



EMMAUS

CATHOLIC MAC

Competitive Tendering / Procurement Policy

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Post holder responsible	Chief Finance and Operations Officer

Commitment to Equality:

We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these. policies are reviewed regularly in this regard.

This Competitive Tendering / Procurement Policy has been approved and adopted by Emmaus Catholic Multi Academy Company on 01.09.24 and will be reviewed in September 26.

Signed by Director of Emmaus Catholic MAC: *J Griffin*

Signed by CSEL for Central Team: *S Horan*

This policy relates to all Emmaus school's.



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DEFINITIONS

The Company's standard set of definitions is contained at [Definition of Terms](#) – please refer to this for the latest definitions.

1. AIMS AND SCOPE

1.1 This policy aims to ensure that:

- Emmaus Catholic Multi Academy Company 'the MAC' funds are used only in accordance with the law, its articles of association, its funding agreement and the Academy Trust Handbook.
- The MAC funds are used in a way that commands broad public support.
- Value for money (economy, efficiency and effectiveness) is achieved.
- Directors fulfil their duties and responsibilities as charitable trustees and company directors.
- Conflicts of interest are managed adequately and appropriately.
- The MAC has open and transparent procurement procedures.
- The MAC commit to ensure funds are directed to support the children at all times and create the best outcomes for our pupils.

1.2 This policy includes procedures for open tenders. This approach allows anyone to submit a tender to supply goods or services required and offers an equal opportunity to any organisation to submit a tender.

2. LEGISLATION AND GUIDANCE

2.1 The Academy Trust Handbook states that Academy Trusts are required to have a Competitive Tendering Policy and ensure that the Public Contracts Regulations (PCR) procurement thresholds are observed.

This policy is based on:

- Academy Trust Handbook
- Department for Education (DfE) guidance on buying procedures and procurement law
- The Public Contracts Regulations 2015
- The Charity Commission Guidance

2.2 This policy also complies with our funding agreement and articles of association.

3. ROLES AND RESPONSIBILITIES

3.1 **Directors** will ensure that:

- Spending decisions represent value for money.
- The MAC's funds are used in a way that commands broad public support.
- Relevant legal or professional advice (such as an external auditor or professional tendering consultant) is used, where appropriate.
- Goods or services provided by individuals or organisations connected to the MAC are provided at no more than cost.

- Nobody connected to the MAC, directly or indirectly, uses their position or connection to the MAC for personal gain.
- Where any Director has a pecuniary interest in a procurement decision, they exclude themselves from the process and records (e.g., meeting minutes) show that they had no influence on the decision.

3.2 **Resources Committee**

Director's delegate competitive tendering responsibilities to the Resources Committee and the Chief Finance and Operations Officer (CFO)

The committee is responsible for reviewing the MAC's tendering processes, and for reporting to Directors on tenders.

The committee is responsible for reviewing and approving all expenditure which require the use reserves.

Expenditure on goods and services will be authorised by the Resource committee in accordance with 'Emmaus Scheme of Delegation Finance and Operations Matrix'.

3.3 **Audit Committee**

The audit committee exercises the powers and duties delegated by the Board of Directors in relation to the financial administration of the Company.

The committee is responsible for reviewing the MAC contracts and SLA's.

At each meeting of the Board of Directors the Audit Committee will report on decisions taken under their delegated powers.

The purchase of goods and services, in line with the agreed authorisation levels outlined in 'Emmaus Scheme of Delegation Finance and Operations Matrix', will be authorised by the audit committee and reported to the Company's Board.

3.4 **The Accounting Officer (Catholic Senior Executive Leader)**

The accounting officer must have oversight of financial transactions, by:

- ensuring the Company's property and assets are under the Directors control, and measures exist to prevent losses or misuse.
- ensuring public procurement regulations are followed, adhered to and secure value for money.
- keeping full and accurate accounting records to support their annual accounts.

3.5 CFO (Chief Finance and Operations Officer)

The board must appoint a chief financial officer (CFO), who is (and whose job title may instead be) the trust's finance director, business manager or equivalent, to whom responsibility for the trust's detailed financial procedures is delegated.

The Chief finance and Operations Officer (CFO) is responsible for:

- Ensuring appropriate financial governance and risk management arrangements are in place
- Preparing and monitoring budgets
- Providing information to the Resources Committee and Directors, as appropriate
- Overseeing and supporting competitive tendering
- Controlling and tracking financial exposure
- Reviewing the MAC annual contracts
- Reporting to Directors on annual contracts
- Reviewing the MAC preferred supplier list
- Reviewing the MAC service level agreements

4. PURCHASE THRESHOLDS

4.1 Low to high-value purchase thresholds

Purchase levels are divided into the following:

- Low-value purchase £0 - £10,000
- Medium-value purchase £10,001 - £25,000
- High-value purchase £25,001 - £100,000
- High-value purchase (**Emmaus tender purchase**) £100,001 – PCR Threshold (£213,477 22/23 LEVEL)

4.2 PCR Procurement Threshold

If it is estimated that the cost of a contract is above the PCR threshold for procurement spending, the MAC will seek professional advice to ensure it runs a PCR compliant buying process and will seek professional advice with regards to any contract prior to signing. The current PCR threshold for all goods and most services is £213,477.

The MAC may opt to use a procurement consultant to support with tenders. If the MAC procures the service of a consultant to support with the tender the MAC must ensure the tender is PCR compliant.

5. APPROVAL AUTHORITY

BUDGETED CONTRACT LEVEL	CONTRACT VALUE	DAY TO DAY RESPONSIBILITY	FINAL SIGN OFF AUTHORISATION	COMMITTEE
Low	£0 - £10,000	Principals, School Improvement Lead, Business Managers / Partners, Site Teams, Teachers and Support Staff	Principals, School Improvement Lead	
Medium	£10,001 - £25,000	Principals, School Improvement Lead, Estates Lead, Lead Business Partner, Business Managers / Partners.	CSEL, CFOO	Resources and LGB
High	£25,001 - £100,000	Principals, Estate Lead, Lead Business Partner, Business Managers / Partners	CSEL, CFOO	Resources And LGB
HIGH Emmaus Tender	£100,001 - £213,477 (below the PCR procurement threshold)	CFOO, Estates Lead, Lead Business Partner, Principals, Business Manager / Partners.	CSEL, CFOO	Resources And LGB
Over the PCR procurement threshold	Over £213,477	CFOO, Principals	CSEL, CFOO	Resources

- 5.1 Any contract value of £10,000 and over must be supported by 3 written quotations unless similar works have been carried within the MAC during the previous 12 months. In which case these quotes can be utilised to demonstrate best value. Orders that rely on previous quotes within the year must be within similar thresholds as quotes received previously. Any increases over above basic inflation during the year must be tested as with all other purchase orders.

Any contract value between £1,000 and £10,000 must show that best value was considered and an exercise to look at other providers has taken place. This can be in the form of screen shots, catalogue pricing or previous quotations from the same supplier.

6. FRAMEWORK AGREEMENTS

- 6.1 Where possible, we will use a framework agreement to contract suppliers. These are arrangements that a contracting authority, such as a public sector buying organisation, makes with suppliers. The benefits of frameworks are that they have already been through a competitive tender process and they have favourable terms and conditions. In addition, the framework provider may offer advice and support.
- 6.2 Depending on the framework we choose, we will either pick the best value supplier from a list, or run a mini-competition between listed suppliers. In either case, we will follow the DfE guidance on procurement to ensure good practice. The reasons for the choice of framework, and for the choice of supplier, will be clearly recorded.
- 6.3 The Chief Finance Officer has the delegated authority to choose whether to use a framework agreement and which framework to use and must report the decision and, the framework agreement to the Resources Committee. The MAC will only approve a DfE approved framework and the CFO must be confident, and able to evidence, the framework requested is an approved DfE framework prior to approval and reporting to the Committee.

7. VALUING CONTRACTS

- 7.1 The value of a contract will be determined by calculating the estimated whole-life value of the goods, works or services, including any related fees.
- 7.2 For fixed term contracts with an option to extend the term, the value of the contract will be the price of the fixed term plus the potential extension period.
- 7.3 We will not divide a single contract into smaller contracts to bypass the purchase thresholds.

8. EVALUATING TENDERS

- 8.1 Tenders will be evaluated against the criteria and weighting outlined in the tender document. These criteria will include:
- Cost
 - Quality
 - Delivery
 - Performance
 - Risk
- 8.2 We may specify additional criteria based on the type of tender, as outlined in the tender document.

9. CONFLICTS OF INTEREST

- 9.1 We will report all contracts and other agreements with related parties to the Education and Skills Funding Agency (ESFA) in advance of the contract or agreement commencing.
- 9.2 Related parties include persons and entities with control or significant influence over the academy trust, and members of the same group (e.g. parent and subsidiary companies, key management personnel and close family members). This description is not comprehensive. See section 33 of Financial Reporting Standard 102.
- 9.3 The trust will obtain the ESFA's prior approval for contracts and other agreements for the supply of goods or services to the trust by a related party where any of the following limits arise:
- A contract or other agreement over £40,000
 - A contract or other agreement of any value that would mean the cumulative value of contracts and other agreements with the related party exceeds, or continues to exceed, £40,000 in the same financial year ending 31 August.

10. TENDERING PROCEDURE: LOW OR MEDIUM-VALUE PURCHASES

- 10.1 When making low or medium-value purchases without a framework agreement, the trust will use the process outlined below.
- **Create a specification** – a specification document will set out what suppliers need to understand about what we are looking to buy, including the quality, quantity and delivery date.
 - **Compare suppliers** – a comparison of different suppliers, including their reputation, will help the trust develop a shortlist of at least 3 suppliers we want to approach for a written quote.
 - **Assess quotes** – an award criteria will be developed to assess suppliers' quotes. Criteria may include:
 1. How well the supplier meets our specification
 2. The whole-life cost of the contract, which may include:
 - The sale price of the goods, works or services
 - VAT
 - Delivery charges
 - Maintenance costs
 - Running costs
 - The cost of removing and disposing of an item or service once we no longer need it
 3. Whether there will be price increases or decreases over the life of the contract
 4. Value for money
- 10.2 Each aspect of the criteria will be scored on a scale of 1 to 5, with 5 being the highest score. A record of how the quotes are evaluated will be kept.
- 10.3 Business Managers / Partners will evaluate quotes with support from the finance team if unsure.

10.4 When we contact suppliers, we will send them:

- The specification
- Deadlines for quotes and when decisions will be made
- Instructions for how to ask clarification questions about the specification

10.5 **Place an order** – when the best value quote is identified, we will send the supplier a purchase order, which includes details of the:

- Goods, works or services we are purchasing.
- Price
- Delivery address
- Delivery deadline and any other important dates
- Payment schedule

11. TENDERING PROCEDURE: HIGH-VALUE PURCHASES

11.1 The trust will make high-value purchases without a framework / procurement consultant only in rare circumstances and only with legal support. When this does happen, we will use the process below.

11.2 **Create a specification** (see section 10)

11.3 **Assess the market** – we will prepare for the tendering process by developing our knowledge of the market. We will find out how many suppliers are available and the best way to advertise our contract to a range of suppliers.

11.4 **Check the school's position in relation to the PCR procurement thresholds** (see section 4)

11.5 **Develop a contract** – a contract will include terms and conditions, service levels expected a contract management plan and an exit strategy.

11.6 **Reduce the number of bids** – to reduce the number of bids the trust needs to evaluate, we will either use an expression of interest process to gauge interest in the contract or a pre-qualification questionnaire.

11.7 **Establish how we will assess quotes** – we will set out criteria that will allow us to evaluate which of the suppliers' bids best meets the requirements in our specification and is the most economically advantageous tender that best combines cost and quality.

11.8 **Create a timeline for the tender process** – this will include the dates of the clarification period, the deadline for submitting tenders and the date we expect to award the contract.

11.9 **Prepare an invitation to tender** – this will include:

- A covering letter with a timeline for the process.
- Instructions on how suppliers can ask clarification questions and submit their tender.
- The specification.

- A pricing schedule.
- The contract's terms and conditions.
- Contract management requirements (see 'develop a contract' above)
- Award criteria, including the scoring system and any weightings.
- If appropriate, an invitation for suppliers to give a practical demonstration of their goods, works or services

11.10 Advertise the contract – the contract will be advertised where suppliers are likely to look, such as:

- The Find a Tender service – this is a requirement if the contract is over the PCR procurement threshold
- The government's Contracts Finder service
- Local or national newspapers
- Education publications or websites
- Trade magazines

11.11 Run the tender process and provide clarifications

11.12 Evaluate tender responses – at least 2 people will independently score and evaluate each bid, and then compare notes after completing their evaluations; records of decision making and moderation decisions will be kept

11.13 Notify suppliers and award the contract

11.14 Finalise the contract (and advertise the award, if the contract was advertised in Contracts Finder or the Find a Tender service)

11.15 Abandoning the tender process – on very rare occasions we may need to halt the tender process. Should this occur, we will notify suppliers who are preparing their bids as soon as possible.

11.16 Any contract values for goods or services over £50,000 must follow the Emmaus tender process. This includes multi-year contracts where the total value exceeds £50,000.

11.17 The CSEL and CFOO must sign off all Emmaus tenders prior to them being submitted.

11.18 All Emmaus tenders should be reported at the relevant school LGB and the Resources Committee.

12. PROCUREMENT EXEMPTION

- 12.1 The Board of Directors reserve the right for the Chair of the Board to form a Procurement Exemption Committee in situations that pose an immediate risk to the MAC.
- 12.2 The Accounting Officer and the Chief Finance and Operations Officer must prepare a paper setting out the risk and present it to an emergency committee meeting. The emergency committee must include the Chair of the Board and the Vice Chair of the Board and if possible one additional director and should be brought to the notice of the Full Board as soon as possible.
- 12.3 The committee meeting must be clerked, and the minutes saved for audit purposes.
- 12.4 The CFOO is responsible for managing the project and ensuring the contract specification is met.
- 12.5 The CFOO must consider value for money at all times and if possible, find comparisons to recommend the service to the Board of Directors.
- 12.6 The CFOO must obtain references for the supplier, at least one must be from an education establishment.
- 12.7 Emergency contracts must not exceed 12 months and a full procurement / tender exercise must be completed based on the value of the contract within the 12 months period.

13. RECOGNISED FRAMEWORK AGREEMENTS

- Church Marketplace
- YPO – Public Sector Framework
- ESPO
- Crescent Purchasing Consortium – recognised Dfe frameworks
- Buying for Schools – Gov.uk approved frameworks
- Crown Commercial Services

All frameworks to be utilised by the MAC must be recognised by the Dfe and evidence to show this must be included within the tender pack to support the approval from the CFO.

14. RECORD KEEPING

- 14.1 Records will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and Data Retention Policy.

15. MONITORING ARRANGEMENTS

- 15.1 The Chief Finance and Operations Officer (CFO) is responsible for the implementation of this policy.

15.2 This policy will be reviewed and approved by the board of trustees every 2 Years and/or when PCR procurement thresholds change.

16. LINKS WITH OTHER POLICIES

- Accounting Policies
- Investment Policy
- Related Party Transactions Policy
- Reserves Policy

