



BDMAT
Birmingham Diocesan
Multi-Academy Trust

Procurement Policy

Issued: December 2018

Next review due: Autumn 2021



1.0 Policy Statement

- 1.1 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.
- 1.2 The Trust Scheme of Delegation outlines who has authority to select contractors and award contracts and/or raise orders. Failure to comply with either this Procurement policy, the Trust Financial policy or Scheme of Delegation may result in withdrawal of authority and / or disciplinary actions.
- 1.3 As publicly funded organisations Birmingham Diocesan Multi-Academy Trust (BDMAT) and Schools in accordance with procurement legislation are "Contracting Authorities". Subsequently any procurement activity is regulated by the UK Public contracts regulations and EU procurement law. In particular, any procurement activity must be carried out in a transparent and non-discriminatory manner.
- 1.4 This policy sets out how the Trust will manage its procurement to ensure compliance with relevant legislation, it does not provide guidance on how to procure. This is covered in a range of technical procurement procedures guides which must be followed by Trust and School staff alike, failure to comply with this policy and/or follow the procurement procedures guides could result in a breach of legislation, fines and litigation, claims for damages and loss of reputation.

2.0 Agency

- 2.1 When procuring on behalf of Schools, the Chief Finance and Operations Officer (CFOO) or their delegated representative is acting as "Agents" in creating binding terms and conditions for the Trust. Wherever a School undertakes any procurement independently then the Headteacher will be acting as an agent of the Trust provided that the procurement is compliant with the Trust's Scheme of Delegation, Finance Policy and Procurement Policy, procedures and guides.

3.0 Purpose of the Procurement Policy

- 3.1 The purpose of this document is to make the Trust Procurement policy clear and signpost staff undertaking procurement activity to appropriate procedural guidance.
- 3.2 This policy should be read in conjunction with the rest of the Trust's Finance Policy with particular reference to:
 - The Scheme of Delegation

- Financial Probity Policy
 - 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 2015 Public Contracts Regulations, EU Procurement legislation, Trust financial regulations and scheme of delegation and any other requirements of the Department for Education (DfE) or Education and Skills Funding Agency (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 CFOO or their delegated representative will work with Schools either 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. Alternatively, where Schools are making independent purchases the CFOO or their delegated representative will provide a framework and procurement guides which School staff must follow.
- 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 The Trust Procurement Policy does not provide detailed process guidance on procurement or purchasing. This is covered in a range of procurement procedure guides supplemental to this policy document.
- 3.9 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. To satisfy this requirement, the Trust will provide appropriate procedure guides and templates which must be used.

4.0 General Principles

4.1 When purchasing and contracting for goods and services, the Trust and its Schools must demonstrate compliance with procurement legislation and the proper and effective use of public funds at all times. Purchasing procedures should also ensure that the goods, services and work procured are for the correct quantity and quality, arrive on time and achieve best value. The following general principles must be 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 services provider. All Procurement activities with a value in excess of £25,000 must be advertised on the Trust's website or other appropriate forum. The Trust CFOO or their delegated representative will advise as to the appropriate level of advertising.
- **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 dealing 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.

5.0 What is Procurement?

5.1 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.

6.0 The European Procurement Directives

- 6.1 As a member of the EU, the United Kingdom and consequently as a public body, the Trust and Schools are subject to European Procurement Directives. The purpose of European Procurement Directives, covering supplies, works and services, is to encourage and stimulate an open marketplace for public procurement throughout the EU.
- 6.2 The European Procurement Directives set out the legal framework for public procurement. They apply when public authorities and utilities seek to acquire supplies, services or works. They set out procedures which must be followed before awarding a contract when its value exceeds set thresholds.
- 6.3 All UK contracting authorities, irrespective of the source of funding for a purchase, must comply with the Directives. Because of the importance of getting a good quality specification it is essential to plan early as European Procurement procedures are lengthy and employees with an order or contract expenditure with lifecycle costs approaching the European Procurement Directives tender threshold (currently £181,302 for goods and services and £4,551,413 for works) must consult with the CFOO or their delegated representative as early as possible to avoid any delays.
- 6.4 EU and UK authorities are becoming increasingly concerned at breaches of the Directives by contracting authorities, including Multi Academy Trusts. Breaches of European Procurement Directives may incur other penalties from the European Commission, HM Treasury or the ESFA. Employees should therefore notify the CFOO or their delegated representative of anticipated high value expenditure at their earliest opportunity.
- 6.5 Even when a tender process is not subject to the European Procurement Directives (for example because the estimated value of a contract falls below the relevant threshold), EU Treaty based principles of non-discrimination, equal treatment, transparency, mutual recognition and proportionality apply. Some degree of advertising, which is appropriate to the scale of the contracts, is necessary to demonstrate transparency. This is in line with the UK objective of achieving value for money in all public procurement.
- 6.6 The above guidelines in respect of the European Procurement Directives will be reviewed once the UK leaves to EU and the government establishes the legislation that will apply.

7.0 Value for Money/Aggregation

- 7.1 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 obtains 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.
- 7.2 Purchases over £25,000 must be managed by the CFOO or their delegated representative and in these cases early involvement is recommended to ensure expectations are clear and timelines are achievable.
- 7.3 All School purchases in excess of £25,000 (excluding VAT) will require pre-approval from the CFOO or their delegated representative to confirm the process and budget before an order can be raised.
- 7.4 Unless below the threshold for obtaining multiple quotations or tenders, all procurement of goods, works, services or consultancy should be acquired by effective competition. Including adequate publication of the contract opportunity, unless there are convincing and justifiable reasons to the contrary. Competition promotes efficiency and effectiveness in expenditure. Awarding contracts on the basis of value for money following competition contributes to the competitiveness of supplies.
- 7.5 The Trust has a duty to comply with the requirements of EU Procurement Legislation and Academy Funding Agreements. In order to do so the CFOO or their delegated representative will review all proposed purchases over £25,000 in the context of total Trust expenditure to come a decision whether the potential requirement to aggregate is complementary or contrary to the requirement to show value for money.
- 7.6 In support of the paragraph above, the CFOO or their delegated representative will review School procurement plans and where appropriate will consult with Schools on the potential to develop a range of Trust wide contracts in order to comply with the requirements around aggregation and value for money.

8.0 Financial Authority to Commit Expenditure

- 8.1 Any process which involves committing the Trust or a School to expenditure must be approved in accordance with the scheme of delegation. The scheme of delegation confirms who has the authority and to what financial level.
- 8.2 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.
- 8.3 The trust operates a system of devolved financial authority under which Headteachers are responsible for the decision-making process and planning purchasing decisions. In accordance with this Procurement policy for lower value purchases, the CFOO or their delegated representative may provide technical and professional support if requested, however where the value of purchases exceed £25,000 the CFOO or their delegated representative will manage the process on behalf of a School. In these cases, a School is still responsible for specifying requirements, evaluation criteria and committing funding.
- 8.4 No member of staff may approve purchases unless they have been given authority within the scheme of delegation to do so.
- 8.5 No employee is authorised to commit the Trust or a School to expenditure without first ensuring that there is adequate budget provision.
- 8.6 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.

9.0 Purchasing Thresholds

- 9.1 There are two types of threshold governing the procurement for the Trust and Schools. Firstly, authority to commit expenditure, which is covered in the scheme of delegation and secondly the procurement process which is governed by the anticipated lifecycle costs of the procurement.
- 9.2 The various transactional thresholds and procurement process required is covered in detail in the associated procurement process guides which must be followed, however, they are outlined briefly below:

Schools

- Below £5,000 – a minimum of one written quotation from suitable supplier/contractor;
- £5,001 - £24,999 – obtain three written quotations from suitable suppliers/contractors;
- £25,000 - £181,000 – advertise on contracts finder website and invite a minimum of three tenders following advertisement unless an appropriate framework may be used and to be managed by the CFOO or their delegated representative;
- Over £181,000 EU compliant tender procedures or use of EU compliant framework and to be managed by the CFOO or their delegated representative.

Purchasing undertaken by the Central Finance Team

- Below £5,000 – CFOO or their delegated representative written quotation from suitable supplier/contractor;
- £5,001 - £24,999 – obtain three written quotations from suitable suppliers/contractors;
- Any expenditure over £25,000 to be advertised on the Trust's website;
- £25,000 - £181,000 – advertise on contracts finder website and invite a minimum of three tenders following advertisement unless an appropriate framework may be used;
- Over £181,000 EU compliant tender procedures or use of EU compliant framework.

9.3 Where the CFOO or their delegated representative are managing a procurement process on behalf of a School, orders will not be raised without approval from the budget holder in accordance with the scheme of delegation.

9.4 Occasionally there may be a recommendation to award a contract to, or place an order, with an organisation which has not submitted the lowest priced bid. If this is the case because the scheme has been evaluated using the Most Economically Advantageous method (MEAT) then this is acceptable without further action, provided that the evaluation scores are recorded and retained on file. However, if this is for any other reason approval must be sought before confirming award or raising an order in accordance with the scheme of delegation.

9.5 From 1st April 2019, in the case where contracts may be awarded to companies who the Members, Directors or staff have declared as a related party in there is a requirement to notify the ESFA in advance and to seek ESFA approval for those contract that exceed £20,000 either individually or cumulatively.

10.0 Dispensations

- 10.1 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.
- 10.2 All dispensations from schools require prior approval from the Chief Finance and Operation Officer before progressing and must not result in a breach or procurement legislation or be contrary to the Trust scheme of delegation.
- 10.3 All dispensations from the CFOO or their delegated representative require prior approval from the Chief Executive Officer before progressing.
- 10.4 Full details of the circumstances and reason where a dispensation may be granted are included below:
- All dispensation requests, whether approved or rejected will be reported to the Finance and Resources Committee. Staff may be called upon to attend the Finance and Resources Committee to explain the reasons for requesting a dispensation.
 - 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.
 - 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.
- 10.5 Subject to approval as outlined in the Trust's scheme of delegation, 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 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 VFM analysis must be documented) and only for use in circumstances to be approved in

accordance with the scheme of delegation, under specific advice of the Chief Finance and Operation Officer in terms of compliance with the EU and UK legislation and subject to approval by the CEO and subsequently reported to the Finance and Resources Committee.

- 10.6 The CFOO or their delegated representative may develop a schedule of dispensations for specific areas which School staff may use under certain circumstances; further information will be included in the Procurement Procedure Guides.
- 10.7 A record of the reason(s) for the seeking and granting/declining of dispensations will be kept for at least three years.

11.0 Raising Orders

11.1 Following the raising of a requisition which must be approved in accordance with the scheme of delegation (to enable the School Business Manager to raise an order), official orders must be raised for all goods, works, services and/or consultancy required by the Trust or a School using Hoge 100 system (BDMAT's financial operating system), unless specifically exempted. The procurement procedures guidance documents in the purchasing process must contain adequate controls to ensure that:

- Official orders are raised in respect of all goods, services and works required by the Trust and its Schools, except for those specifically exempted;
- Only goods, services and works required by the Trust and its Schools are ordered;
- Competitive quotations or tenders are obtained for all orders where the value of goods, services or works, individually or for a series of contracts, would exceed the relevant financial thresholds;
- Orders for goods, services and works are placed with the most appropriate suppliers in terms of costs, quality and delivery;
- Goods, services and works received are in accordance with those ordered;
- Payments are made only in respect of invoices authorised in accordance with the approved scheme of delegation and the Trust's funds are adequately safeguarded;
- All payments are accounted for properly, promptly and in full;
- Relevant, timely and accurate management information on non-pay expenditure is produced and utilised;
- Adequate physical and logical security is in place.

11.2 Specific exemptions to the requirement to raise an official purchase order are limited to:

- Rent or business rates
 - Utility costs
 - Works and services executed under a contract
 - Purchasing card transactions
 - Short term supply teachers
 - Purchasing catering supplies (food and drink only)
- 11.3 Details outlining the number of non-order invoices paid on the Hoge 100 systems will be reported to the Finance and Resources Committee and Headteachers and / or School Business Managers may be required to attend in order to explain any non-compliance.
- 11.4 In accordance with the Trust's avoidance of gain/financial probity policy; before raising any order, checks must be carried out to ensure that no one who has declared a conflict of interest in relation to the purchase or the supplier/service provider has been involved in the selection process.
- 11.5 No orders shall be placed, or contracts altered or extended, with the intention of avoiding the relevant thresholds applicable within these Financial Regulations. In the event that the terms of any purchase order or contract have to be amended, an official variation order must be approved in accordance with the scheme of delegation and issued by the School Business Manager/CFOO or their delegated representative as appropriate.
- 12.0 Credit Cards**
- 12.1 The Trust recognises the benefits of credit cards as an alternative means of paying for goods and services. The advantages include reducing paperwork, reduced administration time and costs, the opportunity to make online purchases and seek discounts from suppliers on the basis that they receive immediate payment.
- 12.2 Credit cards are particularly suitable for high volume, low value purchases, booking off site visits and for site staff to order building materials etc.
- 12.3 Full details governing the distribution and use of credit cards is subject to the Credit Card Policy and associated procedures.

13.0 Supplier Management

- 13.1 Purchase orders, Contracts and Payments should only be raised/made to suppliers which have passed Trust vetting procedures and have been added to the Hoge 100 systems.
- 13.2 New suppliers may only be added to the Hoge 100 systems following completion of a new supplier form and the requisite vetting procedures.
- 13.3 All existing suppliers will be vetted on a three-year cycle in accordance with the Trust guidance on vetting suppliers.
- 13.4 All staff who may raise purchase orders for work should satisfy themselves that where required, contractors have appropriate DBS clearance before raising an order for work. The Trust will issue guidance for the safeguarding of pupils whilst contractors are on site which must be followed.

14.0 Competition

- 14.1 Subject to the thresholds in section 6, competition should be proportionate to the level of expenditure, complexity and risk. To minimise procurement costs for the Trust and suppliers, avoid doubt and ensure compliance with legislation, best practice and Trust Financial regulations, procedures documents and templates for procurement at all levels have been provided which must be followed.
- 14.2 Care should be taken to specify accurately the goods/services required in a way which is unambiguous, offers equality, removes barriers to participation by small and medium size enterprises (SMEs), and self-employed people without discriminating against others.
- 14.3 Any minimum standards should be proportionate to the contract and not discriminatory other than where legally required.
- 14.4 All requests for quotation must be made using the appropriate templates and in accordance with the guidance most relevant to the estimated value of expenditure.
- 14.5 When estimating the value of a contract, unless it is a one-off cost, the actual costs of the works, goods or services must be for the whole life costs and include any on-going costs. If the whole life is unknown, then four years should be the baseline. Once the whole life costs have been estimated the appropriate procurement procedure should be followed.

- 14.6 All procurement over £25,000 must be reviewed and/or carried out by the CFOO or their delegated representative in accordance with relevant EU legislation by either undertaking a compliant tender process or by using an established, relevant and accessible compliant framework.

15.0 Contract Agreement/Terms and Conditions

- 15.1 All procurement should be carried out using the Trust's terms and conditions as outlined in the various procurement procedure guides and templates. There may be certain exceptions to this where the use of an established framework or access to specific software requires it. In any case any departure from Trust terms and conditions must be approved by the Chief Finance and Operation Officer before agreement is made.
- 15.2 Any agreement, contract or lease with a supplier which requires a signature by a member of Trust or School staff (not including general orders for goods and services) should be forwarded to the CFOO or their delegated representative for review prior to signature.
- 15.3 A signature on an agreement or contract, or even an email response indicates that the Trust or School accepts the suppliers Terms and Conditions which may not be favourable.
- 15.4 Following the identification of the most favourable offer for the Trust, or its schools, whether by best value, quotation or tender, consistent with the thresholds identified above, the contract may only be awarded by those officers to whom the Trust Board has delegated such authority within the approved scheme of delegation. The required authority to accept other than the lowest quotation or tender is also included within the scheme of delegation.

16.0 Payment and Payment Terms

- 16.1 Unless a credit card has been used to make a payment, all invoices from suppliers should be entered on the Hoge 100 system once approved and then paid by BACS.
- 16.2 The Trusts standard payment terms are 30 days following receipt of a correct invoice, unless alternative arrangements have been agreed at purchase order stage, for example orders placed by schools shortly before the summer break
- 16.3 Where purchases are made using established frameworks, the payment and other terms and conditions are likely to be those of the framework. Before purchasing from any framework, it should be confirmed that it is permissible for the Trust or

a School to use the framework and where required an appropriate access agreement has been approved by the Chief Finance and Operations Officer.

- 16.4 Payment should only be made on receipt of goods. Where services are being procured then payment for work in progress or agreed interim stages may be appropriate in accordance with the approved guidance and subject to sign off from the Chief Finance and Operations Officer.

17.0 Aggregation

- 17.1 EU legislation sets out how and when multiple orders and contract values for the same type of work should be added together for the purposes of deciding what procurement process is applicable.
- 17.2 As Schools manage their own budgets and purchasing decisions independently, seeking advice and support of the CFOO or their delegated representative to procure goods and service on their behalf where necessary and appropriate, school expenditure in this instance does not aggregate across the Trust.
- 17.3 Where the School or the Trust does not need to consider aggregation is when expenditure reaches certain thresholds. To ensure that the Trust or Schools do not fall foul of this, a procurement plan will be required for the Trust and Schools outlining all procurement activities within a twelve (12) month cycle. This will enable the CFOO or their delegated representative to identify where activity such as contracts being rolled over a proposed and take appropriate action to re-procure on behalf of the School.
- 17.4 Should a School or the Trust identify that specific expenditure is reaching or has exceeded the current EU threshold then action should be taken to re-procure the goods/services in a compliant manner as a matter of urgency. The CFOO or their delegated representative will review half termly reports to ensure that this is the case.
- 17.5 In appropriate circumstances the CFOO or their delegated representative may identify opportunities to establish locality or corporate contracts on behalf of Schools. Schools will be invited to participate, however in such cases the CFOO or their delegated representative will work on the basis that this expenditure does aggregate and procure accordingly.

18.0 Annual Procurement Plans

- 18.1 The CFOO or their delegated representative will complete an annual procurement plan setting out key tender activity and milestones. The plan will include the use

of the contract list to plan the requirement for future tenders, ongoing reviews of contracts, strategic areas of development, and any policy and procedural development that are required.

- 18.2 Schools are required to complete an Annual procurement plan following Procurement procedure guidance detailing key purchases for the year with lifecycle cost in excess of £5,000. This is to enable the CFOO or their delegated representative to identify any opportunity to procure similar services either regionally or Trust wide, exploit value for money opportunities and identify potential aggregation or breaches to threshold.
- 18.3 The Trust is committed to the preparation and the continued development of the procurement plan. The CFOO or their delegated representative will continually review the procurement requirements of the Trust and Schools whilst complying with all relevant legislation.
- 18.4 The practice of renewing annual contracts is not permissible unless specific provision has been made within the original procurement process for contract extensions. Re-procurement should feature on the annual procurement plan and be commenced in a timely manner to ensure completion and transfer to a new contract is managed effectively.
- 18.5 To avoid the inefficiencies of re-procuring services annually, the CFOO or their delegated representative will work with Schools to review procurement plans and develop multi-year contracts.

19.0 Tenders

- 19.1 Any expenditure over £25,000 must be subject to tendering in accordance with Trust Financial Regulations and UK Public Contract Regulations 2015 and if the anticipated value is over the current threshold then also in accordance with EU procurement legislation.
- 19.2 All tendering where the anticipated lifecycle costs are in excess of £25,000 must be undertaken by CFOO or their delegated representative.
- 19.3 The CFOO or their delegated representative 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. This may include the use of frameworks or bespoke tenders.

- 19.4 Tendering procedures may take up to six months depending on lifecycle costs and compliance with legislation. Failure to programme sufficient time for procurement will not be reason to grant a dispensation.
- 19.5 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 CFOO or their delegated representative to carry out tenders for goods, services and works on behalf of the Trust and Schools.
- 19.6 Any post tender bid clarification with suppliers will be led by the CFOO or their delegated representative.
- 19.7 Any communication with the suppliers involved in the tender process will be facilitated by the CFOO or their delegated representative.

20.0 Standards of Business Conduct

- 20.1 In limited circumstances, with the approval of the Chief Executive Officer, the Chief Finance and Operations 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 and Resources Committee with a record of the justification for the direct awarding being retained for three years.

21.0 Reporting Requirements

- 21.1 For contracts between £25,000 and £100,000 (excluding VAT) the decision and criteria should be reported to the Finance and Resources Committee.
- 21.2 For all contracts in excess of £100,000 (excluding VAT) a report should be prepared for the Trust Board, highlighting the relevant issues and recommending a decision.
- 21.3 All contracts whose value is over £100,000 (excluding VAT) must be authorised by the Trust Board. In cases where, due to the timing of the Board meetings, this would not be practicable, and any undue delay would cause significant operational issues, the Chief Executive Officer acting jointly with the Chair of the Trust Board may accept a tender in excess of £100,000 but this must be reported to the next meeting of the Trust Board.
- 21.4 The CFOO or their delegated representative is required to complete a tender report for all tenders in accordance with EU procurement legislation.

22.0 Contracts Register

22.1 The CFOO or their delegated representative will maintain a contract register detailing all procurement activity undertaken, with a value over £25,000, which records all related documentation, details of the winning bidder, price, duration of the contract and the procurement process followed.

23.0 Equal Treatment of Suppliers

23.1 One of the key principals 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.

23.2 Evaluation criteria should be decided in advance and made available in full to suppliers to show they will be treated fairly.

23.3 All bidders are entitled to be debriefed at the end of the process and informed of the winning bidder.

23.4 Any discussions and or correspondence prior to the conclusion of procurement 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.

24.0 The Bribery Act 2010

24.1 All staff should also be 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. To meet our obligations under the Act, the Trust has a Finance Probity Policy and all employees involved in procurement should be familiar with the policy.

25.0 Acceptance of Gifts or Hospitality

25.1 The Trust policy is not to accept any form of gift or hospitality from suppliers: full details are included in the Financial Probity Policy.

26.0 Confidentiality (FOI)

26.1 The Freedom of Information Act 2000 gives the public and potential suppliers the right to request certain information regarding School and Trust policy purchasing. All such requests should be handled in accordance with the Trust policy.

26.2 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.

27.0 Information Security

27.1 All suppliers or third parties that require access to the Trust or School information systems as part of the service they provide must comply with data protection legislation and safeguarding policies.

27.2 Staff responsible for agreeing maintenance and support contracts where access is required must ensure that prior to the contracts being signed that suppliers/third parties meet the data protection legislation and safeguarding policies.

27.3 In the event of the contract being transferred or terminated, appropriate provision must be in place to ensure the continued security of information and systems. Suppliers/third parties will be asked, where appropriate to demonstrate their compliance with the policies.

28.0 Leases

28.1 BDMAT should not enter into any finance lease as this would be contravention of the requirements of the Academies Financial Handbook.

28.2 BDMAT may enter into operating leases; however, this is subject to the approval of the Chief Finance and Operation Officer.

29.0 Payment in Advance

29.1 With the exception of some software licenses, payment should not be made in advance of receipt of goods, services, works or consultancy. If a supplier requests payment in advance this should be discussed with an approval sought from the Chief Finance and Operation Officer.

30.0 Health and Safety

- 30.1 When procuring any goods, services or works, employees must ensure that checks are made to confirm that the suppliers are suitably experienced and qualified to undertake the work required.
- 30.2 Where buildings or maintenance work is planned, suitable risk assessments and/or method statements must be in place and if required School change approval must be sought.
- 30.3 All services, supply and works procured by the Trust must comply with the relevant UK and European health and safety legislation in force at the time the items are procured.
- 30.4 Where required by legislation, products (including used or refurbished products) must comply with the relevant UK and European Laws on the design, supply and operation of products.

31.0 Separation of Duties

- 31.1 There are a number of processes in purchasing goods and services, etc. There must be adequate separation of duties to ensure that the process of ordering goods, services and works, checking receipt/completion and authorising payment is not the responsibility of one person. In some smaller schools this may be difficult; however, in all cases the appropriate guidance must be followed.
- 31.2 Where the CFOO or their delegated representative undertake tendering exercises, either on behalf of a School or for the Trust, the receipt and custody of tenders prior to opening must be separated from the specification, selection and evaluation. Contract awards subject to tendering will be subject to approval of the procurement procedure undertaken and in accordance with the scheme of delegation.

32.0 Retention of Documents

- 32.1 All documentation and communication (including emails) relating to purchases or tenders with a value over £5,000 should be referenced with a Unique Reference Number. This will enable easy location of all electronic records relating to a purchase for audit purposes.
- 32.2 Tender or quotation documentation should be retained for a minimum of five years from the date of the end of the contract. Documentation may be retained

electronically rather than in hard copy, however it must be readily accessible for audit or other purposes if required.

- 32.3 The Central Finance Team are required to maintain a contract register for all purchases with lifecycle costs of over £25,000.
- 32.4 Where the procurement is undertaken on behalf of the school by the CFOO or their delegated representative, all documentation in relation to the procurement process will be retained centrally. Schools need not hold local copies and can rely on notification from the Chief Finance and Operation Officer that the Trust financial regulations and relevant procurement legislation has been complied with. The records held centrally are available should auditors wish to inspect them.

33.0 Travel and Accommodation

- 33.1 All travel and accommodation should be purchased in accordance with the Staff Expense Policy and the cost claimed back through the staff expenses procedure.

34.0 Disposal of Redundant Equipment

- 34.1 Wherever possible where equipment is no longer required by a School or the Trust, alternative internal uses should be sought, however where this is not possible or there is no interest then it is permissible to dispose of by sale to suppliers or the general public.
- 34.2 In all cases where external disposal is proposed this must be carried out with the approval of the Chief Finance and Operation Officer. Disposals must be also be in accordance with the Fixed Asset and Inventory Policy.
- 34.3 Any proposed disposal/sale must comply with the current Waste Electrical and Electronic Equipment (WEEE) regulations.

35.0 Monitoring and Audit

- 35.1 The Trust and schools are subject to scrutiny by internal and external auditors as well as the ESFA 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.