

<b>Document Title</b>	<b>MLT Procurement and Competitive Tendering Policy</b>
<b>Author/Owner (Name and Title)</b>	Chief Finance Officer
<b>Version Number</b>	V3
<b>Date Approved</b>	7 <sup>th</sup> October 2025
<b>Approved By</b>	Finance, Audit and Risk Committee

<b>Policy Category</b> (Please Indicate)	<b>1</b>	<b>Trust/Academies to use without amendment</b>
	<b>2</b>	Academy specific appendices
	<b>3</b>	Academy personalisation required (in highlighted fields)

### Summary of Changes from Previous Version

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Note/Summary of Revisions</b>
V3	September 2025	NLI	<ul style="list-style-type: none"><li>• Minor changes to reflect the September release of the Academy Trust Handbook.</li><li>• Updated procurement and purchase threshold.</li></ul>

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## 1. INTRODUCTION

This policy aims to ensure that:

- All Trust's funds are used only in accordance with the law, its Articles of Association, Funding Agreement, and the Academy Trust Handbook.
- As an anchor institution the Trust adds social value to the communities it operates within and serves.
- The Trust has open and transparent procurement procedures.
- All procurement processes can demonstrate best value, in terms of the most advantageous combination of cost, quality and sustainability to meet the Trust requirements.
- Trustees fulfil their duties and responsibilities as Charitable Trustees and Company Directors.
- Conflicts of interest are managed adequately and appropriately.

## 2. LEGISLATION AND GUIDANCE

The Academies Trust Handbook states that Multi-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 the:

- Academy Trust Handbook.
- Department for Education (DfE) guidance on buying procedures and procurement law.
- The Public Contracts Regulations 2015.
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This policy also complies with the Trust's Funding Agreement and Articles of Association.

## 3. EXTENT AND APPLICATION

This policy applies to all spending on goods, services and works for and on behalf of the Trust, including ad-hoc one-off requirements and will be applied by any Trustee, Governor, or staff member, who is undertaking any purchasing or procurement activity on behalf of the Trust.

## 4. ROLES AND RESPONSIBILITIES

### TRUSTEES:

Trustees will ensure that:

- Wherever possible and considered appropriate, the MLT procurement should add social value to the local communities.
- Spending decisions represent best value.
- The Trust's funds are used in a way that commands broad public support.
- Relevant professional advice (legal, external audit) is used, where appropriate.
- Goods or services provided by individuals or organisations connected to the Trust are provided at no more than cost.
- Nobody connected to the Trust, directly or indirectly, uses their connection to the Trust for personal gain.

- Where any Trustee 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.

#### FINANCE, AUDIT AND RISK (FAR) COMMITTEE:

Trustees delegate procurement and competitive tendering responsibilities to the Finance, Audit and Risk (FAR) Committee. The FAR is responsible for:

- Overseeing the Trust's compliance with guidance on conflicts of interest and related party transactions.
- Ensuring compliance with tendering processes through approval and oversight.
- Waiver of financial regulations in respect of purchasing.

#### CHIEF FINANCE OFFICER (CFO):

The Chief Finance Officer is responsible for:

- Ensuring appropriate financial governance and risk management arrangements are in place.
- Preparing and monitoring budgets.
- Providing information to the Finance, Audit and Risk (FAR) committee and Trustees, as appropriate.
- Developing procurement strategy, overseeing, and supporting competitive tendering.
- Placing orders, entering contracts, and waiving financial regulations within the limits set out in the Scheme of Delegation and Financial Regulations.

#### FINANCE BUSINESS PARTNER (FBP):

The Finance Business Partner are responsible for:

- Approval of suppliers and related due diligence.
- Maintaining lists of approved suppliers and Trust-wide contracts.
- Contractor and supplier management.
- Competitive tendering, including market research and benchmarking.
- Identifying opportunities for savings.
- Working collaboratively to develop procurement policies and processes which establish effective controls and maximise value from suppliers.

## 5. PROCUREMENT PLANNING

Before a procurement process is planned, the following will be considered.

- Whether equipment can be loaned, or resources shared with another school / public body.
- The existence of opportunity for collaborative approval to increasing buying power.
- Any existing contracts or frameworks in place, including through the local authority or other purchasing consortium.

- Trust-wide contracts for category spend, enabling direct purchasing and avoiding the administrative costs and time involved in sourcing and purchasing goods and services with individual suppliers.

## 6. FORMS OF PROCUREMENT AND PURCHASE THRESHOLDS

The Trust's procurement thresholds are contained within the MLT Financial Regulations and set out below:

<b>Estimated Value (excl. VAT, except as stated)</b>	<b>Form of Procurement</b>	<b>Procurement Requirements</b>
To £5,000 (Low value)	Written Quotation (At least one written quote)	Order from approved supplier list wherever possible. A fixed quote or price must always be obtained before any order is placed. Each budget holder must consider value for money.  Two signatories required: Budget Holder and Finance Business Partner
£5,001 - £10,000 (Low to medium value)	Written Quotations (Three written quotes obtained)	Written quotation from three suppliers, or in exceptional circumstances a Single Supplier Approval (SSA). Select approved supplier wherever available. A record of the decision must be maintained. If Single Supplier Approval is required, this must be signed as agreed by the CFO/AO.  Signatories: As above plus Principal (Central Trust orders only) - As above plus Chief Finance Officer
£10,001 - £50,000 (Medium value)	Written Quotations (Three written quotes obtained)	At least three competitive written quotations, or in exceptional circumstances a Single Supplier Approval (SSA). Save evidence of quotations (as required by the central finance function) to support requisition approval. If Single Supplier Approval is required, this must be signed as agreed by the CFO/AO.  Signatories: As above plus Chief Finance Officer
£50,001 - £100,000 (Medium to High Value)	Framework Agreements (Either DFE/Approved Framework)  If in certain instances the Trust decides not to follow the framework route, it will engage in a competitive tender process.	It is recommended that for all transactions between £50,000 and £100,000 the Trust will use a DFE approved framework, if this is considered to meet requirements. There may be occasions when the Trust does not use a DFE or approved framework, particularly when there is the opportunity to support local suppliers/providers and to invest back into our local communities, but

		<p>this must be agreed by the CFO/AO, and the reasons for this decision must be recorded.</p> <p>Single Supplier Approval requires the agreement of the CFO/AO.</p> <p>Signatories: As above plus CEO</p>
<p>£100,001 to £200,000 (High Value)</p>	<p>Framework Agreements (Either DFE/Approved Framework)</p> <p>If in certain instances the Trust decides not to follow the framework route, it will engage in a competitive tender process.</p>	<p>It is recommended that for all transactions between £100,001 and £200,000 the Trust will use a DFE approved framework, if this is considered to meet requirements. There may be occasions when the Trust does not use a DFE or approved framework, particularly when there is the opportunity to support local suppliers/providers and to invest back into our local communities, but this must be agreed by the CFO/AO, and the reasons for this decision must be recorded.</p> <p>Single Supplier Approval requires the agreement of the CFO/AO.</p> <p>Signatories: As above plus Finance, Audit and Risk Committee</p>
<p>£200,000 to the Public Contracts Regulation (PCR) threshold for goods and services:</p> <p>Supplies and services £214,904 Works £5,372,609 Light Touch Regime £663,540</p> <p>NB. Light Touch Regime applies to works, supplies and services relating to education.</p>	<p>Framework Agreements (Either DFE/Approved Framework)</p> <p>If in certain instances the Trust decides not to follow the framework route, it will engage in a competitive tender process.</p>	<p>It is recommended that for all transactions between £200,000 and the PCR threshold, the Trust will use a DFE approved framework, if this is considered to meet requirements. There may be occasions when the Trust does not use a DFE or approved framework, particularly when there is the opportunity to support local suppliers/providers and to invest back into our local communities, but this must be agreed by the CFO/AO, and the reasons for this decision must be recorded.</p> <p>Single Supplier Approval requires the agreement of the CFO/AO.</p> <p>Signatories: As above plus Trust Board</p>
<p>Above the contract value set out for the purposes of the Public Contracts Regulations (PCR).</p>	<p>Framework Agreements (PCR Compliant)</p> <p>If a framework is not available, the Trust will engage in a competitive tender process.</p>	<p>For works above the PCR threshold, the Trust will ensure it follows compliant framework process, wherever possible. The Trust will always manage this centrally on behalf of schools and will seek legal advice/support as required.</p> <p>Signatories: As above plus Trust Board</p>

Whilst the Trust recommends the use of frameworks for all projects over £50,000, there will be the scope to invite local contractors/suppliers to engage in a competitive tender process in certain instances.

Additional guidance to support finance personnel and relevant Trustees/Governors with procurement arrangements, including rules outlined within the Public Contracts Regulations 2015 and the Treasury's guidance and hyper-links on managing 'Public Money 'is available in the Academy Trust Handbook, paragraphs 2.28 to 2.29.

## 7. SINGLE SUPPLIERS – PURCHASING ARRANGEMENTS

If the Trust or any of its Academies are unable to purchase goods or services through the above procurement routes, with the permission of the CFO and AO, procurement may be discussed with individual suppliers. Approval will only be given in limited circumstances.

- The spend is urgently required and delay would cause loss, injury, or damage. The urgency must be brought about by events that were unforeseeable by and not attributable to the Trust and which will result in loss or damage to the Trust if the suspension or exemption is not allowed; and/or
- The spend is of such a special nature that no advantage would be gained by inviting competitive tenders; or
- There is no effective competition because payment is fixed under statutory authority, or the item is a patented or proprietary article or is available from only one source.

For orders over £5,000 with a single supplier, the relevant single supplier form must be completed by the Academy and approved by the AO. The order should then be processed and approved as per the usual scheme of delegation. To ensure Academies adhere to these Financial Regulations, the Trust Business and Finance Partners will conduct monthly reviews of the procurement process to maintain value for money, regularity and transparency.

**Failure to follow the above procedures may result in the delegated responsibilities to the budget holder, being withdrawn.**

## 8. PROBITY AND BEST VALUE

The Trust's objective is to achieve 'best value' from all its purchases. We mean 'value' not in its narrow (financial) sense but in its true sense – recognising the importance of social, environmental and economic well-being across our communities and in our lives. This means that the Trust and its Academies will purchase what they need, with the correct quality, at the right time and at the best possible cost, adding social value to the communities it serves wherever possible. Any staff who undertake purchasing and procurement will ensure an economic, efficient and effective use of resources to ensure that spending represents best value. In this context: cost means consideration of the whole life costs, quality means meeting a specification which is fit for purpose and sufficient to meet the Trust requirements.

The CFO/BFP will refer to the DfE website, Buying for Schools, to benchmark purchases.

## 9. USING CONSULTANTS TO SUPPORT PROCUREMENT

The Maltby Learning Trust (MLT) may from time to time, require specialist consultants to support the procurement of large-scale projects, for example, capital building programmes, or large contracts such as Catering or Cleaning.

In deciding whether to work with external consultants, the CFO, Accounting Officer (AO) or FAR Committee will need to demonstrate that the services offer a clear advantage to the Trust and value for money. The cost of the services will be agreed in advance, either as a flat fee or as a percentage of the overall cost of the contract. A letter of engagement or an agreement signed between both parties should be put in place before work commences

## 10. SUPPLIERS

The CFO is responsible for maintaining a register of approved suppliers on the financial accounting system. Before entering any details to the approved list, the MLT Finance Manager will undertake a range of checks to establish the propriety of the supplier. This will include gaining confidence in their economic standing, ensuring they have not been convicted of any fraudulent activities and cross referencing with Business Interest declarations. The Trust encourages and values the use of local providers, wherever possible, and strives to build local connections through a range of networking events organised as part of the employer engagement agenda.

The CFO will also undertake a regular check of the business interest declarations against the register of suppliers to identify any potential contentious purchases. Where transactions could be deemed as novel, contentious or repercussive, the trust will request and ensure approval is granted by the DfE prior to any transaction being agreed as per the Academy Trust Handbook Paragraph 5.5. For any proposed purchases that involve a declared business interest, they should be referred to the CFO/AO.

The CFO/AO in consultation with the FAR Committee must decide whether to include the supplier in an open and fair procurement process. Following a decision to retain a connected party supplier, the CFO will circulate a list of connected party suppliers at the start of each year, or when there is a change in Members or Trustees.

Academies wishing to use suppliers that are not on the approved list should consult with the MLT Finance Manager to ensure that the relevant checks have been undertaken to confirm their authenticity. If a member of the Trust or Academy Finance team receives a letter or email correspondence informing that there has been a change in bank details, it is essential that this is confirmed by making a call to the supplier concerned using telephone details from the system. The following information must be recorded on the letter to confirm that the changes are accurate: date of the conversation; name and position of the individual confirming the change.

For suppliers that provide a service in relation to the repair and maintenance of buildings, the CFO or MLT Facilities Manager should be contacted for advice and support in ensuring that the contractor has the relevant qualifications to undertake the work.

For further information on protecting the Trust from exposure to fraudulent activities, staff should refer to the MLT Fraud Policy.

## 11. ROUTINE PURCHASING WITH A VALUE OF LESS THAN £5,000

A supplier will be chosen from the list of approved suppliers maintained on the financial accounting software. Before committing to a supplier, it is essential that the following actions are confirmed:

- A quotation or price for the goods or services must always be obtained for any order under the value of £5,000.
- A check of the government website 'Buying for Schools' to compare prices.
- That there are sufficient funds held by the Trust or Academy to meet the commitment to the supplier.
- If there are insufficient funds available, the order will be referred to the CFO to consider whether to commit the order to the financial accounting software.
- Before requesting that an official requisition be raised on the financial accounting software, reasonable steps have been taken to achieve value for money. Best value could be achieved by:
  - o Bulk purchasing of common consumables.
  - o Negotiating discounts.
  - o Taking advantage of sales seasons and avoiding peak times, for example, not to purchase computer hardware just before Christmas, ordering furniture during the summer term in preparation for the new academic year.
- The order has been approved by the person with the appropriate level of financial delegation.
- Following approval of the requisition, the order should be emailed to the supplier, alternatively, the supplier may be provided with the official order number obtained from the financial accounting software.
- An official requisition is only used for the purchase of goods and services provided to the Trust or one of its Academies. An official requisition must never be used for personal gain.
- Verbal telephone orders may only be made in exceptional circumstances; for example, by site staff who require emergency repairs out of normal working hours.

## 12. PURCHASING OF GOODS AND SERVICES BETWEEN A VALUE OF £5,001 AND £50,000

In addition to the above procedures for goods of less than £5,000 the Trust or its Academies must confirm the following:

- For goods and services with a value of £5,001 and £50,000, a minimum of three written quotations should be obtained.
- It is not a requirement for the lowest price to be accepted; however, the reasons for not accepting the lowest price will be recorded and kept with the documentation for future reference. Reasons for not accepting the lowest price may include, but are not limited to:
  - o Specification not being met.
  - o Delivery dates.
  - o Quality issues.
  - o Unsatisfactory references.

- If the order is via a pre-approved supplier and meets the following criteria, the need for 3 written quotes is waived:
  - a) The supplier has been successful in a full tender process within the last six months.
  - b) There have been no issues with the supplier's quality of work.
  - c) The total order value is less than £20,000.

### 13. PURCHASING OF GOODS AND SERVICES BETWEEN A VALUE OF £50,001 AND £100,000

For the procurement of all goods and services with a value of between £50,001 and £100,000 the approval of the CEO will be required. In most circumstances, orders of this value will be subject to a framework agreement or tendering process; however, in exceptional circumstances, the CEO may authorise the procurement of a service/product based on three written quotations if necessary. Details about framework arrangements and the tendering of goods and services are provided later in this document.

Where a contractual arrangement exists between the supplier and MLT, creating a legal obligation to make payment, for example, arrangements associated with the specialist provision, further approval will not be required subject to the original contract being approved in line with the MLT Financial Regulation Thresholds.

### 14. PURCHASING OF GOODS AND SERVICES BETWEEN A VALUE OF £100,001 AND £200,000

For the procurement of all goods and services with a value of between £100,001 and £200,000 the approval of the FAR Committee will be required. Orders of this value will be subject to a framework agreement or tendering process. Details about framework arrangements and the tendering of goods and services are provided later in this document.

Where a contractual arrangement exists between the supplier and MLT, creating a legal obligation to make payment, for example, arrangements associated with the specialist provision, further approval will not be required subject to the original contract being approved in line with the MLT Financial Regulation Thresholds.

### 15. PURCHASING OF GOODS AND SERVICES WITH A VALUE OF OVER £200,000

For the procurement of all goods and services with a value of more than £200,000, the Trust will engage with a framework agreement or competitive tendering process, and they will additionally require approval by the Trust Board. Where a contractual arrangement exists between the supplier and MLT, creating a legal obligation to make payment, for example, arrangements associated with the PFI contract, further approval will not be required subject to the original contract being approved in line with the MLT Financial Regulation Thresholds.

If procurement is over thresholds prescribed in schedule 1 of the Procurement Act 2023, it is subject to the full suite of regulations governing public contracts.

## 16. FRAMEWORK AGREEMENTS

Framework contracts are those where several suppliers have been pre-procured with all public sector rules complied with. Due to this it is possible to purchase directly from a framework without the need to complete a further procurement exercise, irrespective of the value being procured. In appropriate circumstances, this can be an efficient way of procuring goods and services as it reduces administration costs on the procurement as well as potentially securing value for money through pre-tendered low prices.

A framework agreement (or call-off agreement) is one where the terms of supply are fixed but it does not involve the supply of goods or services until an order is placed for the supply. Where appropriate, the Trust will use a framework agreement to contract suppliers.

Depending on the framework chosen, the Trust will either pick the best value supplier from a list or run a mini competition between listed suppliers. In either case, the Trust 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 use of a framework by the Trust ensures:

- Competitive pricing, benefiting from economies of scale and greater negotiating resource in compliance with the UK Public Contract Regulations 2015.
- Authorised suppliers on such contracts have been vetted for financial health, insurance status, trading references, health and safety, quality, and corporate and social responsibility policies.
- Redress: benefit from well-defined terms and conditions as well as support from the buying consortium should any issues arise.
- An existing framework provides adequate information on technical standards etc. and facilitates dialogue with approved suppliers, generating a more informed procurement decision and cost avoidance.
- Utilising these frameworks, The Trust is not obliged to undertake its own fully compliant tender exercise.
- 

When using a framework contract, it is essential that the Trust considers whether:

- The Trust is entitled to call off from the arrangement.
- The specification and the contract terms are suitable for the Trust's particular needs.

The Trust must follow the framework's guidance, particularly about how orders should be placed. This will generally permit either direct awards of contracts to a supplier (with justification) and/or a further round of mini competition between all suppliers with capacity to deliver the requirement on the framework.

When running a mini competition, the Trust will:

- Comply with the terms of the framework agreement.
- Decide how it will assess bids, following any rules stated within the framework.
- Decide the level of service required.
- Decide if it wants to run an expression of interest process.
- Send an invitation to tender to all suppliers who can provide what the Trust needs.
- Fairly assess all bids received.

- Choose the supplier that offers the best value for money.
- Award the contract to the winning supplier.

The CFO has delegated authority to choose whether to use a framework agreement and which framework to use.

## 17. TENDER PROCEDURES

There are three forms of tender procedure; open, restricted and negotiated and the circumstances in which procedure should be used are described below:

### OPEN TENDER

This is where all potential suppliers are invited to tender. The budget holder must discuss and agree with the CFO how best to advertise for suppliers, for example, general press, trade journals or to identify all potential suppliers and contact directly if practical. This is the preferred method of tendering, as it is the most conducive to competition and the propriety of public funds.

### RESTRICTED TENDER

This is where suppliers are specifically invited to tender. Restricted tenders are appropriate where:

- There is a need to maintain a balance between the contract value and administrative costs.
- Many suppliers would come forward or because the nature of the goods is such that only specific suppliers can be expected to supply the Academy's requirements.
- The costs of publicity and advertising is likely to outweigh the potential benefits of open tendering.

### NEGOTIATED TENDER

The terms of the contract may be negotiated with one or more chosen suppliers. This is appropriate in any of the following circumstances:

- Other types of tenders have been used and have not found any suitable suppliers.
- Only one or very few suppliers are available.
- There is urgent need for a service.
- Continuation with or additional requirements from the existing supplier are justified.

If a Restricted Tender is issued, then an invitation to tender will be issued. If there is a decision to pursue with an Open Tender, the invitation to tender may be offered after an initial enquiry.

## 18. DRAFTING THE TENDER INVITATION

Before issuing a tender to potential suppliers, consideration will be given to the following items in drafting the requirements:

- An introduction to the requirements of the goods or services required.
- Specific technical or quality conditions, including warranties, if required.
- Whether there are any specific qualifications required; in particular, if procuring a consultancy, advisory or delivery of a provision.
- The form of the contract, for example, length of the contract, options to extend, timeline for delivery of goods.
- Quality control procedures and goods return arrangements.
- Restrictions about access, for example, delivery of large items when the Academy is in session.
- How costs should be presented to ensure they can be compared and to ensure there are no hidden costs.
- Potential for discounts, following early settlement of the invoice.
- Whether there is potential for group buying to drive down the cost, are other Academies purchasing similar goods or services, for example, ICT hardware and software, SLA's such as HR, Educational Psychology.
- Whether references are required, financial checks on the stability of the supplier.
- Has the contractor provided good or services before, was the experience a positive one.
- Date and who the tender should be returned to; include information about whether hard copies are required, whether email tenders are accepted:
  - o All tenders with an expected value above £40,000 should be addressed to the Chair of the MLT.
- How the tenders will be evaluated, for example, scoring matrix, weighting of various factors included in the submission.

## 19. TENDERING PROCEDURE: MEDIUM TO HIGH VALUE PURCHASES (£50,001 TO £100,000)

When making 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 the purchase, 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 three suppliers to approach for a written quote.
- **Assess quotes:** Award criteria will be developed to assess suppliers' quotes. Criteria may include:
  - o How well the supplier meets our specification.
  - o The whole-life cost of the contract (price, delivery and maintenance costs, running costs and the cost of moving or disposing of items not needed).
  - o Whether there will be price increases or decreases over the life of the contract.
  - o Value for money.

Each aspect of the criteria should be scored, and a record kept of the evaluation. The choice of suppliers and evaluation of quotes will be supported by the CFO, under the oversight of the AO. NB. That the choice of suppliers should be pre-agreed with the CFO.

- When the Trust **contacts suppliers**, it will send them:

- The specification.
  - Deadlines for quotes and when decisions will be made.
  - Instructions on how to ask for clarification questions about the specification.
- **Place an order:** when the best value quote is identified, the Trust will send the supplier a purchase order, which will include details of the:
- Goods, works or services we are purchasing.
  - Price.
  - Delivery address.
  - Delivery deadline and any other important dates.
  - Payment schedule.

## 20. TENDERING PROCEDURE: HIGH VALUE PURCHASES (£100,000 +)

Where high-value purchases are made without a framework, legal support may be required. Where purchases are secured outside a framework, the process will be as follows:

- **Create a specification.**
- **Assess the market** – prepare for the tendering process by assessing knowledge of the market. Find out how many suppliers are available and the best way to advertise the contract to a range of suppliers.
- **Check the Trust's position in relation to the PCR procurement thresholds.**
- **Develop a service level agreement (SLA)** – an SLA sets out the standards of service expected from a supplier. Some suppliers may have their own SLAs, which the Trust will consider using on a case-by-case basis.
- **Develop a contract** – a contract will include terms and conditions, a contract management plan, and an exit strategy.
- **Reduce the number of bids** – to reduce the number of bids the Trust needs to evaluate. The Trust will either use an expression of interest process to gauge interest in the contract or a pre-qualification questionnaire.
- **Establish how quotes will be assessed** – set out criteria that will allow the Trust to evaluate which of the suppliers' bids best meets the requirements of the specification and is the most economically advantageous tender (the best combination of cost and quality).
- **Create a timeline for the tender process** – this will include the dates of the clarification period, the deadline for submitting tenders and the date of contract award.
- **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.
  - Any SLA requirements.
  - Contract's terms and conditions.
  - Contract management requirements.
  - 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.

- **Advertise the contract** – the contract will be advertised where suppliers are likely to look, such as:
  - o The 'Find a Tender' service – this is a requirement if the contract is over the PCR procurement threshold.
  - o The government's 'Contracts Finder' service.
  - o Local or national newspapers.
  - o Education publications or websites.
  - o Trade magazines.
- **Run the tender process and provide clarifications.**
- **Evaluate tender responses** – at least two 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.
- **Notify suppliers and award the contract.**
- **Finalise the contract** (and advertise the award if the contract was advertised in Contracts Finder or the Find a Tender service).
- **Provide a 'cooling off' period after awarding tender** – to allow unsuccessful suppliers time to issue a challenge or appeal.
- **Abandoning the tender process** – on very rare occasions the Trust may need to halt the tender process. Should this occur, we will notify suppliers who are preparing their bids as soon as possible.

## 21. TENDER ACCEPTANCE AND OPENING PROCEDURES

All tenders received by the due date, should be opened and recorded at the same time. If tenders are received by email communication, these should be directed to a designated address and held until the specified date for consideration/opening by the relevant persons. There should be a minimum of two persons present for the opening of the tenders:

- For Tenders up to £40,000, either the AO or CFO/Strategic Director must be present at the opening of the tender documents.
- For Tenders up to a value of £100,000, one of the above, plus the Chair or a representative from the FAR Committee should be present at the opening of the tender documents.
- For Tenders of a value over £100,000, a representative from the MLT Board must be present at the opening of the tender documents.

Those involved in the opening of the tenders should disclose whether there is a potential conflict of interest, if so that person must withdraw from the process.

Individuals involved in making the decision about which tender to accept should take care not to accept gifts or hospitality from the potential suppliers that could compromise or be seen to compromise their independence. Further guidance about gifts and hospitality can be found in the MLT Gifts and Hospitality Policy.

Once the documents have been opened, the following information should be recorded:

- The date and time of receipt of each tender.
- The names of all the suppliers/contractors that have submitted a tender.
- The contract value of each tender.

After opening the tenders, they will be evaluated against the scoring criteria and the reason for selecting the most economically and advantageous tender for the Trust/Academy.

In accordance with the Public Contracts Regulations, contracts must be awarded based on both quality and price. The Trust's choice is based on identification of the Most Economically Advantageous Tender based on the Best Price Quality Ratio, which must be assessed based on criteria linked to the subject matter of the contract. Weightings should be pre-agreed by the CFO or the AO. All tenders received should be retained for a minimum of 6 years.

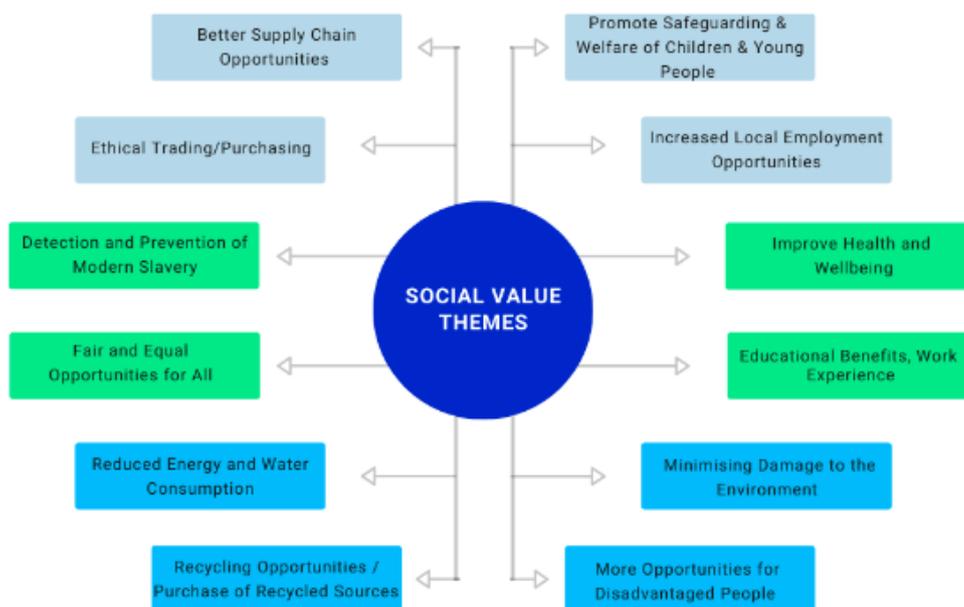
## 22. SOCIAL VALUE (VALUE ADDED)

Social value, also referred to as 'sustainable procurement', should not risk good value, but should in fact demonstrate value for money. Social value is the overall value that schools and MATs can gain from money that is spent on procurement.

The Trust will consider social value (or value added) as part of the procurement scoring criteria. We will embed a minimum of 10% for social value (value added) into all our framework agreements and competitive tenders as per the Social Value Act 2012. Social value in procurement is about ensuring that public spending generates additional economic, social and environmental benefits beyond just the goods or services being procured.

All Trust procurement should recognise the importance of economic, social, and environmental factors; and should include but not limited to, looking at what products are made of, where they have come from and who has made them.

Social value can present itself in many ways. Every procurement process is unique, but the social value should be relevant to the contract. There are many social values themes connected to contracts, as outlined below:



In most procurement processes, the suppliers will be encouraged to remove packaging at the point of delivery to us. The Trust will work with suppliers to ensure that they have robust recycling procedures in place and are actively addressing waste reduction across their organisation.

The Trust procurement processes will require suppliers or contractors to demonstrate how they can contribute to the carbon net zero targets and where they are on their decarbonisation journey. All procurement frameworks will require suppliers to provide a publicly available Net-Zero commitment.

## 23. MODERN SLAVERY

Modern Slavery is a known risk across global supply chains, and we recognise that we have an opportunity to mitigate this risk through our procurement solutions. All suppliers are required to fully comply with the Modern Slavery Act 2015 and will be required to confirm that they do so by accepting the terms and Conditions.

If a particular procurement exercise is considered high risk, then the Trust may require bidders to provide clarification of supply chains and ensure that suppliers demonstrate their methods of corporate social responsibility during the tendering and selection process, details of which may vary according to the project.

## 24. VALUING CONTRACTS

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 (excluding VAT).

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.

The Trust will not divide a single contract into smaller contracts to bypass the purchase thresholds.

## 25. LEASE ARRANGEMENTS

The Trust and its Academies should refer to the Academy Trust Handbook, paragraphs 5.25 to 5.28 for the latest information and guidance before considering or entering a lease.

Trusts must obtain DfE's prior approval for the following leasing transactions:

- Taking up a finance lease on any asset not on the DfE approved list for any duration from another party, which are subject to the borrowing restrictions described in paragraphs of Academy Trust Handbook 5.33 and 5.34.
- Taking up a leasehold or tenancy agreement on land or buildings from another party for a term of seven or more years.
- Granting a leasehold interest, including a tenancy agreement, of any duration, on land and buildings to another party.
- 

NB. This does not include operating leases, where the goods will be returned at the end of the term, for example, lease of photocopiers, minibuses etc.

Any potential contentious lease arrangements, in the first instance, will always be discussed by the FAR Committee. The FAR Committee will consider whether DfE approval is required and will refer this to the Trust Board, for a decision on whether to proceed with the request for approval.

To ensure that adequate due diligence has taken place, the Trust Board will consider taking professional advice from Audit and Legal services before making a request to the DfE.

## 26. CONFLICTS OF INTEREST

The CFO (acting for the Trust) will report all contracts and other agreements with related parties to the Department for Education (DfE) in advance of the contract or agreement commencing.

Related parties include persons and entities with control or significant influence over the 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.

The Trust will obtain the DfE'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 £20,000.
- A contract or other agreement of any value that would mean the cumulative value of contracts and other agreement with the related party exceeds, or continues to exceed, £20,000 in the same financial year ending 31 August.

## 27. RECORD KEEPING

Records will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and [records management policy/record retention schedule].

## 28. MONITORING ARRANGEMENTS

The Finance, Audit and Risk Committee is responsible for the implementation of this policy and for reviewing procurement activity. This is supported through routine reporting led by the CFO/Finance Business Partner.

## 29. LINKS WITH OTHER POLICIES.

This competitive tendering policy is linked to the Trust's Financial Regulations and Scheme of Delegation.

## 30. REVIEW OF CONTRACTOR DELIVERABLES

Following the award of a contract through a framework or competitive tender process, the specific deliveries provided by the winning contractor or supplier, will be reviewed against the original specification and scoring matrix.

## 31. REVIEW OF POLICY

This Policy will be included in the Trust's Policy Compliance Tracker and will be circulated to every Trustee, Executive and Senior Leaders.

The Trustees (Finance, Audit and Risk Committee) are responsible for reviewing and approving the Procurement and Competitive Tendering Policy

## APPENDIX 1 – APPROVAL AUTHORITY

The Scheme of Delegated Authority sets out the current levels of delegation below:

Task	Board	CEO/AO	CFO/Strategic Director of Capital Resources	Trust Committee (FAR)	Principal
To receive and open tenders with an expected value of over £200,000	✓				
To receive and open tenders with an expected value of between £100,001 and £200,000		✓	✓	✓	
To receive and open tenders with an expected value of between £50,001 and £100,000		✓	✓		
To enter into contracts or for the procurement of goods and services with a value of over £200,000	✓				
To enter into contracts or for the procurement of goods or services between £50,001 and £100,00		✓			
To enter into contracts or for the procurement of goods or services between £100,001 and £200,000				✓	
To enter into contracts or for the procurement of goods or services Between £10,001 and £50,000			✓		
To enter into contracts up to £5,000					✓
For the procurement of goods or services up to £10,000					✓
To enter into lease arrangements, ensuring compliance with the Academies Financial Handbook (AFH)	✓				
To approve a single supplier purchase for goods or services below £10,000					✓
To approve a single supplier purchase for goods or services between £10,001 and £50,000			✓		

To approve a single supplier purchase for goods or services between £50,001 and £100,000		✓	✓		
To approve a single supplier purchase for goods or services over £100,000				✓	

## APPENDIX 2 – MODEL TENDER SCORING MATRIX

Section	Description	Outline %	Evaluation Method
2.1	Criteria 1	40	Pass/Fail
2.2	Criteria 2		Pass/Fail
<b>Specification</b>		<b>40</b>	
2.1	Specification 1	10	Quality
2.2	Specification 2	10	Quality
2.3	Specification 3	5	Quality
2.4	Specification 4	5	Quality
2.5	Social Value <sup>1</sup> .	5	Quality
2.6	Value Added	5	Quality
2.7	<b>Price</b>	<b>60</b>	Price

1. Social Value will likely have already been considered in a pre-tendered framework and may be omitted in a mini competition scenario if clearly evidenced.

Pass/Fail	If the bidder's tender does not satisfy the required criteria the bid will be eliminated from the competition.
Quality	The relevant material relating to the sub-criterion will be evaluated and scored using a standard 0-5 scoring scheme. To be doubled where the % sub scoring max is 10. 0- Not answered 1- Poor 2- Satisfactory 3- Good 4- Very Good 5- Excellent
Price	Responses will be ranked and scored in proportion to the lowest bid using the following method:  Score = Weighting x $\frac{\text{Lowest Tendered Price}}{\text{Tendered Price}}$