



POLCFO 10 PROCUREMENT POLICY FIN07 - PROCUREMENT POLICY

All College policies and procedures adhere to the guidelines and ethos of Equality and Diversity.

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Clan	v	MyNCLAN		Website	

1. Purpose

This policy refers to the procurement of all goods, services and works on behalf of the College. The policy and associated procedures ensure all procurement of goods, services and works are achieved at competitive prices, and are governed by the World Trade Organisation (WTO) Principles of non-discrimination, transparency, procedural fairness and compliance with the Scottish Procurement Regulations, the Procurement Journey, Sustainable Procurement Duty, and other relevant statutory requirements. In adherence to the regulations the College can demonstrate its accountability for, and good stewardship of the funds at its disposal.

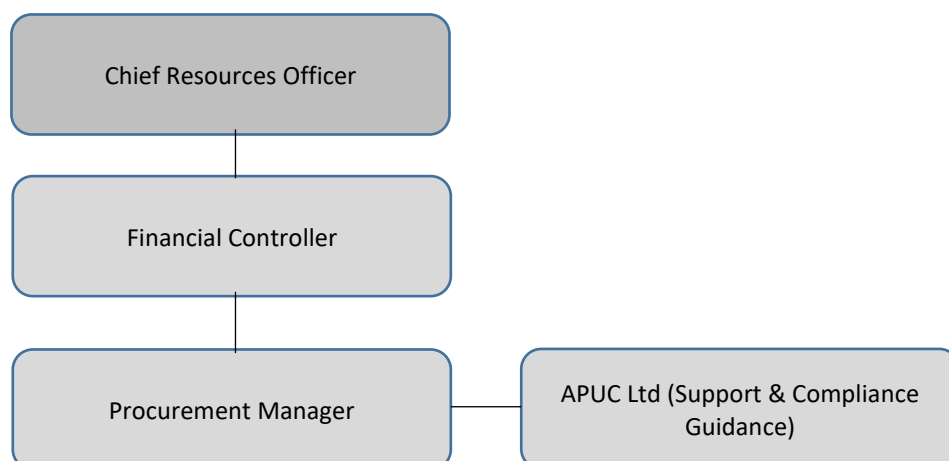
Through procurement, the key principles of this policy are therefore intended to:

- Ensure that procedures are in accordance with the highest ethical standards linked to procurement matters, public accountability and the expenditure of public funds;
- Ensure the College procurement activity is transparent, effective, efficient and provides value for money;
- Comply with all legislative and regulatory obligations in relation to procurement;
- Establish a uniformed approach to procurement through compliance with the procurement procedures;
- Embed sustainability principles and practices including promoting innovation, community benefit, equality, diversity and social value;
- Embrace collaborative opportunities;
- Drive continuous improvement; and
- Ensure a high standard of contractor health & safety compliance.

2. Scope

This policy applies to all College staff and to the provision of goods, services and works where the procurement value is in excess of £5,000 (excluding VAT). This policy should be read in conjunction with Section 7 – Linked Policies/Related Documents.

3. Procurement Team



4. Authority to Procure

A Purchase Order and/or Contract creates a legal agreement between the College and a Supplier. All purchases and Contracts must be approved by authorised personnel with transferred delegation of authority. This includes the Board of Management to the Principal and to members of the Executive Board, Deans, Heads of Department, Heads of Professional Services, and other staff within the College.

Delegated Authority is the financial limits that are assigned to individuals within the College regarding their ability to approve new projects, and to commit and approve expenditure.

The Scheme of Delegation sets out the levels for authorisation of Delegated Authority Limits.

1. matters not delegated by the Scottish Funding Council
2. matters reserved for the Board of Management
3. delegations to the Chair of the Board
4. delegations to the Principal & Chief Executive
5. delegations to members of staff via the College's Budgeting and Purchasing Procedures

Please refer to the POLCFO 4 Delegated Financial Authority Policy and POLCFO 11 Purchasing Policy for further details.

5. Key Principles

5.1 Ensure that procedures are in accordance with the highest ethical standards linked to procurement matters, public accountability and the expenditure of public funds

- 5.1.1 All procurement shall be carried out in line with relevant legislation, regulations, procurement guidance documents and internal governance to minimise the risk of legal challenge to the College.
- 5.1.2 Staff involved in procurement shall abide by the College's internal policies on Delegated Financial Authority, Value for Money, Purchasing Procedure for Online Purchases and use of College Purchases Card and Donations and Gifts Acceptance Policy.
- 5.1.3 Any person involved in the tender process who has a personal interest in any tender must declare a conflict of interest at the start of the procedure. Failure to do so will result in disciplinary action.
- 5.1.4 The College has a statutory duty, as defined by the Equalities Act 2010, to advance equality of opportunity in all of its functions, including procurement. The College remains responsible for meeting its obligations under the various statutes even when an external contractor provides one or more of the College's functions. Members of staff involved in procurement will take account of the following objectives when placing business with any supplier/contractor:
 - Eliminate unlawful discrimination, harassment and victimisation and other conduct that is prohibited by the Equality Act 2010;
 - Advance equality of opportunity between people who share a relevant protected characteristic and those who do not;
 - Ensure that the goods, works and services are provided in a way that meets the needs of all users.

5.2 Ensure the College procurement activity is transparent, effective, efficient and provides value for money

- 5.2.1 The College shall publish a Procurement Strategy, Procurement Annual Report and Contract Register on its website.
- 5.2.2 In line with the Procurement Procedures, the College shall use Public Contracts Scotland (PCS) - Quick Quote, Public Contracts Scotland (PCS) and Find a Tender to ensure transparency in advertising quotations and tenders providing suppliers with maximum access to College contract opportunities. Clear and precise language shall be used when conducting a procurement procedure.
- 5.2.3 The tendering procedure must ensure that, not only are the College procurements legitimate and represent Value for money, but also that they are seen to be so. (College Value for Money Policy POLCFO 6)
- 5.2.5 The College shall have in place standard procurement templates to ensure process efficiency.
- 5.2.6 Where legally required, the College shall clearly state evaluation based on price and quality criteria, a scoring methodology and weightings ensuring transparency in how each procurement process shall be awarded and achieving value for money.
- 5.2.7 The tendering procedure must be consistently applied and all staff involved with tendering must be able to verify that during their involvement, the tendering procedure has been adhered to.
- 5.2.8 During the tendering procedure, the details of any tender from a contractor or supplier are confidential and must not be disclosed to anyone out with the project team or College.
- 5.2.9 At the end of the tendering procedure, a contract may be let. However, details of the successful tenderer must remain confidential to the College until a formal award notice is posted on Public Contracts Scotland website.
- 5.2.10 Feedback to the unsuccessful Suppliers must only be carried out by a member of the Procurement Team.
- 5.2.11 The College shall optimise the use of electronic tools such as “Hunter” to maximise e-procurement efficiencies and monitor procurement savings.

5.3 Complying with all legislative and regulatory obligations in relation to procurement

- 5.3.1 The College will ensure that it complies with the following procurement legislation and all subsequent amendments:
 - Public Contracts (Scotland) Regulations 2015;
 - Procurement Reform (Scotland) Act 2014;
 - Procurement (Scotland) Regulations 2016.

In addition, the Procurement Department will ensure compliance with all relevant legislation and all subsequent amendments on a contract by contract basis, including but not limited to:

- Bribery Act 2010;
- Climate Change (Scotland) Act 2009;
- The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015;
- Climate Change (Emissions Reduction Targets) (Scotland) Act 2019;

- Criminal Finances Act 2017;
- Equalities Act 2010;
- Freedom of Information (Scotland) Act 2002;
- The Food Safety Act 1990
- Food Hygiene (Scotland) Regulations 2006
- General Data Protection Regulation (GDPR);
- Health and Safety at Work Act 1974;
- Late Payment of Commercial Debts (Scotland) Regulations 2013;
- Modern Slavery Act 2015.

5.4 Establish a uniformed approach to procurement through compliance with the procurement procedures

- 5.4.1 A set of robust and current Procurement Procedures and Guidance Documents shall be in place easily accessible to staff via The Clan.
- 5.4.2 A dedicated web page shall be in place to ensure that current information is readily available for College staff and external suppliers.
- 5.4.3 A standard set of College Terms and Conditions shall be used to minimise contractual risk. Where a Framework Agreement is used, the procurement shall be carried out under the already agreed Framework Terms and Conditions.
- 5.4.4 The College shall ensure that Payment Terms of 30 days are met.
- 5.4.5 The College shall operate a no Purchase Order/No Pay Policy.

5.5 Embed sustainability principles and practices including promoting innovation, community benefit, equality, diversity and social value

- 5.5.1 The College shall seek to deliver sustainable outcomes through procurement where relevant.
- 5.5.2 Procurement Procedures and Guidance Documents shall reflect the requirement of the Sustainable Procurement Duty for Regulated Procurements considering how the College:
- Can improve the economic, social, and environmental wellbeing of the surrounding area of the College;
 - Can facilitate the involvement of small and medium enterprises, third sector bodies and supported businesses in the process, and;
 - Can promote innovation.
- 5.5.3 For Regulated Procurements, through the use of a Project Strategy, a sustainability test shall be carried out to identify any economic, social and environmental factors above that can be considered as part of a procurement procedure.
- 5.5.4 For Regulated Procurements, through the use of a Project Strategy and market research, consideration shall be given to the procurement approach and allowance of innovative proposals from the market.
- 5.5.5 The College shall use PCS which shall help maximise access to College contract opportunities by SMEs, supported businesses and third sector bodies.
- 5.5.6 Consideration shall be given to Community Benefits for all procurements >£4m and for lesser value when considered appropriate.
- 5.5.7 Consideration shall be given to the whole life cost of products and services.
- 5.5.8 Consideration shall be given to the circular economy principles when procuring including consideration of whether it is necessary to purchase at all, exploration of alternatives such as sharing resources or equipment with other departments or public

bodies, re-using, repairing or refurbishing existing goods. Where appropriate, we will consider specifying goods and/or materials that are designed for long-term use that can be easily disassembled, re-used or re-cycled and made with a high content of recycled materials. We will specify minimum packaging, reusable packaging and packaging take-back.

- 5.5.9 As an organisation who is a Living Wage employer, the College recognises the value of a well- motivated and dedicated workforce both in its own organisation and in those of its suppliers. The College will consider, before undertaking a procurement, whether it is relevant and proportionate to include a question on fair work practices along with other relevant criteria, whilst ensuring the appropriate balance between quality and cost of the contract, paying regard to the statutory guidance including the application the living wage.
- 5.5.10 The College will make use of appropriate standards and labels in its procurements to take account of fair and ethical trading considerations as well as considering equivalent offerings from suppliers that can demonstrate they can meet the specified criteria without necessarily having the specific certification where relevant.
- 5.5.11 The College shall ensure that food procurement is conducted with the highest regard to legislation and animal welfare.
- 5.5.12 Consideration shall be given to climate change impact and how the procurement can contribute to carbon emission reduction targets where relevant.
- 5.5.13 The College will work with its suppliers to ensure commitment to the Sustain Supply Chain Code of Conduct.
- 5.5.14 As an affiliate member of Electronics Watch which works to improve worker's rights in public sector supply chains, the College, through its membership, shall continue its contribution to the wider ethical procurement agenda.

Procurement shall participate in College and Sector Sustainability Forums and contribute to the wider sustainability agenda within the College

5.6 Embracing collaborative opportunities

- 5.6.1 The College will seek to maximise opportunities to collaborate in the procurement of goods, services or works where it can be demonstrated that such collaboration delivers the best overall value for money solution to meet the College's needs.
- 5.6.2 Collaboration will include the use of Framework Agreements which have been procured by collaborative procurement organisations such as Advanced Procurement for Universities and Colleges (APUC) Ltd, The University Caterers Organisation TUCO Ltd and the Scottish Government.
- 5.6.3 Collaboration shall also include maximising opportunities to work across College departments to deliver contracts for commonly purchased goods and services, such as stationery, materials, equipment or consumables where there are currently no contracts in place.

5.7 Driving continuous improvement

Suppliers

- 5.7.1 The College shall have in place a standard approach to Contract Management.
- 5.7.2 The approach to Contract Management shall be proportionate for both the College and the supplier. Through this approach, the College shall ensure that there is a single point of responsibility for the contract, that contract obligations are met with

mechanisms in place to ensure that continuous improvement and best value are delivered throughout the contract period.

- 5.7.3 Procurement will work in conjunction with relevant stakeholders to implement and manage the Contract Management process on a contract-by-contract basis.
- 5.7.4 An important aspect of Contract Management is feedback from College stakeholders, which can be captured in various ways including surveys, email or verbal feedback.
- 5.7.5 Details of the Contract Management process can be found in the Procurement Procedures.

Procurement

- 5.7.6 The College participates in the Procurement & Commercial Improvement Programme (PCIP) which is a Scottish Government Assessment of the College's procurement practices. The PCIP assessment takes place every 2-3 years and focuses on the procurement and commercial capability through the provision of evidence, based around a series of set questions and other evaluation methods. Following the PCIP assessment, the College receives feedback and an action plan with recommendations to continually improve performance, based upon best practice.
- 5.7.7 In accordance with the Procurement Reform (Scotland) Act 2014, the College shall publish an Annual Procurement Report disclosing how its procurement activity has complied with its published Procurement Strategy.

5.8 Ensure a high standard of Contractor Health & Safety Compliance

- 5.8.1 The College has chosen Contractors Health and Safety Assessment Scheme (CHAS) to support ongoing improvements in the control and selection of our supply chain partners, helping to ensure compliance for all new and existing contractors in our supply chain.
- 5.8.2 As part of the tendering process it is a condition of award that the appointed Contractor must either hold, or willing to obtain (within 3 month of award date) accredited with CHAS to the minimum level of CHAS Standard. This accreditation will enhance the College commitment to high standards of compliance in safety and other key areas.

6 Responsibilities

- 6.1 The Board of Management is responsible for approval of this policy.
- 6.2 The Financial Controller is responsible for ensuring that the College complies with its legal obligations concerning procurement legislation and the Reform Act duties.
- 6.3 The Procurement Manager is responsible for the development, ongoing review and operation of this policy and ensuring that an effective Procurement Strategy and Procurement Procedures are in place. The Procurement Manager shall manage all Regulated Procurements between £50k and the GPA threshold, Regulated Procurements above the GPA threshold, provide procurement advice, deliver training and support of any procurement activity.
- 6.4 Budget Holders and Purchasers are responsible for ensuring that this policy and associated procedures are adhered to.

7 Linked Policies/Related Documents

- 7.1 New College Lanarkshire Financial Regulations (REGCFO 13)
- 7.2 New College Lanarkshire Value for Money Policy (POLCFO 6)

- 7.3 New College Lanarkshire Delegated Financial Authority Policy (POLCFO 4)
- 7.4 New College Lanarkshire Procurement Procedures (PROCFO 10.1)
- 7.5 New College Lanarkshire Purchasing Policy (POLCFO 11)
- 7.6 New College Lanarkshire Procedure for Online Purchases and use of College Purchases Card Policy (PROCFO 2.1)
- 7.7 New College Lanarkshire Donations and Gifts Acceptance Policy (POLCFO 7)
- 7.8 New College Lanarkshire Procurement Strategy (FIN01.1)

8 Useful Links

- 8.1 Current GPA procurement thresholds
<https://www.procurementjourney.scot/additional-resources/thresholds>
- 8.2 Procurement Reform (Scotland) Act 2014 - thresholds
<https://www.legislation.gov.uk/asp/2014/12/part/1/crossheading/regulated-contracts>
- 8.3 APUC Ltd – Advanced Procurement for Universities and Colleges which is the Scottish Government centre of expertise for procurement for the sector. <http://www.apuc-scot.ac.uk/>
- 8.4 PCS – Public Contracts Scotland – The Scottish Government’s official national portal for advertising public sector contract opportunities. <http://www.publiccontractsscotland.gov.uk/>
- 8.5 Scottish Government Procurement Journey – Guidance and Templates issued to assist Procurement/Tendering processes - <https://www.procurementjourney.scot/procurement-journey>
- 8.6 Find a Tender Service - <https://www.gov.uk/find-tender>

Version Control

Version	Version date	Sections updated
V1	April 1999	Original version of document
V2	January 2014	Section 3 - amendment to the Supplementary EC Procurement Rules thresholds for Supplies and Works, in line with recently published revised limits.
V3	July 2015	<ul style="list-style-type: none"> • Split of document into Tendering Policy and Tendering Procedures. • Throughout document - remove reference to Senior Executive Team (Motherwell College legacy) and replace with Senior Management team.
V4	May 2016	<ul style="list-style-type: none"> • Review of Policy in accordance with new procurement legislation <ul style="list-style-type: none"> ○ Updated Purpose to reference correct legislation ○ Procurement Team Update ○ Amended the thresholds in Section 4 ○ Amended the timeframe in Section 5 from 6 months to 3 months ○ Section 4 updated with reference to Supply Chain Manager and Sole Source Justification. ○ Section 7 updated with reference to Supply Chain Manager ○ Section 9 updated with additional useful links
V5	July 2017	<ul style="list-style-type: none"> • No Changes
V6	January 2019	<ul style="list-style-type: none"> • Change to link to EU Thresholds – page 4
V7	September 2019	<ul style="list-style-type: none"> • Removal of Assistant Principal – Finance to Financial Controller
V8	January 2020	<ul style="list-style-type: none"> • Update of Procurement Thresholds
V9	September 2020	<ul style="list-style-type: none"> • Section 1- Addition of ‘all subsequent amendments’ to procurement legislation • Section 1 – amended ‘Public Procurement (Scotland) Act 2015 to ‘Public Contracts (Scotland) Regulations 2015’ • Section 1 - Removal of reference to Supplier Charter • Section 3 - Change to Supply Chain Manager name • Section 4 – Addition of process for works between £50,000 and £1,999,999 • Section 9 – Removal of reference to Supplier Charter
V10	August 2021	<ul style="list-style-type: none"> • New Logo, • Changed job title – VP Resources to Chief Resources Officer • Changed references to EU legislation
V11	January 2023	<ul style="list-style-type: none"> • 6.9 – SMT changed to EB

V12	July 2023	<ul style="list-style-type: none"> • Section 1 – Amendments to policy principles bullet points • Section 4 – Included Authority to Procure section • Section 5 – Included new sections for the key principles including: <ul style="list-style-type: none"> ○ Establish a uniformed approach to procurement through compliance with the procurement procedures; ○ Embed sustainability principles and practices including promoting innovation, community benefit, equality, diversity and social value; ○ Embrace collaborative opportunities; ○ Drive continuous improvements; and ○ Ensure a high standard of Contractor health & safety compliance • Section 6 – Included Board of Management responsible for approval of this policy, updated Supply Chain Manager responsibilities and budget holder/purchaser’s responsibility. • Section 7 – Updated linked policies coding and addition of: <ul style="list-style-type: none"> ○ NCL Purchasing Policy (POLCFO 11) ○ NCL Procedure for Online Purchases and use of College Purchases Card Policy (PROCFO 2.1) ○ NCL College Donations and Gifts Acceptance Policy (POLCFO 7)
V13	December 23	<ul style="list-style-type: none"> • No Change
V14	February 24	<ul style="list-style-type: none"> • Chief Financial Officer changed to Chief Resources Officer
V15	November 24	<ul style="list-style-type: none"> • Supply Chain Manager changed to Procurement Manager
V16	January 25	<ul style="list-style-type: none"> • Procurement Officer completed Equality Impact Assessment (EQIA), and updated EQIA date.