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PROCUREMENT PROCEDURES

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1 Role of the Procurement Manager

- 1.1 The Procurement Manager is a member of the Governance Team and is responsible for ensuring compliance with the Procurement and other relevant policies and procedures at West Kent. Key tasks include:
 - 1.1.1 Preparing and delivering the annual procurement plan
 - 1.1.2 Advising on appropriate routes to market in compliance with public sector legislation
 - 1.1.3 Supporting requests for quotation and invitations to tender from initial enquiry through to contract award
 - 1.1.4 Seeking project specific conflict of interest declarations from all those involved in the selection of a supplier and maintaining a central register of declarations for the duration of the contract
 - 1.1.5 Maintaining a centralised contracts register, with details of commencement and expiry dates and associated liabilities.
 - 1.1.6 Recording supplier proposals arising from procurement activities, to deliver improvements or efficiencies relating to finances, resourcing or other measurable benefits, on an annual value for money register.
 - 1.1.7 Carrying out due diligence checks on suppliers, whether as part of a tender process, ad hoc set up of a new supplier, or ongoing performance reviews of long-term contracts.

2 Contracts valued below £5,000 plus VAT

- 2.1 Procuring Officers will seek a minimum of one written quotation.
- 2.2 Prior to accepting the quote, the Procuring Officer will check whether they are already in the accounts payable system and, if not, will follow the new supplier set up process. This will be subject to carrying out appropriate due diligence checks such as conflicts of interest, financial stability, insurances, accreditations, data protection and processing arrangements and proposed form of Contract.

3 Contracts valued at £5,000 to £49,999 plus VAT

- 3.1 Procuring Officers will seek a minimum of three written quotations.
- 3.2 Approval to Procure
 - 3.2.1 Prior to the commencement of any procurement activity, the Procuring Officer will obtain approval to proceed in accordance with the Delegated Levels of Authority, using the Approval to Procure template included in the accompanying set of user guides.
 - 3.2.2 The amount of information required will depend on many factors including the contract value, complexity of the requirement, agreed route to market and impact on West Kent residents.

3.2.3 Any requests for a waiver to the procurement policy must be approved by the Procurement Manager and Finance Director in advance, using the template Waiver Request form available in the set of user guides.

3.2.4 For contracts with no pre-determined expiry date, the contract value will be estimated as the cost for running the contract for a minimum duration of 4 years, unless there is a specific reason why the contract should not be awarded for such a term.

3.3 Quotations Pack

3.3.1 The complexity of the documentation needed for this stage will be linked to the nature of the contract and its value, being more comprehensive for high risk or higher value contracts and lighter touch for low risk or low value contracts.

3.3.2 The documentation pack will include, as a minimum:

- The Request for Quotation, outlining the procedure to be followed, evaluation criteria and methods and timeline.
- A specification detailing the works/services/goods to be procured and the desired requirements. A previous specification may be used as the basis for the new specification, but care should be taken to ensure that the final specification reflects the current needs, and if possible, demonstrates continuous improvement.
- The appropriate form of contract, including any proposed Key Performance Indicators (KPI) and required levels of insurance.
- Due diligence questionnaires, such as general Bidder information, data processing and information security.

In addition, the following may be appropriate:

- A pricing document for quotations involving multiple items.
- A qualitative questionnaire, where issues such as resident engagement and regulatory compliance are important to successful delivery of the contract.

3.4 Request for Quotation Process

3.4.1 packs will be issued by the Procurement Manager or Procuring Officer via the e-procurement portal.

3.4.2 The Procurement Manager will liaise with the Procuring Officer in responding to queries raised by Bidders.

3.4.3 Submissions will be opened on the portal by the Procurement Manager following the deadline and any qualitative responses distributed to the evaluation panel for assessment.

3.4.4 The Procurement Manager will independently evaluate the Price submissions in accordance with the methodology described in the Request for Quotation, asking Bidders to explain any prices/costs which appear to be abnormally low. This is particularly relevant for contracts where the risk for Modern Slavery can be considered high. They will also carry out any financial assessment required and co-ordinate responses to any due diligence questionnaires included in the pack.

- 3.4.5 A moderation meeting, chaired by the Procurement Manager, will take place to discuss any anomalies in the scoring, analyse the Price submissions and agree the final scores for each Bidder.

3.5 Approval to Award

- 3.5.1 The Procuring Officer will then complete the Approval to Award form, to document the decision for contract award and to obtain the relevant approval. This document will be complemented by a Tender Report from the Procurement Manager.
- 3.5.2 Once the approval is obtained, the Procurement Manager will inform all bidders of the outcome via the e-procurement portal, providing feedback as appropriate.
- 3.5.3 The Procurement Manager will arrange for the contract to be signed by both parties before the contract start date, and the Procuring Officer will raise a Purchase Order (PO) if required, in accordance with the relevant Accounting System.
- 3.5.4 A signed copy of the contract will be saved to the Procurement Manager's central files, with key details added to the Contracts Register
- 3.5.5 The contract award will be published by the Procurement Manager on Contracts Finder UK or Find a Tender Service UK as appropriate.
- 3.5.6 For new or inactive suppliers in the accounting system, the Procuring Officer will complete and submit a new supplier request.

3.6 Timeline

The estimated timeline for quotations is 4 to 6 weeks (excluding document pack preparation and any Section 20 requirements).

4 Contracts valued at £50,000 plus VAT - Public Contracts Threshold

- 4.1 The Procurement Manager will provide support for any tenders for works/services/supplies for contracts valued over £50,000 plus VAT.
- 4.2 The Procuring Officer will seek at least three tender submissions and obtain Approval to Procure as per section 3.1 above.
- 4.3 The tender pack will include, as a minimum:
 - 4.3.1 The Invitation to Tender, outlining the procedure to be followed, evaluation criteria and methods and timeline, ensuring any S20 notices and observation requirements are included.
 - 4.3.2 A specification detailing the works/services/goods to be procured and the desired requirements. A previous specification may be used as the basis for the new specification, but care should be taken to ensure that the final specification reflects the current needs, and if possible, demonstrates continuous improvement.
 - 4.3.3 A pricing document to ensure all Bidders submit their tenders in the same format, so tenders are comparable.
 - 4.3.4 A qualitative method statement questionnaire, to test the Bidders' capability to deliver the technical demands of the contract.

- 4.3.5 Requests for Social Value proposals, depending on the route to market, nature, value and term of the contract.
- 4.3.6 The appropriate form of contract, including any proposed Key Performance Indicators (KPI) and required levels of insurance.
- 4.3.7 Due diligence questionnaires, such as general Bidder information, data processing and information security.
- 4.4 Invitation to Tender Process
 - 4.4.1 Packs will be issued by the Procurement Manager via the e-procurement portal.
 - 4.4.2 The Procurement Manager will liaise with the Procuring Officer in responding to queries and Tender Clarification Questions raised by Bidders during the tender period.
 - 4.4.3 Tenders will be opened on the portal by the Procurement Manager following the submissions deadline and qualitative responses distributed to the evaluation panel for assessment.
 - 4.4.4 The Procurement Manager will independently evaluate the Price submissions in accordance with the methodology described in the Invitation to Tender, asking Bidders to explain any prices/costs which appear to be abnormally low. This is particularly relevant for contracts where the risk for Modern Slavery can be considered high. They will also carry out any financial assessment required and co-ordinate responses to any due diligence questionnaires included in the pack.
 - 4.4.5 Social Value proposals will be evaluated by the Social Value and Fundraising Lead, plus other members of the evaluation panel as appropriate.
 - 4.4.6 A moderation meeting, chaired by the Procurement Manager, will take place to discuss any anomalies in the scoring, analyse the Price submissions and agree the final scores for each Bidder.
- 4.5 Approval to Award
 - 4.5.1 The Procuring Officer will obtain Approval to Award as per section 3.5 above.
- 4.6 Timeline

The estimated timeline for Tenders: 8 to 16 weeks (excluding document pack preparation and any Section 20 requirements).

5 Contracts valued above the Public Contracts Threshold

- 5.1 Public Contracts valued above the threshold will be procured in accordance with the Public Contracts Regulations 2015 (PCR 2015) if commenced prior to 24 February 2025, or Procurement Act 2023 (PA 2023) if commenced on or after 24 February 2025.
- 5.2 Mini-competitions and direct awards made via Frameworks, Dynamic Purchasing Systems (PCR2015) or Dynamic Markets (PA2023) will be managed by the Procurement Manager, in accordance with Section 6 of this document and the relevant Contracting Authority's rules.
- 5.3 The Procuring Officer will obtain Approvals to Procure and Award as above.

- 5.4 Tender packs for mini competitions will comprise the same documents as referenced to above.

6 Frameworks, Dynamic Purchasing Systems and Dynamic Markets

- 6.1 Frameworks, Dynamic Purchasing Systems (PCR2015) and Dynamic Markets (PA2023) are umbrella agreements procured by Contracting Authorities in accordance with relevant legislation and available either just for use by their own organisation or by other Contracting Authorities.
- 6.2 They are procured based on varying levels of documentation around specifications, pricing mechanisms and technical / financial capability.
- 6.3 Those set up under PCR2015 may either require the payment of an access fee by West Kent or a levy payable by Suppliers to the Framework/DPS Manager for each contract awarded. If the latter, Suppliers will embed the value of the levy in their pricing submissions. For all frameworks and DMs set up under PA2023, the levy structure will apply.
- 6.4 Frameworks and DPSs/DMs are particularly useful when the total spend of a certain category exceeds the Public Procurement Threshold, and West Kent does not desire to conduct a full Public Tender.
- 6.5 The use of Frameworks will be considered in conjunction with the Procurement Policy. The use of a Framework does not waive the requirements set in this Procurement Policy in relation to obtaining Approval to Procure and Award.
- 6.6 The Procuring Officer will pay special considerations in relation to using Frameworks to carry out work or services that are recoverable via Service Charges. The use of Frameworks is generally not compatible with Section 20 Consultation, hence, the cost of works or services carried out under a Framework may not be recoverable, should they exceed the thresholds requiring Section 20 Consultation.
- 6.7 Contracts placed under a Framework or DPS/DM are called Call-off Contracts. The mechanism for placing specific Call-off Contracts may differ and the Procurement Manager will advise on a case-by-case basis.
- 6.8 Mini competitions via Frameworks are light touch tenders where the Procuring Officer can set out a bespoke specification and request quotes from the Suppliers. Some Frameworks may allow to shortlist suppliers, but others may require the Procuring Officer to invite all the Framework Suppliers to quote. Some Frameworks may require the competition to be managed by the Framework Manager or may require the Procurement Manager to use to the Framework Manager's e-tendering site.
- 6.9 Mini competitions via DPS/DM are more flexible in approach, but do not allow any pre-tender shortlisting.
- 6.10 Direct Awards via a Framework will only be made in accordance with the Framework's rules and in consultation with the Procurement Manager. Generally, Direct Awards are allowed to the top-ranking Framework Supplier based on the Framework generic specification and rates.
- 6.11 Direct Awards are not permitted when procuring via a DPS/DM and all suppliers registered must be invited to submit a bid
- 6.12 In all cases, Call-off Contracts are contracts, so they will be documented and managed as such.

7 Framework for External Legal Advice

- 7.1 West Kent seeks external legal advice via a Framework.
- 7.2 All information and templates including a user guide, details of the framework Lots and firms on each Lot, pricing schedules for standard services and a framework call-off instruction form are available on Bettie.
- 7.3 Completed forms should be forwarded to legalservices@wkha.org.uk for logging on a central register and noting for publication on any FAQs or similar advisory document.

8 Due Diligence Checks

8.1 Supplier Credit Checks

All quotation/tender submissions and new supplier requests are subject to a Dun & Bradstreet (D&B) report, whatever the value. Reports are first examined by the Procurement Manager and any issues noted in the due diligence section of an evaluation matrix if appropriate and are then subject to the following actions:

Supplier's failure or delinquency score	Action
Both scores are between 51-100	No immediate action.
One or both scores are between 26-50	Procurement Manager to highlight to the contract manager, with advisory note on potential areas of risk and mitigations via express terms in the contract.
One or both scores are between 1-25	Refer immediately to Financial Controller for further scrutiny and advice, including consideration of a Parent Company or other form of guarantee. Also refer to supplier for advice and supporting evidence of improvements being made. Tender submission may be rejected on the basis of the responses received.

8.2 Financial Ratios and Accounts

For contracts with a total value anticipated to exceed the Public Contracts threshold, current and acid test ratios are requested, based on the most recent set of supplier accounts. Those which do not meet the minimum acceptable ratio of 1:1 will be referred to the Head of Financial Control, together with the D&B report and submitted set of accounts, for further consideration and possible exclusion from the tender process.

8.3 Questionnaires

One or more of the following questionnaires should be issued as part of a competitive procurement process, depending on the scope and demands of the contract:

- 8.3.1 General supplier due diligence: required for new suppliers or those not used by West Kent for the previous two (2) years. Information gathered includes company information, insurances and quality/trade accreditations held, references and compliance with H&S and modern slavery legislation. Completed questionnaires are analysed by the Procurement Manager and Procuring Officers advised of any issues or remedial action required.
- 8.3.2 Data processing: required for new suppliers who will be processing personal data on behalf of West Kent in the delivery of the contract. Completed questionnaires are sent to the Data Protection Officer for review and approval / further advice as required.
- 8.3.3 Data security: required for new suppliers who may require access to West Kent systems or will hold data relevant to the contract on their own systems, devices or network. Completed questionnaires are sent to the IT Infrastructure Manager for review and approval / further advice as required.

8.4 Contract Award

- 8.4.1 Once the procurement exercise has been completed, the Procuring Officer will obtain Approval to Award in accordance with the Delegated Levels of Authority detailed below. A comprehensive list of Delegated Levels of Authority in relation to procurement can be found in Appendix 1
- 8.4.2 The Procuring Officer will use the Approval to Award template from the suite of user guides to obtain approval for contracts above £5,000 in value.
- 8.4.3 The Procuring Officer will use the appropriate form of contract, as stated in the Procurement User Guides document. Any deviation from this will be approved by the Procurement Manager.
- 8.4.4 Contracts awarded with values of £30,000 incl VAT and above, however procured, will be published on Contracts Finder UK (if via PCR 2015) or Find a Tender Service UK (if via PA 2023) by the Procurement Manager.

9 Post Award Contract Management

- 9.1 Once signed, the Procurement Manager will formally hand over the contract to the Procuring Officer, or nominated Contract Manager if different.
- 9.2 Any additional measures put in place, such as a Parent Company Guarantee, Performance Bond, or agreed amended terms to standard contracts are highlighted to the contract manager and retained on file by the Procurement Manager.
- 9.3 The appointed supplier is added to West Kent's D&B portfolio, including an alert to downward changes in failure or delinquency score of 5 points or more.
- 9.4 Contracts which have been procured under the Procurement Act 2023 may be subject to additional transparency reporting requirements, including the publication of Notices at key points throughout the contract term.

- 9.4.1 Templates will be produced by Cabinet Office and initially shared by the Procurement Manager with contract owners as required for completion and publication.
- 9.4.2 All notices, copies of relevant contracts, general supplier information and any debarment lists will be published via a new Central Digital Platform.
- 9.5 Contracts longer than 12 months will be subject to West Kent's Contract Management Framework and the Procurement Manager will agree the performance monitoring tools and frequency of reviews using the risk profile calculator in the Contract Key Information document.
- 9.6 It will be the responsibility of the Contract Manager to use the relevant Framework tools and templates to manage contractor performance, amendments required during the contract term, delivery of Social Value contributions (alongside the Social Value and Fundraising Lead) and timely notification to the Procurement Manager of the need to re-procure following expiry or other requirement to terminate the contract. They will retain copies of relevant documentation for the purposes of auditing by the Procurement Manager and/or external parties and evidencing should a dispute arise.

10 Emergency Works

- 10.1 Emergency Works are those where action is needed to prevent a risk of injury or loss of life.
- 10.2 Emergency Works are exempt from following Steps 1, 2 and 3 above. In case of emergency the Procuring Officer will:
 - 10.2.1 Report to the relevant Director before instructing any works. A written email will follow to confirm this action within 24 hours
 - 10.2.2 Ascertain whether the works could be done as a contract variation of an existing contract, and
 - 10.2.3 If so, a variation order will be issued and confirmed in writing within 24 hours;
 - 10.2.4 If not, a supplier can be appointed to deal with the emergency works, but the work will be limited to making the site safe
- 10.3 Once the emergency works to make the site safe have been conducted, the Procuring Officer will complete an Emergency Works Report and submit it, together with a waiver request if required, to the Procurement Manager.

TABLE 1: Delegated Levels of Authority for Procurement Activity

Spend Thresholds	£0-5k	£5-50k	£50k- Public Contract	Public Contract
Process	Budget holder discretion	RFQ: 3 suppliers	ITT with MAT evaluation	PCR2015 / PA2023 applies
Approval to procure	n/a	Budget holder	Executive Director / CEO	
Tender openings / submissions	n/a	Procurement Manager / Head of Risk & Governance		
Approval to award	n/a	Budget holder	<£1m Executive Director / CEO >£1m +Group Board	
Approval of exception use of non-standard contract terms	Procurement Manager		£50,000 - £1m Procurement Manager + Executive Director of Finance >1m +Group Board +report to Investment & Finance Committee	
Signing a contract / extension / renewal / termination	Budget holder		<£500k Executive Director(s) / CEO >£500k Exec Director of Finance + CEO	
Waiver of the process (see types below)	n/a	Procurement Manager + Executive Director of Finance		n/a

This information is taken from the Financial Regulations Scheme of Delegation.

TABLE 2: Process Summary and Forms of Contract

Contract Spend Thresholds (incl VAT)	£0-5k	£5-50k	£50k-Public Contract	Over Public Contract
Procurement Process	Budget holder discretion	RFQ (cost only) / ITT (cost/quality); or Framework / DPS/DM Call-Off	ITT or Framework/DPS/ DM Call-Off with quality evaluation	Own PCR2015 / PA2023 procedure / Framework/DPS/DM Call-Off with cost/quality evaluation
Form of Contract				
Goods	E-mail Instruction; West Kent / supplier T&Cs	West Kent or Supplier T&Cs	T&Cs / Call-off contract	Bespoke / Call-off contract
Services		West Kent T&Cs / consultancy agreement / services contract	West Kent consultancy agreement / services contract / call-off contract	
Works		West Kent Small Works / JCT Minor Work Contract	West Kent Small Works Contract / JCT Suite	Framework / DPS / DM call-off; JCT Suite

Forms of contract are the suggested standard only and subject to change.