



**A guide on how to do business with
Wyre Borough Council**

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1. Introduction

Wyre Council has to buy a range of goods, works and services to enable it to deliver effective services to the people of Wyre.

The aim of this guide is to help suppliers understand how the council purchases goods, works or services.

There is a great deal of competition for Wyre Council contracts and the guide cannot assure individual companies of success. However, it should provide you with the necessary information to bid for council contracts.

Within this guide there is information and advice on the following areas:

- Procurement – how it works in Wyre Council
- The Council's Supplier portal
- Finding out about our contracts
- UK tender procedures
- Use of Constructionline
- Tendering process
- Equality & Diversity
- Health & Safety
- Sustainability
- Useful website links.

2. Procurement – how it works at Wyre Council

Procurement within Wyre Council must comply with UK law, European Union Directives (International laws) where still appropriate and the Council's Contract Procedures, which are part of the Financial Regulations and Financial Procedure Rules that form part of the Council's Constitution.

The Constitution sets out how the council operates, how decisions are made and the procedures, which are followed to ensure that these are efficient, transparent and accountable to local people. Some of the council's processes are required by the law, while others are a matter for the council to choose.

If the total value of the procurement is above certain financial limits then Wyre Council must advertise the business on the new UK e-notification service, Find a Tender (FTS).

The current UK procurement limits from the 1st January 2022 are:

- Supply and Service contracts over £213,477.
- Works contracts over £5,336,937.

The above figures are inclusive of VAT at the prevailing rate.

The UK procurement laws are in place to ensure that there is no discrimination, equal treatment of all potential bidders/suppliers, fair competition and that all arrangements are open and transparent to inspection.

Procurement in Wyre Council is carried out by a number of individual council staff referred to as Spending Officers.

3. The CHEST

Along with most public authorities in the region, Wyre has implemented a 'Supplier Portal (the Chest)', which has been developed for the 46 council's in the North West by the Regional Centre of Excellence.

The Portal enables all suppliers to register their capability on to a single regional web site where they are asked to register 'once only'. Registration on the Portal will allow Local Authority buyers to match their requirements against registered suppliers.

The system will also enable quotations / tenders to be actioned electronically within the same system and for suppliers to receive alerts when any council is in the market, although it will be some time before this electronic tendering facility is fully utilised across the region.

It is strongly recommend that you register your details on the Portal since it is from the companies registered in the system that the council will choose who it invites for a quotation or to tender.

Details of the site can be found at: www.the-chest.org.uk

4. Finding out about our contracts

There are a number of different ways to find out about new council contracts. It will depend on the value of the contract and the particular services, works or goods being purchased.

4.1 Below UK limits

If procurement is below the UK thresholds it is subject to the council's contract procedures, which again, as with the UK directives, are there to ensure no discrimination and fair competition for all.

4.1.1 Goods, Service and Works Contracts up to £10,000

Where the value of work, materials or services is estimated not to exceed £10,000 in value, Spending Officers are required to ensure that value for money is achieved and obtain three quotations in writing, where possible obtaining at least one quotation from a locally based supplier.

4.1.2 Goods, Service and Works Contracts between £10,000 to £100,000

Where the value of work, materials or services is estimated to exceed £10,000 (but not exceed £100,000), Spending Officers must either advertise the tenders on Chest or in exceptional circumstances obtain competitive quotations in writing from at least three contractors, who in the normal course of their business carry out works or supply the materials or service required. Again the officer will be expected to use their knowledge and experience of suppliers when inviting a quotation, and where possible invite at least one locally based supplier to quote. Quotations submitted by suppliers will generally be chosen on the basis of most financially favorable, although quality and value (including social value) is also taken in to consideration when selecting a supplier.

4.1.3 Goods, Service and Works Contracts over £100,000

Where the value of work, materials or services is estimated to exceed £100,000. Tenders must be invited by an advertisement and via the CHEST. The advertisement must state what the contract is for, any selection criteria if appropriate, contact details and a closing date of at least two weeks from the date of publication by which tenders must be received. Those tenders exceeding the UK limit must be advertised on FTS.

4.1.4 Terms and Conditions of a Contract over £100,000.

Contracts must include:

- the work or services to be carried out or the materials to be supplied
- what elements of social value will be delivered
- the price and any discounts
- the time within which the contract is to be carried out
- the contractor will pay liquidated damages if they fail to meet the terms of the contract
- if the contract is not carried out properly or the time limit is not met, the council can:
 - cancel all or part of the contract
 - complete the contract
 - recover from the contractor any additional costs in completing the contract
 - take other legal action against the contractor
 - enforce a standard form of contract approved by an accepted national body.
- The council's policy on whistleblowing is to advise potential suppliers about the council's policy on standards of openness, probity and accountability.

Every contract must state that all goods, works or services must, as a minimum, comply with: -

- Any relevant British Standards,
- British Standard Code of Practice
- The current EC equivalent in force at the date of the tender.

4.1.5 Select lists of Contractors

The council no longer keep lists of approved contractors.

The council decided that it was unfair to suppliers to keep asking them to spend time and resource completing questionnaires and being evaluated to be on an approved list. Suppliers would be on this list for up to a maximum of three years and may never win any new contracts. Suppliers could also be completing similar documentation when applying to be on other council approved lists.

The council felt a fairer policy would be to either use 'Constructionline' (an independent national database of pre-qualified contractors and consultants) to select its suppliers in this category when going out for a quote/contract, or request suppliers to complete a pre-qualification questionnaire (PQQ) in the normal way if they are not part of Constructionline.

A link to the Constructionline website is listed at Appendix A.

Wyre Council will may not always accept the lowest tender as the council recognises the importance of quality and value, as well as price. The council will select a Supplier on the most economically advantageous tender it receives.

4.2 Above UK Threshold

If the contract value is above the UK threshold then a contract notice must be placed on FTS.

5. UK Tender procedures

Under Public Contracts Regulations 2015 there are four types of tender procedure available to buyers.

5.1 Open Procedure

This is open to all suppliers who wish to apply to the advertisement and no limit can be put on those wishing to tender for the contract.

The timescale for the open procedure is 52 days for companies to request, complete and return a tender.

5.2 Restricted Procedure

This is not open to all Suppliers and a selection is made from those who respond to the advert. This procedure is a two/three stage process.

Companies will be short-listed to receive tenders once they have passed certain pre-selection criteria.

The timescale for the restricted procedure is 37 days for companies to register an interest and 40 days to complete and return a tender.

5.3 Negotiated procedure

In this procedure the council can invite one or two suppliers to negotiate the terms and conditions of a contract. This is only available in a very limited number of circumstances and is subject to strict conditions.

The timescale for the negotiated procedure is 37 days for companies to register an interest in the contract.

5.4 Competitive dialogue procedure

This can only be applied after the selection process when the council want to develop one or two suitable solutions for its requirements on which chosen suppliers will be invited to tender.

The timescale for the competitive dialogue procedure is 37 days for companies to register an interest in the contract.

6. Applying for advertised contracts

The contract notice or advertisement will invite companies to submit an expression of interest for a contract.

Once expressions of interest have been received, if the council is not using Constructionline or a supplier is not a member of Constructionline, suppliers will be required to submit a PQQ, which will be available to download via the CHEST.

It is important that suppliers provide all the information requested and respond by the due date otherwise they may be rejected from the process.

The type of information required in a PQQ may include some or all of the following:

- Company details
- Financial information
- Management and business structure
- Resources and staff training
- Quality assurance
- Environmental matters
- Insurance cover
- Equality and diversity policies
- Health and safety practices
- References.

7. Tendering process

The FTS notice or advertisement will state what tendering procedure the council has selected. If the Council is using the Restricted Procedure, the supplier will either be asked to provide its Constructionline number if applicable (where the Council will download a report), or if not a member of Constructionline complete a PQQ.

The information contained within the Constructionline report or the responses from the completed PQQ will be used to assess whether the company can meet the Council's requirements for that particular contract. If the company can meet the relevant requirements they will be short-listed and will receive an Invitation to Tender package.

Within the Invitation to Tender package there will be as a minimum:

- A letter of invitation outlining details of all the documents in the invitation to tender package and the closing date for return of tenders.
- An acknowledgement of receipt for the tender proforma
- A specification

- A standard set of Wyre Borough Council terms and conditions
- Any supplementary terms and conditions specific to the particular goods, works and services being tendered for.
- The evaluation criteria
- A pricing schedule.

It is essential that tenders are returned on time to the CHEST and no responses will be considered if delivered in hard copy format. Any tenders received after the closing date and time **will be disqualified**.

An elected member from the council will open all the returned tenders electronically and the responses will be evaluated by a panel of officers against the criteria detailed in the tender documentation.

Both the successful and unsuccessful suppliers will be notified in writing or by an official email.

If the contract has gone through the FTS, then there must be a “ten-day cooling off period” referred to as the ‘standstill period’. This allows the unsuccessful suppliers to appeal against the decision if they feel they have been treated unfairly during the procurement process.

All suppliers will be offered the opportunity to have a contract debrief meeting. The contract debrief is an opportunity for companies to find out why they were unsuccessful and where they may need to improve to help make their bid more competitive in the future.

Please note that each contract is dealt with on an individual basis. Both successful and unsuccessful companies are not automatically considered for any other contract.

8. Equality & Diversity

A company will also be asked to supply evidence of their Equality and Diversity policies, through:

- A method or mission statements
- Service plan
- Organisation structure

A suppliers approach to equality and diversity will form part of the evaluation criteria.

9. Health & Safety

The council is committed to ensuring the health, safety and welfare of its employees and that of all others affected by its undertakings. Contracts to supply goods or services will only be awarded to contractors who can satisfy the council's requirements in terms of resources required and their health and safety competence.

Successful contractors/suppliers are expected to demonstrate compliance with current health and safety legislation including:

- a commitment to the health and safety of its employees, clients and others
- up to date health and safety policies and procedures
- adequate risk assessment procedures
- an adequate system of monitoring and reporting accidents, incidents and ill-health
- access to competent health and safety advice contracts are monitored to ensure compliance with contract standards and health and safety requirements.

10. Sustainability

Wyre Council is committed to having a sustainable environment. Procurement is a mechanism for delivering this through the inclusion of environmental specifications for the purchase of goods, works and services. Environmental performance of companies will be taken into account when selecting contractors. We will also assist potential contractors to enable them to make informed decisions about the environmental impact of products and their whole life costs.

The council recognises the need to carry out procurement activities in an environmentally responsible manner and will therefore:

- Comply with all relevant environmental legislation
- Encourage contractors and suppliers to investigate and develop environmentally friendly procedures and products
- Ensure that all suppliers' environmental policies are considered during tender evaluations and that, where appropriate, environmental criteria are used in the award of the contracts.
- Wherever possible and practicable, specify the use of environmentally friendly materials and products
- Ensure that specifications where appropriate provide the facility for suppliers to provide environmentally friendly alternatives.

11. Freedom of Information

The council like other public bodies has to comply with the Freedom of Information (FOI) legislation. This means that any information that it holds, including information about a contractor may be subject to disclosure. The contractor may also be requested to disclose information to the council to

comply with a request. There are however exemptions which can apply to contracts for example the council has decided that responses to tenders or to requests for quotation will be in confidence until award of contract. When a contract is issued it will contain certain conditions relating to FOI.

More information on FOI can be found on the Council's website.

12. Contracts Register

The National Procurement Strategy sets out the requirement for every local authority to maintain a corporate register of contracts on a spend of over £5,000.

Contracts that have been awarded are published on the council's website every quarter. The information shown on the register is as follows:

- reference number
- supplier details
- title of the agreement
- description of goods and/or services sought
- start, end and review dates
- contract value
- type of procurement
- local authority department responsible.

Appendix A

www.the-chest.org.uk	The CHEST – The council’s e-tendering portal where Suppliers must register for quotations and tenders.
www.gov.uk/find.tender	Find a Tender service – for searching for high value (above £118,000) tenders.
www.gov.uk/contracts-finder	Contracts Finder service – for searching for tenders with a value of over £12,000 advertised by Government and its agencies.
www.constructionline.co.uk	Access to the Constructionline Website, which contains over 8000 suppliers on its database.
http://simap.eu.int	SIMAP – for information on public sector electronic procurement.
http://www.lga.gov.uk	Local Government Agency – For information on local authority Procurement Issues.
www.bipsolutions.com	Business Information Solutions Ltd provides public sector contract information.
www.tenders.co.uk	Tenders is a searchable database of European public sector contracts.
www.tendersdirect.co.uk	Tenders direct is a searchable database of public sector contracts.