POLICY DOCUMENT

For use by all member schools

Procurement, Tendering and Sponsorship

	Name	Date
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Procurement, Tendering and Sponsorship Policy

PROCUREMENT AND TENDERING

The Spring Partnership Trust is aware of the need to obtain best value for money in all instances of procurement, as set out in the Academy Trust Handbook. The Trust operate in compliance with UK Public Contract Regulations (PCR2015) which continue to be applicable after the UK has exited from the European Union. The Trust Scheme of Financial Delegation will be adhered to in all cases.

For low (up to £10k) or medium (£10 - £40k) value purchasing, it is possible for procurement to take place either by sourcing quotes directly from suppliers as set out in the Scheme of Financial Delegation or through an existing approved framework agreement (by selecting a supplier from a list or running mini-competition).

For high value purchases (over £40k) up to the PCR threshold levels a buying process (tender) will need to be run as set out below.

If the goods/service being procured are over the relevant PCR procurement threshold (as stated below) it is likely that a PCR compliant buying process will need to be run.

The value of a purchasing arrangement for the purpose of these regulations is the whole-life value, and it must encompass all contracts for the same purpose (i.e you cannot disaggregate artificially).

PCR thresholds (including VAT) are currently £213,477 effective 1st January 2022and updated on 1st January of each even-dated year for goods and most services, and £5,336,937 for works.

For purchases over PCR Thresholds, PCR2015 requires the Trust to advertise all contracts over the PCR Thresholds through the 'Find a Tender Service' (FTS) and must follow PCR procurement requirements.

We are required to abide by the Academy Trust Handbook in all financial matters. This includes strict levels of management of the declaration of potential conflicts of interests with future suppliers (see further detail under point 7).

All purchases will be carried out in a transparent, fair, and open way. Suppliers will be selected based on the most economically advantageous tender (MEAT), ie the bid that best combines cost and quality. Therefore, evaluation criteria must be sent to suppliers and form part of their formal quotation / tender invitation.

As a multi academy Trust, under Part 4 of the PCR2015, we are currently exempt from the requirements of Contracts Finder to advertise all opportunities over £25,000k.

'BUYING PROCESS' (TENDER) – relating to all purchases with a value greater than £40,000

For purchases over £40,000, and up to PCR Thresholds, the following formal tender process must be followed:

1. A specification will be prepared and sent to at least three suppliers. It is anticipated that for any major building works of a value greater than £5,000 the services of an architect may be engaged to deal with the handling of specifications and suitability to tender.

2. Where appropriate, the suppliers invited to tender should be drawn from an approved list or from those agreed with the architect/project manager. Otherwise, invitations to submit tenders will be advertised in an appropriate way. The invitations to tender will include:
   (a) an introduction/background to the project;
   (b) the scope and objectives of the project;
   (c) any technical requirements;
   (d) implementation details for the project;

(e) an explanation of the tender process including evaluation criteria, scoring system and weightings
(f) the terms and conditions of the tender and contract; and
(g) the form and date of response to the academy, or in the case of building works, to the architect or quantity surveyor.

3. Potential suppliers invited to tender will be recorded centrally, with relevant contact details. Any questions or queries received during the tender process will be recorded and a response made to all invited suppliers ensuring any personal or commercially sensitive information is removed.

4. All tenders should be addressed to the relevant member of the Executive team via email or in a sealed envelope marked 'Tender' to reach him/her by a specified date. The date and time of the tenders received will be recorded and must be kept sealed until the final tender date. Any tenders received after the time/date set, will be recorded and rejected.

5. All tenders received within the set time/date will be opened at the same time and details of the contractor, quotation and time of opening recorded by at least two members of staff.

6. No contractor will be allowed to amend the tender after the time fixed for receipt.

7. The tenders will be evaluated by a pre-determined panel consisting of at least 3 members. They should be of appropriate experience and knowledge to the contract being procured, and ideally consist of at least the contract manager and one other independent member. It is the responsibility of the tenderer to notify the Trust of any potential conflicts of interest before tenders are opened. Potential conflicts of interest include, for example, whether they or others with a controlling interest in their business are connected in any way to a member of staff within TSPT or any of its schools. This would include stating any relevant related party transactions (defined as the transfer of assets or liabilities or the performance of services by, to or for a related party irrespective of whether a price is charged e.g. any direct or indirect interest (completed or pending) in any sales, purchases, transfers, leasing arrangements, guarantees or other transactions).

8. All potential suppliers are entitled to feedback and a comparison against the winning supplier and a standstill period will be observed. The panel should ensure it records reasoning for scoring to ensure constructive feedback can be given to unsuccessful suppliers.

9. The tender process should be documented in an Award report which details the suppliers invited, tenders received, dates of response, tender panel members and reasons for accepting a particular tender with the final decision recommendation.

10. The panel will produce a recommendation for approval by FARCO or the Trust Board depending on the value of the contract as set out in the Scheme of Financial Delegation.

11. Where expenditure is not included in the budget or anticipated expenditure exceeds the budget allocation, approval must be sought from the Trust Board.

ACCEPTANCE OF TENDER

The following points will be considered when deciding which tender to accept:

1. The overall price and the individual items or services which make up that price.
2. Whether there are any 'hidden 'costs; that is additional costs which the school or Trust will have to incur to obtain a satisfactory product.
3. The qualifications and experience of the supplier, including membership of professional associations.
4. Compliance with the technical requirements laid down by the school or Trust.
5. Whether it is possible to obtain certificates of quantity.
6. The supplier's own quality control procedure; pre sales demonstrations, after sales service and, for building works, a six month defects period and insurance guarantees.
7. The financial status of the supplier.

8. References from other establishments.
9. Understanding and compliance with Health and Safety, Construction Design and Management regulations and Child Protection issues related to working on a school site.

In the case of building works, where the tendering process is being carried out by the architect or quantity surveyor, they will be responsible for checking the documents of the successful tender before making a recommendation to the school or Trust.

Once a tender is accepted an order should be issued immediately to the supplier in the normal way.

The successful contractor must be informed of the requirements for working at any school or Trust office, including, but not limited to, the Health & Safety policy (which includes reference to all sites being strictly non-smoking) and the Child Protection & Safeguarding policy (specifically with reference to the Disclosure & Barring stipulations).

All relevant Funding Agreements should be considered when applying this policy.

SPONSORSHIP

The International Chamber of Commerce (in the ICC Advertising and Marketing Communications Code) defines sponsorship as:

'Any commercial agreement by which a sponsor, for the mutual benefit of sponsor and sponsored party, contractually provides financing or other support in order to establish an association between the sponsor's image, brands, products or services and a sponsorship property (an event, activity, organisation, individual, media or location), in return for rights to promote this association and/or for the granting of certain agreed direct or indirect benefits.'

Trust schools must ensure that commercial sponsorship does not lead to inappropriate marketing to children and young people.

'Sponsorship addressed to or likely to influence children and young people should not be framed so as to take advantage of their youth or lack of experience. Furthermore, such sponsorship should not be framed so as to harm children or young people mentally, morally or physically, nor to strain their sense of loyalty for their parents or guardians'

Six Principles of Commercial Sponsorship in Schools

Principle 1: The benefits to pupils should outweigh the costs
The Trust / schools need to consider the following potential costs;
- impact on staff time or ongoing maintenance costs for equipment,
- accepting sponsorship from companies which do not support the general school or Trust ethos or any specific aims and values.
- accepting sponsorship from companies that have, or associate with those that have, extreme political, racial or religious views or who are known to have unethical production practices.

Principle 2: Commercial sponsorship must not undermine health promotion
There are specific rules surrounding marketing food and drink to children and young people. Under the UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code), commercial sponsorship;
- must not lead to the advertising or promotion of alcohol to under 18s; and
- must not lead to the advertising or promotion of products to under 16s that are high in fat, saturated fat, salt or sugar.

The Tobacco Advertising and Promotion Act 2002 prohibits the advertising, promotion and sponsorship of tobacco products. This comprehensive ban means it is illegal to enter into any agreement with a tobacco company or any other company which would promote a tobacco product.

Principle 3: Extra care should be taken because sponsorship leads to marketing to children and young people

There is substantial concern about the extent to which children and young people are exposed to marketing messages. There are specific rules covering advertising to children. Commercial sponsorship must not include a direct exhortation to under-16s to buy advertised products or to persuade their parents or other adults to buy advertised products for them ('pester power').

Principle 4: Marketing activity should be proportionate

Schools should consider the following issues in relation to proportionate marketing;

- marketing must not directly state that the school endorses the company or product;
- sponsor logos should be small and should not be larger or more prominent than the school logo or name;
- explicit sales messages such as 'Company X: Number one in our field' should be avoided;
- companies should not be allowed to make claims that their product is superior to others;
- information should not suggest that the sponsor is the only supplier of that type of product or service.

Principle 5: Commercial sponsorship should be used for additions or improvements, not for funding core services

Principle 6: Sponsorship must support the curriculum and provide added value to children's learning.