



# MELKSHAM WITHOUT PARISH COUNCIL

## PROCUREMENT POLICY

### 1. Introduction

The purpose of this policy is to provide guidance on purchasing goods and services. It is not intended to replace the Council's Standing Orders or Financial Regulations.

This Policy will help:

- Support Council officers in procuring goods and services effectively.
- Enable the Council to comply with legal obligations that govern the spending of public money.

The Council acknowledges there is a climate emergency and therefore seek to look at how they do business going forward which has the least impact on the environment, which includes the procurement of goods and services as long as it's the best value for money.

### 2. In purchasing goods and services:

- a) The Council is responsible for obtaining value for money at all times. An officer issuing an official order shall ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction.
- b) The council shall not be obliged to accept the lowest price for any tender, quote or estimate.
- c) The Council recognises the benefits to the economy in using local businesses and will seek out local contractors and suppliers wherever possible, practicable and financially viable.
- d) If supplies or services can only be supplied by one supplier or local specialists are needed or the supplies or services are exclusive, they can be sourced outside the normal procurement process subject to approval of the Clerk and/or appropriate Committee.

- e) Should it occur that the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, provided that the specification does not change, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

### **3. Quotation and Tender Expenditure Levels**

Contracts and orders should always be awarded against a specification (either written or verbal).

The relevant thresholds for quotations/tenders are as follows:

£500-£3,000 excluding VAT: Strive to obtain 3 estimates

£3,001-£25,000 excluding VAT: Obtain 3 fixed priced quotations

For contracts estimated to exceed £40,000 excluding VAT, the Clerk shall seek formal tenders from at least three suppliers agreed by the council OR advertise an open invitation for tenders in compliance with any relevant provisions of the Legislation.

### **4. Competence of contractors and due diligence**

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

The following will be made for contracts over £20,000.

- Checks via Companies House
  - Credit checks
  - References sought
  - Assurances sought contractors are willing to tender for the work
  - A contact name, address, phone number and email address
- b) 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.
- c) All contractors to provide risk assessments and documentation to prove they adequate insurance, including public liability insurance to the minimum value of £5m and are competent to undertake the work for which they have been engaged.

- d) All procurement will be in accordance with the Council's Equality & Diversity 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. Specifications**

- a) Where a specification/description of a product or service is required, this will be clear and un-ambiguous to avoid changes/additions to the specification post contract, therefore avoiding extra costs.
- b) The Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
- c) A specification will not be biased towards any one company and should enable suppliers to tender or quote the Parish Council on an equitable basis.
- d) Specifications for the provision of goods and services will include where applicable:
- The key features, functions and performance required.
  - Any essential design requirements and/or limitations.
  - Details of any existing suitable products that the requirements are based upon.
  - Relevant National or European standards and Health and Safety considerations.
  - The timescale required for delivery.
  - Any specific evaluation criteria and relevant experience required.
  - A statement to the effect that non-compliance with instructions may lead to disqualification from the procurement process.

## **6. Tenders**

For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation regarding the publication of invitations and notices.

- a) a specification for the goods, materials, services or the execution of works shall be drawn up;
- b) an invitation to tender shall be drawn up to confirm
- (i) the Council's specification
  - (ii) the time, date and address for the submission of tenders
  - (iii) the date of the Council's written response to the tender and
  - (iv) the prohibition on prospective contractors contacting councillors or staff to encourage or support their tender outside the prescribed process;

- c) the invitation to tender shall be advertised in a local newspaper and in any other manner that is appropriate;
- d) tenders are to be submitted in writing in a sealed marked envelope addressed to the Proper Officer;
- e) tenders shall be opened by the Proper Officer in the presence of at least one councillor after the deadline for submission of tenders has passed;
- f) tenders are to be reported to and considered by the appropriate meeting of the Council or a committee or sub-committee with delegated responsibility.
- g) Neither the Council, nor a committee or a sub-committee with delegated responsibility for considering tenders, is bound to accept the lowest value tender.

For a contract for the supply of goods, services or works where the estimated value will exceed the thresholds set by Parliament, the full requirements of The Procurement Act 2023 and The Procurement Regulations 2024 or any superseding legislation ("the Legislation"), must be followed in respect of the tendering, award and notification of that contract.

- h) Any invitation to tender issued under this regulation shall be subject to Standing Order 18 (Financial Controls and Procurement)<sup>1</sup> and shall refer to the terms of the Bribery Act 2010.

## **7. Contracts**

Procedures regarding contracts are contained within the Council's Financial Regulations and Standing Orders.

## **8. Pre-approval of Contractors**

- a) 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:
  - Electricians
  - General Builders
  - Glaziers
  - Grass and hedge cutting contractors
  - Groundworkers
  - IT Support

---

<sup>1</sup> Based on NALC's Model Standing Order 18d ©NALC 2018

- Legal Advice
- Locksmiths
- Plant hirers
- Play equipment repairers
- Plumbing and heating engineers
- Project Management
- Tree Surgeons
- Vehicle and machinery service engineers

#### Project Management

- b) The register of approved contractors will be reviewed periodically.

### 9. Employing Consultants

From time to time, it may be necessary for the Council to employ consultants.

- a) A detailed project brief (consultants Terms of Reference) will be prepared before selecting a consultant and if necessary, can be refined after taking account of the consultants' ideas and input.
- b) The project brief will include:
  - Background to the project
  - Project objectives
  - Expected outcomes
  - Project timetable
  - Council's own contribution
  - Reporting of Requirements
  - Relevant source documents available for inspection
- c) On employing a consultant, a draft agreement (with the Terms of Reference attached) will be drawn-up and include the following:
  - Description of project
  - Project schedule with key milestones
  - Fees, including definition of reimbursement expenses
  - How payments will be made
  - Reporting arrangements
  - Arbitration/termination arrangements
  - Names of Council staff involved in the project
- d) Agreement will be made on a clear end-point and procedures for signing off the project when complete.
- e) Once the contract has been signed, the consultants will be notified in writing to proceed.

- f) The project will be closely monitored against specification, key milestones and costs.
- g) The relevant committee will be provided regular up-dates on the project.
- h) A project evaluation made at the end of the contract. Those consultants previously employed by the council on a project could be used for ongoing ad-hoc support on the agreement of the council.

Recommended by Finance Committee 2<sup>nd</sup> June 2025 (min.061/25a ) and adopted by Full Council 16<sup>th</sup> June 2025

**List of changes:**

Date, meeting and minute:	Change/ amendment made;
Finance Committee 2 <sup>nd</sup> June 2025. Min.061/25	Update third paragraph to include 'as long as it's the best value for money.'  Add in an addition under 9h to state 'Those consultants previously employed by the council on a project could be used for ongoing ad-hoc support on the agreement of the council.'

This policy be reviewed every three years with the next review due June 2028.