existing contracts, the Procurement Department can check the Contracts Dashboard to check if this requirement has previously been contracted and to which supplier.

This may have the benefit of working with a supplier that already has an understanding of our needs, but it is important to understand why the contract ended and if there were any issues with performance.

#### **Framework Agreements**

Another quick way to identify suppliers, is to review the Framework's available from one of the number of Procurement Consortia available.

These Frameworks will have already been through a robust procurement process, so you can be sure that the suppliers will meet the requirements of the Framework Agreement.

There are Framework Agreements available for many of the goods and services we purchase, and below is a list of consortia regularly used by Procurement:

- London University Procurement Consortium (LUPC)
- Other University Procurement Consortium (HE Contracts)
- Crown Commercial Services (CCS)
- The Energy Consortium (TEC)

Further information on how to use a Framework can be found in the Procurement Policy or directly from the Strategic Procurement Team.

#### **Via Tender Exercise**

Where a suitable supplier has not been identified through an existing contract or Framework Agreement, and depending on the value of the requirement, a tender can be a great way of identifying suppliers.

Tenders are advertised on Contracts Finder and/or Find a Tender and will notify all suitable suppliers of the opportunity and our requirements.

Please contact the Strategic Procurement Department for advice and assistance on tendering procedures.

**Referrals and Recommendations**

Contacting other Universities or purchasing organisations can be a great way of identifying potential suppliers for your requirement.

Through recommendations you are more likely to get an honest assessment of a supplier's strengths and weaknesses.