University of Brighton
Academies Trust

PROCEDURE

Policy title	Standard Procurement Procedures
Written by	Financial Controller
Policy owner	Director of Finance and Chief Financial Officer

Status	Approved
Summary of change	

Approval date	23rd August 2023
Approval authority	Executive Team
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1. Overview

1.1. The Standard Procurement Procedures support the University of Brighton Academies Trust's (UoBAT) Financial Regulations and reflect the requirements of the Education and Skills Funding

Agency (ESFA) as set out in the Academy Trust Handbook. The requirements of the Academy Trust Handbook must be adhered to by everyone associated with or employed by the Trust.

1.2. This document establishes how the Trust's employees are expected to comply with that guidance and provides the framework by which procurement decisions are taken.

1.3. When considering making any purchase on behalf of the Trust, staff need to consider the procurement and the supply chain of that purchase. Staff need to consider the content of impacting legislation including, but not exclusively, the Bribery Act 2010 and Modern Slavery Act 2015 (see appendix 1).

1.4. The Trust recognises the availability of local business within our community and seeks to continue to provide the opportunity for those that are proven to be competitive to bid to provide their services within a competitive process.

1.5. In order to support our objective of achieving value for money, the Trust operates a policy of "Frameworks by Default". This means our preferred default position is to purchase through existing DfE approved frameworks, where possible. See appendix three for more information on frameworks.

1.6. Procurement decisions must be clearly recorded to ensure that each decision has been reached fairly and provides a clear audit trail as appropriate, given the value and risk of the purchase.

2. Roles and responsibilities

2.1. The following responsibilities apply in relation to this policy:

2.1.1. Board of Trustees (BoT): Overseeing and ensuring effective financial performance. The role of a trustee in procurement is to provide oversight and governance, ensuring that the procurement process within the trust is conducted transparently, ethically, and in line with legal and regulatory requirements. Trustees have a fiduciary duty to act in the best interest of the trust, this extends to the Trusts procurement activities.

2.1.2. Chief Executive Officer and Accounting Officer (CEO and/or AO): The CEO, acting as the Accounting Officer, holds the responsibility to assure Parliament, and the public, of the trusts high standards of probity in the management of public funds, particularly regularity, propriety and value for money.

2.1.3. Director of Finance and Chief Financial Officer (DoF/CFO): responsibility for overseeing the overall procurement strategy, ensuring its alignment with the trust's overarching strategy and financial objectives. They provide guidance and support, review procurement processes for efficiency and effectiveness, and ensure compliance with relevant laws and regulations.

2.1.4. Financial Controller (FC): The FC is responsible for managing the day-to-day procurement activities, coordinating with budget holders and the finance department. They maintain accurate procurement records, provide procurement guidance, assist in supplier evaluations, and ensure robust and appropriate financial controls are in place throughout the procurement process.

2.1.5. Finance Department: The finance department plays a key role in supporting procurement activities. They provide procurement advice and guidance, monitor budget availability, maintain the finance system and undertake analysis on procurement activity (identifying and addressing trends).

2.1.6. Principal/Director: Principals and Directors are responsible for initiating procurement requests, defining requirements, and obtaining necessary approvals within their delegated authority. They must ensure that procurement decisions align with the trust's goals and are made in the best interest of their academy or service and the trust as a whole. Whilst the finance department do monitor budget availability, it is the responsibility of the Principal or Director to ensure that they maintain adequate controls over their expenditure, ensuring no purchasing activity will exceed available funds.

2.1.7. Sub-delegated Budget Holders: Sub-delegated budget holders have authority over specific budget allocations and are responsible for making procurement decisions within their assigned budgets. They must follow the procurement policy, obtain necessary approvals, and ensure value for money in their procurement choices.

2.1.8. All Staff: Responsibility for ensuring compliance within areas of individual scope and delegated decision-making authority, and adherence to the policy.

2.2. All staff who purchase goods and services on behalf of the Trust must ensure they have obtained the appropriate authorisation, as per the Trust's Scheme of Delegation, which can be found in the Governance section of the website. Prior authorisation is mandatory before proceeding with any orders for goods or services from suppliers. Failure to adhere to this policy may result in disciplinary action.

2.3. For the purposes of this policy any employee who intends on making a purchase will be designated as the 'Procuring Officer'.

2.4. If you require any assistance related to procurement contact the Finance Department at: procurement@brightonacademiestrust.org.uk.

3. Procurement thresholds

3.1. The applicable rules vary based on the value of the intended purchase. Below are the current expenditure thresholds set out by the Trust (excluding VAT):

Purchasing Threshold	Minimum	Maximum	Requirement
Low	£0	£2,000*	Best Value for Money
	£2,001	£10,000	Framework or One Quote
Medium	£10,001	£50,000	Framework or Three Quotes
High	£50,001	£177,897**	Formal Tender Process or Framework
Upper	£177,897**	No Limit	Formal Tender Process or Framework

All limits mentioned in this procedural document refer to the procurements net value, which excludes VAT.
* Procurement under £2,000 should use the best value for money approach. Consideration must be made for the following: economy, efficiency and effectiveness. The value for money rationale should must be justifiable upon request.
** The Upper Threshold aligns with the UK Public Sector Procurement Thresholds, which are subject to review every two years. The value specified above remains applicable until 31st December 2023.

3.2. These thresholds refer to the value over the life of the contact, including any options to extend.

3.3. The Procuring Officer must carefully assess the procurement requirements corresponding to the expected threshold. Sufficient time should be allowed for conducting an appropriate compliance process prior to initiating the procurement.

3.4. Ensuring appropriate assessment of contracts for value is crucial. It is strictly prohibited to intentionally divide a single contract into smaller ones with the sole purpose of evading or avoiding the procurement process.

3.5. The contract's value should be determined based on the total expenditure (excluding VAT) subjected to the procurement. In cases where multiple Academies and/or Service share similar or identical needs, their requirements should be consolidated into a single procurement process.

3.6. Regardless of the funding source, these procurement procedures shall be universally applicable. Hence, they must be duly considered for all grant-funded works, school trips, capital projects, and any other procurement activities conducted within the Trust.

3.7. The procurement process relies on obtaining accurate and documented quotations from suppliers to ensure transparency, consistency, and fairness. Procuring Officers must obtain all quotations in writing. This can be in the form of official quotation documents, emails, or letters. Verbal

quotations should be avoided to prevent misunderstandings or disputes later in the process. In some cases, quotations or negotiations with suppliers may be conducted orally. In such circumstances, it is essential to document these discussions promptly and formally through email to provide an accurate record of the details.

3.8. The Procuring Officer must notify the Finance Department before initiating any formal tender processes in a timely manner to ensure sufficient support and guidance can be provided. An email should be sent to procurement@brightonacademiestrust.org.uk, please use the subject line 'Tender Requirement - …'.

3.9. Appendix two offers guidance on how to efficiently navigate the tendering process. It encompasses essential information on various tendering methods, eligibility criteria, documentation requirements, and evaluation criteria. Furthermore, it provides concise explanations on how to identify the most appropriate tendering method for your specific procurement needs.

3.10. The Trust encourages all individuals involved in procurement to refer to the buying for schools tool to help obtain value for money and apply relevant procurement regulations

4. Contracts and leases

4.1. The Trust is the sole legal entity with the authority to enter into contracts or leases on behalf of itself, its academies and professional service departments. As the academies and professional services are not separate legal entities, any contracts entered into by them will be binding on the entire Trust.

4.2. A contract is a legally binding agreement between parties that establishes the terms, conditions, and responsibilities for a specific transaction or relationship. It requires an offer and acceptance, consideration, an intention to create legal relations, legal capacity, consent, and a lawful purpose. Contracts can be verbal or written, but written contracts are recommended for clarity and evidence. They are enforced through legal means, allowing parties to seek remedies if obligations are not met.

4.3. Prior to entering into any contract, it is crucial to ensure the appropriate procurement process has been followed, as outlined in this document, and contract approval is sought in alignment with the Trusts Scheme of Delegation:

(i) Director of Finance and Chief Financial Officer: Up to £50,000
(ii) Chief Executive Officer: Between £50,001 and £100,000
(iii) Chair of Finance and Resources Committee: Over £100,000

4.4. Understanding and considering the contract terms and conditions of any agreement is a critical aspect of the procurement process. The contract terms and conditions govern the legal relationship between the Trust and the selected supplier. Therefore, it is essential all parties involved carefully read and comprehend the terms before entering into the agreement.

4.4.1. The Procuring Officer should carefully review the contract terms and conditions provided by the supplier. The contract terms should align with the specifications outlined in the Invitation to Tender (ITT) or other tender documents. Any discrepancies or ambiguities should be addressed and resolved before finalising the agreement.

4.4.2. If needed the Trust should seek legal guidance to ensure that the contract is legally sound and complies with all relevant laws and regulations, as well as identifying potential risks and ensure that the interests of the Trust are protected.

4.4.3. The contract terms and conditions should be clear, unambiguous, and written in a manner that is easily understood by all parties involved.

4.4.4. In cases where the contract terms are negotiable, the Procuring Officer should engage in constructive negotiations with the supplier to address any concerns and reach a mutually beneficial agreement.

4.4.5. Adherence to the contract terms and conditions is vital throughout the duration of the agreement. The Trust and the supplier must fulfill their respective obligations as per the contract. Regular performance reviews should be conducted to ensure that the supplier meets the agreed-upon standards and deliverables.

4.5. The Trust maintains a Contracts and Leases Register, which serves as a central repository for all contractual agreements. It is imperative that any and all contracts entered into are duly recorded in this register. The Procuring Officer assumes the responsibility of ensuring that the relevant records are accurately updated, to do so they must complete the Contract/Lease Registration Form.

4.6. Contract extensions and/or variations are only permissible if they were stipulated in the original contract documentation. Any such extension and/or variation will need to be approved in line with the Trust's Scheme of Delegation (see 4.3 above, these limits refer to the value of the contract in its entirety, i.e. including the extension and/or variation).

4.7. Any extensions and/or variations must be updated on the Contracts and Leases Register, this can be done via completing this Contract/Lease Amendment Form. You will need your contract/lease registration number in order to complete this form, contact the Finance Department (email: procurement@brightonacademiestrust.org) if you are unsure what this is.

4.8. In the event that the procurement process indicates that the most economically viable option for the Trust is to pursue a lease, it becomes crucial to ascertain the type of lease it falls under, i.e., whether it is a financial lease or an operating lease.

4.8.1. A financial lease is considered a form of borrowing, where the leased asset is treated as if it were owned by the Trust, and the lease agreement involves significant risks and rewards typically associated with ownership (albeit, this does not guarantee ownership at the end of

the lease agreement). On the other hand, an operating lease does not represent a borrowing arrangement, and the lessor retains ownership of the asset. Should the lease be classified as a financial lease, the Trust is required to obtain approval from the Education and Skills Funding Agency (ESFA) before proceeding with the lease agreement. This is to ensure proper oversight and adherence to regulatory requirements for such financial commitments.

4.8.2. In the case of operating leases, there are no additional restrictions or approvals needed beyond the standard procurement and contracting procedures. It allows the Trust to secure the asset without the same level of long-term financial obligation as seen in a financial lease.

4.9. It is essential to accurately determine the type of lease involved in the procurement decision to ensure compliance with relevant regulations and make informed choices that align with the Trust's financial strategy and long-term objectives. In any such circumstances the Procuring Officer must engage with the Finance Department.

4.10. Prior to entering into any lease, it is crucial to ensure the appropriate procurement process has been followed, as outlined in this document, and contract approval is sought in alignment with the Trusts Scheme of Delegation:

(i) Director of Finance and Chief Financial Officer: Up to £50,000
(ii) Chief Executive Officer: Between £50,001 and £100,000
(iii) Chair of Finance and Resources Committee: Over £100,000

5. Dispensations

5.1. The Trust acknowledges that there may be exceptional circumstances where it is necessary to deviate from the standard procurement process. To maintain transparency, accountability, and adherence to the procurement policy, any deviation from the standard procurement procedures requires a formal dispensation request.

5.2. The Procuring Officer must complete the Dispensation Request Form, providing comprehensive details about the reasons for the request, and any potential risks or benefits associated with the deviation. The form acts as a structured template to ensure all necessary information is included.

5.3. The request will be thoroughly evaluated by the Financial Controller (or, in their absence, the Director of Finance and Chief Financial Officer), considering factors such as urgency, complexity, potential risks, and alignment with the trust's objectives. The decision-making process will be fair, impartial, and based on the trust's best interests.

5.4. Once the dispensation request is reviewed, a formal confirmation of approval or rejection is provided to the Procuring Officer. Until the approval is granted, the Procuring Officer must refrain from taking any further action in relation to the specific procurement activity for which the dispensation is sought.

5.5. If the dispensation is approved, the Procuring Officer must strictly adhere to any conditions or restrictions outlined in the approval. If the dispensation is declined, the Procuring Officer must follow the rules as set out in these Standard Procurement Procedures.

5.6. Dispensations will only be granted in exceptional circumstances, where adherence to the standard procurement process is impractical or may cause significant delays or disruptions. The following are the only circumstances the Trust will accept considering a dispensation for:

(i) Genuine urgency: for example, a health and safety, security or safeguarding breach.

(ii) Limited supplier options: if there is demonstrably only one (or few) providers with the required technical knowledge or with the exclusive rights to use the necessary equipment/processes.

(iii) Legitimate business reasons: for example, the existing provider is the most capable of providing the goods/service and can demonstrate they provide the best value for money.

5.7. Under no circumstances will dispensations be granted for procurements falling into the upper threshold of spend, as these must strictly follow the formal competitive tender process in accordance with The Public Contracts Regulations 2015. The trust recognises the importance of maintaining a competitive and transparent procurement process for high-value procurements to ensure fairness and value for money.

5.8. Furthermore, dispensations will not be provided if the Procuring Officer has neglected to consider appropriate timescales when conducting the procurement activity. An urgent need arising in this circumstance cannot be used as a reason for dispensation, as the trust emphasises the importance of proper planning and adherence to procurement timelines.

6. Conflicts of interest

6.1. A conflict of interest arises when an individual's personal interests or relationships could influence, or be perceived to influence, their decision-making during the procurement process. In the context of this policy, a conflict of interest could occur when a Procuring Officer, any staff involved in the procurement process, or their close associates, have a financial, familial, or personal interest in a supplier, contractor, or any other party involved in the procurement.

6.2. All individuals participating in procurement activities are required to submit the Declaration of Pecuniary and Business Interests form annually, during Term 1 of each academic year. In the event of any changes to an individual's circumstances throughout the year that could give rise to a conflict or potential conflict, they are obligated to promptly declare such interests using the same form provided above. This ensures that the trust maintains an up-to-date record of pecuniary interests and can effectively manage any potential conflicts that may arise during procurement processes.

6.3. Upon receipt of a conflict of interest declaration, the designated authority, such as the Director of Finance or Chief Financial Officer or Financial Controller, shall assess the nature and extent of the

conflict. If a conflict is identified, appropriate steps shall be taken to manage and mitigate its impact on the procurement process.

6.4. In cases where a significant conflict of interest exists, the individual with the conflict may be removed from the procurement process to ensure transparency and fairness. An alternative individual shall be assigned to fulfill the responsibilities to ensure an unbiased and impartial evaluation of the suppliers or contractors involved.

6.5. Confidentiality of conflict of interest declarations shall be strictly maintained. Information about conflicts and any associated personal or sensitive data shall be treated in accordance with data protection laws and the relevant Trust policies.

6.6. Non-compliance with the annual Declaration of Pecuniary and Business Interests process will result in the individual being ineligible to engage in any procurement activities. Without a duly submitted form, the person will not be permitted to participate in any procurement-related processes.

6.7. Failure to disclose a conflict of interest, as one may arise throughout the year, or any attempt to influence the procurement process to favour a personal interest may lead to action being undertaken through the Trust's Staff Disciplinary Policy.

Appendix One: Legal and regulatory framework

1. The Trust's procurement policy, in common with our other policies, reflects a range of UK legislation. Below is a high-level overview of some, but not all, of the key regulations that our policy is built upon:

2. **Bribery Act 2010**

2.1. The Bribery Act 2010 was published by the Ministry of Justice in March 2010 and became enforceable from 01st July 2011. This act modernises the law on bribery. The Trust, its employees and contractors/bidders are all covered by the Act.

2.2. Very generally bribery is defined as giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so. This could cover seeking to influence a decision-maker by giving some kind of extra benefit to that decision maker rather than by what can legitimately be offered as part of a tender process.

2.3. The trust is committed to acting professionally, fairly and with integrity, meaning we take a zero-tolerance approach to any acts of bribery or corruption. Bribery is punishable for individuals by up to 10 years imprisonment and substantial fines, said fines can be extended onto the trust if found to have taken part in any activities.

2.4. Facilitation payments, which are payments to induce officials to perform routine functions they are otherwise obliged to perform, are bribes. There is no exemption under the act for payments of such nature.

2.5. You are encouraged to raise concerns about any issue or suspicion of malpractice at the earliest possible stage. If you are unsure whether a particular act constitutes potential bribery, or if you have any other questions/concerns, these should be raised immediately with the Finance Team on procurement@brightonacademiestrust.org.uk.

3. **Modern Slavery Act 2015**

3.1. The Modern Slavery Act is an Act to make provision about slavery, servitude and forced or compulsory labour and human trafficking, including provision for the protection of victims; to make provision for an Independent Anti-slavery Commissioner; and for connected purposes. Whilst not all of the Act is directly relevant, we need to be familiar with section 54 entitled 'Transparency in supply chains'.

3.2. All suppliers to the Trust are required to fully comply with the Modern Slavery Act 2015 and will confirm that they do so by accepting the Trust's Terms and Conditions which include specific requirements. The Trust also reserves the right to exclude any bidder who has been convicted of

an offence under section 1, 2 or 4 of the Act. The Trust also reserves the right to terminate contracts where bidders are found to have breached the legislation after contract award.

3.3. Where the Trust has identified that a procurement exercise is particularly high risk it may be appropriate to require bidders to provide clarification of supply chains and ensure that suppliers demonstrate their methods of corporate social responsibility during the tendering and selection process, details of which may vary according to the project.

3.4. Other related legislation

(i) Proceeds of Crime Act 2002
(ii) Terrorism Act 2000
(iii) Money Laundering Regulations 2017
(iv) Criminal Finances Act 2017

3.5. To obtain more information on any of the above please contact procurement@brightonacademiestrust.org.uk.

Appendix Two: Formal competitive procurement – types of processes

1. This is the formal process to be implemented where the procurement is expected to be within the High and Upper thresholds. This means that the procurement exercise must follow a structured and comprehensive approach to obtain goods or services from external suppliers.

2. In any such occasion, the Procuring Officer must immediately engage with the Finance Department by emailing procurement@brightonacademiestrust.org.uk, subject header: 'Tender Requirement - …'.

3. UoBAT's preferred approach to formal competitive procurement (in order) is:

   (i) Framework Tender
   (ii) Restricted Tender
   (iii) Negotiated Tender

4. In all procurement that exceeds the Upper threshold the Procuring Officer must follow an advertised competition process (see appendix four).

5. The Trusts default position is to procure through DfE approved Frameworks. These frameworks offer pre-negotiated agreements with suppliers, providing a streamlined and efficient procurement process for the trust. By leveraging these frameworks, the trust can benefit from cost savings, reduced administrative burden, and access to reputable suppliers, ensuring value for money and compliance with procurement regulations. Appendix three provides more details on how to conduct a process through a Framework.

6. A Restricted Tender is where suppliers are specifically invited to tender. In any such process, a minimum of 4 suppliers/contractors must be engaged with. Restricted tenders are appropriate under certain circumstances, including:

   6.1. Specialised Goods or Services: When the procurement involves highly specialised goods or services that are only available from a limited number of suppliers, a restricted tender can be used to invite those known suppliers who are capable of providing the required products or services.

   6.2. Confidential Projects: In situations where the procurement involves sensitive or confidential projects, the Trust may prefer to work with known suppliers who have demonstrated trustworthiness and reliability. Using a restricted tender can help maintain confidentiality and limit access to sensitive information.

   6.3. Long-Term Partnerships: When the Trust has established long-term partnerships with certain suppliers and has a history of successful collaboration, a restricted tender allows for inviting these trusted suppliers to participate in the procurement process.

6.4. Past Performance and Quality: If the Trust has had positive experiences with specific suppliers in previous projects and is confident in their capabilities and quality of work, a restricted tender can be used to give those suppliers an opportunity to bid on the current project.

6.5. Time Constraints: In situations where there is limited time to complete the procurement process, a restricted tender can be a quicker option since it involves sending invitations to known suppliers directly without the need for a broader advertising and evaluation process.

7. A Negotiated tender is a procurement method where the procuring entity directly negotiates with one or more selected suppliers to obtain goods, services, or works. Unlike traditional competitive tendering processes, where multiple suppliers submit bids or proposals, in a negotiated tender, the procuring entity engages in direct discussions with potential suppliers to reach an agreement on the terms of the contract. A negotiated tender is applicable in certain procurement situations where the standard competitive tendering process is not feasible or practical. A negotiated tender may be appropriate in the following scenarios:

7.1. Complex, Unique or Customised Solutions: For projects that are highly complex, unique or highly customized and require specialised expertise, a negotiated tender allows the procuring entity to engage directly with suppliers who have the necessary skills and knowledge to fulfill the project requirements.

7.2. Emergency or Urgent Procurements: In urgent situations, such as during emergencies or unforeseen circumstances, a negotiated tender may be employed to quickly secure goods or services without the delays of a formal competitive process.

7.3. Limited Competition: If there are only a few suppliers capable of providing the required goods or services, a negotiated tender can be used to engage in direct discussions with those suppliers to reach mutually acceptable terms.

7.4. Ongoing Contracts: In cases where there is an existing contractual relationship with a supplier, and the contract allows for contract extensions or renewals, a negotiated tender may be used to discuss terms and conditions for the continuation of services.

7.5. Market Research and Innovation: In situations where the procuring entity wants to explore innovative solutions or new technologies, a negotiated tender can facilitate discussions with potential suppliers to understand their capabilities and offerings.

8. While a negotiated tenders can be useful in specific circumstances, it should be used with transparency and fairness. The reasons for selecting the negotiated tender approach should be well-documented and justified, and efforts should be made to ensure that the selection of suppliers is conducted objectively and without bias.
In any such process, a minimum of 4 suppliers/contractors must be engaged with.

9. The Procuring Officer, in collaboration with the Finance Department, will assess and select the most appropriate tender process to be followed for the procurement.

10. Appendix four and five provides advice, guidance and templates for use in formal tendering processes. Within these appendices, Procuring Officers will find advice and step-by-step instructions on various aspects of formal tendering. It covers the critical stages of the process, from the initial planning and scoping of requirements to the final evaluation and selection of suppliers. The guidance provided is not only practical but also aligned with industry best practices, ensuring that every tender is conducted transparently, ethically, and in full compliance with the trust's procurement policies and regulatory requirements.

Appendix Three: Formal competitive procurement – frameworks

1. The Trust prefers to utilise procurement via DfE (Department for Education) approved frameworks whenever possible. These frameworks offer pre-negotiated agreements with suppliers, providing a streamlined and efficient procurement process for the trust. By leveraging these frameworks, the trust can benefit from cost savings, reduced administrative burden, and access to reputable suppliers, ensuring value for money and compliance with procurement regulations.

2. Remember to engage with the Finance Department who will support the procurement process.

3. DfE approved frameworks cover a wide range of goods and services commonly required by educational institutions. Some of the available frameworks may include:
   (i) The Crown Commercial Services (CCS)
   (ii) Crescent Purchasing Consortium (CPC)
   (iii) Eastern Shires Purchasing Organisation (ESPO)
   (iv) Yorkshire Purchasing Organisation (YPO)
   (v) North East Procurement Organisation (NEPO)
   (vi) Other Local Authority or NHS Agreements

   3.1. Visit the Find a DfE approved framework for your school website to see if an appropriate framework exists for your intended procurement.

4. When utilising DfE approved frameworks for procurement, it's essential to recognise that each framework operates differently, tailored to specific categories and suppliers. However, rest assured that these frameworks are designed to guide purchasers through the necessary steps, making the procurement process more straightforward and compliant. Below is some guidance on using these frameworks:

   4.1. Understand the framework: Familiarise yourself with the available DfE approved frameworks and the categories they cover. Each framework may have its unique suppliers and agreements. Take the time to review the details and scope of each framework to identify the most suitable one for your procurement needs.

   4.2. Review Terms and Conditions: Thoroughly read the terms and conditions of the chosen framework. Understand the obligations of both the Trust and the suppliers within the framework. Pay attention to any specific guidelines or restrictions that may apply to certain purchases

   4.3. Follow Framework Guidelines: Once you've chosen a framework, follow the guidelines outlined by the framework provider. Typically, these frameworks offer step-by-step procedures on how to engage with suppliers, obtain quotes or bids, and finalise the procurement.

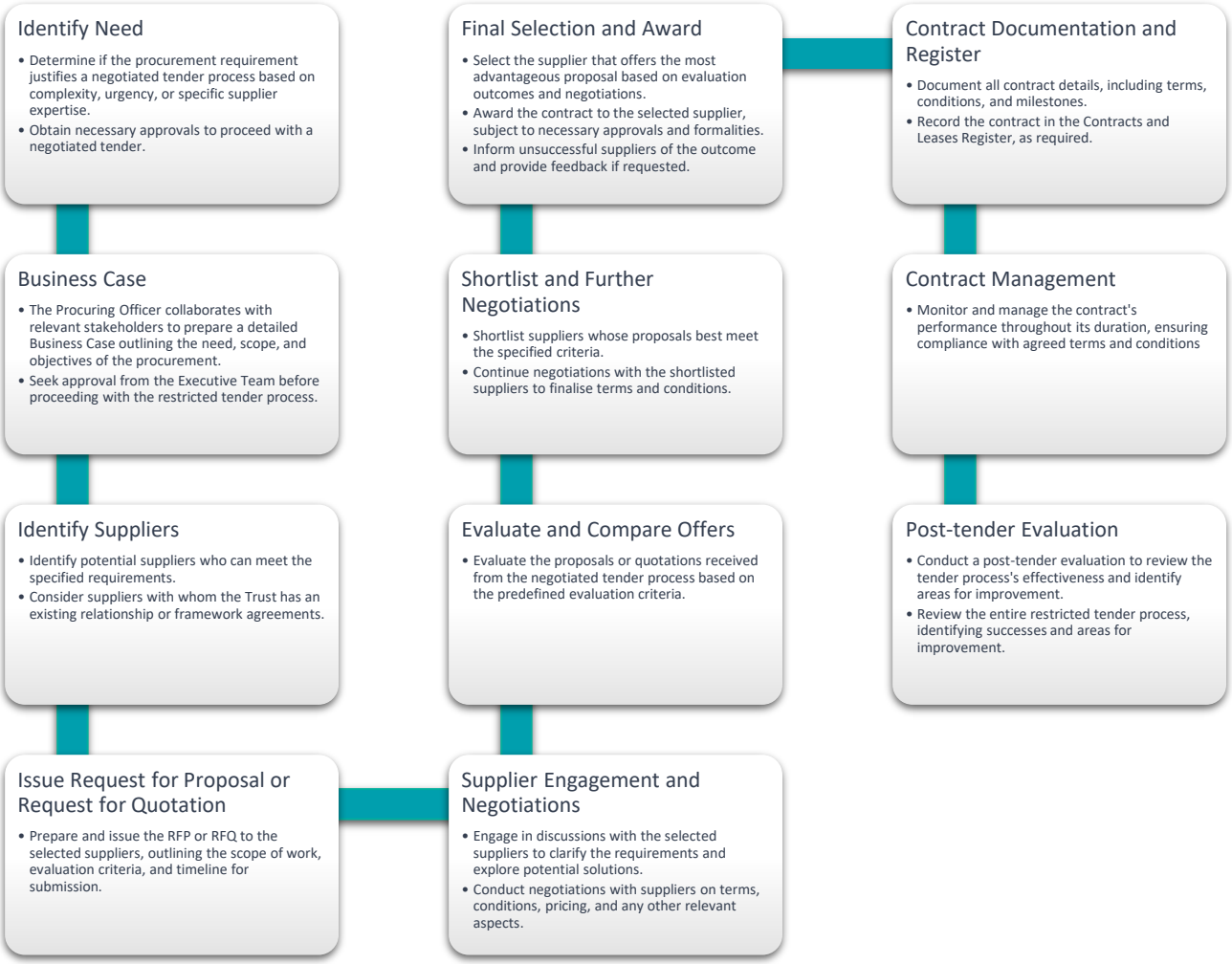
4.4. Consider Other Options: While DfE approved frameworks offer a streamlined approach, it's essential to remain open to other procurement options if they better suit specific requirements. Consider factors such as the scale of the purchase, specialised needs, and available suppliers.

Appendix Four: Formal competitive procurement – process flows

1. A Restricted Tender is a formal competitive procurement process in which suppliers are specifically invited to submit bids or proposals for a particular contract. A recommended process flow for a restricted tender is:



2. A Negotiated Tender is a procurement method where the procuring entity directly negotiates with one or more selected suppliers to obtain goods, services, or works. A recommended process flow for a negotiated tender is:



3. For procurement that is in the Upper threshold it is essential that the Trust complies with The Public Contracts Regulations 2015, this requires an advertised tender process to be conducted. A recommended process flow for an advertised tender is:



Appendix Five: (A) Formal competitive procurement – document guidance and template examples

1. In any tender process, various documents are commonly used to facilitate the procurement exercise and ensure a fair and transparent evaluation of suppliers. The following are some of the different types of documents commonly found in tenders:

    1.1. Expressions of Interest (EOI): An EOI is a formal document that can be used to gauge the interest of potential suppliers, contractors, or service providers in participating in a specific project or procurement opportunity. It is an initial step in the procurement process, allowing the Trust to pre-screen and shortlist qualified and interested parties before proceeding with a full tender process. An EOI typically includes essential information about the project or opportunity, such as the scope of work, requirements, timelines, and evaluation criteria.

    1.2. Invitation to Tender (ITT): The ITT is the main document that provides comprehensive details about the procurement opportunity. It includes information such as the scope of work, project requirements, contract terms and conditions, evaluation criteria, submission instructions, and deadlines. Suppliers respond to the ITT with their proposals.

    1.3. Request for Proposal (RFP): An RFP is used when the procurement requirement is more complex, and the buyer seeks innovative solutions or ideas from potential suppliers. The RFP outlines the project's objectives, specifications, and desired outcomes, and suppliers respond with detailed proposals, including their approach and methodologies.

    1.4. Request for Quotation (RFQ): An RFQ is a document used when the procurement requirement is relatively simple and involves procuring goods or services at a fixed price. It typically includes a list of specific items or services required, and suppliers are invited to provide a quote for those items or services.

    1.5. Evaluation Criteria: The evaluation criteria outlines the factors and metrics that will be used to assess and score supplier proposals. It may include criteria such as technical capabilities, experience, price, quality, and compliance with regulations. Clear and objective evaluation criteria are crucial for selecting the most suitable supplier. Once you have established your evaluation criteria you need to apply weightings to each criteria to calculated an overall weighted score.

    1.6. Non-Disclosure Agreement (NDA): In some cases, the Trust may require suppliers to sign an NDA to protect confidential information shared during the tender process. This ensures that sensitive information remains confidential and is not disclosed to third parties.

2. It is also important to consider other documents/processes (not tender specific) that may need to be complete, such as a business case, new supplier registration form, purchase order requisition, etc.

Appendix Five: (B) Expression of Interest (EOI) Template

Expression of Interest (EOI) - [Project/Opportunity Title | Reference Number (if applicable)]

Date: [Date of EOI]

Dear [Supplier/Contractor],

The University of Brighton Academies Trust is inviting expressions of interest from qualified and experienced suppliers/contractors to participate in the procurement process for the [Project/Opportunity Title]. We are seeking innovative and capable companies to provide [brief description of goods/services required].

Project/Opportunity Overview:

[Provide a concise description of the project or opportunity, including the objectives, scope of work, and key deliverables.]

Eligibility Criteria:

[Specify the minimum requirements and qualifications that suppliers/contractors must meet to be considered for participation. Include information about financial stability, technical expertise, experience, relevant certifications, or any other specific criteria.]

Submission of Expression of Interest:

Interested suppliers/contractors are requested to submit their expressions of interest by [Submission Deadline Date and Time]. Submissions should be sent to tenders@brightonacademiestrust.org.uk. Please include the subject line: "EOI - [Project/Opportunity Title] - [Your Company Name]."

Format of Expression of Interest:

[Outline the format and structure for submitting the EOI, such as including company profile, relevant experience, references, capability statements, etc. Provide any necessary templates or forms for suppliers/contractors to use.]

Evaluation and Shortlisting Process:

EOIs will be evaluated based on the eligibility criteria and the alignment of capabilities with the project requirements. Shortlisted suppliers/contractors will be invited to participate in the subsequent stages of the procurement process.

Confidentiality:

All information provided in response to this EOI will be treated as confidential and used solely for the purpose of evaluating expressions of interest.

Clarifications:

If you have any questions or require clarification regarding this EOI, please contact the procuring officer via at xxx@brightonacademiestrust.org.uk and copy in the Finance Department at tenders@brightonacademiestrust.org.uk.

The University of Brighton Academies Trust reserves the right to accept or reject any or all expressions of interest received without giving any reason.

We look forward to receiving your expression of interest and potentially working together on this exciting project/opportunity.

Sincerely,

[Your Name]
[Your Title/Position]
University of Brighton Academies Trust
[Contact Email Address]
[Contact Phone Number]

Note: This EOI template is for illustrative purposes only. Customise it to suit your projects specific requirements and include any additional information or details relevant to your project/opportunity. Remember also to ensure all documents issued are using the Trusts marketing templates.

Appendix Five: (C) Invitation to Tender (ITT) Template

Invitation to Tender (ITT) - [Project/Opportunity Title | Reference Number (if applicable)]

Date: [Date of ITT]

Dear [Supplier/Contractor],

The University of Brighton Academies Trust is pleased to invite you to submit a tender for the [Project/Opportunity Title]. We are seeking qualified and experienced suppliers/contractors to provide [brief description of goods/services required].

Project/Opportunity Overview:

[Provide a comprehensive description of the project or opportunity, including the objectives, scope of work, key deliverables, and any specific requirements.]

Eligibility Criteria:

[Specify the minimum requirements and qualifications that suppliers/contractors must meet to be eligible to participate in the tender process. Include information about financial stability, technical expertise, experience, relevant certifications, or any other specific criteria.]

Tender Submission Requirements:

- Completed Tender Documents: Please complete all sections of the attached tender documents in accordance with the instructions provided.
- Compliance with Specifications: Ensure that your tender fully complies with the specifications outlined in the tender documents.
- Submission Deadline: Tenders must be submitted by [Submission Deadline Date and Time]. Late submissions will not be considered.
- Submission Method: Tenders should be submitted via email to tenders@brightonacademiestrust.org.uk. Please include the subject line: "Tender - [Project/Opportunity Title] - [Your Company Name]."

Evaluation Criteria:

Tenders will be evaluated based on the criteria such as price, quality, experience, delivery timeline, and compliance with the specifications.
[Provide the details of the evaluation criteria that will be used in assessing the submissions.]

Timetable:

[Provide a detailed timetable of events for the procurement exercise, include deadlines for clarification questions, submission, presentations, contract award and any other relevant key dates.]

Confidentiality:

All information provided in response to this ITT will be treated as confidential and used solely for the purpose of evaluating tenders.

Data Protection:

In cases where the project involves processing the personal data of employees or pupils, the selected supplier will have the responsibility to provide a Data Protection Impact Assessment. Alternatively, the supplier can work collaboratively with the Procuring Officer to complete the Trust's Data Protection Impact Assessment.

Clarifications and Questions:

If you have any questions or require clarification regarding the tender documents or the requirements of the project/opportunity, please contact the procuring offcer via email at xxx@brightonacademiestrust.org.uk and copy in the Finance Department by emailing tenders@brightonacademiestrust.org.uk. Please include the subject line: "Tender Query - [Project/Opportunity Title] - [Your Company Name]."

Contract Award:

The contract will be awarded to the supplier/contractor whose tender is deemed to be the most advantageous to University of Brighton Academies Trust based on the publicised evaluation criteria.

The University of Brighton Academies Trust reserves the right to accept or reject any or all tenders received without giving any reason.

We look forward to receiving your tender and potentially working together on this project/opportunity.

Sincerely,

[Your Name]
[Your Title/Position]
University of Brighton Academies Trust
[Contact Email Address]
[Contact Phone Number]

Note: This ITT template is for illustrative purposes only. Customise it to suit your projects specific requirements and include any additional information or details relevant to your project/opportunity. Remember also to ensure all documents issued are using the Trusts marketing templates.

Appendix Five: (D) Request for Proposal (RFP) Template

Request for Proposal (RFP) - [Project/Opportunity Title | Reference Number (if applicable)]

Date: [Date of RFP]

Dear [Supplier/Contractor],

The University of Brighton Academies Trust is excited to invite you to submit a proposal for the [Project/Opportunity Title]. We are seeking qualified and innovative suppliers/contractors to provide [brief description of goods/services required].

Project/Opportunity Overview:

[Provide a detailed overview of the project or opportunity, including its objectives, scope of work, key deliverables, and any specific requirements.]

Scope of Proposal:

a. Technical Solution: Provide a comprehensive technical proposal that outlines how your goods/services meet the project's needs. Include details on the approach, methodologies, and any unique selling points.
b. Pricing: Present a detailed and transparent pricing structure for the goods/services you will deliver. Please include all relevant costs, potential variations, and any additional charges that may apply.
c. Timelines: Outline the proposed timeline for project completion, including key milestones and deliverable dates.
d. Team and Experience: Describe your team's expertise and relevant experience in delivering similar projects or services. Highlight key personnel who will be involved in the project and their qualifications.
e. Client References: Provide a list of references from previous clients who can vouch for the quality of your work and customer service.

Eligibility Criteria:

[Specify the minimum requirements and qualifications that suppliers/contractors must meet to be eligible to participate in the proposal process. Include information about financial stability, technical expertise, experience, relevant certifications, or any other specific criteria.]

Proposal Submission Requirements:

a. Completed Proposal Documents: Please complete all sections of the proposal documents in accordance with the instructions provided.
b. Submission Deadline: Proposals must be submitted by [Submission Deadline Date and Time]. Late submissions will not be considered.
c. Submission Method: Proposals should be submitted via email to tenders@brightonacademiestrust.org.uk. Please include the subject line: "Proposal - [Project/Opportunity Title] - [Your Company Name]."

Evaluation Criteria:

Proposals will be evaluated based on the criteria specified in the proposal documents, which may include (but not limited to) technical approach, pricing, experience, qualifications, and alignment with project requirements.

Confidentiality:

All information provided in response to this RFP will be treated as confidential and used solely for the purpose of evaluating proposals.

Data Protection:

In cases where the project involves processing the personal data of employees or pupils, the selected supplier will have the responsibility to provide a Data Protection Impact Assessment. Alternatively, the supplier can work collaboratively with the Procuring Officer to complete the Trust's Data Protection Impact Assessment.

Clarifications and Questions:

If you have any questions or require clarification regarding the proposal documents or the requirements of the project/opportunity, please contact the procuring officer via email at xxx@brightonacademiestrust.org.uk and copy in the Finance Department by emailing tenders@brightonacademiestrust.org.uk, please include the subject line: "Proposal Query - [Project/Opportunity Title] - [Your Company Name]."

Contract Award:

The contract will be awarded to the supplier/contractor whose proposal is deemed to be the most advantageous to the University of Brighton Academies Trust based on the evaluation criteria.

The University of Brighton Academies Trust reserves the right to accept or reject any or all proposals received without giving any reason.

We look forward to receiving your proposal and potentially partnering with you on this project/opportunity.

Sincerely,

[Your Name]
[Your Title/Position]
University of Brighton Academies Trust
[Contact Email Address]
[Contact Phone Number]

Note: This RFP template is for illustrative purposes only. Please customise it to suit your projects specific requirements and include any additional information or details relevant to your project/opportunity. Remember also to ensure all documents issued are using the Trusts marketing templates.

Appendix Five: (E) Request for Quotation (RFQ) Template

Request for Quotation (RFQ) - [Project/Opportunity Title | Reference Number (if applicable)]

Date: [Date of RFQ]

Dear [Potential Supplier],

The university of Brighton Academies Trust is inviting you to submit a quotation for the following goods/services:
[Provide a brief overview of the project or opportunity, including the goods/services required and any specific requirements.]

Scope of Quotation:

Please provide a detailed quotation for the goods/services listed below:
Item 1: [Description, Quantity, Price, etc]
Item 2: [Description, Quantity, Price, etc]
Item 3: [Description, Quantity, Price, etc]
Add/remove items as required.

Eligibility and Qualification:

[Specify any specific eligibility criteria or qualifications that suppliers must meet to be eligible to submit a quotation.]

Quotation Submission Requirements:

a. Quotation Deadline: Quotations must be submitted by [Submission Deadline Date and Time]. Late submissions will not be considered.
b. Submission Method: Quotations should be submitted via email to [Email Address for Submission]. Please include the subject line: "Quotation - [Project/Opportunity Title] - [Your Company Name]."

Pricing and Terms:

a. Pricing: Provide a detailed breakdown of the pricing for each item listed in the scope of quotation. Include all applicable taxes, shipping, and any other charges.
b. Validity: The quotation must remain valid for a minimum of [specify the number of days] from the submission deadline.
c. Payment Terms: Specify the payment terms, including any advance payments or instalment arrangements if applicable.

Delivery Timeline:

[Provide an estimated delivery timeline for the goods/services.]

Clarifications and Questions:

If you have any questions or require clarification regarding the RFQ or the requirements of the project/opportunity, please contact the procuring officer via email at xxx@brightonacademiestrust.org.uk and copy in the Finance Department by emailing tenders@brightonacademiestrust.org.uk, please include the subject line: "Quotation Query - [Project/Opportunity Title] - [Your Company Name]."

Confidentiality:

All information provided in response to this RFQ will be treated as confidential and used solely for the purpose of evaluating quotations.

Data Protection:

In cases where the project involves processing the personal data of employees or pupils, the selected supplier will have the responsibility to provide a Data Protection Impact Assessment. Alternatively, the supplier can work collaboratively with the Procuring Officer to complete the Trust's Data Protection Impact Assessment.

Contract Award:

The contract will be awarded to the supplier whose quotation is deemed to be the most advantageous to the University of Brighton Academies Trust based on the evaluation criteria.

The University of Brighton Academies Trust reserves the right to accept or reject any or all quotations received without giving any reason.

We look forward to receiving your quotation and potentially working with you on this project/opportunity.

Sincerely,

[Your Name]
[Your Title/Position]
University of Brighton Academies Trust
[Contact Email Address]
[Contact Phone Number]

Note: This RFQ template is for illustrative purposes only. Customise it to suit your projects specific requirements and include any additional information or details relevant to your project/opportunity. Remember also to ensure all documents issued are using the Trusts marketing templates.

Appendix Five: (F) Non-Disclosure Agreement (NDA) Template

This Non-Disclosure Agreement ("Agreement") is entered into on [Date] between:

[NAME OF COMPANY RECEIVING INFORMATION], a company registered in [England] under company number [number on Register of Companies] whose registered office is at [address of office on the Register of Companies]
(the Recipient)
and
University of Brighton Academies Trust, a company registered in England and Wales under company number 7185046 whose registered office is at The Burgess Hill Academy, Station Road, Burgess Hill, West Sussex, RH15 9EA
(the Discloser)

1. The Discloser intends to disclose information (the Confidential Information) to the Recipient for the purpose of [insert details e.g. project details] (the Purpose).

2. The Recipient undertakes not to use the Confidential Information for any purpose except the Purpose, without first obtaining the written agreement of the Discloser.

3. The Recipient undertakes to keep the Confidential Information secure and not to disclose it to any third party [except to its employees [and professional advisers] who need to know the same for the Purpose, who know they owe a duty of confidence to the Discloser and who are bound by obligations equivalent to those in clause 2 above and this clause 3.

4. The undertakings in clauses 2 and 3 above apply to all of the information disclosed by the Discloser to the Recipient, regardless of the way or form in which it is disclosed or recorded but they do not apply to:
    a. any information which is or in future comes into the public domain (unless as a result of the breach of this Agreement); or
    b. any information which is already known to the Recipient and which was not subject to any obligation of confidence before it was disclosed to the Recipient by the Discloser.

5. Nothing in this Agreement will prevent the Recipient from making any disclosure of the Confidential Information required by law or by any competent authority.

6. The Recipient will, on request from the Discloser, return all copies and records of the Confidential Information to the Discloser and will not retain any copies or records of the Confidential Information.

7. Neither this Agreement nor the supply of any information grants the Recipient any licence, interest or right in respect of any intellectual property rights of the Discloser except the right to copy the Confidential Information solely for the Purpose.

8. The undertakings in clauses 2 and 3 will continue in force [indefinitely.] [for [insert number] years from the date of this Agreement.]

9. This Agreement is governed by, and is to be construed in accordance with, English law. The English Courts will have non-exclusive jurisdiction to deal with any dispute which has arisen or may arise out of, or in connection with, this Agreement.

Executed and Delivered as a Deed by [name of Recipient] acting by [name of director], a director, in the presence of:

Signed by Director

Signed by Witness

Name of Witness

Address of Witness