



The Collegiate Trust
Exceptional Education for All

PROCUREMENT POLICY

Lead COO / CFO

Approved by TCT July 2022

Next Review July 2023

1. Introduction

The *Collegiate Trust* (TCT) is a partnership of schools in Crawley and Croydon whose purpose is to build *collaboration to deliver exceptional education*, and whose vision is *exceptional education for all*. This is reflected in our Trust's values: **ambition & collaboration**, as well as in our desired outcomes: **achievement & enjoyment**. This policy provides a key mechanism that informs our wider *Trust Improvement Strategy*.

It is the Trust's policy to ensure that any spend of public money, regardless of value, is carried out in a transparent and non-discriminatory way and in compliance with the Public Contracts Regulations and Bribery Act.

The TCT *Financial Policy and Procedures* outlines the authority to select contractors and award contracts and/or raise orders. Failure to comply with either this *Procurement Policy*, the *Financial Policy and Procedures* or *Scheme of Delegation* may result in withdrawal of authority and disciplinary action.

As a publicly funded organisation, the Trust is the Contracting Authority. Subsequently any procurement activity is regulated by the UK Public Contracts Regulations and EU procurement law. In particular, any procurement activity has to be carried out in a transparent and non-discriminatory manner.

2. What is Procurement?

- 2.1 Procurement is the process whereby goods, services and works are acquired. The procurement process spans a life cycle from identification of need and resources, through selection of suppliers, purchasing, contract management and disposal. Purchasing is the transactional process of buying the goods/services and is just one part of procurement.
- 2.2 Procurement or purchasing may be undertaken by authorised staff **only** in accordance with the *Financial Policy and Procedures*.

3. Purpose of the Procurement Policy

- 3.1 The purpose of this document is to make Trust procurement and purchasing clear and signpost staff undertaking procurement activity to appropriate procedural guidance.
- 3.2 This policy should be read in conjunction with:
 - The Trust's *Finance Policy and Procedures*
 - The *Academy Trust Handbook*
 - Appropriate procurement procedure guides
- 3.3 The Trust *Procurement Policy* is applicable to all purchasing activity regardless of value and should be followed by all staff involved in purchasing whether centrally or school based.
- 3.4 All procurement within the Trust and schools shall be carried out in such a way to ensure compliance with legal requirements, including, the 2015 Public Contracts Regulations, EU Procurement legislation, Trust financial regulations and scheme of delegation and any other requirements of the DfE or ESFA.
- 3.5 This policy is intended to reflect and support the aims of the Trust by working with staff and suppliers to optimise value for money in the procurement of works, goods and services. It aims to balance efficiency against risk factors in achieving value for money whilst promoting compliance and sustainability.

- 3.6 The Chief Finance Officer will work with schools and other members of the Central Team by providing professional support in obtaining works, goods and/or services which are best suited to any application in a manner which is compliant with current legislation and best practice.
- 3.7 The *Procurement Policy* and associated procurement procedure guides/templates will be reviewed at least every two years or whenever required by a change in legislation.
- 3.8 There is a duty on all staff who may be involved in any stage of the procurement process to apply the key principles of best practice procurement to achieve appropriate governance, value for money and suitable quality of goods and services to meet our business needs.

4. General Principles

When purchasing and contracting for goods and services, the Trust and its academies must always demonstrate compliance with procurement legislation and the proper and effective use of public funds. Procedures should also ensure that the goods, services and works procured are for the correct quantity and quality, arrive on time and achieve best value. The following general principles must therefore be adhered to:

- Transparency and Non-Discrimination, in all purchasing activity the Trust must ensure that all contractors, suppliers and service providers are treated equally and without discrimination and must act in a transparent and proportionate manner. Procurement procedures must not be undertaken in a manner which artificially narrows competition, favours or disadvantages any contractor, supplier or service provider.
- Probity: it must be demonstrable that all parties are dealt with on a fair and equitable basis and that there is no private gain, favouritism or corruption involved in any dealings of the Trust.
- Accountability: the Trust is publicly accountable for its expenditure and for the conduct of its affairs.
- Value for Money: the achievement of value for money underpins the appropriate use of all public funds, therefore as well as striving to achieve the best price possible for all purchases, consideration should also be given to other factors such as quality, suitability, availability, reliability of the supplier, terms available etc.
- General Data Protection Regulations: all procurement must be in line with guidance set out in the Information Governance Policy, particularly in relation to data processing and data sharing. Any proposed activity involving data processing and data sharing must be referred to the Trust Data Protection Officer via a Data Protection Impact Assessment prior to procurement.

5. Value for Money/Aggregation

- 5.1 Value for money is the optimum combination of whole life cost and quality (or fitness for purpose) to meet the user's requirement. This is rarely possible with the lowest price alone. To ensure that all purchases obtain optimum Value for Money, a range of procurement procedure guides and templates outlining the steps to be taken for varying levels of procurement are available. All purchases must be made in accordance with these guides, except in exceptional circumstances where a dispensation may be granted.
- 5.2 Unless below the threshold for obtaining multiple quotations or tenders all procurement of goods, works, services or consultancy should be acquired by effective competition. Competition promotes efficiency and effectiveness in expenditure. Awarding contracts

based on value for money following competition contributes to the competitiveness of supplies.

6. Financial Authority to Commit Expenditure

- 6.1 Any member of staff placing a purchase order on behalf of the Trust, or a school must be sure that they have the correct level of authority to do so in accordance with the scheme of delegation and where required must obtain approval from a more senior member of staff with a higher approval limit if necessary.
- 6.2 The Trust operates a system of devolved financial authority under which Principals are responsible for the decision-making process and planning of certain purchasing decisions in accordance with the levels of financial authority in their school.
- 6.3 No member of staff may approve purchases unless they have been given authority by the budget holder to do so.
- 6.4 No employee is authorised to commit the Trust or a school to expenditure without first ensuring that there is adequate budget provision.
- 6.5 Schemes of work should not be artificially broken down into smaller orders to phase the issue of purchase orders and thereby circumvent either authorisation levels or the requirement to obtain further quotes/tenders.

7. Levels of Financial Authority

Value of Contract / Purchase (£)	Control	Instruction
1 – 999	Budget holder	Discretion
1,000 – 14,999	Principal	Discretion
15,000 – 34,999	Principal	Approval of CFO
35,000 – 74,999	COO	3 written quotes - leases/capital items Approval of CFO
75,000 – 174,999	CEO	Competitive Tender
175,000+	Board of Directors	Competitive Tender

8. Dispensations

- 8.1 In limited circumstances a dispensation from the requirement to obtain alternative quotes may be granted. This may include authority to solicit a single quotation, to award a contract or place an order without having obtained the requisite number of tenders or quotations or to directly award a contract.
- 8.2 All dispensations require prior approval from the CFO before progressing and must not result in a breach of procurement legislation or be contrary to the Trust Scheme of Delegation.
- 8.3 All dispensation requests, whether approved or rejected will be reported to the AFRC. Staff may be called upon to attend the committee meeting to explain the reasons for requesting a dispensation.
- 8.4 Dispensations from the requirement for competitive quotations / tenders must not be used to avoid competition, or for administrative convenience, or to award fresh / further work to a supplier originally appointed through a competitive procedure.
- 8.5 All dispensations will be subject to obtaining and documenting appropriate evidence for single quotation / tender action, obtaining authorisation for such action in accordance with

the approved Scheme of Delegation and never breaching current Public Contract Regulations or the relevant OJEU thresholds.

8.6 Subject to approval at thresholds outlined in the Trust levels of financial authority, dispensations may be granted for the following reasons:

- Unforeseen emergency requirement
- The goods or services are only available from one source and there is no possibility of the Trust's requirements being met in any other way
- An extension is required to a current contract in order to allow sufficient time to complete a competitive tendering exercise (but failure to have planned the re-procurement would not be justification for a single tender)
- Where the seeking of tenders and subsequent contract award could cause significant operational difficulties and where any potential savings would be outweighed by those operational issues (which along with a VFM analysis must be documented) and only for use in circumstances to be approved in accordance with the scheme of delegation, under the specific advice of the Operations Director in terms of compliance with the EU and UK legislation and subject to approval by the Chief Executive and subsequently reported to the Finance Board.

9. Tenders

9.1 Any expenditure over £75,000 must be subject to a competitive tendering process in accordance with the Trust Financial Policy and procedures and UK Public Contracts Regulations 2015 and if the anticipated value is over the current threshold, then also in accordance with EU procurement legislation.

9.2 All tendering must be undertaken by the Central Trust Team. The Team will also consider use of an approved Government framework agreements and the Find a Tender service where this will deliver increased value for money.

9.3 The procurement process will select and manage the most appropriate procurement process in accordance with the anticipated value, any potential aggregation and Trust tendering guidelines which are compliant with current procurement legislation and General Data Protection Regulations.

9.4 Tendering procedures may take up to six months depending on lifecycle cost and compliance with legislation, failure to programme sufficient time for procurement will not be a reason to grant a dispensation.

9.5 All current and future tenders are advertised using the Trust website or alternative more appropriate means if necessary or legally required. It is the responsibility of the Central Team to carry out tenders for Goods, Services and Works on behalf of the Trust and individual schools.

9.6 Any post tender bid clarification with suppliers will be led by the Central Team.

9.7 Any communication with the suppliers involved in the tender process will be facilitated by the Central Team.

9.8 Tenders will be returned to Trust offices and opened in the presence of member of the executive team / a Director, and a representative of any professional advisors if applicable.

9.9 All communication including the awarding on contracts will be conducted through the COO.

10. Standards of Business Conduct

In limited circumstances, with the approval of the Chief Executive Officer, the Chief Finance Officer may directly award certain contracts without the need to conduct a competitive process, provided that all such instances are compliant with EU and UK procurement legislation and the circumstances are subsequently reported to the Finance, Risk and Audit Committee or Trust Board with a record of the justification for the direct award.

11. Reporting Requirements

- 11.1 For contracts above £15,000 (excluding VAT) the decision and criteria should be reported to the Audit Risk and Finance Committee.
- 11.2 The Central Team is required to complete a tender report for all tenders in accordance with EU procurement legislation.

12. Contracts Register

The COO will maintain a *contracts register* detailing all procurement activity undertaken, which records all related documentation, details of the successful bidder, price, duration of contract and the procurement process followed.

13. Equal Treatment of Suppliers

- 13.1 One of the key principles of procurement legislation is that all suppliers are treated equally in any competitive process regardless of value. They should have the same availability of access to specifications, plans, Trust staff time, facilities etc.
- 13.2 Evaluation criteria should be decided in advance and made available in full to suppliers via the Pre-Tender Questionnaire to show they will be treated fairly.
- 13.3 All bidders are entitled to be debriefed at the end of a process and informed of the successful bidder.
- 13.4 Any discussions and or correspondence prior to the conclusion of procurements should be on a “without commitment” basis and this phrase should be clearly stated on any such correspondence. The contract offer or purchase order should be the only point at which commitment is made.

14. The Bribery Act 2010

All relevant staff will be made aware of *The Bribery Act 2010*, which came into force in April 2011. The Trust, its employees and contractors/bidders are all covered by the Act.

15. Freedom of Information

- 15.1 The Freedom of Information Act 2000 gives the public and potential suppliers the right to request certain information regarding Academy and Trust purchasing. All such requests should be handled in accordance with the Trust policy.
- 15.2 As part of the process for providing quotations and tenders the Trust requires all bidders to identify confidential information which they would not want the Trust to disclose in response to a freedom of information request.

16. Leases

- 16.1 The Trust cannot enter into a finance lease as this is classed as a form of borrowing and in contravention of the requirements of the *Academy Trust Handbook*.

16.2 All operating leases must be referred to the appropriate Trust Director ie the Director of IT in relation to IT procurement, and authorised by the *Chief Executive Officer* or the *Chief Finance Officer*.

17. Monitoring and Audit

The Trust is subject to scrutiny by internal and external auditors as well as the EFA and other government departments/organisations. It is the responsibility of everyone involved in the purchasing process to ensure that they compliant with current policies, procedures, guidance and legislation.