



“Unlocking the Future”

## TKAT Procurement and Competitive Tendering Policy

<b>Policy Level and Description:</b>	1	<u>TKAT Statutory Policy</u> NO CHANGES TO THE CORE TEXT ALL Schools require a policy on this topic/area. Only changes to highlighted sections are allowed to the core text – changes will be limited to school name and very limited school-specific details - LGBs to adopt, implement and monitor this policy.	
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<b>Approved by: (Trust Committee/Trust Board)</b>	FAPPP	<b>Approved by: (LGB/LGB Committee)</b>	Resources and finance Committee
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**Contents**

**1. Aims and scope** ..... 3

**2. Legislation and guidance**..... 3

**3. Purchasing Approval delegation**..... 3

**4. Preparing to buy** ..... 5

**5. Routes to buy** ..... 7

**6. Assessing bids** ..... 9

**7. Conflicts of interest** ..... 9

**8. Raising orders**..... 11

**9. Managing contracts** ..... 11

**10. Record keeping** ..... 12

**11. Monitoring arrangements** ..... 12

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*We are a family of distinctive schools at the heart of the diverse communities we serve. In line with our Christian ethos, we aspire to excellent learning and pastoral care for pupils and staff and are committed to being open and welcoming to all.*

## **1. Aims and scope**

This policy aims to ensure that:

- The Keys Academy Trust (TKAT) funds are used only in accordance with the law, its articles of association, its funding agreement and the Academy Trust Handbook
- The trust's funds are used in a way that commands broad public support
- Value for money (economy, efficiency and effectiveness) is achieved
- Conflicts of interest are managed adequately and appropriately
- The trust has open and transparent procurement procedures
- All staff involved in procurement are aware of the procedures they must follow
- Procurement procedures are compliant with procurement legislation

This policy includes procedures for open tenders. This approach allows any supplier who is qualified and eligible to submit a bid to supply goods, works or services required and offers an equal opportunity to any supplier to submit a proposal.

## **2. Legislation and guidance**

This policy is based on:

- The Academy Trust Handbook
- Department for Education (DfE) guidance on buying for schools
- Department for Education (DfE) guidance on managing conflicts of interests, related party relationships and related party transactions
- Procurement Act 2023

## **3. Purchase thresholds**

The staff of TKAT and its schools must make their buying decisions in accordance with the principles of best value, probity, accountability and fairness.

### **3.1 De minimis level**

Purchase orders do not need to be raised for services or goods with a value up to £2,000.

### **3.2 Low to high-value purchase thresholds**

Purchase levels are divided into the following:

- Low-value purchase: £2,000 – £4,999
- Medium-value purchase: £5,000 – £40,000
- High-value purchase: over £40,000, but below the public procurement threshold

### 3.3 Public procurement threshold

If it is estimated that the cost of a contract is near to or above the threshold for public procurement spending, the trust will seek legal advice to ensure it runs a buying process compliant with the Procurement Act 2023. The current thresholds are:

➤ **£207,720** (inclusive of VAT) for the supply of goods and services

➤ **£5,193,000** (inclusive of VAT) for works

A 'light touch contract', with a higher threshold of **£663,540, inclusive of VAT**, applies for some contracts that are specifically for certain social, health, education and other public services provision. We will seek legal advice to determine if any procurement run by the trust qualifies as a light touch contract.

### 4. Approval Authority

The approval limits are set out in the Trust Finance Manual. They are:

CONTRACT LEVEL	CONTRACT VALUE
De minimis	Up to £2,000
Low	£2,000 - £4,999
Medium	£5,000 – £40,000
High	Over £40,000, but below the PCR procurement threshold
Over the PCR procurement threshold	Over £214,904
'Light touch regime'	Over £663,540

#### 4.1 Financial Approval delegation school level

CONTRACT VALUE	APPROVAL LEVEL
UP TO £500	School Budget Holder
Up to £1,000	Operation Manager/Business Manager/Trust Finance Acct
Up to £2000	School Deputy Headteacher
Up to £5000	Headteacher for sponsor school
Up to £12,000	Head of school

CONTRACT VALUE	APPROVAL LEVEL
Up to £25,000	Headteacher
Over £25,000	LGB with delegated authority

#### 4.2 Financial Approval delegation Trust Level

CONTRACT VALUE	APPROVAL LEVEL
UP to £10,000	TKAT CFO & COO
Up to £40,000	TKAT CEO
Up to £100,00	TKAT Finance Committee
Over £207,720	TKAT Board of Trustees
Over £5,193,000	TKAT Board of Trustees
Over £663,540	TKAT Board of Trustees

### 5. Preparing to buy

To secure best value and maintain records of the decision-making process, all staff involved in procurement decisions must follow this policy and the stated process for each new procurement.

#### 5.1 Write specification

This is required for all purchases over £5,000. The specification should set out relevant requirements, including:

- Product/works/service description
- Technical specifications
- Quantity
- Quality
- Delivery schedule

For higher value purchases, it may be appropriate for the trust to conduct soft market testing by speaking to suppliers at this stage. Any information provided to suppliers at this stage will also be shared with suppliers who bid later. The specification will not favour the suppliers we have spoken to.

#### 5.2 Value of contract

The value of a contract will be determined by calculating the estimated whole-life value of the goods, works or services, including:

- The price of the goods, works or services
- VAT
- Delivery charges
- Ongoing maintenance costs
- Running costs
- Cost of removing and disposing of an item or service when it's no longer required

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.

We will not divide a single contract into smaller contracts to bypass the purchase thresholds as set out in section 3.

The cost will affect which buying process we use.

### **5.3 Business case**

A business case will be required for purchases over £40,000. This must be approved by the relevant delegated authority.

The business case should include:

- Draft specification
- Estimated cost
- Any opportunities to work with other schools/trusts

### **5.4 Identify route to buy**

Following the DfE guidance on buying for schools: how to buy what you need, we will follow 1 of the below 5 routes to buy, according to the value of the contract:

- **Route 1:** framework agreement for goods and services (all values)
- **Route 2:** use catalogues (low value)
- **Route 3:** get quotes from at least 3 suppliers (low or medium value)
- **Route 4:** run a buying process inviting suppliers to submit bids (for high value contracts below public procurement threshold)
- **Route 5:** run a buying process compliant with the Procurement Act 2023 (high value contracts above public procurement threshold)

Routes 3, 4 and 5 will only be used if we cannot meet our requirements through a framework agreement.

See section 5 for more detail on each route.

## **6. Routes to buy**

### **6.1 Framework agreements (route 1)**

Where possible, we will use a framework agreement to contract suppliers for purchases of all values.

Framework agreements are arrangements that a contracting authority, such as a public sector buying organisation, makes with suppliers. Framework agreements are the preferred route, as:

- They have already been through a tender process
- They have favourable terms and conditions
- The framework provider may offer advice and support

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, where we will ask each supplier to submit their bid and we will then select the best one.

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.

The CFO and COO have the delegated authority whether to use a framework agreement and which framework to use.

### **6.2 Catalogues for purchasing low value goods (route 2)**

To buy goods under the low value threshold, we will use catalogues to compare similar products and choose the supplier that meets our requirements and offers best value for money.

If possible, we will use the following DfE reviewed catalogues:

- CCS purchasing platform – technology products including laptops, smartphones, accessories and software, and office machines that print, scan, or copy (multi-functional devices)
- ESPO – a range of goods including stationery, art and crafts, classroom resources, furniture, office essentials, sports equipment, and presentation and display equipment
- YPO procurement product catalogue – a range of products from UK suppliers, including pens and paper, storage, computers, audio visual equipment, and furniture

Staff are also free to carry out their own research and find alternative suppliers, if these offer better value for money.

Approval for the purchase should be sought from the budget holder before placing any orders with the chosen supplier.

### **6.3. Getting quotes for low and medium-value purchases (route 3)**

We will use this process if we cannot meet our requirements through a framework or a catalogue.

We will secure quotes from at least 3 suppliers. These will be assessed following the process set out in section 7.

All suppliers will be provided with the same information which will include:

- The specification
- Date by which we require the quote
- When our decision will be made
- How the supplier can ask questions about what we're buying or our process

- If needed, a link to the trust's terms and conditions

We will assess the quotes using the award criteria provided to the suppliers and proceed to place the order.

#### **6.4 Tendering procedure for high-value purchases under the public procurement threshold (route 4)**

The trust will only follow this process if our needs cannot be met through a framework agreement.

To ensure we secure good value, we will follow DfE guidance and seek specialist support as necessary.

To initiate the procurement the trust will advertise a requirement notice. This notice will be publicly accessible and provide details of the following:

- The specification
- Evaluation criteria
- Submission deadlines, including a timeframe for the clarification period

The requirement notice will be published at least 25 days before the submission deadline to ensure adequate time for suppliers to prepare their bids, if all tender documents are provided at the same time AND submissions are electronic.

There will be a clarification period of 10 days to allow potential suppliers to seek clarification on the procurement requirements and seek further information. Suppliers must submit their questions in writing. Where permitted to do so, all questions and responses will be documented and shared anonymously with all interested suppliers to ensure transparency and equal access to information.

Tendering processes specific to the trust are:- Catering, Cleaning and Energy Supplies

Tenders will be assessed following the process set out in section 7.

#### **6.5 Tendering procedure for high-value purchases over the public procurement threshold (route 5)**

The trust will only follow this process if our needs cannot be met through a framework agreement.

We will follow DfE guidance and seek specialist support as necessary to ensure that the process the trust runs is compliant with the Procurement Act 2023.

All members of staff involved in this process must have completed the appropriate [training on the Procurement Act 2023](#).

Tenders will be assessed following the process set out in section 7, taking into account appropriate legal advice and additional requirements for purchases over the public procurement threshold.

## **7. Assessing bids**

Before beginning a buying process that requires quotes or bids to be assessed (routes 1, 3, 4 and 5), we will determine appropriate award criteria to decide which bid best meets the specification and other factors such as price, speed and quality. These award criteria will be made available to all bidders.

The exact criteria will vary depending on the chosen procurement route. For purchases over the public procurement threshold (route 5), we will seek legal advice at this stage to ensure we meet the additional requirements for assessing bids.

Each criterion will be assigned a:

- Range of scores – such as 1 to 5, with 5 the highest
- Weighting – a figure to multiply the score by, depending on the importance of the criterion

Using the criteria, bids and quotes will be assessed independently by at least 2 members of staff, who will then compare scores, discuss any differences, and reach a final agreed score.

Bids must be submitted by the deadline specified in the tender notice. Any late submissions will not be considered.

We will:

- Not open any bids/quotes before the deadline
- Treat all bids/quotes fairly and equally
- Record how decisions are made
- Keep confidential, secure, auditable records
- Award the contract to the highest scoring bidder

### **7.1 Notification of award**

We will notify both successful and unsuccessful bidders in accordance with the notification requirements specified in the applicable guidance for procurements below or above the threshold.

### **7.2 Contract finalisation**

We will work closely with the winning bidder to ensure a smooth transition from the bidding process to contract execution.

There will be no commitments, and no work shall begin until both parties have signed the contract.

## **8. Conflicts of interest**

### **8.1 Register of interests**

The trust's register of interests sets out the business, financial and other interests of our members, school trustees, local governors, senior employees and their close family.

The register of interests must be updated as soon as:

- Any changes in interests are declared or identified
- There are changes to the academy trust's members, trustees, governors or senior employees

## 8.2 Identifying and declaring conflicts of interest

Those responsible for the procurement of goods or services for the school and trust will review the register of interests to identify conflicts before starting the procurement process.

A conflict of interest arises in a procurement context where there is a conflict between the interests of the person acting in relation to the procurement process and those bidding in relation to the procurement. It is where someone involved has a personal or professional interest that could influence, or be seen to influence, their decisions.

Any potential conflicts of interest in a procurement, arising from a direct or family connection, must be declared and kept under review.

Any trust member, trustee, governor or member of staff who believe that a conflict of interest has not been declared must report this to the TKAT CFO.

All conflicts of interest – both actual and perceived – will be managed in accordance with our articles of association.

Any person involved in a procurement process must withdraw from any discussion and must not vote on any procurement decision where they have a conflict of interest.

Declarations of interest are on the agenda at every board and committee meeting of the trust. Any conflicts of interest must be declared, including where the conflict would result in no personal gain but might result in the appearance of bias.

We have a clear division of duties between staff responsible for making buying decisions and those making payments

Bids will always be assessed by staff without a conflict of interest

Where necessary to avoid any appearance of actual or potential bias, bids will be anonymised prior to being assessed

Any individual within the trust with a conflict of interest must not be involved in any part of the procurement process.

TKAT will take all reasonable steps to ensure that a conflict of interest does not put any supplier at an unfair advantage or disadvantage.

## 8.3 Related party transactions

All related party transactions must be managed in accordance with this policy.

Where there is doubt about what constitutes a related party relationship, advice should be sought from an appropriately qualified professional.

Before conducting a related party transaction, we will:

- Perform thorough **due diligence** to ensure the transaction:
  - Is conducted with honesty, integrity and openness, aligning with the 7 principles of public life
  - Is in furtherance of the objects of the trust
  - Is in the best interests of the academy trust and benefits pupils
  - Demonstrates value for money, having thoroughly evaluated other options
  - Complies with the principles for managing public money
  - Does not compromise the trust's integrity or cause reputational damage.

For all related party transactions, we will:

- **Report** all contracts and other agreements with related parties to the DfE, in advance of the contract or agreement commencement/renewal
- Seek **approval** for any related party transactions where a contract or other agreement exceeds £40,000 from the DfE before confirming the transaction with the related party
- Maintain clear, secure, and auditable **records** of all related party transactions, including:
  - The identification and nature of the relationship that gave rise to a conflict of interest
  - The measures taken to mitigate it
  - The rationale for the decision to proceed
  - Follow-up actions taken to evaluate the goods or services against the agreed standards
- Disclose all transactions with related parties in accordance with charity law and DfE requirements
- Declare all related party transactions, regardless of value, in our annual financial statements

Any related party transactions with the following must be **at cost** only:

- Members or trustees or their companies
- Individuals or organisations related to a member or trustee including:
  - Close family members
  - Any individuals or organisations in partnership with a member or trustee, or their relative
  - A company in which a member, trustee or relative has more than 20% of the share capital or voting rights
  - An organisation controlled by a member, trustee or relative
- An individual or organisation that has the right to appoint a member or trustee
- A sponsor of the trust

## 9. Raising orders

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
- Delivery address
- Delivery deadline and any other important dates
- Price and Payment schedule

## 10. Managing contracts

We will seek legal advice before entering a contract.

The trust maintains a contract register that is regularly shared with trustees to make them aware of any upcoming milestones and provide them an opportunity to scrutinise and, if necessary, challenge procurement plans.

## **11. Record keeping**

Records will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and Data Protection policy. Records relating to procurement processes over the public procurement threshold must be kept for at least 3 years from the date of the award of the contract.

## **12. Monitoring arrangements**

The TKAT Chief Financial Officer is responsible for the implementation of this policy.

This policy will be reviewed and approved by the board every 2 years. It will also be reviewed whenever public procurement thresholds or legislation changes.

## **13. Links with other policies**

This procurement and competitive tendering policy is linked to the following policies/manuals:

- Finance Manual
- Investment
- Data Protection Policy