



Belfast City Council

Commercial & Procurement Services

Procurement Policy

DRAFT



**Belfast
City Council**

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1. Background & Purpose

Introduction

The objective for Belfast City Council's (the Council's) commercial and procurement activities is about achieving the best Value for Money outcome for the ratepayer. Value for Money for the Council includes delivering on the key economic, environmental and social outcomes set out in the [Belfast Agenda](#) and the Council's [Corporate Plan](#).

The Council's Commercial and Procurement Service (CPS) is committed to providing a strategic organisational approach to procurement and commercialisation. We developed a rolling annual roadmap of improvement activities, which sets out our plans to improve procurement and commercialisation across the organisation. These planned improvements can be seen throughout this document where a new process, procedure or training need has been identified.

To support the delivery of this Strategy, the CPS will establish uniform commercial and procurement policies throughout the Council that will ensure the fair and equitable treatment of everyone (internally and externally) who is involved with commercial and procurement activity. The development of this Procurement Policy is part of this, as it will establish the delegated authority of the procurement function within the Council and will simplify, clarify, and reflect the legislation governing procurement¹.

For the purposes of this Policy, 'Public Procurement' is defined by the Department of Finance² as:

"The process of the acquisition, usually by means of a contractual arrangement after public competition, of goods, services, works and other supplies by the public service"³ and adopts 'Best Value for Money' as 'the most advantageous combination of cost, quality and sustainability to meet customer requirements.'"

Purpose, Application and Scope

The **purpose** of this Policy is to govern the method by which the Council spends money on the goods, services and works that are required to enable it to deliver its services. This Policy acts as a 'golden thread' between the transformation strategy and day-to-day procurement operations. It details what the Council expects from its officers in terms of behaviour, actions taken, and processes followed in specific scenarios.

This Policy **applies** to all Council Officers involved in the execution of **works, supply** of products or provision of **service** contracts, where they are involved in a procurement process, whether as requisitioners, specifiers, purchasers or those who validate or authorise payment. This includes full-time and part-time employees on a substantive or fixed-term contract and associated persons such as agency staff, contractors and secondees.

¹ Detailed guidance relating to the implementation of procurement processes can be found on interlink.

² Northern Ireland Public Procurement Policy Department of Finance (August 2014). In this context, cost means consideration of the whole life cost; quality means meeting a specification which is fit for purpose and sufficient to meet the customer's requirements and sustainability means economic social and environmental benefits, in support of corporate objectives.

³ Northern Ireland Public Procurement Policy Department of Finance (August 2014).

Contracts are awarded based on the provision of either **supplies; services or works**⁴. Where the different parts of a given contract are objectively not separable, the applicable legal regime shall be determined based on the main subject-matter of that contract, the subject matter of the contract is determined by the value.

Procurement activity is conducted in line with governance established corporately by CPS. CPS have incorporated the requirements of this policy into processes, guidance and forms used to award supplies or services contracts. Physical Programmes (PP) have implemented these processes, guidance, and forms into the awarding of capital works⁵ contracts.

All officers engaging in procurement activity shall be aware of, and comply with, this policy and relevant and associated statutory and regulatory requirements, as detailed in section 2, when undertaking procurement activity.

The **scope** of this Policy applies to:

- All contracts made by, for or on behalf of the Council for procurement of goods, works and services over £3,000 regardless of the source of finance⁶
- All parts of the Council's business and where the Council is acting as an agent for another body unless the principal lawfully directs to the contrary.
- All officers applying relevant UK Legislation, in particular [Public Contract Regulations 2015](#) (PCR 2015) (as amended by [Public Procurement \(EU Exit\) Regulations 2020](#) (PPR 2020))
- Any person, not an officer of the Council, who is engaged to manage a contract on behalf of the Council.
- The selection of nominated suppliers and nominated sub-contractors for products, works and services covered by a main contract.
- The Council when it is a member of any consortium or similar body or is collaborating with another body which is acting as its agent, the regulations of that body shall apply. The Council shall not enter any such arrangements unless satisfied that it will thereby achieve best Value for Money and proper control within the consortium or by the agent over procurement arrangements.
- Members involved in approving procurement activity in line with Standing Order 52 (b) and Scheme of Delegation 2.5
- Members involved in procurement activity in line with [The Northern Ireland Local Government Code of Conduct for Councillors](#).
- Members and officers involved in procurement activity in line with [Local Government Employee & Councillor Working Relationship Protocol](#)

The Policy **does not**:

- Apply to transactions for service contracts which have been identified as excluded in Regulation 10 of the PCR 2015⁷, transactions such as:
 - the procurement of legal representation
 - the acquisition or rent of land or existing buildings (not for development purposes)
- Apply to transactions as excluded in Regulation 12 of the PCR 2015⁸, such as public contracts between entities within the public sector when:

⁴ Supplies are physical goods or products. Typical examples of goods are: office supplies and equipment, furniture, IT equipment, books, vehicles, medical supplies and other commodities.

Services can be provided by an organisation or an individual.

Works are related to civil works; this includes new construction of structures, renovations, extensions etc. as set out in [Schedule 2](#) of PCR2015.

⁵ Within BCC Capital Works refers to works related procurement activity that is managed through the Capital Programme – these procurements are initiated through the Physical Programmes department

⁶ [Standing Orders 52\(B\)](#) and [Scheme of Delegation 2.5](#)

⁷ [Public Contract Regulations](#) Section 10

⁸ [Public Contracts Regulations 2015 Regulation 12](#)

- the Council is the controlling authority, known as “Teckal” an example of which is transactions with the Waterfront Hall.
- the contract establishes co-operation between the participating contracting authorities with the aim of ensuring that public services they must perform are provided with a view to achieving objectives they have in common, only where the contracting authority does not also provide the same service on the open market
- Apply to Grants, as defined:
 - as a transaction below the UK threshold⁹ and
 - as the Council contributing to the cost of a particular purpose or activity, where the nature of the relationship created is to spend the money in accordance with the grant or return it and
 - as expenditure that does not a form payment for a contract for services, or where the Council specifies the output or outcomes to be delivered.

NB: Bodies such as Visit Belfast or Belfast City Centre Management could receive funding and provide services to the Council, therefore, Officers should ensure the appropriate process is followed for such expenditure

- Apply to statutory payments such as TV licensing, LPS rate payments, pension contributions
- Apply to cost of attending training and development events¹⁰; cost of study courses¹¹; attendance at conferences, exhibitions, seminars, and workshops (not bespoke training designed by BCC).
- Apply to officer’s professional fees required as legal necessity to perform their duties¹²
- Apply to payments to individuals such as speaker fees; organist; medical reports
- Apply to internal purchases (including petty cash)
- Inform Officers on policies and procedures related to wider commercial activity

Policy Objectives

The objectives of this Policy are to:

- Establish the delegated authority of the procurement function within the Council.
- Ensure compliance with statutory and regulatory requirements, governance, and relevant external standards.
- Provide clear uniform guidelines and processes that are consistently followed to procure and manage contracts.
- Establish the process for selection and award for the appointment of suppliers.
- Operate an open, equal, transparent, and competitive approach to procurement.
- Award contracts that achieve Value for Money.
- Promote and achieve social value and sustainability.
- Set out the context for ethical trade practices that the Council has agreed to deliver through commissioning and procurement activities.
- Ensure that the Council’s procurement is flexible, resilient, manages risk and safeguards against corruption, fraud, waste, and abuse.
- Establish and embed a commercially focused approach to procurements.

⁹ Current procurement threshold as set out in Regulation 6 of PPR 2020

¹⁰ Scheme of Delegation 2.2.8

¹¹ Scheme of Delegation 2.2.9

¹² Scheme of Delegation 2.2.6

2. Legislation & Policy

This Policy sets out how the Council's procurement activity, along with its processes and procedures, will be designed and conducted to ensure compliance with relevant legislation, related Council policies and procurement 'best practice'.

Legal Context

The Council was established as a Local Authority under the Local Government Act (Northern Ireland) 1972. This Act states a Council may enter contracts necessary for the discharge of any of its functions¹³. To enter contracts for the supply of goods, works and services, Local Authorities are subject to and must adhere to procurement related legislation.

Regulated procurement

The [Public Contracts Regulations \(PCR\) 2015](#) (as amended [EU Exit Regulations 2020](#)) establish rules for procurement for the Council with respect to public contracts and design competitions. The [Concession Contracts Regulations \(CCR\) 2016](#) establish the rules on procurement by contracting authorities with respect to works or service concessions i.e. where there is income to be generated. The current UK thresholds for PCR2015 or CCR2016 to apply are £189,330 and £4,733,252 respectively. Throughout this document we have referred to PCR2015/CCR2016 collectively as "the regulations" and their applicable thresholds as the "UK thresholds".

The UK Regulations implemented the EU Directives. Post Brexit, PPR 2020 amends the Regulations to ensure public procurement law, i.e. PCR2015 and CCR2016, operate effectively across the UK.

The Government proposes to comprehensively streamline and simplify the complex framework of regulations that currently govern public procurement. The timeline for the new UK Public Procurement Regulations to take effect is currently 2023. The government proposes enshrining in law principles of public procurement: the public good, value for money, transparency, integrity, fair treatment of suppliers and non-discrimination

The Council's procurement activity will fully respect, comply with and be conducted in accordance with the following procurement specific legislation, in the order of precedence, as set out below:

- The Public Contracts Regulations 2015 in conjunction with The Public Procurement (Amendment Etc.) (EU Exit) Regulations 2020
- Local Government Act (Northern Ireland) 1927, 2014. (The legislative requirements from this Act are reflected in the [Council Constitution](#), which is set out in more details in section 6)
- WTO Agreement on Government Procurement (GPA)

Non-regulated procurement

Specific rules set out in the regulations, are only applicable when the value of a contract is above the stipulated UK thresholds. However, whilst specific rules do not apply, the Council conducts procurement activity in line with the best practice principles of **transparency, non-discrimination, fair treatment, value for money, and the public good** when conducting procurements of any value.

These principles are aligned to The World Trade Organisation (WTO) Agreement on Government Procurement (GPA). It is the pre-eminent international instrument regulating the conduct of international trade in government procurement markets. It also serves broader purposes of promoting good governance, the efficient and effective management of public resources, and the attainment of best value for money in national procurement systems. The UK have achieved independent Membership of the GPA.

¹³ [Article 99 Local Government Act \(Northern Ireland\) 1972](#).

Other relevant legislation when procuring

When conducting procurement exercises it is common that we also assess whether the bidders can comply with relevant legislation. The types of other legislation that is commonly relevant in a procurement exercise are:

- Health and Safety Regulations (Corporate Health and Safety maintain a [Register of Legislation](#)) that we can refer to
- Environmental Regulations (CPS maintain an active Register of Legislation which is used as a reference point when conducting procurement activity to consider Environmental Regulations, as part of our commitment to ISO14001)
- Employment Regulations (Further details can be sought from Corporate HR)

External Policy

Procurement Policy Notes ([PPNs](#)), issued by the Cabinet Office, are applicable to local authorities where stated. In Northern Ireland, they are often issued with supporting documentation and Procurement Guidance Notes ([PGNs](#)) to assist implementation.

Internal Policy

When conducting procurement activity, procuring officers must comply with all Council policies, which are based on relevant legislation or best practice. The CPS's processes have been designed to ensure that relevant Council policies are complied with, including:

- [Council Use of Consultancy Services](#)
- [Information Governance Regulations](#)
 - Data Protection Act 1(DPA) 2018 - General Data Protection Regulations (GDPR) compliance -
 - Freedom of Information and Environmental Information Regulations 2004
- [Social Value Procurement Policy](#)
- [Code of conduct](#)
- [Whistleblowing policy](#)
- [Fraud & bribery policy statement](#)
- [Computer Use Policy](#)

3. Procurement Methodology

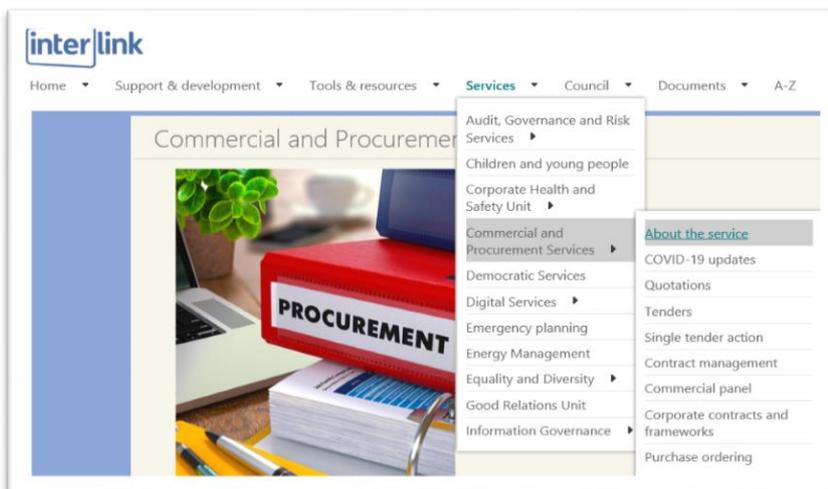
Introduction

This section will take you through the end-to-end stages of a typical procurement and contracting life cycle, as shown below. Proportionate effort should be applied to each stage depending on the value and complexity of the requirements being procured. Detailed roles and responsibilities for all procurement exercises are available on [interlink](#).



CPS has developed the processes, procedures, guidance, and templates for the stages of all procurement activity. All documentation for each stage of the relevant procurement exercise is available on [Interlink](#).

PP have implemented CPS documentation for activity related to awarding a works contract. The documentation required for works procurement activity is available to all PP officers and where there are variations these are sign-posted within the Project Management Handbook.



CPS processes and procedures are documented and managed via an Integrated Management System, ISO9001. Best practice is incorporated into all processes, and the requirements of each stage are explained in the remainder of this section. Procurement activity at all values is subject to audit both internally and externally.

When considering a new procurement requirement officers can initially check if this requirement is covered by an existing contract - [corporate contracts](#).

The processes that establish how all contracts are awarded are introduced in the table below.

Table 3.1: Procurement Process Types				
Procurement Type	Value	Process	Description	Process managed by
All	Up to £3k	Direct award – no competition	Any supporting evidence of price checking (verbal / written) can be included when creating a Purchase Order e.g. in the internal notes field	Department
Works and Works related Services	Over £3k	Quotation	Suppliers who participate are selected by Officer in line with quotation process guidance; not publicly advertised	Physical Programmes
		Tender	Publicly advertised. Mirror principles of over UK threshold procedures	
		Single Tender Action	Direct award to a supplier for works related activity is very uncommon, and should be done so in line with STA guidance	
		Framework Agreement	A Framework agreement can be established internally. They establish pre-qualified supplier(s) that can be further engaged to award a contract.	
		External Framework Call-off	Award of contract is dictated by Framework rules	
Goods and Services	£3,000 - £30,000	Quotation ⁱ	Suppliers who participate are selected by Officer in line with quotation process guidance; not publicly advertised.	Department
	£3,000 - £30,000 & Over £30,000 – UK Threshold	Single Tender Action	Normally direct award to a supplier who is the sole provider in the market or as per circumstances set out in STA guidance.	
		External Framework Call-off	Award of contract is dictated by Framework rules.	
		Tender	Publicly advertised. Mirror principles of over PCR procedures	
	Over £30,000 – UK Threshold Over UK Threshold	Single Tender Action	Normally direct award to a supplier who is the sole provider in the market. Mirror the principles of over PCR negotiated procedure without prior publication.	CPS
		Framework Agreement / DPS	A Framework agreement can be established internally. They establish pre-qualified supplier(s) that can be further engaged to award a contract.	
		External Framework Call-off	Use of an external Framework Agreement let by another organisation can be considered as a contracting option	
		Tender	UK wide advertisement. Tender exercise for expenditure let in compliance with selected PCR 2015 Procedure ⁱⁱ	

			Tender exercise for income generating requirement let in compliance with CCR 2016
Over UK Threshold	Single Tender Action		Must be let in compliance with PCR 2015 Procedure - Use of negotiated procedure without prior publication
	Framework Agreement / DPS		UK wide advertisement.
	External Framework Call-off		Use of an external Framework Agreement let by another organisation can be considered as a contracting option

Pre-Market Engagement & Research

Pre-market engagement is the practice of consulting with suppliers before we go to market with our requirements via any of the processes set out in Table 3.1. This can involve, for example, asking suppliers to complete a questionnaire; demonstrate functionality of a system or participation in a Q&A forum or structured meeting. The benefits of premarket engagement include:

- Understanding your requirements better including:
 - Whole life costs (Especially important to consider in conjunction with procurement thresholds, as per table 3.3)
 - Informing timescales.
 - Informing a business case
- Stimulate the market up to your upcoming requirement which can encourage competition
- Understanding the potential social value contribution, a supplier could make beyond quality and cost
- Understanding the key players in the market and any potential barriers to participation.

Premarket engagement, including the testing and piloting of products, **must** be conducted in an open transparent and non-biased manner. No unfair advantage should be given to any supplier. Officers should document why potential suppliers were invited to engage in this early stage of the process.

Officers **must** consider what pre-market engagement activity is appropriate or required. This is to ensure the best value approach is taken in the procurement exercise. CPS will support Officers through the pre-market engagement process and for more complex or higher value requirements CPS should be involved at the outset of this activity.

Initiating a Procurement Exercise

Officers, in the first instance, should confirm that an existing contract is not available for use, a list of [corporate contracts](#) can be found in interlink.

Procurement activity must not be initiated without confirmation of an approved budget and will not be published without the required authority (see table 6.1), including Financial Delegations.

Documented processes and request forms to initiate each type of procurement exercise are set out on [CPS Interlink page](#)

Procurement of supplies or services can be initiated in the ways shown below. Procurement of capital works should be initiated via the Physical Programmes Department.

Table 3.2: Procurement Initiation - Supplies and Services		
Value	Process	Initiation Process
£3,000 to £30,000	Quotation	Quotation Checklist
	Single Tender Action	STA request - £3,000 to £30,000 Form
	External Framework call-off	External Framework call-off Checklist

Over £30,000	Tender	Tender Initiation Request (TIR) Form
	Single Tender Action	
	Framework Agreement	
	External Framework call-off	

Procurement Timescales

Officers must ensure the time allowed for all procurements is proportionate to the cost, nature, and complexity of the requirements. Forward planning for procurement is required to:

- Obtain necessary approvals.
- Allow time to develop well considered and sufficiently detailed procurement strategies and specifications.
- Allow time for advertising periods as legislated in the regulations. E.g. tender exercise conducted using Open procedure must be advertised for a minimum of 30 days. Best practice dictates that Officers should allow bidders a minimum of 10 working days to return a quotation.
- Allow time for an implementation period or handover to ensure the contract is ready to go from day 1
- Allow for forward planning of CPS resources by submitting TIRs in advance of project start

Procurement	Initiation to Contract Start
Quotations (£3,000 - £30,000)	Varies depending on nature of the contract
Tender below UK threshold	Allow approximately 3 months to complete
Tender above UK threshold	Allow approximately 6 months to complete

More complex projects can take up to 12 months to complete if they are conducted using a 2-stage procurement process e.g. Competitive Procedure with Negotiation.

Procurement Thresholds

In line with the regulations, the value of procurement **should not** be artificially disaggregated, split or reduced to affect UK thresholds. The figures to be considered when valuing a procurement should:

- exclude VAT¹⁴
- be based on 'whole life cost'¹⁵
- include all extension and renewal periods
- include the requirements across all departments and not be split by operational units

Unless there is an objective reason otherwise, recurring requirements should be considered over a minimum contract period of 3 years, for example, annual quotation exercises should only be considered when there is uncertainty of demand/budget and not to avoid a tender exercise.

Where a value is close to the UK threshold, an over threshold procurement route must be followed.

¹⁴ Except for tenders close to the [UK Threshold](#). For these tenders procuring officers should calculate the estimated value of a contract based on the total amount payable including VAT.

¹⁵ Whole life cost includes purchase hire or lease price, expenses operating costs, maintenance, utilities, training & disposal etc.. Disposal must comply with Financial Regulations Q.4

The procurement process followed depends on the whole life cost of the contract. Budget holders are required to ensure that the appropriate process is applied, is consistent with both the requirements of the corporate governance¹⁶ and delegated authority as detailed in Section 6.

Preparing Procurement Documents

Each procurement process contains a range of documents that is required, normally for one of the following reasons:

- Internal documents that demonstrate authority and approval
- Internal documents that demonstrate compliance with the process
- Internal documents that demonstrate decision making
- External documents presented to the market to allow suppliers to bid
- External documents presented to the market that form part of the final contract

The following table shows the range of documents required for each procurement process¹⁷, the list is not exhaustive, and all up to date processes and documents requirements can be found on interlink:

Value	Process	Minimum document requirements	Other documents for consideration
All procurement exercises		Specification Requirements Terms and Conditions Notification letters / emails Declaration of interest and confidentiality form	UK GDPR Compliance Form Schedule of Processing form (GDPR UK) Business case
	£3,000 - £30,000	Quotation	Quotation process checklist Quotation template Evaluation scorecard
		Single Tender Action	STA request £3,000 to £30,000 STA checklist £3,000 to £30,000
	External Framework Call-off	Framework call-off Checklist	Documents specified by the Framework Agreement Evaluation scorecard
Over £30,000	Tender / Framework Agreement	Tender Initiation Request (TIR) Form (Exercises led by CPS only) Tender Procurement Strategy ¹⁸ Tender template eSourcingNI questionnaire Evaluation scorecard (both individual and consensus elements) Delegated Authority Report	
	Single Tender Action	Tender Initiation Request (TIR incl STA) Form	
	External Framework Call-off	Tender Initiation Request (TIR) Form Tender Procurement Strategy Documents required as per Framework guidance	Evaluation scorecard (both individual and consensus elements)

Funded procurements may require additional documents to be produced and retained in line with the terms and conditions associated with the funding, commonly referred to as the Letter of Offer.

¹⁶ Financial Regulation K.6 and K.11 (SP&R)

¹⁷ As per Standing Order 62 Issued procurement documents must include and be based on a clear specification, evaluation criteria, scoring matrix and appropriate Council terms and conditions.

¹⁸ Over UK Threshold Tender Procurement Strategy approved by Strategic Category Manager

Developing a specification

The use of a proportionate specification is a requirement of corporate governance¹⁹ and the Regulations.

The purpose of a specification is to present prospective suppliers with a clear, accurate and full description of the council's needs which enables them to propose a solution to meet those needs. The specification should be relevant, equitable and proportional.

Officers should refer to CPS guidance for drafting specifications (under development) and use the specification template.

Officers should manage any potential conflicts of interest that may arise if a specification is being influenced or designed by any external members. External members involved in the specification development must be excluded from the bidding process.

Designing evaluation criteria

Evaluation criteria for qualification, selection and award should be developed in a proportionate manner to avoid unfair treatment of small suppliers.

The evaluation criteria should be clearly linked to the scope of the contract being procured.

The procurement documents i.e. the quotation template or the tender template must be used to set out clear assessment and evaluation criteria that will be used to assess bidders.

Advertising / Issuing

CPS follow the requirements of the regulations regarding advertising over UK threshold tenders by publishing a notice on the [Find a Tender System](#) (FTS). FTS provides free access to business opportunities from the UK. If deemed necessary requirements can be published manually on TED²⁰, the European wide system for advertising opportunities.

In addition to this legislative requirement CPS ensure compliance with Standing Orders and best practice by also advertising procurement requirements in following ways:

- CPS publish a forward plan of future tendering opportunities on the Council [website](#).
- All current tenders are advertised in newspapers²¹ and on the Council [website](#).

On publication of notices and adverts, the procurement requirements including all relevant documentation, allowing suppliers to submit a bid, is issued electronically via the Councils electronic sourcing system, [eSourcingNI](#). CPS manage user access to this site, and more information on this can be found [here](#).

As committed in the CPS transformation roadmap it is our intention to let all procurement requirements via an electronic system. Currently however, procurement requirements at quotation value are issued by email.

Clarifications

Clarifications can occur at various stages from a tender being advertised until the contract is awarded. Any requests submitted prior to bids being submitted must be addressed fairly between all bidders, with consideration given to whether any response is published to all bidders.

¹⁹ [Standing Orders 62](#)

²⁰ As per the NI Protocol, a notice can be considered if there is cross-border interest in a contract for the supply of goods over the UK threshold

²¹ Standing Order 58

Under the regulations and in line with Standing Orders²², where information or documentation to be submitted by bidders is or appears to be incomplete or erroneous, or where specific documents are missing, the Council may request the bidders concerned to submit, supplement, clarify or complete the relevant information or documentation within an appropriate time limit, provided that such requests are made in full compliance with the principles of equal treatment and transparency.

There are general principles when considering how to respond to post-tender clarifications requests to ensure equal treatment and transparency:

- Clarifications must be genuine and not an attempt to perfect an imperfect bid
- Bidders cannot submit by way of clarification information that was not included in its initial bid

In limited circumstances prior to contract award there may be occasions when the price element of a bid is further clarified, this should only be done in conjunction with CPS advice e.g. clarification that value for money is being achieved when there is a single bid.

Following contract award, Officers may receive final clarifications before contract implementation. These are typically related to contract delivery and should be reviewed carefully so as not to unfairly impact the original evaluation.

The procurement lead will administrate responses to tender clarifications via the eSourcingNI portal. It is incumbent that Officers provide any technical responses to the procurement lead within the stated timeframe to ensure the overall procurement timeline is not impacted.

Quotation clarifications are managed in the main by departments, with support from CPS as required.

Supplier and bid confidentiality must always be respected and maintained avoiding unfairness to potential suppliers.

Receipt of Bids

The Council does **not** accept late submissions²³.

The Council does not accept qualified bids, other than exceptional circumstances as advised by CPS²⁴.

All bids received must remain sealed until after the closing date and time. For quotation exercises this is achieved by departments using the secure central mailbox that is managed by CPS; all quotations must be returned to quotations@belfastcity.gov.uk. CPS issue bids received on time to the nominated departmental officer once the closing date & time has passed.

Bids during a tender exercise are received securely via the Council's electronic sourcing portal eSourcingNI. The system only permits bids to be opened after the pre-set closing date and time.

Evaluation

CPS have developed guidance for evaluating both quotation and tender value exercises. Officers conducting a quotation evaluation must follow the guidance points set out in *Section 5. Receive and Evaluate Responses* of the [Quotation Guidance](#) available on interlink.

The requirements for conducting or participating in an evaluation panel for a tender exercise are detailed in the [Tender Evaluation Process](#). Officers conducting or participating in a tender evaluation process must do so in line with the process which sets out the requirements in relation to:

²² Standing Orders 60(f)

²³ Standing Order 60

²⁴ The bidder should be contacted to withdraw their qualification in the first instance

- Evaluation panels:
 - Set up requirements
 - Ethical Practices - Conflict of interest and Confidentiality
- Evaluation criteria:
 - Introduction
 - Qualification Criteria
 - Selection Criteria
 - Award Criteria
- Scoring and record keeping
 - Freedom of Information (FOI)
 - Supplier presentations / interviews
- Panel Member Roles and Responsibilities
 - Role of Chairperson
 - Role of a Panel Member
 - Role of CPS Team Member

Officers participating in tender evaluation panels must attend CPS Tender Evaluation training in advance of conducting an evaluation. This is a mandatory requirement

Delegated Authority, Debriefing Bidders, Standstill and Award

*Approval from a Chief Officer / Delegated Officer is required **prior** to award of all contracts of £3,000 and above.*

For procurement exercises valued £3,000 to £30,000 departments must ensure they have the documented authority to proceed to notifying bidders of the outcome and awarding the contract. [The Quotation Checklist](#), [External Framework Call-Off Checklist](#) or [STA request £3,000 to £30,000](#) will contain the delegated authority section for completion for these exercises. Follow the documented processes set out on [interlink](#) in relation to notifying unsuccessful and successful bidders of the outcome

For procurement exercises valued over £30,000 CPS will ensure that a Chief Officer provides the authority to proceed to award via the Delegated Authority Report (DAR)²⁵.

CPS will inform each bidder of decisions reached concerning the conclusion of a tender exercise over £30,000, or the grounds for any decision not to award a tender; or to retender.

A written debrief must be provided when informing each bidder of the outcome of the tender. The information to be provided is contained within template letters which are issued by CPS.

The characteristics and relative advantages of the tender selected as well as the name of the successful bidder must be provided in the written debrief for tender exercises over the UK threshold, as per the template letter.

Verbal debriefs should only be undertaken in exceptional circumstances and when approved by CPS.

Bidders who are excluded as part of the qualification or selection criteria must be notified by CPS with the reason for exclusion without delay.

Unsuccessful bidders not short-listed at Pre-Qualification Questionnaire (PQQ) stage must be notified of the outcome following the conclusion of the PQQ stage including the reasons for not being short-listed.

Contracts above [UK threshold](#) **must not** be entered into until the Standstill period has passed.

²⁵ Financial Regulations K.4

After the standstill letter is issued, you must wait for a period of at least 10 days before entering the contract. The standstill period ends at midnight on the 10th day after the standstill letters are issued.

It is also important to note that this period cannot end on a non-working day (i.e. Saturday, Sunday, or public holiday). Where the 10th day falls on a non-working day, the standstill period must be extended to midnight at the end of the next working day.

A contract award notice, which includes the total value of the contract including any options to extend and any potential further modifications anticipated, must be published for all contracts that are above UK [threshold](#).

Sealing of Contracts

All contracts of over £30,000 must be made under the Corporate Seal²⁶. Sealed Contracts/signed Articles of Agreement²⁷ will be held by Legal Services and managed using the Legal Services' Contract Register.

Complaints & challenges

In the first instance, any complaints and challenges that arise will be dealt with by CPS as set out on the Council [website](#); records will be maintained on the CPS Complaints and Challenges Register. If the complainant is not satisfied, their complaint will be escalated to the Head of CPS. Further escalations will be managed in line with the Council's [complaints, comments and complements policy](#).

Should the council receive either correspondence threatening a legal challenge or a Writ of Summons suspending the procurement process, the Head of CPS and Legal Services must be informed as soon as possible to ensure that appropriate steps to be taken are agreed.

Details of complaints and legal challenges and outcomes will be recorded by CPS and lessons learned will be implemented, where applicable.

Document Management, GDPR and Freedom of Information

Adequate and auditable procurement documents and records must be maintained to demonstrate compliance²⁸ and transparency in line with best practice²⁹. This enables faster retrieval, greater security, and continuity of information.

The management and retention of all documents relating to procurement processes must comply with GDPR UK and the council's [Records Retention and Disposal Schedule](#). This schedule sets out the minimum time periods for which various records such as tenders or contract records should be retained and identifies their disposal arrangements.

Documents relating to funded procurement may have a specific retention period defined within the Letter of Offer.

A GDPR Schedule of Processing, developed in conjunction with IGU, must be completed for all procurements which involve the processing of personal information regardless of value.

²⁶ Standing Order 61a (Under Standing Order 51(b) the Corporate Seal can only be affixed when there is a resolution of the Council)

²⁷ Standing Order 61

²⁸ Public Contract Regulations 2015 84(7)

²⁹ [PRONI Northern Ireland Records Management Standard](#)

The Freedom of information Act (FOI) 2000 provides a legal right for anyone to request access to information held by the council. We are obliged to publish certain information about our activities and provide access to other information held. The Council's [Freedom of Information Protocol](#) sets out the procedure for dealing with FOI requests.

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4. Contract Management

Contract Monitoring

Contracts should not exceed the value as agreed in the Delegated Authority Report. Departments should monitor their expenditure against agreed contractual limits and internal financial delegated approval limits.

Where spend cannot be managed within approved limits it could result in a contract being re-tendered.

Price increase requests on contracts over £30,000 are managed centrally by CPS. Price increase requests on contracts £3,000 - £30,000 are managed by the departments and are only permitted in line with contract terms and conditions.

If an increase means you will potentially breach a threshold e.g. a price increase on a quotation resulting in a contract now being valued over £30k then you should contact CPS before agreeing with the supplier.

CPS analyse the central Contract Register (Contracts let by CPS over £30,000) to identify contracts nearing their final end date. This information is presented quarterly using a RAG status to the end users to avoid contracts not being re-tendered on time, any issues arising are escalated to the Commercial and Procurement Panel.

Contract Extension

The contract term including any options to extend / renew the contract (OTR) will be defined in the contract terms and conditions.

CPS initiates the contract extension (OTR) process (for contracts over £30k) by:

- monitoring contracts approaching their current end date.
- monitoring contract expenditure against the approved value documented in the Delegated Authority Report
- identifying any medium to high-risk contracts i.e. those approaching the value approved
- contacting the Contract Manager to confirm satisfactory performance and to approve the contract being extended.
- managing any required approvals e.g. for price increases
- issuing the supplier with a contract extension letter (Option to Renew) to agree terms going forward for the contract.

Continued use of a contract beyond the approved end date (i.e., rolling contract) is **not permitted** and will be considered as non-compliant expenditure.

Contract Modification

Contract Modifications are only permitted in the circumstances as defined in Regulation 72 of PCR2015 for over UK threshold contracts. The spirit of this legislation also applies to below UK threshold contracts.

CPS are currently piloting a process and guidance for requesting, managing, and documenting any required Contract Modifications for all contracts

Whilst the process is under development Departments should consult with CPS before agreeing a modification to a contract with the supplier.

The value that will be considered when assessing a contract modification is the value approved within either the:

- Quotation process checklist
- Framework call-off checklist
- STA £3,000-£30,000 request form or
- Delegated Authority Report

For over UK threshold value contracts, the award notice must include the total value of the contract including any options to extend and any potential further modifications anticipated. This notice will be used to identify the scope of any modifications requested.

Modifications are normally documented and issued to the supplier in line with the contract Terms and Conditions using an agreed variation form.

When a contract is still live the modification of the current contract should be considered before the option to award directly to a contractor via the STA process.

Management of the Contractor

Contract Management Guidelines have been designed to establish a process and guidance for managing contracts that will ensure contract delivery is achieved in compliance with the Council's governance, procurement 'best practice' and to ensure Value for Money. It must be used when managing contracts.

Any requests from contractor for references should be conducted on factual basis only (if Officers are unsure contact CPS for advice).

Contract Termination

In some circumstances the resolutions sought throughout the Contract Management process can fail and result in the only option being to consider terminating a contract.

The reasons under which a contract can be terminated are set out in the Councils terms and conditions. Contract Managers must consult with CPS and Legal Services to ensure contract terms around termination are met. For example, in a contract where there is unsatisfactory performance the contract cannot be terminated until the contractor has been given notice and allowed 14 days for corrective action.

CPS and Legal Services will ensure the appropriate approval³⁰ is sought to terminate a contract which may include prior consultation with the Chairman of the relevant Committee

To help reduce the risk of contracting with suppliers who previously had a contract terminated CPS will apply the conditions as set out in PCR2015 to all tender exercises which permits exclusion of contractors from the bidding process *"where the economic operator has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions"*

CPS are developing standardised tender templates which will ascertain whether a bidder had a contract that was terminated in the previous 3 years. In these circumstances the bidder(s) will be required to present evidence of rectifying i.e., "self-cleaning" the issues identified, otherwise they will be excluded from progressing further in the process.

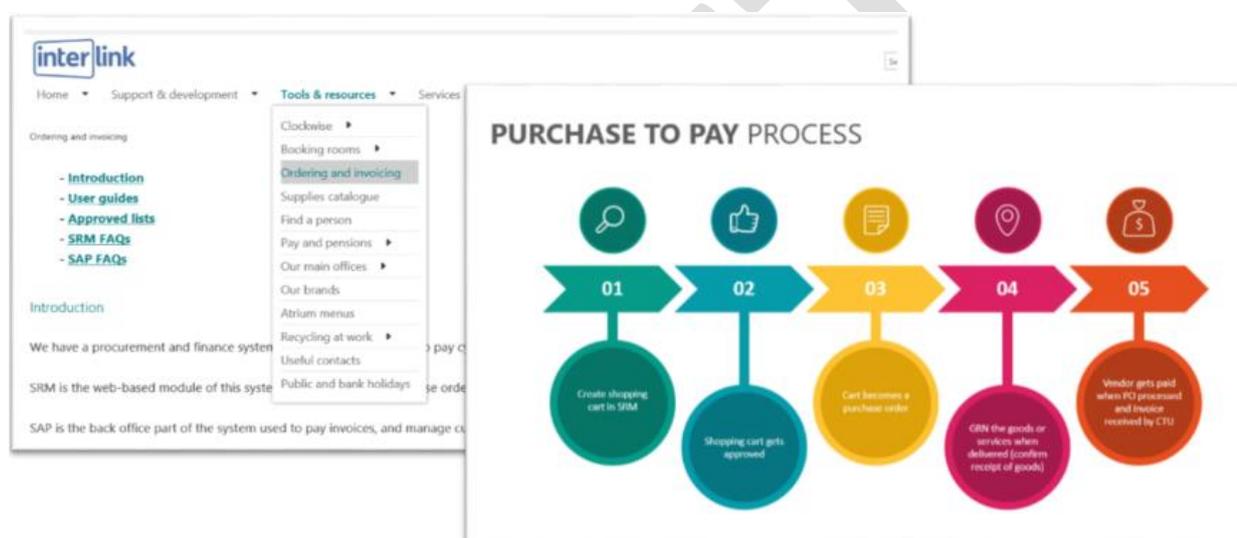
³⁰ Scheme of Delegation 2.5.6

5. Ordering and Invoicing

We have awarded a new procurement and finance system that spans the budget to pay cycle, i.e., Budgeting, sourcing, creating purchase orders, goods receipting, payment of invoices, contract management and analytics. This system is due to go-live late 2022

The council's current system SAP has a web-based module (SRM) for creating purchase orders and goods receipting. SAP, managed by Central Finance, is the back-office part of the system used to pay invoices, and manage customer and supplier accounts.

CPS maintain an information page on interlink, [Ordering and invoicing](#), which provides users with further details on the process shown below including user guides; standard reports; links for system requests e.g. new vendors



SRM process and forms have been designed to improve the management information we hold enabling effective procurement decisions. They ensure that it is possible to determine:

- who requested, made and or approved the expenditure,
- the purpose of the expenditure,
- the process by which all key decisions were arrived at, and by whom,
- the destination of any goods or services received and
- any payments made

Follow the [best practice shopping guide](#) to ensure compliance with the council's governance and produce the most useful spend management information³¹.

New procurements should have a contract or catalogue created on SRM where possible. Limit Orders (LO) should only be used when the cost of the contract is unknown (e.g. taxi) and must terminate at the end of each Financial Year

SRM Requisitioner training must be completed in advance of using the SRM system. The Digital Services Training Team run online SRM requisitioner training courses and can be contacted for availability at DigitalServicesTraining@belfastcity.gov.uk.

³¹ Financial Regulation G.4-G.6

CPS have also developed quick start guides, available on page linked above, which are intended to help requisitioners hit the ground running after their SRM training or to refresh users if they do not use SRM on a regular basis.

Purchase ordering – Disaster recovery

If circumstances arise and the council's electronic procurement system cannot be used e.g. hacking, power outage etc. a manual process to raise, approve and issue purchase orders must be used. If this occurs and or a verbal order is placed a Purchase Order must be issued via SRM within 2 working days³².

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³² Financial Regulations J.6

6. Governance & Decision-Making

Council Governance

This Policy sets out in further detail the mechanisms within the Council's governance arrangements for commercial and procurement related decision making, as per the Council's [Constitution](#). The Constitution sets out how the Council conducts its business, how decisions are made and the rules that are followed to ensure that these decisions are effective, efficient, and transparent. This Policy will guide Council Officers to comply with the Constitution when establishing contracts on behalf of the Council.

The Council's Constitution refers to conducting commercial and procurement activity within:

- The Standing Orders.
- The Scheme of Delegation.
- The Financial Regulations.

The [Standing Orders](#) (55-64) confirm the Council's internal organisational, administrative and procurement procedures relating to:

- Advertising and or issuing of procurements (Standing Order 58 & 60).
- Required approvals to procure, as specified:
 - Scheme of Delegation 2.5
 - Standing Order 56 for exceptions to Standing Orders i.e. Single Tender Actions (STA).
 - Financial Regulations G.26 for capital works.
- The use of a clear, relevant, and definite specification (Standing Order 62).
- Management of submissions received after the closing date/time (Standing Order 60.c).
- Management of errors/discrepancies within submissions (Standing Order 60.f).
- The use of frameworks (Standing Order 58).
- Sealing of Contracts (Standing Order 61).

Under the [Scheme of Delegation](#) (2.5), general procurement functions are delegated to Chief Officers³³ and include:

- Which powers can be sub-delegated and how these should be recorded (Scheme of Delegation 1.7 & 1.16).
- Procuring and authorising contracts below and above £30,000, and above £100,000 (Scheme of Delegation 2.5.1 - 2.5.3).
- Direct Award contracts (Standing Order 56, Scheme of Delegation 2.5.4).
- Incurring expenditure in cases of emergency (Scheme of Delegation 2.3.1).
- Assurance and reporting including the assurance framework (Scheme of Delegation 1.23).
- Management of contracts (Scheme of Delegation 2.5.7 & 2.5.10).
- Determining a breach of contract is in breach (Scheme of Delegation 2.5.6).

The [Financial Regulations](#) (J.1 - K.21) set out the overarching responsibilities of the Council and its staff, providing a framework within which the Council's financial affairs, including procurement are managed. This includes:

³³ Scheme of Delegation Appendix A In this Scheme the expression Chief Officer means: Chief Executive, Deputy Chief Executive, Strategic Director of City and Neighbourhood Services, Strategic Director of Finance & Resources, Strategic Director of Place and Economy, City Solicitor / Director of Legal & Civic Services, Director of City and Organisational Strategy

- Procurement thresholds and procedures (Financial Regulations K.3 & K.6).
- Electronic procurement (K.12).
- The use and management of registers (K.12).

The Council's procurement processes have been designed to ensure that corporate governance is complied with.

Council Decision Making

The following table provides an overview of the established authorities as set out within the Council's constitution. These authority and process approval requirements are built into all documented procurement processes and procedures.

Table 6.1 Delegated authority limits for procurement activity									
Process / Activity	Contract Manager	Head of CPS	Legal Services	Chief Officer (or Delegated Officer)	Chief Officer only	C&P Panel	CMT	SP&R	Full Council
Approve expenditure (below £3k) <i>*Approval typically by budget holder</i>	✓								
Initiate									
Approve invitation to tender (over £30k)				✓				✓	✓
Approve invitation to quote (£3k- £30k)	✓								
Award									
Approve award of contract (above £100k) (DAR)					✓				
Approve award of contract (£30k - £100k) (DAR)				✓					
Approve award of contract £3k to £30k quotation; framework				✓					
Approve Single Tender Actions (over £30k) (Retrospective STA ³⁴)		✓	✓		✓			✓	✓
Approve Single Tender Actions (£3k - £30k)		✓		✓					
Contract Management									
Approve contract extensions (OTR ³⁵)	✓								
Approve contract modifications / variations (over £30k) ³⁶		✓		✓				✓	✓
Management of breach of contract (£3k-£30k)	✓				✓				
Management of breach of contract (over £30k)	✓	✓						✓	
Terminate a contract		✓	✓		✓			✓	✓

³⁴ Requires consultation with the Director of Finance and Resources and Chair of Strategic Policy & resources Committee

³⁵ When Option to Renew has been approved in original Delegation Authority Report

³⁶ SP&R approval required for contract modifications where the term of the contract is being extended beyond the term approved

Governance									
Commercial and Procurement Strategies and Policies		✓				✓	✓	✓	✓
Commercial and Procurement procedures, templates, and guidance		✓							
Category Strategies		✓		✓					
Commercial Project Prioritisation & Activities		✓				✓	✓	✓	✓

The Strategic Director of Finance and Resources has overarching responsibility within the Council for procurement, which includes confirmation of budgets and ensuring spend controls are followed. Under the Scheme of Delegation (1.7), the Strategic Director of Finance and Resources has delegated procurement activity for supplies and services to the Head of the CPS.

The Strategic Director of Finance and Resources has delegated capital works procurement activity to the Director of Physical Programmes. Physical Programme officers should reference the project management handbook for further information on conducting a capital works procurement

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7. Sustainable Procurement

[CPS Environmental and Quality Policy](#) outlines the approach that CPS take to integrate sustainability into the procurement of goods works and services to optimise the economic social and environmental benefits.

Corporate objectives for Sustainable Procurement are set out in the Belfast Agenda and Inclusive Growth Strategy. These are implemented via the [Social Value Procurement Policy](#) and 2-step Social Value Toolkit and manage striking the right balance between considering the impact of environmental, economic and social factors along with price and quality.

The Social Value Procurement Policy will apply to all tenders over £30,000. Officer support and training in the application of the policy is being implemented during 2022.

Officers conducting a procurement exercise will be prompted to consider Social Value in their contract when completing the procurement strategy document. The procurement strategy will direct Officers to complete the Social Value Toolkit in order to determine the Social Value criteria and points to be assessed.

When the value of the contract is below £30,000 and Officers want to include social value criteria in their assessment, they can contact CPS for more information

8. Ethical Procurement

Ethics refers to the use of recognised social principles that involve fairness throughout the business relationship and being ethical means following a behaviour perceived as fair by the business community and wider society.

It is fundamental for procurement professionals to ensure the practices undertaken in business are above reproach. Being ethical means treating suppliers in a just, fair, honest, and fitting manner; preferential treatment is considered unethical. Council departments are in control of large budgets; hence it is important to set out:

- The legislative context in which we operate
- The expected behaviours for all Officers and how these are built into our processes
- What we expect from our suppliers and how we can assess that within our procurement exercises

Legislative context

As previously established, the Council conducts procurement activity in line with the best practice principles³⁷ of **transparency, non-discrimination, fair treatment, value for money, and the public good** when conducting procurements of any value.

The procurement regulations set out the specific types of qualification, selection and award criteria that may be used to assess bidders to ensure suppliers are treated in a fair and transparent manner. Assessing suppliers on criteria considered as non-commercial is not permitted. Non-commercial considerations could include, for example, a supplier's political affiliation.

³⁷ [The Public Contracts Regulations 2015 \(legislation.gov.uk\)](#)

Expected Officer behaviour

To embed this approach officers involved in procurement activity must adhere to the principles of conduct and minimum standards of behaviour expected as detailed in the Council's [Code of Conduct](#):

- Conflicts of Interest (4.4) which requires officers to ensure that private interests must not lead to allegations of impropriety or partiality bringing the council into disrepute. Officers who deal with, engage, or supervise, or process or determine applications from contractors with whom they have had, or currently have, a relationship in a private or domestic capacity, must declare that relationship to the appropriate manager as soon as they are aware.
- The Chief Executive reports to Council any instance where Members have interests in procurement activity³⁸
- Gifts & Hospitality (4.12) which requires that officers must not accept money, significant personal gifts, or any other reward, other than items of token value (pens diaries etc.) from any organisation, body or individual who may benefit from work provided by the council. Hospitality should only be accepted if there is a genuine need to impart information or represent the Council in the community and must be properly authorised and recorded in line with council procedure. Officers should be sensitive to the timing of offers particularly if those providing the hospitality are associated with or involved in bidding for a contract.
- Fraud and Bribery (4.10) officers must be aware that it is a serious criminal offence³⁹ for them to receive or give any gift, loan, fee, reward, or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made the officer must demonstrate that any such rewards were not corruptly obtained.
- Disclosure of Information (4.2) which requires that officers do not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.
- Whistle blowing Policy (4.14) which requires that if officers are aware of activities which they believe to be illegal, improper, unethical, or otherwise inconsistent with the Code of Conduct should report the matter using the confidential Whistleblowing Procedure.

The CPS team is committed to ensuring that processes have ethical consideration built in as standard, and as part of that the team are committed to ensuring best practice in this area. As such, we have achieved the recognised Ethics Kite Mark from the professional body Chartered Institute of Procurement and Supply.



Council Officers can complete this training annually – see [CPS training](#) on Interlink for more information.

Assessing suppliers

The council exercises due diligence in assessing bidder's ethical practices by the following means:

- Mandatory exclusion of bidders who have been convicted of offences including conspiracy; corruption; bribery; non-payment of taxes etc. as set out in detail within PCR2015 (for over-threshold contracts)
- Discretionary consideration of excluding bidders who are guilty of violating labour laws; professional misconduct; being involved in distorting competition etc. as set out in detail within PCR2015 (for over threshold contracts)

³⁸ Standing Order 64

³⁹ Bribery Act 2010

- Confirmation that bidders comply with Fair Employment and Treatment (Northern Ireland) Order 1998
- Confirmation that bidders have not and will not take part in canvassing, soliciting or have any conflicts of interest
- Confirmation that bidders comply with the requirements of the Modern Slavery Act 2015.
- As part of the Social Value Procurement Policy, we will assess bidders:
 - prompt payment i.e. that our suppliers pay their supply chain promptly and
 - policies relating to ethical procurement and fair treatment of their supply chains

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9. Organisational Capability

The CPS Strategy sets out our objectives for organisational capability throughout the procurement and contract lifecycle.

CPS develop and roll-out training courses to ensure consistency and the implementation of best practice throughout the council. All council officers involved in procurement should attend the following courses as appropriate:

- Quotation process training
- Tender Evaluation training **mandatory training if participating in tender evaluation panels*
- STA Process training
- Contract Management (to be developed)
- Specification Development (to be developed)
- CIPS Ethical Procurement training (available annually February – April)
- Related policies – Social Value Procurement Policy and Toolkit (under implementation 2022)

To book relevant training visit the [CPS Training page on Interlink](#)

CPS can deliver bespoke training courses as required on the requisite skills to achieve our commercial aspirations including developing a business case, options appraisal, market analysis financial modelling and forecasting etc.

10. Monitoring & Reporting

CPS will report annually to the Commercial & Procurement Panel, CMT and SP&R Committee as appropriate on the following activities as a performance indicator of the processes and procedures as documented within this Policy:

Pre-procurement phase

- Local spend
- SME spend
- Tender pipeline monitoring

Procurement

- Spend via procurement portal

Award

- Collaborative contracts awarded
- Low and no bid tracking
- Volume of contracts - quotes; tenders; STA; framework (call-off) - over and under threshold breakdown*

Contracts

- Contracted spend*
- Category management spend tracking
- Savings / benefits
- Contract management activity*

Feedback & Training

- Feedback - training rating
- Pre-training versus post training capability attitude breakdown
- Feedback - internal team
- Feedback - external supplier
- Rating on accessibility of tender info (for SMEs)

Compliance monitoring (procurement processes)

1. Below £30k
 - a. procurement activity is monitored by departments i.e. the delegated officer confirms a compliant process has been undertaken when approving a contract award.
 - b. As part of CPS Integrated Management System (ISO: 14001 and ISO: 9001) we monitor the quality of quotation documentation issued to suppliers as set out in our annual plans on a quarterly basis
2. Above £30k
 - a. As part of CPS Integrated Management System (ISO: 14001 and ISO: 9001) we monitor the quality of the end-to-end procurement process on a quarterly basis.

This policy will be reviewed annually and updated in line with new government legislation or guidance, as part of CPS Integrated Management System.

i As per Financial Regulations (K.6) the following procurement control limits apply to quotation exercises:
£3,000 - £8,000 Minimum of 3 suppliers, of which 1 supplier should be Belfast based where possible (per Social Value Policy)
£8,000 - £30,000 Minimum of 4 suppliers, of which 2 suppliers should be Belfast based where possible (per Social Value Policy)

ii PCR 2015 Tender Procedures include:

- Open
- Restricted
- Competitive procedure with negotiation
- Competitive dialogue
- Innovation partnership

The Open procedures is a single stage open competition for all suppliers who want to bid; all other procedures can involve a minimum of two stages which allow for a first stage pre-qualification assessment in order to short-list which bidder can bid

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