



Endeavour
Multi-Academy Trust

CHRIST CHURCH
PRIMARY SCHOOL

Cherry Trees School
Reading, Learning, Achieving Together



TWO RIVERS
HIGH SCHOOL

TWO RIVERS
PRIMARY SCHOOL



COMPETITIVE TENDERING POLICY

Endeavour Multi Academy Trust

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24/06/2024	V1.0	New Policy Drafting
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01/06/2026	V3.0	Scheduled Review – re-written in line with the Procurement Act

Aims and Scope

This policy aims to ensure that:

- The Academy Trust's funds are used only in accordance with the law, its articles of association, its funding agreement and the Academies Trust Handbook
- The Trust's funds are used in a way that commands broad public support
- Value for money (economy, efficiency and effectiveness) is achieved on all tendering and procurement activities
- Trustees fulfil their duties and responsibilities as charitable trustees and company directors
- Conflicts of interest are managed adequately and appropriately
- The Trust has open and transparent procurement procedures

This policy includes procedures for open tenders. This approach allows anyone to submit a tender to supply goods or services required, and offers an equal opportunity to any organisation to submit a tender.

Legislation and Guidance

The Academies Trust Handbook states that academy trusts are required to have a competitive tendering policy, and ensure that relevant procurement thresholds are observed.

This policy is based on:

- Academies Trust Handbook
- Department for Education (DfE) guidance on buying procedures and procurement law
- The Public Contracts Regulations 2015
- The Procurement Act 2023

This policy also complies with our Funding Agreement and Articles of Association.

Roles and Responsibilities

Academy Trustees

Academy trustees will ensure that:

- Spending decisions represent value for money
- The Trust's funds are used in a way that commands broad public support
- Relevant legal or professional advice (such as an external auditor) 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 position or 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 Committee

The committee maintains oversight of the Trust's governance, risk management, internal control and value for money framework.

Chief Financial and Operating Officer (CFOO)

The Chief Financial and Operating Officer (CFOO) is responsible for:

- Ensuring appropriate financial governance and risk management arrangements are in place
- Preparing and monitoring budgets
- Providing information to the Finance Committee and academy trustees, as appropriate
- Overseeing and supporting competitive tendering

Framework Agreements

Where possible, the Trust will use a framework agreement to contract with suppliers for the purchase of goods, services and works. These are arrangements that a contracting authority, such as a public sector buying organisation, makes with suppliers. The benefits of frameworks are that they have already been through a competitive tender or supplier vetting process and may have favourable terms and conditions. In addition, the framework provider may offer advice and support and provide pre-formatted tender documentation.

Each framework agreement has:

- Details of the products and services available.
- An agreed pricing structure.
- Details of the suppliers.
- Instructions on how to buy.
- An agreed set of terms and conditions.

When using a framework agreement, the Trust has two options:

- Select a supplier direct from a framework agreement (“Direct award”)
- Run a “mini-competition” – where suppliers are asked to send a bid and the best one is chosen based on a set of evaluative criteria.

The framework agreement will state whether the Trust can select a preferred supplier itself via direct award or if a mini-competition must be run. If the Trust can select a supplier itself, the framework agreement will set out the rules for doing so which the Trust will follow.

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 the framework has.
- 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.

Aims of the Procurement Process

The Trust will ensure that:

- Spending is for the purpose intended and there is probity in the use of public funds including in relation to any actual or perceived conflicts of interest.
- Spending decisions represent value for money.
- Internal delegation levels exist and are applied.
- A competitive procurement procedure is in place and incorporated into the Trust's financial framework and the procurement rules and thresholds in the Procurement Act 2023, its associated regulations and the Find A Tender service are observed.
- Appropriate due diligence is in place.
- Professional advice is obtained where appropriate.

Procurement Thresholds

The Trust will run a compliant buying process if:

- It cannot get what is needed through one of the DfE's recommended deals for schools or a framework agreement.
- Something is being bought that is over relevant procurement thresholds.

The following thresholds are in place in relation to how goods, works or services can be procured:

ORDER VALUE	PROCESS REQUIRED
Low – up to £3,000	Framework agreement or one quote will suffice as long as the budget holder can evidence the following: • Value for money • Propriety and regularity in the use of public funds • Transparency and auditability • Management of conflicts of interest
Low to Medium - £3,000 to £10,000	Framework agreement or, when feasible, at least three quotes from suppliers. If three quotes are not feasible and the budget holder can evidence the following, then one quote will suffice: • Value for money • Propriety and regularity in the use of public funds • Transparency and auditability • Management of conflicts of interest
Medium - £10,000 to £40,000	Framework agreement or, at least three quotes from suppliers. If three quotes are not feasible and the budget holder can evidence the following, then one quote will suffice: • Value for money • Propriety and regularity in the use of public funds • Transparency and auditability • Management of conflicts of interest

High – over £40,000 and up to Procurement Act 2023 thresholds	Framework agreement or advertise a contract and run a buying process
Over Procurement Act 2023 thresholds: Goods and most services - £207,720 Works - £5,193,000	Framework agreement or Procurement Act compliant buying process (unless covered in the list of services in the lighter touch regime, in which case the threshold is £663,540)

Flexibility is allowed where competition is not practical, provided the rationale is recorded.

Specifications

No matter what procurement process is followed, a specification will always be written outlining what the trust wants to procure. All specifications will include:

- A precise description of the goods, work or services required and what it should do.
- The amount required and when it is needed.
- The expected quality of the goods, work or services.

Small and medium purchases

Any purchase or service estimates below £10,000 are considered to be ‘small’ purchases, and any below £40,000 are considered to be ‘medium’ purchases.

Where possible, the trust will use a framework agreement to purchase small and medium goods, works or services.

Where it is not possible to procure small and medium purchases through a framework agreement, quotes from at least three suppliers should be obtained prior to purchasing. All suppliers should be sent the same information, as follows:

- Specification.
- Deadline for submitting the quote.
- When the trust will make a decision.
- How the supplier can ask questions about what the trust is buying or its process.

Award criteria will be set before any suppliers are contacted.

To avoid legal challenges, the trust will:

- Not open any bids before the deadline.
- Treat all bids fairly and equally.
- Keep confidential, secure and auditable records.
- Buy from the highest scoring supplier.

Where a relevant approved supplier list exists, approved suppliers will be used unless written permission is received from the board of trustees outlining the reasons for using an alternative supplier. The Trust will award quotes a score between 0 and 5 based on a set of criteria that may include the following:

- The price offered to supply the goods or services.
- The quality of the goods or services to be delivered.
- How well the suppliers meet the school's specification.
- How quickly the supplier can provide the goods or services.
- The supplier's customer service
- After-care offered by the supplier.

The trust will also keep a record of all scores, comments, and decisions.

High value purchases

Any purchase or service estimated to cost over £40,000 will be put to formal tender or direct award via a framework.

Large purchases under the Procurement Act procurement thresholds

When the trust makes purchases with a value under the Procurement Act procurement threshold, it will:

- Assess the market.
- Prepare the contract and tender documents.
- Advertise the requirements in appropriate places.
- Consider using an expression of interest to cut the number of bids needed to assess later.
- Send an invitation to tender to people who reply to the advert.
- Fairly assess all the bids received, using the same process.
- Choose the bid that offers the best value for money.
- Award the contract to the highest scoring bidder.

Large purchases over the Procurement Act procurement threshold

When the trust makes purchases with a value over the Procurement Act procurement threshold, it will have regard for:

- delivering value for money
- maximising public benefit
- sharing information and being transparent

- integrity
- treating suppliers the same
- not putting a supplier at an unfair advantage or disadvantage
- small and medium enterprises
- National Procurement Policy Statements

The Trust will:

- Assess the market.
- Check the relevant frameworks to see if the purchase is available via an alternative route.
- Prepare the contract and invitation to tender.
- Consider whether to use the restricted procedure to reduce the number of bids to assess later, or the open procedure to let anyone bid.
- Make the invitation to tender and all other documents available electronically from the time that the contract notice is published.
- Assess all the bids fairly, using the same process.
- Choose the supplier that offers the best value for money.
- Award the contract to the highest scoring bid supplier.

Invitation to Tender (ITT) documentation

The Trust will make all necessary tendering documents available to suppliers, including:

- A covering letter
- A timeline
- How to ask questions
- How to submit a bid
- Specifications
- A list of things the trust requires prices for
- The award criteria
- The level of service required
- Any contract management needs, such as regular meetings or contact
- If needed, an invitation for suppliers to give a demonstration
- The proposed contract drafted as far as possible

Tender evaluation

When making purchases, the Trust will:

- Decide the method of assessing the bids.
- Get bids from at least three suppliers where possible.
- Assess all the bids received fairly and according to the specification.
- Choose the supplier that offers the best value for money.

When evaluating a tender, the following financial implications will be considered:

- Lower costs may not necessarily be the most favourable, e.g. when they result in a reduced service.
- The price being considered should be the total cost, without extra fees or hidden costs.
- Where there is scope for negotiation, the CFOO needs to ensure the best possible value for money.

When evaluating a tender, the following technical requirements will be considered:

- Certificates of conformity.
- Conformity of standards.
- The qualifications and experience of the supplier.
- Descriptions of technical services and facilities.
- Quality control procedures.
- Details of previously delivered services.
- References from previous customers.

When considering a tender, the following other requirements will be considered:

- Pre-sales demonstrations.
- After-sales service.
- The financial viability of the supplier.

Tender acceptance

Invitations to tender will always state the date and time the completed tender documents are to be received by the Trust. Tender documents received after deadlines will not be considered unless the supplier provides proof of exceptional circumstances.

Informing unsuccessful bidders

The Trust will provide a letter including the following information to all unsuccessful bidders at the same time:

- The name of the winning bidder
- The award criteria used
- The reasons for the decision, including the characteristics and relative advantages of the successful tender

- When the standstill period ends
- Their scores and feedback

The Trust will only comment on their unsuccessful bid and will not share details of anyone else's bid. The Trust will try to give constructive feedback.

Informing the successful bidder

The Trust will provide a letter including the following information when informing the successful bidder that they have won:

- The award criteria used
- Their scores
- Why the Trust thinks their bid is the most economically advantageous
- When the standstill period ends

The Trust will use the letter as an invitation to finalise a contract. The letter will make it clear that:

- The Trust will only award them the contract if the standstill period passes without a challenge from another supplier.
- There are no commitments, and no work should begin, until both sides have signed the contract.

Challenges from unsuccessful bidders

The trust will maintain the following minimum standstill period between notifying the winning bidder and awarding the contract, depending on the means of communication used to transmit the standstill notice:

- Notices communicated by electronic means: 10 calendar days
- Notices communicated by non-electronic means: 15 calendar days

If this period ends on a non-working day, this will be extended to the end of the next working day.

During the standstill period, if an unsuccessful bidder challenges the fairness of the contract award decision or process, the trust will contact them and explain that the assessment process was conducted fairly and that the trust has kept good records – legal advice may be sought depending on the nature or seriousness of the challenge.

If an unsuccessful bidder makes a legal challenge, the trust will not finalise the contract, and will seek legal advice before proceeding.

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.

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

Conflicts of Interest

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 Academy 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 agreements with the related party exceeds, or continues to exceed, £20,000 in the same financial year ending 31 August