



PROCUREMENT POLICY

Version	Owner	Date Adopted	Review Due	Review Team
V1	TC	Sept 2021	Sept 2022	RFO

1. Introduction

The purpose of this policy is to provide guidance on the procedures which will be followed when purchasing goods and services. The policy aims to give effect to and comply with S135 of the Local Government Act 1972 and the Public Contracts Regulations 2015.

Every Contract by the Council or person acting on its behalf shall comply with this Procurement Policy, the Town Council's Standing Orders and Financial Regulations. These regulations cover, amongst other things: the number of quotations to be sought and the tendering procedure.

A Contract is an agreement between the Council and an individual or organisation for the individual or organisation to provide works, goods or services (including the engagement of consultants) in exchange for payment by the Council. The following contracts are exempt from the requirements of these rules: contracts relating solely to disposal or acquisition of land; employment contracts and individual agency contracts for the provision of temporary staff.

The Council strives to attain best value for the goods, materials and services that it purchases. Best value is defined as a balance of price, quality of product and local supplier services. Before commencing a procurement, it is essential that the authorised person leading the procurement has identified the need and fully assessed the options for meeting those needs. The best use of purchasing power shall be sought by bulk purchases wherever possible.

Exceptions from any of the following provisions of these Contract Procurement Rules may be made under the direction of the Council, in consultation with the RFO, where they are satisfied that the exception is justified in special circumstances. Every exception and reason therefore shall be recorded by a resolution of Council.

The RFO and officers must be mindful of avoiding conflicts of interest when obtaining quotations and awarding tenders. Quotations cannot be obtained by members.

Relevant sections in Standing Orders / Financial Regulations must be followed, to ensure legality in public sector procurement. These Regulations cover, amongst other things:

- The number of quotations to be sought, and
- Tendering procedures.

The National Association of Local Councils Legal Topic Note 87 also provides sensible guidance. [NALC 87 re Procurement Policy.pdf](#)

2. Purpose

Melksham Town Council's Procurement Policy has four main purposes:

1. To obtain best value in the way that the Council spends money, so that it may in turn offer better and more cost-effective services to the public.
2. To support the ability of the Council's officers to procure and manage goods. Services and suppliers effectively, including informing all Council staff of the appropriate procedures and responsibilities.
3. To enable the Council to comply with legal obligations that govern the spending of public money.
4. To contribute to the Council's duty towards biodiversity and environmental aims.

3. Local contractors preferred

- 3.1 The Council recognises the benefits to the economy of using local businesses and will seek out local contractors and suppliers.

4. Competence of contractors and due diligence

4.1 The Council shall only enter into a contract with a supplier if it is satisfied as to the supplier's suitability, eligibility, financial standing and technical capacity to undertake the contract by carrying out appropriate due diligence.

4.2 All contractors and suppliers working on Council sites will be required to comply with the Council's Health & Safety policy and any rules specific to the site of operation. Provision of suitable risk assessments and safe working method statements will be a condition of all such contracts.

4.3 The Council requires all contractors working on Council sites and projects to maintain adequate insurance, including but not limited to Public Liability insurance for £10 million.

4.4 All procurement will be in accordance with the Council's Equality Policy and in line with our legal obligations under the Equalities Act 2010 which makes it generally unlawful to discriminate on the grounds of colour, race, nationality, ethnic or national origins, sex or marital status, disability and on the grounds of age.

5. Equality and sustainability

5.1 The Council recognises the importance of sustainability and will take into account the environmental, social and economic impacts of its purchasing decisions.

5.2 The Council recognises its duty to protect biodiversity under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006. To meet this duty the Council will wherever possible purchase products that protect biodiversity, for example peat-free compost.

5.3 The Council will encourage the purchase of locally sourced products and, where possible, ensure that products and materials originate from sustainable sources and accredited sustainable companies. In order to:

- minimise waste and maximise efficiency
- minimise travel
- minimise energy consumption
- promote greater use of new sustainable technologies
- keep material consumption to a minimum.

5.4 The Council will, wherever possible, purchase goods that meet international Fairtrade standards (or similar).

5.5 The Council will Consider the whole life cost of products when selecting a supplier (Energy efficient products for example often have an increased capital cost that is more than offset over time by the reduced operational cost)

5.6 The Council will never buy products that are harmful to the environment if a less damaging alternative is available (for example never use tropical hardwood that is not independently certified as being from a sustainable forest).

5.7 The Council will always specify goods, products and materials that cause minimum damage to the environment including the impact of their manufacture, distribution, use & disposal.

5.8 The Council aims to promote sustainability within all its contract and tendering documentation and promote awareness amongst members and officers.

5.9 The Council will continually review the purchasing of goods and services through contract specifications, with the intention of decreasing the Council's environmental impact and increasing its positive impacts on society, the local economy and producers.

5.10 The Council aims to draw the sustainable elements of its Procurement Policy to the attention of key suppliers and communicate it as widely as is practicable to the potential supply market.

6. Prompt payment of invoices

6.1 The Council understands the importance of paying suppliers promptly and will wherever possible settle accounts within a maximum of 30 days, or earlier, by agreement. In order to comply with current legislation all payments (apart from petty cash payments) are made by BACS transfer or cheque.

7. Community engagement

Where relevant, the Council will consult with residents and service users to better understand what is needed, who will use it and what the essential requirements are for an item of capital expenditure.

8. Pre-approval of contractors

8.1. In respect of contracts that may be exempt from the Public Contracts Regulations 2015, the Council may require access to pre-approved contractors to supply routine services (or who can be called on to provide emergency services) including but not limited to:

- a) Electricians
- b) General builders
- c) Glaziers
- d) Grass and hedge cutting contractors
- e) Groundworkers
- f) HR advice
- g) IT support
- h) Legal advice
- i) Locksmiths
- j) Plant hirers
- k) Play equipment repairers
- l) Plumbing and heating engineers
- m) Project management
- o) Tree surgeons
- p) Vehicle and machinery service engineers
- q) Project management and quantity surveying

8.2 Contractors wishing to be included on the Council's register of approved contractors will be required to complete a registration form (See Appendix A).

8.3 The register of approved contractors will be reviewed every three years.

8.4 Provision of the Town Council's internal audit services is reviewed every three years. A decision has to be made by 31 December for the next financial year.

9. Best value

9.1 Normally the Council will accept the quotation, estimate or tender that provides best value for money. However, in accordance with Standing Orders, the Council is not obliged to accept the lowest of any tender, quotation or estimate.

10. Purchases on account

10.1 The Council maintains monthly accounts with suppliers of regular purchases. All purchases on Council accounts may only be made by authorised Council officers who must be provided with a receipt. Limits will be set on each account on the maximum value of individual purchases and the overall balance on the account. Expenditure over these limits must be authorised in advance.

11. Specifications for tender process

11.1 Enquiries and invitations to tender shall be based on a written specification. The specification shall adequately describe the requirement procedure in sufficient detail to enable effective procurement in accordance with these rules.

12. Contracts above £5,000

12.1 While not obliged to seek competitive tenders for works below £10,000, where there are opportunities for competitive savings, three estimates shall be sought by the RFO or delegated officer (subject to Para 8 above).

12.2 A credit check should be carried out for all suppliers where the contract being awarded is in excess of £5,000.

13. Contracts between £10,000 and £25,000

13.1 Written quotations must be sought by the RFO or delegated officer from not less than three individuals or organisations that could undertake the contract.

14. Contracts above £25,000 and tender process

14.1 The tender shall be advertised in a local newspaper, the 'Contracts Finder' website and in any other manner that is appropriate (Para. 13.7) setting out particulars of the contract and inviting persons interested to apply for the opportunity to tender.

14.2 After the expiration of the period specified in the public notice invitations to tender shall be sent to individuals or organisations that could undertake the contract.

14.3 Tenders to be submitted and opened in accordance with Para 15.3 below.

14.5 Every written contract shall comply with Financial Regulations.

14.6 Every contract which exceeds £25,000 and is either for the execution of work or the supply of goods or materials shall provide for payment of liquidated damages by the contractor in case the terms of the contract are not performed.

14.7 Contracts over the value of £25,000 shall comply with Articles 109 to 114 of the Public Contracts Regulations 2015 as explained in NALC Legal Topic Note 87 (attached) regarding the advertising of contracts and the use of the 'Contracts Finder' website.

15. Submission of tenders: submission procedures for contracts above £25,000

15.1 Where an invitation to tender is made, such invitation to tender shall state the general nature of the intended contract and the Town Clerk/ Responsible Financial Officer shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitations shall in addition state that tenders must be addressed to the Town Clerk/ Responsible Financial Officer. Each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed dates for opening tenders for the contract.

15.2 The tenders shall be kept in the custody of the appropriate nominated person until the time and date specified for their opening.

15.3 Tenders shall be opened by the Town Clerk/ Responsible Financial Officer in the presence of at least two councillors from the Finance, Admin. and Performance committee. Tenders shall be date stamped and signed on all pages containing price information.

16. Acceptance of quotations and tenders

16.1 Tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.

16.2 The Town Council shall not be obliged to accept the lowest of any tender, quote or estimate.

16.3 Where the RFO considers it in the best interest of the Council, he/she may negotiate with the tenderers whose tenders are being considered for acceptance. No negotiation on contracts whose value is in excess of £25,000 can take place without reference to the RFO. Any negotiations which would distort competition is expressly forbidden.

16.4 Arithmetical errors found in any tender when checking shall be dealt with as follows: the tenderer shall have the error pointed out to them and be offered the opportunity to stand by their original tender, or their corrected tender, or withdraw it.

17. Nominated sub-contractors and suppliers

17.1 Where a sub-contractor or supplier is to be nominated to a main contractor, the procurement of the services of the sub-contractor or supplier shall be subject to these Contract Procedure Rules.

18. Contracts' record

18.1 A record of all contracts in excess of £25,000 in value placed by the Council shall be kept by the Town Clerk. This record shall specify for each contract the name of the contractor, the

works to be executed or the goods or services to be supplied, the contract value and the contract period. This is the responsibility of the appointed person authorising the contract to ensure that an accurate record is maintained.

19. Contract variations

19.1 Any variation to a contract or addition to or omission from a contract must be approved by the Council stated in writing to the contractor by the Town Clerk. The Council must be informed where the final cost is likely to exceed the financial provision.

20. Bonds, guarantees and insurance

20.1 For procurement projects where the spend is greater than £25,000 consideration must be given as part of the pre-qualification assessment and evaluation process as to whether a performance bond and/or parent company guarantee (if applicable) shall be required from the successful tenderer.

20.2 Consideration must be given as to the appropriate type (employee liability, public liability, professional indemnity, etc.) and level of insurance requirements for each contract.

21. Termination of contracts

21.1 The Council reserves the right to terminate any contract immediately for any of the following reasons: Termination for Cause – where a supplier commits a material breach of the agreement to deliver services, or fails to deliver agreed services, in the agreed timeframe without a plan to address the failings.

22. Compliance with other relevant legislation

22.1 In cases where any law, statutory instrument of Government regulation is found to be at variance with any section of this policy, then that shall be applied and this document shall be amended accordingly.

APPENDIX 1

APPLICATION FOR INCLUSION ON MELKSHAM TOWN COUNCIL'S APPROVED CONTRACTOR LIST

Business	
Business Address	
Postcode	
Telephone	
Email	
Services provided	
Years in business	
Memberships/ professional bodies	
Declaration	<ul style="list-style-type: none">• I understand that the Council requires me to hold Public Liability Insurance for contracts which involve working on Council sites for a minimum of £10m.• I confirm that I will supply a copy of my PLI policy schedule annually at renewal.• I am aware that I am required to comply with the Council's Health and Safety and Equality policies.• I am aware that I may be required to provide suitable risk assessments and/ or method statements.
Signed	
Date	
Name	
Position	

Please email completed form to: townhall@melksham-tc.gov.uk

Reviewed and Adopted by Full Council on xxx