

## **BARNHAM AND EASTERGATE PARISH COUNCIL**

### **PROCUREMENT POLICY**

#### **1. Procurement Values**

Barnham and Eastergate Parish Council (the Council) will strive to obtain best value for all goods, materials and services which it purchases. "Best value" will be defined as a balance of price, quality of product and supplier services. The Council will operate a transparent procurement process in accordance with its Financial Regulations and Standing Orders for all procurement.

- The Council will purchase locally wherever possible and where best value can be satisfied
- In evaluating "best value" the past record of the supplier will be taken into account and this does not always mean that the Parish Council should select the lowest quotation
- The Council will purchase Fair Trade good where possible
- The Council will purchase re-cycled goods or less environmentally damaging materials where they meet the required functional standard and will have regard to project and sustain the environment
- Procurement activities will comply with the Council's Financial Regulations and follow guidance in the NALC Procurement Toolkit where possible
- Tender opportunities will be promoted on the Council's website to encourage tenders from local community and the local SME sector
- The Council will look favourably upon organisations that pay the Living Wage as set by the Living Wage Foundation

#### **2. Current EU Procurement Thresholds**

These thresholds are valid from July 2016 and are subject to change every year. The Council is also obliged to follow some basic principles.

For supplies and services over a specific contract value, a tender notice must be placed in the Official Journal of the European Union (OJEU) to give all providers within the EU an opportunity to tender.

Tenders must be invited in accordance with one of the prescribed procedures either Open, Restricted, Competitive with Negotiation, Competitive Dialogue, Innovation Partnership or Light Touch Regime. Each of these procedures imposes minimum timescales cover the tender activities to ensure that reasonable time is given to interested parties to respond to advertisements and prepare submissions

#### **3. National Rules**

Whilst there is no prescription on local authorities to tender out specific services all councils have a duty under best value legislation as laid down by Part 1 of the Local Government Act 1999 to fundamentally review their services and make arrangements to ensure continuous improvement, having regard to economy, efficiency and effectiveness.

#### 4. Thresholds and Procedures

| Estimated contract value | Contract requirements  |
|--------------------------|--|
| £500 - £2999             | <ul style="list-style-type: none"> <li>The Clerk/RFO shall strive to obtain 3 estimates detailing priced descriptions of the proposed supply</li> </ul>  |
| £3,000 - £29,999         | <ul style="list-style-type: none"> <li>The Clerk/RFO shall obtain 3 written quotations detailing priced descriptions of the proposed supply</li> </ul>   |
| £30,000 – OJEU threshold | <ul style="list-style-type: none"> <li>A formal tender process shall be followed</li> <li>A contract shall be advertised on the Parish Council website and/or other public advertisement as determined by the Parish Council.</li> <li>Where the Council intends to procure or award a public supply contract, public service contract or public works contract as defined by (“the Regulations”) within The Public Contracts Regulations 2015 which is valued at £25,000 or more, the Council shall comply with the relevant requirements of the Regulations. The regulations set out that:<br/><i>The Council must (within 24 hours) also advertise an invitation to tender on the Government’s Contracts Finder Website and must have the contract details available on the internet AND there must be no pre-qualification stage in such a contract. After the contract has been awarded, whether or not it has been advertised on Contracts Finder at the Invitation to Tender stage, the Council must publish on the UK Government’s Contract Finder Website: the name of the contractor, the date on which the contract was entered into; the value of the contract; and whether to contractor is a SME or a VCSE. Every public contract which a local council awards must contain the following ‘suitable provisions’: The authority must pay the contractor within 30 days of getting a valid and undisputed invoice. (And undue delay in considering and verifying an invoice is not to be regarded as sufficient justification for failing to regard an invoice as valid and undisputed.) Every contract which permits sub-contracting must contain similar 30- day payment provisions.</i></li> <li>The Parish Council shall refer to The Public Contracts Regulations 2024 for all contracts over £30,000 to ensure requirements are followed.</li> </ul> |
| Over OJEU threshold      | <ul style="list-style-type: none"> <li>OJEU thresholds – European legislation must be followed</li> <li>Professional support required by procurement regulations to do a full tender according to the EU/UK regulations</li> <li>EU Procurement Directive thresholds as at 1 January 2024:<br/>Supplies &amp; Services: £214,904<br/>Works: £4,551,413</li> </ul>  |

## 5. Formal Process for Contracts Exceeding £30,000

Subject to additional requirements in the financial regulations of the Council, the tender process for contracts valued at over £30,000 for the supply of goods, materials, services or the execution of works shall include, as a minimum, the following steps:

1. A specification for the goods, materials, services or the execution of works shall be drawn up;
2. An invitation to tender shall be drawn up to confirm (i) the Council's specification (ii) the time, date and address for the submission of tenders (iii), the date of the Council's written response to the tender and (iv) the prohibition on prospective contractors contacting Councillors or staff to encourage or support their tender outside the prescribed process;
3. **The invitation to tender shall be advertised** for all contracts over £30,000 on the Parish Council website, along with any other manner that is appropriate including local press or new circulation;
4. Tenders shall be submitted in writing in a sealed marked envelope addressed to the Clerk;
5. Tenders shall be opened by the Clerk in the presence of at least one Councillor after the deadline for submission of tenders has passed;
6. Tenders are to be reported and considered by the appropriate meeting of the Council. Decisions on contracts awarded over £25,000 must be made by the full Council;
7. The Council is not bound to accept the lowest value tender;
8. Where the contract is likely to exceed £214,902 (or other threshold specified by the Office of Government Commerce from time to time) the Council must consider whether the Public Contracts Regulations 2006 (SI No. 5, as amended) and the Utilities Contracts Regulations 2006 (SI No.6 as amended) apply to the contract and, if either of those Regulations apply, the Council must comply with EU procurement rules;
9. When applications are made to waive procedures relating to contracts to enable a price to be negotiated with competition the reason shall be embodied in a recommendation to the Council.