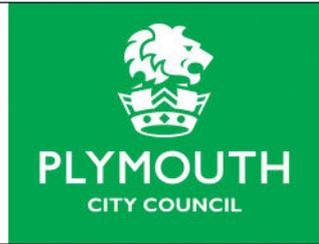


HOW TO DO BUSINESS WITH THE COUNCIL

Strategic Procurement



A GENERAL GUIDE FOR SUPPLIERS AND CONTRACTORS

1. About this guide

This guide has been produced to assist suppliers and contractors who wish to supply Plymouth City Council with goods, materials, services or works. Advice within this guide should also be helpful when bidding for any public service contract. It helps in the following ways:

- Outlines the rules that the Council must follow
- Alerts companies to the opportunities to supply the Council
- Explains how to bid for Council work
- Advises of the other contacts within the Council that companies may need to make
- Gives details of organisations that can assist businesses to become e-enabled

The Council encourages competition and welcomes bids from new and established suppliers.

Tenders are assessed on cost and quality and contracts are then awarded on a value for money basis. Whilst the Council cannot discriminate in favour of locality, we are committed to supporting and encouraging local firms to compete for contracts.

2. What are the benefits of working with the Council?

We are:

- Fair
- Non-discriminatory
- Professional
- A long established organisation
- Prompt to pay

If any company is interested in pursuing business opportunities with the Council they should register as a supplier on the following portals: -

PCC Opportunities (Below £100k)

For low value procurements the Council will request quotations from suppliers who have been approved on Sell2Plymouth. To register as a supplier on Sell2Plymouth please use the following link www.sell2plymouth.co.uk ensuring you complete the 2-step registration and detail any relevant company accreditations in the box specified. This portal is not only used by PCC, it is also utilised by local NHS Trusts and Plymouth University to source suppliers.

The supplier guide http://www.plymouth.gov.uk/sell2plymouth_supplier_guide.pdf will assist you in completing stage 2 of the registration process.

Tender Opportunities (Above £100k)

Plymouth City Council advertises tender opportunities, along with a number of other South West local authorities, on <https://www.supplyingthesouthwest.org.uk>

Signing up to the Devon Procurement Portal

Visit <https://www.supplyingthesouthwest.org.uk> (Please ensure you use your internet web browser and not a search engine such as 'Google' or 'Yahoo').

- Click to enter the 'Suppliers Area' at the top of the page.
- Click 'Register for Free'.
- Follow the Supplier Registration process
- Please ensure that you register against all categories (CPV Codes) that relate to your business. To view CPV codes please visit www.bipsolutions.com/cgi-bin/cpv.cgi.
- You will receive automatic e-mails as soon as your application is approved. These e-mails will contain your username and initial password details.
- Please revisit the site entering your initial login details. You will then be asked to change your password to one of your own choice. Please ensure you keep your username and password somewhere safe but accessible, Plymouth City Council can not give you these details.
- Save the 'ProContract Suppliers Area' link to your internet favourites for easy access

A number of supplier user guides for the new site are located in the bottom right-hand corner of the 'ProContract' home page.

3. How much does the Council spend?

As the second largest city on the south coast of England and, after Bristol, the largest in the south west, Plymouth has a resident population of 258,000 and a further 100,000 in its travel-to-work area.

In 2012/13 the Council spent in excess of £126.9 million on the procurement of goods, services and works.

Effective procurement supports the Council's aims of providing high quality, value for money services, which meet the current and future needs of residents.

4. Strategic Procurement Unit

The Strategic Procurement Unit, led by Jane Keeley (Strategic Procurement Manager) has a small team of professionally qualified and experienced procurement officers to advise the Council on procurement and develop processes and procedures for the cost effective purchase of all goods and services.

The team is also tasked with conducting tendering activities for all major corporate contracts.

If you log onto the Council's website and search for Procurement you will find our webpage; www.plymouth.gov.uk/strategicprocurementunit.

If you have a procurement related query then you can e-mail procurement@plymouth.gov.uk and a member of the Strategic Procurement Unit will endeavour to assist.

5. How to find out about opportunities

The Council maintains a corporate contracts register, listing many of the Council's contracts; this will be updated and available on the Procurement page of the Council's website (see above link).

It should be noted that whilst a corporate contract remains in place for a specific commodity all orders for this commodity must be placed with the contracted supplier. These contracts have been placed to achieve best value for money for the Council. However, it is worthwhile looking at the Contract Register to find the end date of the contract as it is likely that at this date the contract will be re-tendered.

Goods and services contracts over £172,514 and works contracts over £4,322,012 have to be purchased in line with the EC Procurement Directives (there are some exemptions e.g. Part B Services such as Personal Care Services) and are also advertised in the Official Journal of the European Union (OJEU). These contracts can be viewed at www.ted.publications.eu.int/official/.

Tenders are advertised on the Devon Procurement Portal

<https://www.supplyingthesouthwest.org.uk> Brief instructions on using this website will be issued by the Procurement department on request. The website is used by a number of South West Councils to advertise their tendering opportunities, so it could prove beneficial for you to check this website on a regular basis.

6. Freedom of Information (Fol)

The Freedom of Information Act 2000 came into force on 1 January 2005. The Act establishes a right of access to all recorded information held by a public authority, subject to some exemptions. Anyone from anywhere can make a request for information under the Act, so what impact will this have on public sector procurement? – For further information see Appendix A.

7. Public Services (Social Value) Act 2012

The Social Value Act, which became law in March 2012 and came into force in January 2013, introduced a statutory requirement for local authorities, alongside other public bodies, to consider economic, social and environmental well-being in public services procurement.

The Act applies to contracts for the provision of services and framework service agreements, or the provision of services together with the purchase or hire of goods or the carrying out of works. The Act only applies to those contracts above the EU threshold, this includes Part B services.

Social value considerations can be applied to the procurement of goods and works or those below the EU threshold, although the Act does not apply.

8. What is the Tendering process?

The tender process is used for procurements greater than £100,000. A formal document which sets out the proposal and requirement for the provision of goods, services or works is advertised on the Devon Procurement Portal and allows suppliers to submit their offer detailing how they intend to meet the requirements

The Council's chosen tender method is the restricted process which is a two-stage process whereby potential suppliers can express an interest in bidding, by completing a pre-qualification questionnaire (PQQ). The PQQ includes a brief specification of requirements (SOR). The submissions are evaluated and a shortlist is then drawn up from the evaluation exercise for the purpose of inviting bids.

The purpose of the PQQ and SOR is to assess the potential suppliers' suitability to supply the Council and their ability to satisfy the contract before tenders are issued. Only suppliers meeting the required threshold will be invited to tender, thereby saving time and effort being unnecessarily spent on completing tenders by a supplier or contractor.

It is important that companies supply all of the requested information and respond by the due date. In general the information requested provides basic details about an organisation, verifies that it can be identified as a legitimate discrete trading organisation (address of office, registration number and company group information), that it has acceptable levels of economic and financial standing and that it promotes good practice in areas of equal opportunities, environmental protection and health and safety.

Areas assessed can be summarised as follows:

Financial Information

Companies will be asked to provide financial information relating to each of the last two years. Private limited companies and public limited companies must submit fully audited accounts as registered with Companies House. Other applicants should forward copies of financial statements, business plans or a certified statement of turnover.

This information is used to assess the financial position of the company in relation to the size of the contract. Information is also required to check that a company is registered (if appropriate) for tax and complies with the Council's insurance requirements.

As a general rule the Council will not award a Contract to a supplier that equates to more than 25% of their annual turnover.

In high risk contracts where non-performance could result in significant financial loss or where operational performance is crucial, companies may be required to submit a Parent Company Guarantee or a Performance Bond.

Experience and technical ability

This information will be used to assess whether a company has the relevant experience and technical ability to carry out the categories of work or to provide the type and quality of service required. References will be required for an application for a specific contract.

Further questions may be asked tailored to the needs of the individual contract. The responses and supporting evidence will be used to assess whether a company has the required level of skill and abilities to tender. You may also be asked to provide references, which may be taken up.

Health and Safety

Depending upon the nature of the goods, services or works, organisations may be required to submit their Health and Safety Policy, which refers to Health and Safety legislation. The level of Health and Safety compliance checking is dependant on the type of works or services being procured.

The Council recognises that if a company is registered with the Contractors Health and Safety Scheme (CHAS), its Safe Working Systems are deemed satisfactory and means there is no need for the vetting procedure normally carried out by our Council. Copies of registration certification and relevant documentation are to be forwarded with any tender application to speed up the process.

Criminal Records Bureau (CRB) Disclosure

When a contractor is to perform works in a location where there are vulnerable people involved, like schools and homes for the elderly, they will be required to provide evidence of Criminal Record Bureau disclosures for all personnel who would be employed within these areas.

This forms part of the Council's risk management strategy and without this information a company will not be allowed to carry out works where vulnerable people are present.

Procurement and Equality of Opportunity

Plymouth City Council is committed to meeting its legal duties under the six strands of equality. Our aim is to eliminate discrimination, promote equality of opportunity and promote positive relations in the delivery of all services. The Council is responsible for meeting its duty on all functions, including those, which are carried out by an external supplier.

All organisations wishing to provide services on behalf of the Council must be able to demonstrate that all reasonable practicable steps are taken to allow equal access and equal treatment in employment and service delivery for all.

Questions may be asked about how racial equality issues are included in a company's employment practices. Copies of the Council's Equal Opportunities Policies and the Council's Race Equality Scheme are available on request from the Council.

Quality assurance

For certain contracts organisations may have to show that they have a suitable quality assurance system in place, by producing certification by an approved assessment company or by our review and acceptance of the organisation's quality assurance manual.

Subject to compliance with European Procurement Rules and Regulations, other information may also be requested from companies.

If your business needs assistance in drafting any of these policies further help may be available from Business Link Devon & Cornwall on 0845 6009966 or visit www.blinkdandc.com.

Only the suppliers selected after PQQ evaluation will be invited to tender.

9. Tender evaluation and contract award

Returned tenders will be evaluated against the pre-determined criteria as specified in the tender documentation. Evaluation will focus on examining how the tender proposals will deliver the service (quality) and the cost of the service (price). The balance between quality and price will depend on the particular service area.

The Council will award the contract on the basis of the most economically advantageous tender. The successful and unsuccessful tenderer will be informed by letter.

10. Debriefing

Whilst respecting commercial confidentiality, the Council will endeavour to offer unsuccessful tenderers feedback to find out why their bid failed. This information can be used to help with any future bids, being unsuccessful in one contract bid does not mean that a company will be unsuccessful in future. We recommend that if you are not successful in winning the tender you have participated in, that you request feedback as it will provide you with information that can help you improve your performance for your next attempt.

11. Contract performance

Suppliers and contractors to the Council are monitored to assess their compliance with pre-defined performance criteria. Contracts have to be performed in accordance with the requirements set out in the contract documentation.

Contract conditions will be strictly applied. The Council is continuously striving to improve its own performance and it expects its contractors to do the same.

12. Complaints procedure

The Council will adopt a variety of contract monitoring arrangements appropriate to the value and nature of each contract.

Most complaints will be discussed and resolved through these arrangements.

If any prospective contractor or supplier has a complaint about unfair treatment or discrimination that cannot be resolved through normal commercial contact with the Council, the complaint can be made in writing through the Council's Corporate Complaints Procedure. This procedure details the Council's policy for dealing with complaints and ensures that the Council acts promptly.

13. Local and smaller suppliers

The Council is committed to supporting and encouraging local and smaller organisations to compete for business and to improve their ability to meet the Council's requirements whilst complying with the requirements of EU Regulations, Contract Standing Orders and best practice guidance.

It is recognised that suppliers play an important part in government's core business. Although more than 50% of the UK private sector workforce is employed in small organisations (less than 50 employees), they are finding it increasingly difficult to compete for public sector contracts. In order to assist these organisations the Council's aims are to:

- Give guidance as to the processes and making sure they are kept up to date
- Keep tender documents simple to understand and jargon free
- Set realistic timetables
- Encourage suppliers to adopt supply chain management practices
- Encourage suppliers to adopt e-commerce systems that streamline processes, reduce administration time and enable the Council to make payment to suppliers sooner

14. Procurement rules and regulations

There are regulations at a European, national and local level which the Council has to follow when procuring goods, services and works and when establishing approved tender lists.

15. European rules

All public sector contracts, no matter what their value, within the European Union, are covered by a treaty which incorporates the free movement of goods and services and which prevents discrimination against firms on the grounds of nationality. The principles of the treaty are backed up by a series of EC Procurement Directives.

The directives and regulations require the Council to follow detailed procedures for all procurements above financial thresholds. The thresholds are reviewed every two years with the

latest review completed in January 2014 the threshold's are £172,514 for Supplies and Services and £4,322,012 for Works.

The Council must follow some basic principles:

- A specific tender notice must be placed in the supplement to the Official Journal of the European Union (OJEU) to give all suppliers in the EU an equal opportunity to tender
- Tenders must be invited in accordance with one of the prescribed procedures; open, restricted, competitive and negotiated. Each procedure imposes minimum timescales covering the tender activities to ensure that reasonable time to respond to adverts and prepare submissions is given to interested parties
- A notice of contract award must be placed in OJEU. Unsuccessful contractors must be debriefed if requested. Further information about the EC Procurement Directives can be viewed at www.simap.eu.int.

(Part B Services e.g. Personal Care Services are exempt, (a more detailed list can be found in Contract Standing Orders available on the Procurement webpage). However Contract Standing Orders state that any high value Procurement will follow the tendering process.

16. National rules

Whilst there is no prescription on local authorities to tender out specific services, the Council has a duty under Best Value legislation, introduced in April 2000 (Part I of the Local Government Act 1999) to review its services and make arrangements to ensure continuous improvement, with regard to economy, efficiency and effectiveness.

The Council recognises that effective procurement is at the heart of Best Value and that the Best Value review process will help deliver its commitment to provide the best possible services for the people of Plymouth.

17. Local rules

Procurement activity must also comply with the Council's Standing Orders. Only in exceptional circumstances may these be waived by the Council.

Procurements up to £100,000 for goods and services and up to £200,000 for works

There will be competitive quotations from at least three suppliers or, if this is not possible, from all capable suppliers. (Faxed or emailed quotations are acceptable for this purpose). Again consideration must be given to fair competition and operational efficiency.

Once quotations have been received and a supplier selected, Plymouth City Council will provide a purchase order. Suppliers should not supply any goods, services or works until a purchase order has been received, if they do so it is at their own risk. When suppliers raise an invoice for any goods, services or works provided they must ensure that the purchase order number is quoted on the invoice and sent to the Creditors Section of Plymouth City Council, (creditors@plymouth.gov.uk) failure to comply with this could result in a non or delayed payment.

In the case of emergencies and a verbal agreement being made between Plymouth City Council and the supplier, then the supplier must ensure that a confirmation order is received within 48hrs of the verbal agreement.

Contracts above £100,000 for goods and services and above £200,000 for works

The contract will be subject to competitive tendering and advertised on the Devon Procurement Portal (www.devontenders.gov.uk) stating the nature and purpose of the tender and stating the last date when tenders will be received. Tenders will be opened in the presence of a representative of the appropriate department and a representative of the Strategic Procurement Unit. Tenders will be evaluated and awarded on the basis of cost and quality.

18. Additional Information

Please be advised that you can find the following information on the procurement pages on the Plymouth City Council website at; www.plymouth.gov.ukstrategicprocurementunit

How to Do Business with Plymouth City Council

Contract Standing Orders

SME Concordat

Corporate Contracts register

19. Whistleblowing Policy

The Supplier shall comply with the Council's whistle blowing procedure, which ensures that employees of the Supplier are able to bring to the attention of a Relevant Authority malpractice, fraud and breach of Laws on the part of the Supplier or any Sub-contractor without fear of disciplinary and other retribution or discriminatory action.

The Council's Whistleblowing Policy can be provided upon request

Appendix A

Freedom of Information (Fol)

The Freedom of Information Act 2000 came into force on 1 January 2005. The Act establishes a right of access to all recorded information held by a public authority, subject to some exemptions. Anyone from anywhere can make a request for information, so what impact will this have on procurement?

What can people ask for?

Any individual, including the general public (here and overseas), company, organisation, pressure group and journalist, now has a right to ask for information from Plymouth City Council which may not have been made available before.

It does not allow access to personal information, which is covered by the Data Protection Act 1998.

What are the exemptions?

There are 23 exemptions but approximately 12 are applicable to local government.

There are two types of exemptions - absolute and qualified. An absolute exemption has application of the 'public interest test', a qualified exemption means we must decide whether the public interest in disclosing the information outweighs the public interest in maintaining the exemption.

The two exemptions that are most applicable to contractors' information are sections 41 and 44 of the Act.

What if you have marked the information "in confidence" or "confidential"?

The Council is very aware of the commercial sensitivity of information it holds on contracts and section 41 of the Act provides an absolute exemption where the disclosure of the information will constitute an actionable breach of confidence. This however is a very tightly defined area of law. Just because the Council has signed up to a confidentiality clause, or marked documents as confidential, does not make it a breach of confidence to disclose.

What about contractors' commercial interests?

The section 44 exemption allows information to be withheld where it constitutes a trade secret or where disclosure is likely to prejudice the commercial interests of any person (including the Council). It is important to note that this exemption is qualified and therefore subject to a public interest test.

There is no hard and fast rule on what is or is not commercially sensitive information. It depends on the nature of the information, the timing of the request and the circumstances.

Will contractors or suppliers be consulted if they are the subject of a Fol request?

The Council would always consult with suppliers or contractors if they were the subject of a Fol request, but as the Council has only 20 working days to respond, we would ask that any concerns are aired, within five days of being approached. This will allow us time to consider any application of the public interest test by our legal team.

Who has the final decision in what will be disclosed?

There is a Code of Practice on Discharge of Public Authority Functions under Part I of the act. One of the most important points in the Code is that the Council cannot “contract out” of our obligations under the Act and the final decision on disclosure rests with the Council.

Where can I get more information?

The link between Freedom of Information and contractors is complex. There is a more in-depth explanation of the Freedom of Information Act 2000 Plymouth City Council’s website www.plymouth.gov.uk or you can access a national source of information on www.ico.gov.uk/eventual.aspx.