



HOW TO DO BUSINESS WITH NORTH TYNESIDE COUNCIL

A Guide for Providers of Supplies and Services

Version 14

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HOW TO DO BUSINESS WITH NORTH TYNESIDE COUNCIL

This guide has been published to assist prospective suppliers who wish to bid for contracts with North Tyneside Council. It has been produced by the Strategic Procurement Team to provide an insight into our tendering procedures for supplies and service contracts.

ABOUT US

Strategic Procurement is part of ENGIE Services Limited and is based at: Quadrant East, The Silverlink North, Cobalt Business Park, North Tyneside, NE27 0BY.

We provide specialist support to the Authority in all tasks relating to buying a wide range of supplies and services using a variety of contract arrangements.

The Authority aims to deliver high quality services that will best meet the current and future needs of local people. It is committed to a mixed economy because it believes that services should be delivered by the public, private or voluntary sector – that is best able to meet these standards.

We are continually developing our procurement procedures so that they are innovative and flexible, listening to stakeholder' views, so that they provide real opportunities for service users to benefit from the Authority working with other organisations.

North Tyneside Council also work with a number of partner organisations, Kier, Capita, and Engie.

Capita are resourced to deliver a number of council areas detailed below.

Engineering Services which comprises the following functions

- Highways and Infrastructure
- Network Management
- Highway Development Control
- Highway Operations

Property Services which comprises the following functions

- Strategic Property
- Asset Maintenance
- Soft Facilities Management (Cleaning and Caretaking)

Planning Services which comprises the following functions

- Development Planning Policy
- Development Management

Consumer Protection which comprises the following functions

- Building Control
- Environmental Health
- Licensing
- Trading Standards

If you are interested in supplying services provided by Capita then suppliers can register their interest here <http://www.capita.com/contact-us/supplier-expressions/>

PROCUREMENT RULES AND REGULATIONS

European rules

All public sector contracts, no matter what their value within the European Union (EU), 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 directives and regulations require the Authority to follow detailed procedures for all procurements above financial thresholds. The thresholds are reviewed every two years (currently the threshold is £181,302 for Supplies and Services and £4,551,413 for Works).

The Authority must follow some basic principles:

- For Supplies and specific Services a Contract Notice must be placed in the supplement to the Official Journal of the European Union (OJEU) to give all providers in the EU an equal opportunity to tender.
- Tenders must be invited in accordance with one of the prescribed procedures (open, restricted, competition dialogue with negotiation and competitive dialogue – there is also a new procedure innovation partnerships). Each procedure imposes minimum time-scales covering the tender activities to ensure that suppliers are given a reasonable time to respond to adverts and prepare submissions.
- A notice of contract award must be placed in OJEU. Unsuccessful contractors must be debriefed if requested.

Further information about the EU Procurement Directives can be viewed at:

<https://www.gov.uk/guidance/transposing-eu-procurement-directives>

UK Legislation

Within the UK, the EU regulations have been enshrined in UK law through 'The Public Contracts Regulations 2015.

Local rules

Procurement activities must also comply with the Authority's own Contract Standing Orders.

Quotations –where the value of the supply or service is over £5,000 and less than £20,000, the officer seeking the quote may choose up to three suppliers from whom to seek the quotation. If the value is between £20,000 and £50,000 quotations must be requested from a minimum of 5 suppliers.

In certain circumstances it may be deemed appropriate to advertise before choosing the suppliers.

Tenders - Where the expenditure exceeds £50,000 contract opportunities will be advertised and will be subject to competitive tenders being obtained. Tender documents will provide details of the requirements.

Electronic tenders and quotations – In common with all public bodies the Authority has moved away from paper tendering exercises and now obtains quotations and tenders electronically, instructions on how to proceed will be included in the advertisement. Any tender received after the deadline will not be considered.

Contract opportunities – all contract opportunities are advertised through the North East Procurement Organisation (NEPO) electronic portal, at: <https://procontract.due-north.com/Login>, and when appropriate the Official Journal of the European Union (OJEU).

The North Tyneside web site also contains details of contract opportunities, and more details about procurement.

<http://my.northtyneside.gov.uk/category/198/procurement-tenders-and-opportunities>

The government has recently introduced a new national electronic portal for advertising contract opportunities valued at under the EU thresholds. The Contract Finder e-portal can be found at:

www.businesslink.gov.uk/contractsFinder

If you are interested

If you wish to express an interest in any of our advertisements you must confirm by registering on the NEPO e-portal - <https://procontract.due-north.com/Login>, (Instructions on how to register will be in the advertisement and appear on the portal)

Tendering for Contracts

If a company is successful in applying for a tender, a set of tender documents will be forwarded. On occasions the Authority will use an open tendering procedure that means any interested company can tender for the contract. A company must still express its interest in the contract but will automatically be invited to submit a tender. The information submitted will be considered together with the tender bid at the same time. The tender documents will usually consist of all or some of the following: -

- *Letter of Invitation* - this will advise when and where tenders should be submitted.

- *Specification* - sets out what needs to be achieved including policies, procedures or guidelines to be followed. It sets out the performance standards and the outcomes expected.
- *Invitation to Tender* – provides guidance for completing the tender documentation. Within the ITT you will find the following documents
 - *Form of Tender* – a company’s agreement to the terms and conditions of tender.
 - *Terms and Conditions of Contract* - defines how the Authority will let contracts, the rules tenderers must comply with and the relationship between the Authority and the successful contractor.
 - *Schedule of Rates/Pricing Document* - the document where all prices are entered.
 - *Quality Requirements/Additional Questions* – these questions are indicated in the Standard Selection Questionnaire part of the ITT (Section 8). They are questions about how a company intends to provide the service including supporting evidence demonstrating relevant experience. This will be used to help evaluate the quality of the bid. A company will be expected to demonstrate its commitment to the Authority policies as outlined in the documentation and supporting information in its responses.
 - *Social Value Policy and Template* - Social Value is the way in which the Authority identifies relevant and measurable social, economic and environmental benefits for the people and communities of North Tyneside through the procurement and delivery of services. North Tyneside Council has a Social Value Policy which asks service areas to consider giving a weighting of around 10% to all Social Value questions within procurement exercises. The Policy is included in the tender documents and details the Authorities priorities together with a Social Value template which looks at these priorities and highlights some example questions.
- *Any relevant supporting information* – This may include further appendices which are provided to assist the tenderer to understand the Authority’s requirements and to prepare their bids.

ITT Standard Selection Questions

Questionnaires are often used as a means of short listing applicants for select tender lists for supplies and specific service contracts and to assess prospective tenderers suitability. The forms are updated on a regular basis.

The forms are divided into ten parts:

- *Organisation Profile* - The general information requested provides basic details about a prospective tenderer, verifies that it can be identified as a legitimate discrete trading organisation (address of office, registration number and company group information)

- *Mandatory and Discretionary Exclusion* – The information in this section will be used to assess if there is any evidence of convictions relating to specific criminal offences including, but not limited to, bribery, corruption, conspiracy, terrorism, fraud and money laundering, or if the organisation has been the subject of a binding legal decision which found a breach of legal obligations to pay tax or social security obligations.
- *Financial Information* - In this section companies will be asked for certain financial information relating to each of the last three years. Private limited companies and public limited companies may be required to submit fully audited accounts as registered with Companies House. Other applicants should forward copies of financial statements, cash flow forecast or a certified statement of turnover. Suppliers will undertake a self- assessment which will be used to assess whether the organisation will pass or fail this section. The Authority will only validate the information provided by the successful tenderer(s) using the information submitted. Information is also required to check that a company is registered (if appropriate) for tax and complies with specific insurance requirements.
- *Technical and Professional Ability* – Where appropriate information is requested to enable the Authority to assess the resources a prospective tenderer has at its disposal to carry out the contract. By reviewing experience of similar contracts the Authority will be able to make an assessment of past performance.
- *Project Specific Questions* – The Authority will use the responses to these questions to assess the suitability of the Organisation to provide the required goods or services. Questions will be scored in accordance with the evaluation sheet provided with the tender documents.
- *Insurance* – Tenders must confirm whether they already have, or can commit to obtain, prior to the commencement of the contract, the levels of insurance cover indicated in the tender documents.
- *Equalities Legislation* - The Authority strongly supports equal opportunity, equal access and positive outcomes for all sections of the community and aims to ensure that organisations that provide services on behalf of the Authority comply with equal opportunities legislation and promote equality of opportunity on the grounds of sex, race, disability, religion or belief, sexual orientation and age. It also aims to encourage those organisations and individuals with which it does business to observe and adhere to the principles contained within the Authority's Equal Opportunities Policy. Questions will be asked about how you company complies with equalities legislation.
- *Environmental Management* - The information in this section will be used to assess if the organisation has been convicted of breaching environmental legislation.
- *Health and Safety* - Depending upon the nature of the goods or services,

prospective tenderers may be required to confirm they have a Health and Safety policy signed by a senior person, which refers to Health and Safety legislation. Where the contract is deemed to be high risk tenderers will be asked to confirm if they have been assessed by a member of the Safety Schemes in Procurement (SSIP) or they will be required to complete questions in relation to Health & Safety which will vary dependant upon the size of the Organisation. Only the preferred bidder will be required to provide evidence to validate the information submitted.

- *Declaration* - The prospective tenderer is required to sign a statement regarding the accuracy of the information supplied.

Tender evaluation and contract award - returned tenders will be evaluated against the relevant criteria. 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. Normally the Authority will award the contract on the basis of the most economically advantageous tender. The successful tenderer will be notified in writing by letter or official electronic communication.

Debriefing - within the limits of commercial confidentiality, the Authority will always endeavour to offer unsuccessful tenderers feedback to find out why their bid has failed. This information can be used to help with any future bids' as being unsuccessful in one contract does not mean that a company will be unsuccessful in the future.

Electronic Tendering (e-Tendering)

Electronic or e-tendering replaced manual paper-based tender processes with electronically facilitated processes based on best tendering practices to save time and money.

Procurement officers are able to manage the tenders coming in, with all tenders stored in an electronic vault which cannot be opened until after the closing time and date. Evaluation tools can provide automation of this comparison process.

Suppliers' costs in responding to invitations to tender (ITT) are also reduced as the tender process cycle is significantly shortened.

E-Tendering offers an opportunity for automating most of the tendering process: from help with preparing the tender specification; advertising; tender aggregation; to the evaluation and placing of the contract.

The tendering process is similar to the traditional paper based process but all stages are conducted electronically.

The main stages for e-tendering are as outlined in Tendering for Contracts, the only difference being that the process is electronic.

Purchase Cards

Purchase Cards or P Cards as they are commonly termed have been introduced to enable the Authority to achieve substantial procurement efficiency savings.

The P Card programme is delivered in partnership with an issuing bank. It provides substantial benefits for the Authority by providing a streamlined process for low value, or ad hoc purchases. Improved management information allows the Authority to monitor and evaluate purchasing activity.

Allied to the opportunity to greatly reduce paperwork is not only environmentally friendly but also provides the potential for enormous cost savings for both public sector organisations and their suppliers, who also benefit from prompt payment.

If it is the Authority's intention to use P Cards this will be stated in the tender documents to enable the tenderer to make any allowance when tendering.

Contract Monitoring

Suppliers and contractors 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 Authority is continuously striving to improve their own performance and it expects its contractors to do the same.

Freedom of Information Act

In accordance with the Freedom of Information Act 2000 the Authority may be required to disclose information submitted by a supplier as part of a tender or Contract to anyone who makes a reasonable request.

If a tenderer or supplier consider that any of the information provided is commercially sensitive (meaning it could reasonably cause prejudice to the organisation if disclosed to a third party) then it should be clearly marked on each sheet or labelled as "Not for disclosure to third parties" together with valid reasons in support of the information being exempt from disclosure under the Act.

The Authority shall endeavour to consult with tenderers and have regard to comments and any objections before it releases any information to a third party under the Act. However the Authority cannot be held liable for any loss or prejudice caused by the disclosure of the information that has not been clearly marked "Not for disclosure to third parties" or where no reasons are provided to support a request without its disclosure.

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