
A Guide To Doing Business With The Council



A great place to live, work & play

Version Date – Sept 2019

CONTENTS

[1. Introduction](#)

[2. Rules That Govern How Councils Do Business](#)

[3. Issues That May Affect You When Doing Business with Us](#)

[4. Stages of the Tender Process](#)

[5. Issues to Consider](#)

[6. Types of Tender Procedures Used](#)

[7. GDPR](#)

[8. Electronic Procurement](#)

[9. How Do We Notify Suppliers of Tendering Opportunities?](#)

[10. Contacts](#)

[11. Useful Links](#)

A Guide to Doing Business with the Council

1. Introduction

Scarborough Borough Council accounts for spend of around £30 million per year with suppliers on various works, goods and services, providing businesses of all sizes with a wide range of commercial opportunities. Whatever the size of your business, there will be opportunities to supply us.

This Guide has been produced to:

- Assist suppliers and contractors to understand the obligations placed on councils in the procurement of goods, works and services.
- Direct suppliers and contractors where to find the opportunities to supply councils.
- Explain how to bid for council work.

So what are the benefits to you of working with us?

Councils are:

- Fair
- Non - discriminatory
- Professional
- Prompt to pay
- Long established organisations

Broadly speaking here are some of the typical purchases that we may make during a typical year:

Supplies and Services

Courier services
Cleaning materials
Computer hardware and software
Corporate and protective clothing
Insurance services
Utilities
Grounds Maintenance

Telephony
Furniture
Vehicle purchases
Print
Transport
Building materials (plumbing, electrical etc)
Office stationery, equipment & consumables

Works

Building renovation/maintenance
Building repairs (roofing, plumbing, electrical, glazing)

Construction (new build)

Consultancy

Regeneration
Environment
Planning

Architectural/engineering
Business
Construction

2. Rules That Govern How Councils Do Business

Council and Financial Rules

Scarborough Borough Council has to comply with its constitutional requirements, including Contract and Financial Regulations, plus all relevant law that applies to public procurement exercises.

European Law

At present all public sector organisations must follow European law on Public Sector Procurement. The EU Procurement regulations require us to follow detailed procedures for all procurements above certain financial thresholds. The thresholds for **total contract** value (i.e. over the whole period the contract is in place) are:

- for Supplies and Services - £181,302
- for Works - £4,551,413

These thresholds were set on 1 January 2018 and are subject to review every two years. For contracts at or above those thresholds, some of the basic rules are summarised below:

- A specific tender notice must be placed in the supplement to the Official Journal of the European Union (OJEU) and the opportunity advertised by other suitable means as appropriate.
- Tenders must be invited in accordance with one of the prescribed procedures, with minimum time-scales to ensure that interested parties are given a reasonable time to respond to adverts and prepare submissions.
- Once awarded, any contract covered by the full regime of the EU Directives must have a mandatory “standstill” period of at least 10 calendar days before contract work commences.
- Finally a contract award notice must be placed in the OJEU. Unsuccessful contractors can also request feedback on why they were unsuccessful.

Post Brexit

Immediately after Brexit, existing UK regulations on procurement – which implement EU Directives – will continue to apply.

After this, there will be more freedom for the UK to set/change its own procurement rules. Such freedom to change the rules may be restricted by any international agreements that the UK chooses to make, with the EU and other countries.

The UK Government is already taking steps to maintain the UK’s membership of the WTO Agreement on Government Procurement (GPA), which involves an ongoing commitment for the UK to open up certain higher value public procurement opportunities to other countries, in exchange for their public procurement markets being opened up in a similar way.

We do not yet know what the UK’s trade relationship will be with the EU after the UK leaves, including in relation to procurement. As well as mutually opening up procurement as parties to the GPA, further commitments could be made as part of a UK-EU trade agreement or another arrangement between the UK and EU.

Best Value

Best Value is an opportunity for the councils to rethink the way in which services are delivered. Under the provisions of the Local Government Act 1999, we must make

arrangements to secure continuous improvement in the way our functions are exercised, having regard to a combination of economy, efficiency, and effectiveness. Any successful tenderer will be required to provide a service in accordance with this principle.

3. Issues That May Affect You When Doing Business with Us

All councils have a variety of policies relating to for example health and safety, care of the environment, sustainability, and equality through procurement, and urge suppliers to establish policies in these areas. You will be expected to adhere to such policies when submitting quotations and to show evidence of compliance with such policies if invited to submit tenders. We will assess compliance as part of any tender evaluation. We would require suppliers to comply with all current legislation e.g.

- RoHS (the restriction of the use of certain hazardous substances in electrical and electronic equipment)
- HWR (Hazardous Waste Regulations) and other regulations such as the WEEE (Waste Electrical and Electronic Equipment) Directive.

Health & Safety

All councils are committed to ensuring the health, safety and welfare of their employees and that of all others affected by their undertakings. Contracts to supply goods or services will only be awarded to contractors who can satisfy council requirements in terms of resources required and their health and safety competence. Successful contractors and suppliers are expected to demonstrate compliance with current health and safety legislation including:

- commitment to the health and safety of its employees, client and others
- up to date health and safety policies and procedures
- adequate risk assessment procedures
- adequate system of monitoring and reporting accidents, incidents and ill health
- access to competent health and safety advice

Contracts are monitored to ensure compliance with contract standards and health and safety requirements.

Social Value

All public authorities are committed to acting in a socially responsible way and to influence others with whom we work with to do the same. In accordance with the Social Value Act 2012 we must consider social value in our decisions.

It is increasingly important to secure the maximum possible value for every pound of public money we spend. This means taking into account the cost of each contract, but it also encompasses a broader evaluation of the value of each contract, including the wider social, economic and environmental outcomes each contract can deliver.

We are committed to and we expect our suppliers/contractors to be committed to:

- Supporting the local economy, including through any sub-contracting

- Create employment and economic sustainability – tackling unemployment and facilitating skill development opportunities for residents e.g. apprenticeships
- Promote environmental sustainability – reduce wastage, limit energy consumption and procure materials from sustainable sources
- Use of environmental management systems e.g. ISO 14001
- Promotion of equality, diversity, social inclusion, fair and ethical trading practices
- Supporting local charities, community and sports clubs

4. Stages of the Tender Process

Bidding procedures for council tenders and contracts often seem testing, but each stage is necessary, as councils must award every contract on the basis of getting value for money for local taxpayers.

The following illustrates a typical procurement process within a council for a significant procurement, **typically but not always over the value of £50000**. (For contracts of a value less than £50000 invitations are generally invited on a less formal Invitation to Quote basis that may be openly advertised or restricted to a select number of suppliers)

Stage 1 - Defining the Procurement

The council defines its aims, decides what is needed and clearly specifies this, prepares the business case and then decides how the procurement exercise will be carried out. It will take account of market conditions, legislation and council policies and rules.

Stage 2 - Inviting Tenders

The council places adverts on its tendering portal, Contracts Finder (see Section 8) and by any other appropriate means. The tender documentation is made available to those suppliers who express an interest in the opportunity and invites them to submit a formal tender.

Stage 3 - Evaluating Tenders

The council evaluates the tenders against set standards (or criteria) relating to value for money which will have been agreed before any responses were received. In this way there is an objective assessment and comparison process to judge each tender against the others.

Stage 4 - Awarding the Contract

The council awards the contract to the supplier whose bid offers the most economically advantageous tender. Feedback to the unsuccessful suppliers will also be given.

Stage 5 - Performing and Managing the Contract

The Contractor performs the contract and the council manages it, checking and monitoring the contractor's performance throughout.

5. Issues to Consider

Potential bidders can increase their chances of being successful in their applications to carry out work for us if they pay attention to the following aspects of the process.

Do

- Keep an eye on the councils' tendering website, the Official Journal of the EU and Contracts Finder for tender notices.
- Study the entire tender documentation carefully ensuring you understand and meet all the requirements.
- Ensure you supply all the information and details asked for.
- Ensure your submission is returned before the deadline, as tenders are not accepted late.
- Contact the tendering authority if you require any further information.

Common Reasons for non-acceptance

- Tenders not received by the closing date for the receipt of tenders;
- Uncompetitive – failure to submit the most cost effective, best value offer;
- Not quoting a price for the specified product (and the alternative submitted is not the equivalent);
- Incomplete - not supplying all of the requested information; and
- Unsatisfactory references (performance), illegal activity or poor financial history.

6. Types of Tender Procedures Used

The following describes the typical tendering procedures adopted by Scarborough Borough Council for projects generally over the value of £50000.

Open Tender Procedure

Under this procedure, all respondents to a public notice advertising the specific contract must be invited to tender. An evaluation of both the tenderers and tenders is carried out at the same time, once tenders have been returned. Notices inviting suppliers to apply for tender documents for the contract will be published as required. The public notice sets out particulars of the proposed contract, invites interested parties to apply for tender documents and states the deadline for tenders to be received.

Restricted Tender Procedure

A restricted tender is where a shortlist of suppliers is drawn from respondents to a public notice for a specific contract. Invitation to tender for the contract is limited to suppliers who reply to this public notice and who meet predetermined selection criteria. This procedure can only be used for contracts above the EU Public Procurement Regulations threshold. Notices inviting suppliers to apply for inclusion on a shortlist for the contract will be published as is required

Competitive Dialogue

The competitive dialogue procedure, following an OJEU Contract Notice and a selection process, the authority then enters into dialogue with potential bidders, to develop one or more suitable solutions for its requirements and on which chosen bidders will be invited to tender.

Framework Agreements

A Framework is an agreement, normally involving more than one supplier, for the supply of a range of goods, works, or services. It is somewhat similar to an "approved list", but more legally sound.

A wide range of central purchasing bodies put in place frameworks which other public bodies, such as the Council, can access. These include YPO, ESPO and other regional purchasing bodies as well as the Crown Commercial Service on behalf of central government. Scarborough Borough Council makes some use of these arrangements with a call off, either by directly awarding a contract to one of the framework suppliers or by a mini competition, a tender involving all of the framework suppliers.

Scarborough Borough Council also lets its own frameworks for the use of its Council partners. Many higher-volume contract areas make use of framework agreements, for example:

- Reactive Property Repairs
- Security Guarding
- Clothing & PPE
- Lift Maintenance

Framework Agreements are put in place via a tender process, usually by either the open or restricted procedures described above. It is important to note that, by law, once this tender process has taken place and the Framework is established, no new suppliers can be added until the Framework expires, usually after four years. When a tender to establish a Framework Agreement is advertised, it is therefore particularly important to consider whether you wish to respond, as you may find future opportunities limited if you chose not to participate at that stage.

7. GDPR

The General Data Protection Regulation (GDPR) replaced the Data Protection Act (1998) on 25 May 2018. These changes affected all public and private organisations that process personal data and if you haven't already done so you should ensure that you are familiar with your new responsibilities the new legislation brings.

We're advising all of our suppliers to understand how GDPR affects them and the goods and services they provide. You can read more on the [Information Commissioner's Office](#) website.

Information on our responsibilities can be found at:-

[Scarborough Borough Council](#)

8. Electronic Procurement

YORtender/ProContract

The Yorkshire and Humber region has a single strategic procurement strategy under the leadership of YORprocure. A key element of that strategy is YORtender. This gives access to a procurement portal (ProContract) that enables us and you to communicate electronically on a number of procurement issues and opportunities including electronic tendering, rather than by way of the traditional paper based methods. ProContract is a web based portal, and anyone with an e-mail address and internet access can use it.

It provides details of all current tenders, along with contract award information. This is in addition to the main function of the site, which is to provide tenderers with the ability to download tender documents and then submit bids electronically. More specifically, electronic tendering could benefit you in a number of ways:

- Provide you with the flexibility to receive and send documents electronically.
- Reduce costs associated with producing and copying tender documents.
- Eliminate the postage, delivery, or courier costs.
- Ensure your tender is received on time.

Registration is free, and there are no annual subscriptions or document download fees to pay and now ProContract gives you access to opportunities from hundreds of public sector organisations across England.

For more information and to register visit <https://www.yortender.co.uk/>

Contracts Finder

As the single publishing portal for all public sector procurement opportunities, Contracts Finder makes it easier and more accessible for smaller businesses and voluntary or charitable organisations to do business with the public sector. It is also a critical part of delivering the government's commitments for transparency in procurement. The website was launched in February 2015 alongside the Public Contracts Regulations 2015.

The regulations require all UK public sector procurement opportunities and awards (above thresholds of £10,000 for central government bodies and £25,000 for wider public sector bodies) to be published on Contracts Finder.

However, where a contracting authority is satisfied it is lawful not to advertise an opportunity and chooses not to advertise the opportunity at all, the requirement to advertise on Contracts Finder does not apply to that contract. This may be the case where, for example, a contracting authority has a standing order stating that advertising is not required for contracts with a value below a certain amount, and there is no legal requirement to advertise the contract.

This means that, for example, if a contracting authority is dealing with a procurement worth £40,000; its standing orders state that contracts with a value below £50,000 need not be advertised; it is satisfied there is no legal requirement to advertise, and it does not voluntarily advertise the procurement, then there is no requirement to advertise the procurement on Contracts Finder.

Contracts Finder allows users to view and search opportunities that are currently open to tender, pipelines of potential procurement activity and awarded contracts. It also has a facility for buyers to engage with suppliers to check interest in and define future procurement needs ('early opportunity' notices).

9. How Do We Notify Suppliers of Tendering Opportunities?

Scarborough Borough Council will advertise a tender opportunity (depending on its value) in one or more of the following ways:-

- YORtender/ProContract
- Contracts Finder
- Specialist Trade/Professional Journals
- Official Journal of the European Union (OJEU)

10. Contacts

David Gomersall (Procurement Manager)

e: david.gomersall@scarborough.gov.uk

Dale Casson (Senior Procurement Officer)
e: dale.casson@scarborough.gov.uk

Chris Winson (Procurement Officer)
e: chris.winson@scarborough.gov.uk

11. Useful Links

GOV.UK

<https://www.gov.uk>

Crown Commercial Service

<https://www.gov.uk/government/organisations/crown-commercial-service>

Tenders Electronic Daily (TED)

<https://ted.europa.eu/TED/main/HomePage.do>

YORtender/ProContract

<https://www.yortender.co.uk/>

Contacts Finder

<https://www.gov.uk/contracts-finder>

Contract Procedure Rules

[Scarborough Borough Council](#)

Yorkshire Purchasing Organisation (YPO)

<https://www.ypo.co.uk/>

Eastern Shires Purchasing Organisation (ESPO)

<https://www.espo.org/Home>