



**Subject** Updated ARB Procurement Policy and Guidance  
**Purpose** For Decision  
**From** Marc Stoner, Director of Resources

If you have any enquiries on this paper, please me at [marcs@arb.org.uk](mailto:marcs@arb.org.uk) or on 020 7580 5861

---

### 1. Summary

In preparation for commencement of the organisational transformation project, a review of ARBs current procurement policy was undertaken to ensure that it was fit for purpose.

Whilst the revised policy looks significantly different to our existing policy, it is worth highlighting that previous procurement exercises have been carried out in line with the new policy, but now the processes are fully documented it will significantly mitigate the risk of challenge of future procurement tenders.

### 2. Recommendations

It is recommended that the Board:

1. Agree the policy as set out in Annex A.
2. Agree that the Scheme of Delegation is updated to reflect the new procurement policy.

### 3. Open Session

### 4. Contribution to the Board's Purpose and Objectives

Protect the users and potential users of architects' services and to support architects through regulation.

Having in place clear policies underpins the delivery of the Board's strategic objectives.

### 5. Key Points

- 5.1 Given the potential value of the transformation project procurement we have carried out a review of the way we procure our goods and services in line with best practice.
- 5.2 A procurement expert was used to review our existing policy and develop a new, fit for purpose, policy.

### 5.3 The scope of the review considered:

- Carry out a full review of existing procurement policy
- Review authority levels for buying goods and services
- Provided guidance for staff who procure goods and services
- Improved governance around procurement and contract management
- Included accessing frameworks to speed up procurement
- Mitigation of risk in an event of challenge
- Identified non-compliance with best practice/current policies

5.4 The initial feedback from the procurement expert was that our existing policy lacked detail and could be open to challenge from a supplier that may lose out on an opportunity. While the risk of successful challenge would be low (as we follow good practice), lack of clarity within the policy increases the risk of challenge and delays in procurement.

5.5 The revised procurement policy and guidance (Annex A) has been produced in line with ARBs requirement to follow HM Treasury's 'Managing Public Money' guidance and best practice. It has also been adapted to ensure that it is proportionate to ARB.

5.6 Whilst the revised policy looks significantly different, it is worth highlighting that previous procurement exercises have been carried out in line with the new policy, but now the processes are fully documented it will significantly mitigate the risk of challenge of future procurement tenders etc.

5.7 In updating the policy, we have taken the opportunity to review the authority levels in relation to purchases, as these had not been revised for 10 years plus and did not reflect ARBs current staff structure. These changes have been summarised in Annex B for ease and will need formal approval from the Board.

5.8 The revised policy was reviewed by the Audit and Risk Assurance Committee at its meeting of 13 January 2022 and their comments have been reflected in the version attached at Annex A.

## 6. Resource Implications

None.

## 7. Risk Implications

The policy has been designed by a procurement expert with a view to mitigating risk of challenge of ARBs purchases of goods and services.

## 8. Communication

Having a robust and transparent procurement policy will demonstrate ARBs commitment to securing value for money as well as demonstrating our commitment to social responsibility.

## 9. Equality and Diversity Implications

Any EDI implications have been considered as part of the policy development.

## 10. Further Actions

1. The Scheme of delegation will be updated and shared with relevant staff.
2. An awareness of the policy session will be held with relevant staff on the key changes of the policy.

# Architects Registration Board

## Policy and Guidance for the Procurement of Goods, Services and Works

### (“Procurement and Tendering Policy”)

Document Type	Policy
Reference Number	001
Version	Version 7 final
Name of Approving Board	Architects Registration Board
Date Approved by SLG Board	16/12/2021
Operational Date	February 2022
Document Review Date	December 2023
Document Owner	Director of Resources
Target Audience/ Responsibility	ALL STAFF

#### Version Control

<u>Version</u>	<u>Date</u>	<u>Author</u>	<u>Change Description</u>	<u>Approved</u>
V0.1a	20/12/2021	Tracey Mills	New policy	n/a
V0.1b	13/01/2022	Updated by Marc Stoner	New policy	ARAC
VO.1c	9/2/2022	Updated by Marc Stoner	New policy	

# Contents

1. Introduction.....	6
2. Purpose.....	7
3. Scope .....	7
4. Roles and Responsibilities .....	7
5. Procurement Best Practice and Transparency.....	9
5.1 Segregation/Separation of duties .....	9
5.2 Procurement Fraud & Bribery Act 2010.....	9
5.3 Transparency in Procurement and Contracting.....	9
5.4 Legal Requirements to Publish - Contract Opportunities.....	10
5.5 Managing Public Money .....	10
5.6 Effective Competition.....	10
5.7 Best Value .....	10
5.8 Whole Life Costs (whole life contract value).....	11
5.9 Corporate Social Responsibility (CSR) and Procurement .....	11
5.10 Declarations of Interest.....	11
5.11 Relationship Management .....	11
5.12 Hospitality .....	12
5.13 Freedom of Information Act 2000 (FOI) and the Data Protection Act 2018 (DPA).....	12
5.14 Equality, Diversity & Inclusion .....	12
5.15 Procurement Education and Training.....	13
6. New Suppliers, Invoice and Purchase orders.....	13
6.1 New Suppliers.....	13
6.2 Invoices and Credit Notes.....	13
6.3 Prompt Payment Policy .....	14
6.4 Purchase Orders .....	14
7. Commercial Contract Management.....	14

7.1	Contracts Database, Tender and Quotation Registers .....	15
7.2	Tender and Quotation Registers.....	15
7.3	Commercial Contract Change Control.....	15
7.4	Government Procurement Policy Notices (PPNs).....	15
8.	Audit of Procurement Activity .....	16
9.	Procurement Process .....	16
9.1	Commercial Lifecycle, Define, Procure, Manage and Re-Procure .....	16
9.2	Competitive Quotations .....	17
9.3	Competitive Tenders (below UK /EU thresholds).....	17
9.4	ARB Competitive Quotation and Tendering Thresholds .....	17
9.5	Competitive Tenders above UK/EU Thresholds.....	19
9.6	Framework Agreements (call -offs) .....	20
9.7	Competitive Tenders - above UK and EU Thresholds .....	20
9.8	Early Market Engagement.....	21
9.9	Output based specifications.....	21
9.10	The Standard selection Questionnaire.....	21
9.11	Suppliers Past Performance .....	21
10.	Public Procurement Regulations.....	21
10.1	Open Procedure .....	21
10.2	Restricted Procedure .....	22
10.3	Competitive Procedure with Negotiation.....	22
10.4	Competitive Dialogue.....	23
10.5	Innovation Partnership Procedure .....	23
10.6	Dynamic Purchasing System (DPS).....	23
10.7	E-Auctions .....	23
10.8	Standstill Period.....	24
11.	Terms and Condition of Contract.....	24

11.1	Public Procurement Procedure Timescales – for above threshold tenders .....	24
11.2	Waiving of Scheme of Delegation.....	25
12.	Tender Evaluation .....	25
12.1	Scoring Methodology for Price .....	26
12.2	Scoring Methodology for Technical and Quality evaluation considerations.....	26
12.3	Moderation.....	27
12.4	Post Tender Clarifications.....	27
12.5	Debriefing Tenderers .....	27
12.6	Contract Award .....	28
13.	Receipt and Safe Custody of Quotations and Tenders .....	28
13.1	Admissibility.....	28
13.2	Late Quotations and Tenders.....	28
13.3	Acceptance of Quotations and Formal Tenders.....	28
14.	Regulation 84.....	29
15.	Challenging a Procurement Award Decision .....	29
16.	Records Retention.....	30
	Appendix A – Pre-Procurement Decision Tree.....	31
	Appendix B – Pre-Procurement Procedure Route Planner .....	32
	Appendix C – Basic Procurement Timetable .....	33
	Appendix D – Contacts Register Template .....	34
	Appendix E – Quotation and Tender Register Templates .....	35
	Appendix F – Cabinet Office Lean Sourcing Approach.....	36
	Appendix G – Generic Quotation and Tender Templates.....	37
	Appendix H - Regulation 84 Template.....	38
	Appendix I – Guide to using Crown Commercial Service Frameworks .....	39
	Appendix J - ARB Purchase Order Template .....	40
	Appendix K – Declaration of Interest - Staff.....	41

Appendix L – Declaration of Interest – Non-Staff.....	42
Appendix M – Public Procurement 2015 Tender Timescales .....	43
Tool Kit 1. Example Contracts Database/Register.....	45
Tool Kit 2. Supplier Representatives Policy .....	46
Tool Kit 3. Procurement Standing Operating Procedures.....	47
Tool Kit 4. DLUHC Procurement, Contracting & T&C Templates.....	48

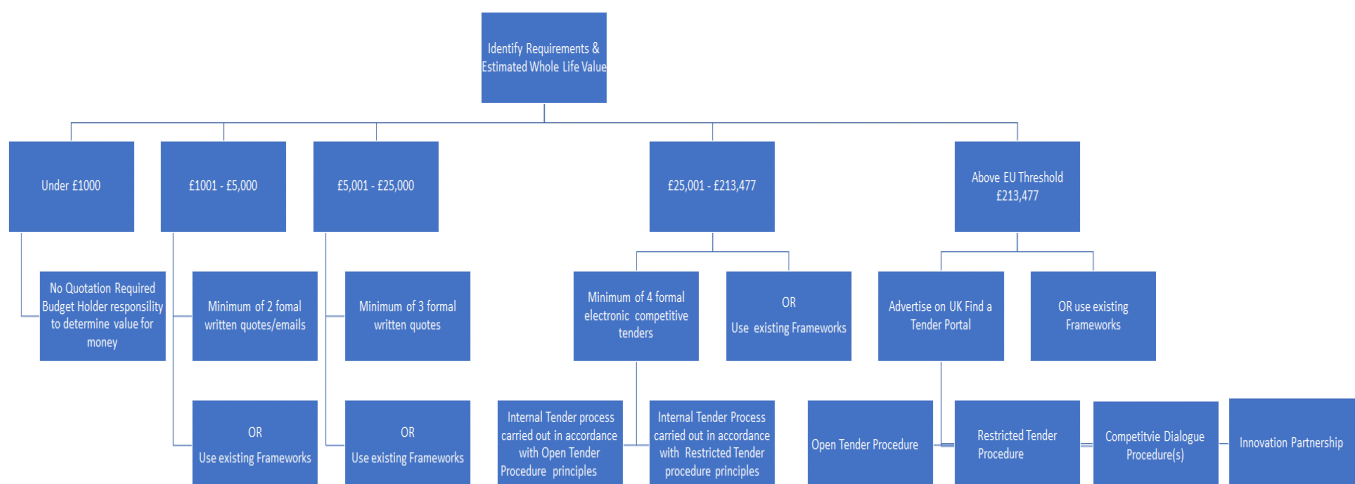


# 1. Introduction

- 1.1 The purpose of this policy document is to guide and direct all Architects Registration Board (“ARB”) staff on the procedures and processes for procuring goods, services and works on behalf of the organisation. This applies to all revenue and capital expenditure.
- 1.2 The Pre-procurement decision tree below identifies the route required to procure goods and services. It is important that you read the whole policy document to ensure the appropriate selection of, and on-boarding of suppliers is carried out with this policy guidance.

## Pre-Procurement Decision Tree

- All ARB expenditure must be approved in accordance with the Scheme of Delegation (see table set out in section 9.4)
- The level of expenditure which must be calculated using the whole life costs of the proposed contract for goods, services and works.
- The type of process to be undertaken and the timeline will be dependent upon the complexity of the requirements needed.



- 1.3 ARB procures a variety of goods, services, and works from third party providers to help deliver the organisations strategic objectives and is committed to ensuring that all suppliers are appointed following an open and transparent procurement process.
- 1.4 ARB recognises procurement is central to driving quality and value for money and through its procurement activities will seek to ensure procurements are handled in a professional and ethical manner, ensuring the highest standards of openness, integrity, and accountability are adhered to.
- 1.5 ARB will conform to the requirements of the UK Public Procurement Regulations, EU Public Procurement Directives, National Law and ARB Scheme of Delegation in addition, ARB will:
  - Ensure procurement activities align to the principles of transparency, proportionality sustainability and social value
  - Trade where appropriate with small and medium enterprises (SME’s) and the third sector; and
  - Seek to work with partners that are ethical and support ARB’s commitment to equality, diversity, and inclusion.

## 2. Purpose

- 2.1 This policy sets out the framework within which all procurements conducted by the Architects Registration Board (“ARB”) will be undertaken.
- 2.2 This policy aims to ensure that ARB obtains the necessary goods, services, and works to the required level at the most economically advantageous price, taking account of whole life costs.
- 2.3 This policy includes all stages in the procurement lifecycle from the identification of need, the route to market and process to follow, contract award, contract monitoring through to re-procurement and/or disposal.
- 2.4 The methods of procurement to be used for acquiring goods and/or services are designed to protect both the organisation and the individual from risk.
- 2.5 As part of the corporate governance framework all relevant procurement legislation will be observed, to ensure all procurements abide by the principles of transparency, fairness and sustainability and positively encourage trade with small and medium enterprises (SMEs). ARB through its processes will also seek to collaborate with partners that support, equality and diversity, are ethical and abide by the relevant legislation.

## 3. Scope

- 3.1 This policy applies to all staff at all levels within ARB and has been produced to provide advice and guidance on how to run a compliant procurement process for goods, services and works. The policy also covers individuals working on behalf of ARB such as independent contractors, sub-contractors, and representatives from other Partner organisations.
- 3.2 The Registrar and the Director of Resources are responsible for the provision of advice and guidance and will promote and provide training to help colleagues determine the appropriate route to market and to understand the different methods of procurement that will be used to procure ARB requirements, including how each procurement process should be conducted and managed.

## 4. Roles and Responsibilities

- 4.1 When undertaking a procurement, the Registrar has overall responsibility for ensuring the organisation meets its statutory requirements and complies where appropriate with the Public Contract Regulations 2015 and UK procurement legislation.
- 4.2 All requests to procure goods, services and or works must be appropriately authorised in accordance with the ARB Scheme of Delegation.
- 4.3 In the absence of an internal procurement resource, the Registrar and Director of Resources will be responsible for ensuring procurement compliance and robust financial controls exist to manage the organisations financial matters.
- 4.4 The governance structure for ensuring procurement compliance across ARB is as follows:

Roles	Responsibilities
Audit and Risk Assurance Committee	The Committee will assure itself that the Procurement and Tendering Policy is being implemented effectively and will be responsible for ensuring that the strategic context of the Policy is appropriate and meets the needs of the organisation.
Chief Executive Office/Registrar	The Registrar has overall responsibility for ARB procurement compliance and to ensure that appropriate and robust controls and management systems are in place and working effectively.
Senior Leadership Group	The ARB Senior Leadership Group, is responsible for ensuring they are familiar with the contents of this Policy and that identified persons within the organisation have lead responsibility for ensuring the Policy is available and adhered to.
Director Resources	The Director of Resources is responsible for ensuring the implementation of the Policy and for co-ordinating any corrective actions necessary to further the Policy. This includes maintaining an effective system of internal financial control and ensuring that detailed financial procedures and systems relating to Procurement are implemented, maintained, and working effectively.
Departmental Budget Holders	<p>Departmental Budget holders will work collectively to improve adherence to good procurement practices and to ensure all staff under their management adhere and comply with the Policy. They are also responsible for ensuring all staff are made aware of any changes to the Policy and the policy forms part of the induction process for new staff.</p> <p>Department Budget holders and/or their nominated deputies will conduct procurement activities for their departments in accordance with the ARB Scheme of delegation. In the absence of a Procurement Lead, departmental budget holders will also liaise with and manage all company representatives and ensure the evaluation and assessment of tenders is fair and equitable. In addition, they will be responsible for the ongoing management of contracts awarded, through regular review meetings with the successful supplier. The purpose of these meetings being to manage supplier relationships and ensure key performance indicators and targets are being met and documented accordingly.</p>
All Staff	It is the responsibility of staff to comply with this policy and other associated policies.

Roles	Responsibilities
Supplier Representatives	Supplier Representatives visiting the ARB, shall comply with the principles and behaviours set out in the Central Government Departments, Agencies, and Public Bodies <a href="#">Supplier Code of Conduct</a> and <a href="#">ARB Supplier Representations Policy</a>

## 5. Procurement Best Practice and Transparency

- The aim of this Policy is to raise awareness of the need for procurement compliance and to ensure processes are proportionate to the value of contract, non-discriminatory and not overly bureaucratic.
- Procurement is the acquisition of goods, services or works generally from an outside external source.
- Procurement best practice should cover the lifecycle of the requirements and costs starting from the identification of need, tendering, evaluation, award of business, contract management and where necessary re-procurement or end of life disposal.
- Procurement can range from the day-to-day procurement of commodities such as pens, pencils, and rulers, and furniture provision, to larger scale service contracts, legal services, and IT equipment. Goods and services can be provided by Public Sector Providers such as Crown Commercial Services, other existing public service Frameworks and/ or external suppliers.
- The detail and application will vary depending upon the actual procurement activity, but it is good practice to consider all the guidance provided when planning a procurement.

### 5.1 Segregation/Separation of duties

- 5.1.1 All ARB procurements must be conducted without favor or prejudice. Assurance can be brought to the procurement process through appropriate separation of duties, ensuring those engaged in the procurement process have clear roles and responsibilities, to safeguard against impropriety.

### 5.2 Procurement Fraud & Bribery Act 2010

- 5.2.1. UK and EU procurement legislation intend to promote open and transparent competition while minimizing exposure to fraud and collusion.
- 5.2.2 All ARB staff and contractors are required to comply with ARB policy and procedures to prevent fraud, bribery, and corruption and the requirements of the [Bribery Act 2010](#).

### 5.3 Transparency in Procurement and Contracting

- 5.3.1 The Government is committed to greater transparency across its operations to enable the public to hold public bodies and politicians to account. This includes commitments relating to public procurement.
- 5.3.2 ARB procures a variety of goods, services, and works to support the delivery of the organisation's strategic objectives. All requirements for goods and/or services and works below the UK/EU thresholds, will be managed internally by ARB or their nominated agent.
- 5.3.3 ARB where appropriate, should make use of the Crown Commercial Service Frameworks or similar to manage procurements for common goods and services, such as stationary, furniture, document management solutions, mobiles and certain Information and Technology Solutions.

5.3.4 More information about the Crown Commercial Service and the Frameworks offered can be found on the [Crown Commercial Service website](#). In addition, to Crown Commercial Services, other equivalent Frameworks, such as [NEPRO](#) and [Constellia](#) should also be considered for use.

## 5.4 Legal Requirements to Publish - Contract Opportunities

5.4.1. ARB procurement and contracting opportunities valued at £25,000 or more will need to be advertised on the [Contracts Finder website](#) where the use of existing contracts and frameworks do not meet ARB needs.

5.4.2 This information will be provided in good faith and based on the best available information. It does not commit ARB to either procure the goods/services identified, use the identified route, or maintain the indicative timetables provided.

5.4.3 Above threshold contracts circa (£213,447) will be published in the [Find a Tender \(FTS\)](#) portal. Find a Tender replaced the EU's Tenders Electronic Daily from 1 January 2021 for high value contracts in the UK.

## 5.5 Managing Public Money

5.5.1 ARB as a Public Corporation of the Department of Levelling Up, Housing and Communities ("DLUHC") will abide by the public sector principles set out within their [Corporate Framework document](#) and [Managing Public Money](#).

## 5.6 Effective Competition

5.6.1 ARB requirements for common goods, services and works, where appropriate, should be acquired through an existing compliant framework agreement.

5.6.2 When procuring goods, services and works above the UK and EU thresholds. ARB will tender for these services (where appropriate) using the [Open procedure and follow the guidance set out in the Cabinet Office Lean Sourcing Approach](#) Briefing Pack unless there are convincing reasons why this procedure is deemed as being unsuitable for the requirements.

5.6.3 ARB when procuring above threshold goods and services will (where appropriate) refer to the [Cabinet Office Lean Sourcing Approach](#), to help determine which procurement procedure to use.

5.6.4 ARB will also consider and adopt where appropriate the commercial lifecycle principles set out in [GovS 008 Commercial Functional Standard](#) which provides a framework to help contracting authorities, and wider arm's length government bodies, define, procure, manage, and re-procure their requirements.

5.6.5 Competition avoids any suggestion of favoritism and contributes towards achieving best value for money. Considering the form of competition should be proportionate to the value and complexity of the requirement.

5.6.6 The only exception to this is for requirements below **£1,000** where the resource costs involved in obtaining competitive quotes are likely to exceed any saving that may be secured by competition.

## 5.7 Best Value

5.7.1 It is the responsibility of all staff to work towards securing best value for money for ARB.

5.7.2 Best value is defined as maintaining an appropriate balance between technical, quality, and financial considerations. In this context cost means consideration to the whole life cost, whilst quality means meeting a specification of requirements that are sufficient and fit for purpose.

## 5.8 Whole Life Costs (whole life contract value)

5.8.1 Whole life costs consider all aspects of cost over the term of the contract. This takes into account:

- initial capital cost,
- operational costs (i.e., consumables attached to the equipment),
- financial costs,
- depreciation cost,
- service and preventative maintenance
- upgrades,
- re-procurement; and/or
- eventual disposal costs.

All members of staff involved in the procurement process are responsible for ensuring that best value is achieved through the procurement process and throughout the whole life cycle of the goods, services and works.

## 5.9 Corporate Social Responsibility (CSR) and Procurement

5.9.1 Where possible, ARB will endeavor to consider social value considerations and will endeavor to create a positive impact locally when undertaking its procurement activity.

5.9.2 ARB is a member of the [Living Wage Foundation](#) and we will not enter into business with any individual or company that does not pay the Real Living Wage.

5.9.3 Sustainable procurement requires environmental and social impact to be considered alongside financial factors when deciding which product or service to buy.

5.9.4 All procurements conducted by ARB (where appropriate) should include sustainability considerations as part of the evaluation process. This involves looking at the product/service whole life cycle.

5.9.5 ARB is committed to working with SMEs and will consider in its strategy for each procurement how it can make sure that opportunities are accessible for SMEs and without barriers.

## 5.10 Declarations of Interest

5.10.1 All ARB staff must declare and record any personal interest that might influence, or be seen by others to influence, their impartiality in arriving at a purchasing decision. Those who have business or personal relationships, with a potential supplier should record this by completing a declaration of interest form. [Appendix K](#).

5.10.2 Anyone involved in a tender process, who has current or past business or personal relationships with potential bidders for ARB contracts, must disclose their interest at the outset. At the discretion of the Registrar, they may be excluded from the procurement process completely or restricted to a limited role. [Appendix L](#).

## 5.11 Relationship Management

5.11.1 All designated ARB personnel involved in the procurement process must always be honest, fair, and impartial in their dealings with suppliers. Relationships with suppliers must be conducted on a professional basis, regarding ethics and propriety.

## 5.12 Hospitality

5.12.1 Modest hospitality (e.g., lunch, sandwiches) may be accepted from a supplier, provided it is infrequent, over the normal working day and that a situation is not reached where impartiality may be influenced or perceived by others to be influenced. Invitations from suppliers or potential providers to attend social functions must not be accepted without receiving prior written consent from the Registrar. Hospitality offered, whether or not accepted, must be notified to the CorporateTeam.

## 5.13 Freedom of Information Act 2000 (FOI) and the Data Protection Act 2018 (DPA)

5.13.1 ARB is classified as a 'Public Authority' within the meaning of the Freedom of Information Act 2000. The Act creates a general right of access to information held by public authorities (subject to certain exemptions.) All tenderers should be made aware at the beginning of the process that this is the case.

5.13.2 Suppliers may seek to prevent ARB from disclosing information relating to their goods or services or pricing under the exemptions in the Act for confidential or commercially prejudicial information (sections 41 and 43 FOIA). In those cases, advice should be sought from the Data Protection Officer.

5.13.3 In the course of its business, ARB processes or holds personal data about registrants, employees, and others. Under the DPA, ARB is the Data Controller in relation to this personal data, and must ensure that it is held and processed in accordance with the eight principles in the Act, which are that personal data must be:

- used fairly and lawfully.
- used for limited, specifically stated purposes.
- used in a way that is adequate, relevant, and not excessive.
- accurate.
- kept for no longer than is necessary.
- handled according to people's data protection rights.
- kept safe and secure; and
- not transferred

5.13.4 ARB's responsibilities under the DPA apply equally to services we perform in house and those we outsource to suppliers. ARB requires suppliers to have information security policies and procedures appropriate to the nature of the ARB information the suppliers' handle.

5.13.5 Procurement procedures set out the process for determining the standard of information security we require from the supplier of a given service, and the method of determining whether bidders and existing suppliers meet that standard. Where it is determined following the procedures that a supplier is a Data Processor on behalf of ARB, then the supplier's responsibilities will be documented within the contract.

## 5.14 Equality, Diversity & Inclusion

5.14.1 ARB is committed to the Public Sector Equality Duty which requires it to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when conducting their procurement activities.

5.14.2 It is ARB policy that appropriate and equal opportunities be incorporated into the production of specifications, evaluation of tenders and contract performance management. The aim is to ensure that suppliers work to eliminate the potential for unlawful and unfair discrimination to occur in relation to their employment practices and through the provision of goods, services and works to ARB.

5.14.3 ARB will require its suppliers, service providers and contractors to be aligned to this objective as outlined in ARB's [Equality Scheme](#).

## 5.15 Procurement Education and Training

5.15.1 Effective and relevant procurement training is a key element to improving the level of professionalism among all staff involved in the procurement process.

5.15.2 ARB will commit to promoting, supporting, and encouraging relevant staff to develop an awareness of procurement processes and relevant legislative updates as part of their development objectives.

## 6. New Suppliers, Invoice and Purchase orders

### 6.1 New Suppliers

6.1.1 If a supplier has not previously provided ARB with any goods or services, a new supplier check will need to be conducted by the Corporate Team. You must not purchase the goods or services until the corporate team advise you that the supplier checks have been conducted.

6.1.2 A copy of the supplier's Terms & Conditions along with a copy of the quote and details of the goods or services being provided should be passed to the Corporate Team.

6.1.3 The Corporate Team will conduct various company checks (obtained via First Report – [www.firstreport.co.uk](http://www.firstreport.co.uk)).

6.1.4 ARB is a non-VAT organisation and unable to reclaim VAT. All goods and services obtained by the organisation will be VAT inclusive.

6.1.5 New suppliers maybe asked to complete the [HMRC IR35 assessment tool](#) to determine the employment status of the supplier for tax purposes.

### 6.2 Invoices and Credit Notes

6.2.1 All hard copy invoices and credit notes must be stamped, scanned, and sent to [corporate@arb.org.uk](mailto:corporate@arb.org.uk). All invoices that are sent electronically should be sent to [corporate@arb.org.uk](mailto:corporate@arb.org.uk).

6.2.2 All invoices, credit notes and refunds must contain two signatures (someone to procure, and someone to authorise) before the transaction can be completed. Any invoices, credit notes or refunds that are passed to the Corporate Team without the required signatures will not be processed.

6.2.3 The staff member or department involved in the procurement of goods or provision of services will be asked to confirm that the goods/services have been delivered (only permanent members of staff, with signatures held on the signature specimen list should be procuring goods or services on behalf of ARB). The corporate team will then seek the relevant member of the Senior Leadership Group's authorisation before passing for payment. Further information on the handling of invoices by the corporate team can be found in the separate procedure note here.

6.2.4 Where a member of the SLG has procured a service or product, the signature of a fellow SLG member is required. If the expenditure is over £9,999.99, the additional signature MUST be the Registrar. Any goods or services procured by the Director of Resources, irrespective of value, must be authorised by the Registrar.

6.2.5 When passing for payment, the invoice should clearly state what the expenditure involves and the budget heading to which the cost is relevant to, for example:



- Title regulation cost – code to 'Misuse of Title.'
- Solicitors for Professional Conduct Complaints – code to 'Solicitor complainant'
- Facilities maintenance contracts – code to 'Office Maintenance' (in this example, please also specify the contract start and end dates).
- Ensure for purchases of £5k+ that the order number is recorded on the invoice.

If you are unsure of the relevant budget heading, please speak to your line manager.

## 6.3 Prompt Payment Policy

6.3.1 Through the PCR2015 Regulations, the government has published guidance for all public sector buyers and non-central government bodies around prompt payments. This policy guidance should be adhered to by ARB, where appropriate. [Prompt payment policy and the publication of payment statistics in PPN 03/16](#). ARB should seek to pay undisputed and valid invoices within 30 days (or any earlier date agreed within the contract).

## 6.4 Purchase Orders

6.4.1 A purchase order form [Appendix J](#), must be completed **before** any equipment, goods or services are ordered over the value of £5,000. The [official purchase order](#) can be found on our shared drive.

6.4.2 Each purchase order form should have the following details:

- Date goods/services ordered
- A sequential PO number (taken from the Purchase Order log) [L:\Accounts Manager\Purchase Orders\Purchase Order Log.xlsx](#)
- Description of the goods/services
- Quantity
- Price

6.4.3 The Purchase Order form should be authorised in line with ARB's Scheme of Delegation.

6.4.4 Expenditure is over £9,999.99 it must be authorised by the Registrar.

6.4.5 Once the Purchase Order form is completed and authorised, the supplier may be contacted, and goods/services ordered quoting the Purchase Order reference number.

6.4.6 Please ensure that the order number is recorded on the invoice in order to match the purchase order and invoice together.

## 7. Commercial Contract Management

Contract management is necessary to reduce risk, prevent conflicts, legislation compliance and ensure value for money. ARB contracts need to be effectively monitored and managed so that the organisation receives the goods and services they pay for at the quality expected.

Contracts also need to be retendered at appropriate intervals.

ARB will ensure that a contracts data base is held centrally to ensure contract renewal deadlines are kept. This will also enable ARB to take a forward look at their anticipated procurements over a 12-month period, and for opportunities more than £25,000 advertise these in advance on [Contracts Finder](#).

All ARB contracts will be recorded electronically and/or manually in the Contracts Database/ Register and monitored throughout the contract term by the departmental contract owner.

## 7.1 Contracts Database, Tender and Quotation Registers

7.1.1 As a minimum the contract register/database should include:

- A description of the contract goods/services and what they are for
- Name of the Supplier, including address and telephone numbers
- The Supplier key contact
- Date of award of contract
- Date the contract was signed
- The dates the contract expires
- The term of the contract, the value; and
- Who is responsible for managing the contract within ARB; and
- Dates of supplier formal contract review meetings, if applicable,

7.1.2 Where appropriate, service level agreements will be detailed within the contract, to include key performance targets and indicators to measure costs, quality, and timings.

7.1.3 Where such targets are specified, there should be an agreed framework for their monitoring; and a route for reporting on performance to either the SLG or, if appropriate the Board or one of its relevant committees.

7.1.4 Any contract involving the processing of personal data must be reviewed by ARBs Data Protection Officer, to ensure compliance with the relevant legislation.

7.1.5 All Contracts must be authorised and signed by those designated within the ARB Scheme of Delegation.

7.1.6 See Contracts data base Template – [Tool Kit Table 1](#)

## 7.2 Tender and Quotation Registers

7.2.1 ARB will ensure separate quotation and tender registers are set up, managed, and maintained for all quotation and tendering activities.

7.2.2 [See quotation and tendering register templates](#)

## 7.3 Commercial Contract Change Control

7.3.1 Contract changes shall be justified and controlled to ensure the requirements continue to meet the organisation's business needs and align with the organisation's financial processes.

7.3.2 All contractual changes need to be authorised prior to implementation and recorded for Audit purposes. The cost of change needs to be quantified and justified with reference to the business case (where appropriate). Evidence of changes need to be retained to inform future procurements and in case of a later dispute. All changes must represent value for money and adhere to applicable regulations.

## 7.4 Government Procurement Policy Notices (PPNs)

7.4.1 The government brings together and publishes procurement policy notes, providing guidance on best practice for the public sector and government bodies involved in procurement. Notices are sent out on a regular basis to update and inform departments across government on changes to regulations because of Brexit, and/or EU and UK Procurement Legislation. [Procurement Policy Notices.](#)

## 8. Audit of Procurement Activity

The Director of Resources, has overall responsibility for ensuring that the procurement of all goods, services and works are executed within the guidance set out in the agreed procurement policy and associated procedures.

regular and appropriate independent audits will be carried out on procurement activity as directed by the Director of Resources.

## 9. Procurement Process

All requests to procure goods, services and works must be appropriately authorised under the ARB Scheme of Delegation as agreed by the Board.

The following information summarises the various stages of the procurement process. The detail and application will vary depending upon the actual procurement activity, it is however good practice to consider all the following stages when planning procurement activity.

All procurement decisions must be considered on their own merit, options evaluated, and the most appropriate procurement route used. See Procurement Decision Tree, Appendix A.

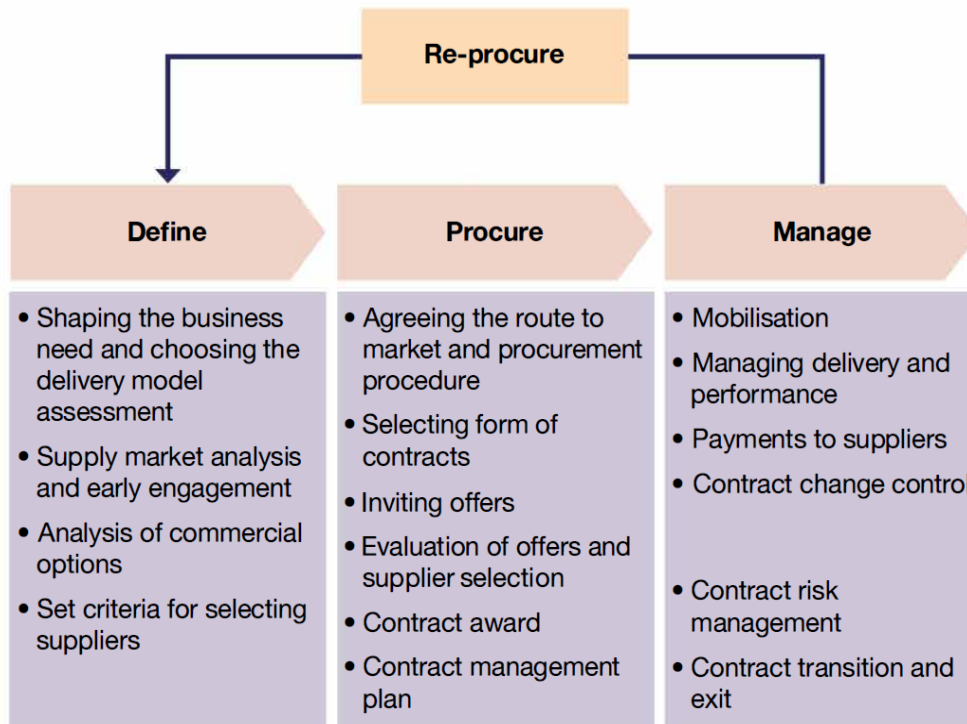
All decisions must be consistent with the requirements of ARB's Scheme of Delegation. This information is for guidance and information and if there is anything staff are unsure of, they should seek advice and guidance from the Director of Resources.

Dependent on the whole life expenditure to be involved the type of procurement process to be undertaken will vary in both process, complexity, resource requirements, and time scales.

### 9.1 Commercial Lifecycle, Define, Procure, Manage and Re-Procure

- 9.1.1 It is good practice, to plan for all quotations, and tenders, whether they are above or below the PCR2015 thresholds (£213,477). Consideration should also be given to the principle of proportionality and the resources required to achieve completion of the outcomes within the given timescales, as these will vary according to complexities of the requirement and the value of business to be tendered.
- 9.1.2 All quotations and tenders, to be undertaken, for the purpose of procuring goods, services and/or works must initially be authorised in accordance with the ARB Scheme of Delegation and value thresholds set out in the table below.
- 9.1.3 The [Procurement Decision Tree in Appendix A](#) can be used by ARB to help determine the appropriate procurement procedure to be used. The whole life value of the procurement over the term of the contract must be considered to enable the appropriate procedure to be selected. There is a strong preference for the Open Procedure, and this should be the normal default choice for unless there is a genuine need to pre—qualify potential providers.
- 9.1.4 In addition, to the Procurement Decision Tree, the guidance and principles set out in [GovS 008 Functional Standard](#), and [The Sourcing Playbook](#) can be used and adopted for use by ARB to support the planning, defining, procurement, contract management and re-procurement stages of procurement to effectively manage the organisations requirements.

### 9.1.5 GovS 008: Commercial Life Cycle Functional Standard



## 9.2 Competitive Quotations

9.2.1 Formal competitive quotations are required when the intended total expenditure exceeds, or is expected to exceed £1,000 but not exceed £25,000. See table below for quotation guidance as there are distinct levels of requirements dependent upon the value of the quotation whole life costs. [Staff should refer to the ARB standard operating procedure guidance when conducting quotations.](#)

9.2.2 ARB procurement opportunities valued at £25,000 or more will be advertised on the [Contracts Finder website](#) where the use of existing contracts and frameworks does not meet ARB needs

## 9.3 Competitive Tenders (below UK /EU thresholds)

9.3.1 Formal competitive tendering procedures are required where the intended whole life total expenditure exceeds or is expected to exceed £25,000, but not exceed £213,477.

Tenders above the threshold and more than £213,477 **MUST** be advertised on [UK Find a Tender Website](#).

9.3.2 While competitive tendering is beneficial to securing value for money, it must remain proportionate to the value of the contract and burden on ARBs resources. By way of example, the anticipated saving from the tendering or retendering for goods or services **MUST** not be outweighed by the extra staff time involved in arranging a competitive process.

## 9.4 ARB Competitive Quotation and Tendering Thresholds

9.4.1 The table below is by way of guidance for good practice, which may be varied so long as:

- 1) The variation is documented and signed off by the Registrar as set out in the table.
- 2) Where the variation is requested by the Registrar, it is signed off by two SLG members
- 3) The Registrar cannot request nor sign-off a variance where the variance does not offend the Value Thresholds

4) Where the variance is above £10,000 and the standard procurement process is varied (which for spends above £10k is a tender process), as well as obtaining the Registrar's sign off, this should also be reported to the Audit and Risk Assurance Committee at its next meeting

6) Note: Leases MUST be signed by the Registrar, and where over £50,000pa only with the approval of the Board

Further details on authorisation levels can be found in ARB's [Scheme of Delegation](#).

Total Est contract/purchase value (VAT inclusive)	Method of Selection	ARB Internal authorisation level	Waiver and variation authorisation level
£0- £1000	<ul style="list-style-type: none"> <li>No restriction if within budget</li> </ul>	Manager/Head of service	Registrar
£1001 - £5000	<ul style="list-style-type: none"> <li>If unable to fulfil the requirements via an existing compliant framework agreement and/or direct award</li> <li>Subject to availability, obtain a minimum of 2 formal written quotations – and/or email/visual evidence to demonstrate that a like for like comparison of the requirements + costs has been completed.</li> </ul>	Senior Leadership Group (SLG)	Registrar
£5001 - £10,000	<ul style="list-style-type: none"> <li>If unable to fulfil the requirements via an existing compliant framework agreement and/or direct award</li> <li>Subject to availability, obtain 3 formal written quotations based on whole life costs for expenditure or income</li> </ul>	Senior Leadership Group (SLG)	Registrar
£10,001 - £25,000	<ul style="list-style-type: none"> <li>If unable to fulfil the requirements via an existing compliant framework and/or direct award</li> <li>Subject to availability, obtain 3 formal written quotations based on whole life costs for expenditure or income.</li> </ul>	Registrar & Senior Leadership Group	Registrar
Over £25,001 up to £213,477	<ul style="list-style-type: none"> <li>Advertise via <a href="#">Contracts Finder</a></li> <li>If unable to fulfil the requirements via an existing compliant framework agreement and/or direct award</li> <li>Subject to availability, obtain 3 formal written tenders based on whole life costs for expenditure or income.</li> </ul>	Registrar & Senior Leadership Group	Registrar
£213,477 & above	<ul style="list-style-type: none"> <li>Advertise on <a href="#">UK Find a Tender Website</a></li> <li>Use existing framework agreement and/or direct award if not.</li> <li>Select appropriate PCR2015 procedure, and</li> <li>Subject to availability, obtain a minimum of 3 formal written tenders based on whole life costs for expenditure or income.</li> </ul>	Board	Board

9.4.2 ARB staff should refer to the [standard operating procedure guidance](#) when conducting tendering activity.

## 9.5 Competitive Tenders above UK/EU Thresholds

9.5.1 The Public Contracts Regulations 2015 thresholds (as may be amended from time to time), vary according to the value of the contract. As ARB is unable to recover VAT, all thresholds shall be deemed as VAT inclusive.

9.5.2 The Architects Registration Board, is a public Non-Financial Corporation of the Department of Levelling Up, Housing and Communities (DLUHC) and classified as a Sub Central Contracting Authority.

9.5.3 ARB procurements above UK/EU thresholds (£213,477), will be advertised on the [UK Find a Tender website](#)

9.5.4 The Public Contract Regulations 2015 (PCR2015) apply to all public authorities and arm's length bodies. These thresholds are used for the World Trade Organisation (WTO) Government Procurement Agreement (GPA) whose requirements are incorporated into the Directives

9.5.5 UK and EU PCR2015 Thresholds @ 1 January 2022 are:

Type of Authority	Type of Contract			
	Threshold <sup>1</sup> (inclusive of VAT) (entire contract value)			
	Works	Supplies & Services	Light Touch Regime Services	Concessions Works and Services
Central Government bodies	£5,336,937	£138,760	£663,540	£5,336,937
<b>Sub-Central authorities (ARB)</b> Services & Supply (includes supply, lease, rental or hire purchase of goods, design, excluding employment contracts)	£5,336,937	£213,447	£663,540	£5,336,927

9.5.6 When a tender process is not subject to the Public Contracts Regulations because the estimated value of a contract falls below the relevant threshold, ARB will continue to apply the principles of non-discrimination, equal treatment, transparency, mutual recognition, and proportionality.

9.5.7 The thresholds that apply to the procurement directives are re-valued every two years. This is to ensure they remain consistent with the thresholds used for the World Trade Organisation (WTO) Government Procurement Agreement (GPA) whose requirements are incorporated into the Directives. The next update is due 1<sup>st</sup> January 2022.

9.5.8 These thresholds are designed to ensure fair competition in UK and Europe. When calculating the potential whole life value of a contract, it is important to include any optional contract extension periods.

9.5.9 If the whole life cost is likely to exceed the EU and UK thresholds then the procurement process MUST follow one of the PCR2015 Procurement Procedures as set out in [section 10](#) below.

<sup>1</sup> The value of a contract MUST be measured as the aggregate amount ARB expects to pay the supplier over the lifetime of the contract. Contracts MUST not be artificially shortened to avoid the application of the Regulations or this policy.

- 9.5.10 Due to the complex nature of the above threshold procurement procedures, ARB should engage procurement expertise for higher cost contracts at the earliest opportunity to guide and advise on the most appropriate procedure to be followed.
- 9.5.11 To support the decision-making process ARB the Commercial Life Cycle 'Define, Procure, Manage and Re-procure' process should be considered [GovS: 008 Government Functional Standard](#), by ARB to support the planning and management of the procurement activities.
- 9.5.12 This functional standard is part of a suite of management standards that promotes consistent and coherent ways of working across government departments and arm's length bodies. The full suite of standards, and associated guidance, can be found at [GOV.UK/government/collections/functional\\_standards](#).

## 9.6 Framework Agreements (call -offs)

- 9.6.1 Framework Agreements which are fully compliant with the PCR2015 regulations can be used to purchase a wide range of products and services without ARB having to undertake a full procurement if ARB and/or Public Arm's Length Bodies are named as parties to the proposed Framework Agreement(s).
- 9.6.2 For example, the original tendering process is undertaken by an approved third party, such as the Crown Commercial Service or equivalent and all subsequent parties to the framework agreement are named in the original advertised (OJEU) call for competition.
- 9.6.3 Framework Agreements are 'umbrella agreements' that set out the terms, relating to price, quality and quantity, under which individual contracts (call-offs) can be awarded. These terms govern the supplier's relationship with every organisation who has a call off contract on the framework. The terms are fixed and generally non-negotiable.
- 9.6.4 In general most Framework Agreements allow public sector bodies to procure goods, services and works at the tendered price, under a direct award arrangement, if their requirement matches the main specification, which had been tendered for against the Framework Agreement.
- 9.6.5 Alternatively, ARB could undertake a mini competition to get a more precise offering from providers on the framework if the direct award option is not available.
- 9.6.6 Using a Framework Agreement can save time and reduce the cost of introducing and implementing a product or service. Support and guidance from the framework provider are also generally provided as part of the offered tendering service.
- 9.6.7 ARB can be assured that the providers on a framework are both financially stable and that the goods and/or services on offer are of acceptable quality as the suppliers have already been approved and accessed. Any purchase made through a framework is also compliant with procurement legislation, provided the rules to engage suppliers has been followed.

## 9.7 Competitive Tenders - above UK and EU Thresholds

- 9.7.1 The following processes are used when the estimated whole life cost is expected to exceed thresholds set out in paragraph 9.4.3. All procurements above threshold should be managed securely and electronically where possible via Atamis or another secure equivalent solution.
- 9.7.2 To decide which of the procurement procedures outlined below to follow, ARB should refer to the Government [Lean Sourcing Approach](#), guidance, templates and self-starter instructions. In addition, please refer to the [Procurement Decision Tree set out in Appendix A](#).

## 9.8 Early Market Engagement

- 9.8.1 Government best practice strongly encourages significant levels of pre-procurement market engagement with a diverse range of potential providers, including SMEs to warm up the market. In addition, this will enable ARB to test its thinking and generate ideas for innovation as part of the development of outcome-based requirements.
- 9.8.2 All contracting authorities can make use of the following notices on Contracts Finder to advertise early engagement activities:
- Future Opportunity Notices (Prior Indication Notice (PIN) equivalent) and
  - Early Market Engagement notices which can be used to announce engagements such as meet the buyer events.

## 9.9 Output based specifications

- 9.9.1 The use of output-based specifications should be used as much as possible. Output (or outcome) based specification focuses on the desired outputs of a service in business terms. Rather than a detailed specification of how the service is to be provided. This allows potential providers scope to propose innovative solutions.

## 9.10 The Standard selection Questionnaire

- 9.10.1 [Procurement Policy Note 08/16](#) provides the standard selection questionnaire, statutory guidance on how and when to use it. The Standard selection questionnaire provides the standard questions to help ARB decide if a supplier has the capability and capacity to carry out the contract. These questions are designed to give the information on a potential providers financial strength and experience of delivering the required goods and services along with other issues relevant to the contract.

## 9.11 Suppliers Past Performance

- 9.11.1 [Procurement Policy Note 04/15](#) sets out the government policy to ensure that potential providers past performance is taken account of in a major complex procurement. If the value of the contract is likely to exceed £20m you must notify and engage CCS for guidance on how past performance is considered as part of the tender evaluation process.

# 10. Public Procurement Regulations

## 10.1 Open Procedure

- 10.1.1 The Open Procedure is the preferred route to market endorsed by Government. Use of the Open Procedure will speed up the procurement process, strip out waste and reduce costs for all parties.
- 10.1.2 Open procedure is a one step process, with no restrictions on who can submit a tender; it is open to all potential providers. The [Standard Selection Questionnaire](#) published by the Cabinet Office, which tests the potential providers capacity and capability, must still be included. Criteria used are exclusion criteria set out in the PCR, financial stability, relevant experience and other applicable to the project.
- 10.1.3 The Open procedure is appropriate to use if you have well defined and clear understanding of your requirements, with a simple specification of requirements, free from complexities and you accept to receive a large volume of bids. If not, the restricted procedure should be considered.
- 10.1.4 Open tender procurement [checklist](#)



## 10.2 Restricted Procedure

- 10.2.1 The restricted procedure is a two-stage process and particularly useful where there are a potentially large volume of potential suppliers in the market or there is a genuine need to pre-qualify suppliers.
- 10.2.2 The first stages suppliers who have expressed an interest complete a Selection Questionnaire (SQ) and the top scoring organisations, as detailed in the OJEU advert, are invited to respond to an Invitation to Tender (ITT). If selected to proceed to stage two.
- 10.2.3 This initial selection process allows for several providers to be shortlisted who have been evaluated as meeting the necessary mandatory areas of the Standard Selection Questionnaire (SQ) which tests their capacity and capability and financial standing.
- 10.2.4 ARB should use the mandated SQ published by Crown Commercial Service for this shortlisting stage one process. Which includes relevant experience and other criteria applicable to the procurement. The SQ has the capability to compliantly reduce the number of potential providers. If ARB intends to reduce the number of potential providers progressing to stage two this MUST be stated in the Pre-Qualification section of the Tender SQ documentation.
- 10.2.5 The second stage of the process looks at how the providers will meet the specification of requirements set out by ARB, asked through a series of agreed questions, covering technical ability and capability, quality, support and maintenance, environmental and social value considerations, agreed by ARB at the pre-tender stage (the list is an example not definitive).
- 10.2.6 Potential Providers MUST submit their offers in accordance with the date and time specified by ARB within their Invitation to Tender. Tenders received after the due time and date, but prior to the opening of the other tenders, may be considered, only if the CEO, or his nominated deputy, agree there are exceptional circumstances. Tenders will then be evaluated against the criteria as laid out in the tender documentation
- 10.2.7 Once tenders have been evaluated by the designated evaluation panel, a moderation process will take place. A Preferred Provider(s) will then be selected and awarded the contract.
- 10.2.8 A mandatory standstill period of 10 days must be applied before the preferred provider can sign the contract. In the event of a challenge to the award of business, is launched during the 10-day standstill period, the challenge MUST be fully resolved, before the contract can be formally awarded to the preferred provider.
- 10.2.9 Restricted Procedure [Checklist](#).

## 10.3 Competitive Procedure with Negotiation

- 10.3.1 This is a more flexible process, the justification for this process and its applicability is on the basis that the services to be carried out, and the risks attached to the services, cannot be clearly defined so, the overall pricing and/or the creation of the specification cannot be provided accurately to permit the award of the contract using the open or restricted procedure.
- 10.3.2 This process allows the contracting organisation scope for negotiation and discussion with providers after bids have been received. But not to the extent of the Competitive dialogue which allows for final tenders may be clarified, specified and optimised as long as this doesn't involve changes to the essential aspects of the tender or the procurement, including those needs and requirements set out in the call for competition published OJEU and FTS service.
- 10.3.3 The requirements for using this process are limited to where the requirement is of a complex technical nature, projects such as IT infrastructure or machinery, where the procuring organisation does not have the skills to create a technical specification and wants expertise on the available options in the marketplace. This procedure should only be used in exceptional circumstances.

## 10.4 Competitive Dialogue

- 10.4.1 The 'Competitive Dialogue' process is ideal for complex and high-risk solutions where there are gaps in the organisation's requirements, outcomes, contract, or commercials. The idea is to use the dialogues with suppliers to work together to fill the gaps in the above and help suppliers to better understand the ARB requirements. This will enable the supplier to develop their bid on a more informed need.
- 10.4.2 Potential providers to enter open discussions on the contracting authority's requirements, where they can ask the contracting authority questions about the specification or to seek clarity about any aspect of it, allowing potential providers to shape the service or products offered, period and value of the service, prior to the submission of final bid.
- 10.4.3 The process MUST still include the SQ phase to test capacity and capability, so that dialogue is held with those potential providers who have the necessary experience.
- 10.4.4 These dialogues can take place either through ARB convening a briefing meeting of all who have been invited to dialogue or asking for questions to be submitted in writing.
- 10.4.5 Responses to questions MUST be circulated to all interested parties, unless they are commercial in confidence, to ensure that all receive the same information.
- 10.4.6 The main difference between Competitive dialogue with negotiation and Competitive Dialogue is that is that final tenders may be clarified, specified and optimised as long as this doesn't involve changes to the essential aspects of the tender or the procurement, including those needs and requirements set out in the call for competition published OJEU and FTS service.
- 10.4.7 In addition, negotiation can take place with the successful tenders to confirm financial commitments to the terms contained in the tender contract if they don't materially modify essential aspects of the tender or procurement and give rise to discrimination.

## 10.5 Innovation Partnership Procedure

- 10.5.1 A selection is made of those who respond to the advertisement for which the contracting authority uses a negotiated approach to invite suppliers to submit ideas to develop innovative works, supplies or services aimed at meeting a need for which there is no suitable existing 'product' on the market. The contracting authority is allowed to award partnerships to more than one supplier.

## 10.6 Dynamic Purchasing System (DPS)

- 10.6.1 The Dynamic Purchasing System is a procedure available for contracts for works, services and goods which are all commonly available in the marketplace. As a procurement tool it has some aspects that are like electronic Framework Agreements, but where new suppliers can join at any time. The DPS is a two-stage process and should be set up using the restricted procedure and certain specific conditions set out in [Regulation 34](#).

## 10.7 E-Auctions

- 10.7.1 E-auctions or reverse auctions create an environment where suppliers bid against each other for a contract. The environment encourages competition with the result that goods are offered at their current market rate.
- 10.7.2 E-auctions are not suited for many categories of spend. Where this does occur, ARB should seek the support and guidance of organisations, such as CCS who have the necessary systems to run an e-auction.

## 10.8 Standstill Period

- 10.8.1 The standstill period is a period of 10 calendar days that must be kept between notification of The intention award and completion of the contract or framework agreement with the preferred provider(s).
- 10.8.2 During this time unsuccessful bidders can challenge the process. It is important to note that a challenge cannot be raised purely on the fact that they were not successful but that the principles of procurement (being open, fair & transparent) were not adhered to.
- 10.8.3 It is unlawful for a contracting authority to enter a contract or conclude a framework agreement before the end of the standstill period. The minimum length of the standstill period depends on whether the notice is sent electronically. Normally the period will end at midnight on the 10th day after the relevant sending date provided the notice was given by fax or via electronic means (which would include) email or a web-based system such as the e-tendering portal).
- 10.8.4 If post or other (nonelectronic) means are used, then the standstill period will end at midnight on the 15th day after the relevant sending date or at midnight on the 10th day after which the last of the tenderers/candidates to receive such a notice receives it, whichever occurs first.

## 11. Terms and Condition of Contract

Choosing the right terms and conditions of contract is essential to get best value. ARB has the choice to develop its own terms and conditions, use those of suppliers, or consider one of the Cabinet Office standard form contracts below. ARB lawyers will support ARB with selecting the most appropriate set of conditions to be used.

The [Model Services Contract](#) was introduced by in March 2014, by the cabinet office, for all government departments and other public sector organisations. The Model Services Contract should be used for complex IT and high-risk Business Process Outsourcing contracts with a through life contract value of **£20 million or more**.

The [Short Form Terms and Conditions](#) were issued in April 2014 for low value (**below £10k**) procurement of goods and services

The [Mid-Tier Conditions of Contract](#) are designed for use with complex IT service contracts **below £20m**.

Guidance on selecting the appropriate terms and conditions can be found in the Cabinet Office, [Model Contract Guidance Document](#). Further guidance and support when choosing the right terms and conditions can also be obtained from the Model Services Contract Policy Team, [modelservicescontract@cabinetoffice.gov.uk](mailto:modelservicescontract@cabinetoffice.gov.uk).

Public Sector Frameworks can also be used to procure a range of common products and services, from simple to complex requirements and from low to high volume products. These Frameworks comprise a description of the requirements, a list of suppliers and pre-agreed standard legal terms, saving time and effort as fewer terms need to be negotiated and agreed at the order stage.

### 11.1 Public Procurement Procedure Timescales – for above threshold tenders

- 11.1.1 The contract award procedures under the PCR2015 come with a range of minimum timescales and potential reductions to those timescales. Periods given below are the minimum timescales permitted by the legislation.
- 11.1.2 Consideration should always be given to the complexity of the procurement and reasonable time must be given to allow suppliers reasonable time to compile their responses.

11.1.3 Public Procurement Procedure Timescales – see [Appendix M](#)

## 11.2 Waiving of the Procurement Scheme of Delegation

11.2.1 Formal quotation or tendering procedures need not be applied or required where:

- The estimated expenditure is not reasonably expected to exceed £5000 (whole life of contract).
- Where the new requirement is covered by an existing contract.
- In exceptional circumstances where the Registrar/Board decides that formal quotation or tendering procedures would not be practicable, or the estimated expenditure would not warrant formal tendering procedures, and the circumstances are detailed and a record kept.

11.2.2 The waiving of competitive tendering procedures should not be used to avoid competition or for administrative convenience or to award further work to a consultant originally appointed through a competitive procedure.

11.2.3 Where it is decided that competitive tendering is not applicable and should be waived, the fact of the waiver and the reasons should be documented and recorded in a suitable ARB record and reported to the relevant Audit and Risk Committee at each meeting.

## 12. Tender Evaluation

Tenders should be evaluated against pre-determined criteria and published within the tender.

The evaluation criteria will be different for each contract and should reflect the requirements needed. Guidance has been provided below which provides a general guide to quality and cost ratios and under which circumstances they should be used. A scoring rationale has also been provided.

Tenders should be scored against the criteria identified as part of the process. The scoring process should be moderated and fully documented. An evaluation template is shown below as guidance.

Evaluations can be undertaken by individuals or groups. Groups should consist of a minimum of 2 members. Panel members must have no real or apparent conflicts of interest relating to the tenders being evaluated. Each member of the group will independently evaluate the bid or parts of the bid assigned to them. Each member must fully record their rationale for their evaluation score using the methodology provided at 11.2.

Evaluation may also include presentations or interviews. Reference site visits can also be included if they are relevant to the requirements advertised.

Example: Different Commodity and Cost ratios and for different commodity conditions

Commodity Type	Description	Suggested Price/Quality Ratio
<b>Routine</b>	Low Value/ High Volume Many sources of supply Many existing alternatives	<b>90:10 to 80:20</b>
<b>Leverage</b>	High spend area Many sources of supply Commercial involvement can influence price	<b>60:40 to 50:50</b>
<b>Strategic</b>	Strategic to Operations Few Sources of Supply	<b>70:30 to 60:40</b>

Large spend area Specification may be complex
--

<b>Bottleneck</b>	Few sources of supply and alternatives Complex specifications If supply fails, impact on organisations could be significant	<b>40:60 to 10:90</b>
-------------------	---	-----------------------

## 12.1 Scoring Methodology for Price

12.1.1 All tenders should be scored by the procurement lead and validated via moderation by the Finance lead. They are done so on a comparative basis, with the lowest compliant tender receiving 100% of the available marks e.g., 40% if price is weighted at 40%. All other tenders will then be compared against the lowest tender using the formula:

$$(A/B) \times \text{price weighting (e.g., 40\%)}$$

A = price of lowest compliant tender

B = price of the tender being scored

12.1.2 If a tender appears to be abnormally low then ARB may ask the tenderer to explain its pricing structure or costs. ARB may choose to reject the tender if not satisfied with the explanation.

## 12.2 Scoring Methodology for Technical and Quality evaluation considerations

Score	Acceptability	Example Scoring Methodology for Technical and Quality Criteria
5	Excellent	In the opinion of the evaluator the response is of a quality and level of detail that provides extreme confidence that the Potential Provider's proposals will meet all the response requirements against the question, demonstrating an excellent and thorough understanding of the issues and what is being asked for. Proposals clearly set out how and what will be delivered.
4	Very Good	In the opinion of the evaluator the response is of a quality and level of detail that provides a high degree of confidence that the Potential Provider's proposals will meet all the response requirements against the question, demonstrating a very good understanding of the issues and what is being asked for. Proposals set out how and what will be delivered.
3	Good	In the opinion of the evaluator the response is of a quality and level of detail that provides a good level of confidence that the Potential Provider's proposals will meet all the response requirements against the question, demonstrating a good understanding of the issues and what is being asked for. Proposals set out how and what will be delivered with only minor omissions.
2	Reasonable	In the opinion of the evaluator the response is of a quality and level of detail that provides some confidence that the Potential Provider's proposals will meet all the response requirements against the question, demonstrating a reasonable understanding of the issues but in some areas demonstrating a misunderstanding. Proposals generally provide sufficient information but, in some areas, have a low level of detail and/or provide more of a "model answer" than a bespoke response to the relevant response requirements.
1	Poor	

Score	Acceptability	Example Scoring Methodology for Technical and Quality Criteria
		In the opinion of the evaluator the response is of a quality and level of detail that provides insufficient confidence in the ability of the Potential Provider to meet the response requirements against the question, demonstrating some misunderstanding in the submission, and failing to meet the response requirements against the question in many ways and/or materially in one or more ways. Proposals provide a generally low level of information and/or detail.
<b>0</b>	<b>Very poor</b>	In the opinion of the evaluator the response fails to provide any confidence that the response requirements against the question will be met, demonstrating a failure to understand the requirements.

12.2.1 Evaluator would use the above criteria to score technical and quality considerations within the offers. The statements would be used to apportion a score separately to each consideration.

### 12.3 Moderation

12.3.1 Following Group evaluation of tenderers a moderation meeting will be convened with the evaluators and overseen by a member of the SLG. The Group will discuss and agree the final scores for each of the bids received. The SLG member will facilitate a discussion between the evaluation group regarding the marks awarded for each answer given and review his/her justification. A consensus mark will then be agreed and recorded and attributed to the relevant question. If a consensus mark cannot be reached and there is a difference of no more than 1 mark in the original marking between any of the evaluators, the SLG member will average the marks to provide a final mark.

Example:

Evaluators A, B and C have given a mark of 4

Evaluator D has given a mark of 3

The final mark will be calculated as follows:  $4+4+4+3 = 15/4 = 3.75$

### 12.4 Post Tender Clarifications

12.4.1 As a rule post tender clarifications in the open and restricted procedures are not permitted. However, both the Competitive Dialogue Procedure and Competitive Dialogue with negotiation allow for clarifications to be made as long as doesn't involve changes to the essential aspects of the tender or the procurement, including those needs and requirements set out in the call for competition published OJEU and FTS service. All post tender clarifications must be fully documented.

### 12.5 Debriefing Tenderers

12.5.1 It is good practice, and in above threshold tenders a legal requirement that unsuccessful tenderers are offered a debrief to explain why their bid was unsuccessful. The objective of debriefing unsuccessful tenderers is to assist suppliers to improve their bid.

12.5.2 All debrief communications must be carefully planned and carried out by the Registrar or procurement lead. All information supplied must be able to be fully justified in the event of a formal complaint and/or a formal legal action taking place.

## 12.6 Contract Award

- 12.6.1 All contract awards for ARB must follow and comply with the Scheme of Delegation. In the event of challenge, from an unsuccessful tenderer a contract award can be legally suspended until the challenge has been resolved. In the event of a challenge ARB should consult their lawyers.

## 13. Receipt and Safe Custody of Quotations and Tenders

All invitations to tender shall state the date and time as being the latest time for the receipt of tenders.

All invitations to tender shall be submitted electronically using the ARB e-tendering system; or alternatively as instructed by ARB.

Every tender for goods and services shall embody standard form conditions, as are applicable

Director of Resources will designate and agree a list of employees able to access tenders and release them once the Sealed Date and Time has passed.

All full record of tenders requested and received will be maintained by ARB and made available where necessary.

Incomplete tenders i.e., those from which information necessary for the adjudication of the tender is missing, and amended tenders i.e., those amended by the tenderer upon his own initiative either orally or in writing after the due time for receipt, but prior to the opening of the tenders, should be dealt with in the same way as late tender (Section 13.2.)

### 13.1 Admissibility

- 13.1.1 If for some reason the designated employees are of the opinion that the quotations and tenders received are not strictly competitive (for example, because their numbers are insufficient, or any are amended, incomplete) no contract shall be awarded without the approval of the Registrar.
- 13.1.2 Where only one quotation and/or tender, is sought and/or received, the Director of Resources shall as far as practical, ensure that the price to be paid is fair and reasonable and will ensure value for money for ARB.

### 13.2 Late Quotations and Tenders

- 13.2.1 Quotations and Tenders received after the due time and date, but prior to opening of other quotations and tenders, may be considered only if the Registrar decides there are exceptional circumstances i.e., dispatched in good time but delayed through no fault of the supplier.
- 13.2.2 At the discretion of the Registrar only in exceptional circumstances will a quotation and/or tender be considered which is received after the opening of the other quotations and tenders and the process of evaluation and adjudication has not started.
- 13.2.3 While the admissibility of late, incomplete, or amended tenders are under consideration, all quotation and tender documents shall be kept strictly confidential by the Director of Resources.

### 13.3 Acceptance of Quotations and Formal Tenders

- 13.3.1 Any discussions with a supplier which are deemed necessary to clarify technical aspects of the quotation and/or tender before the award of a contract will not disqualify the tender.

- 13.3.2 The lowest tender, or Most Economically Advantageous Tender (MEAT) shall be accepted unless there are good and sufficient reasons to the contrary.
- 13.3.3 Such reasons shall be documented in the quotation and tender register and where necessary set out in the tender ratification report for the Board.
- 13.3.4 No quotation and/or tender shall be accepted which will commit expenditure more than that which has been allocated by ARB and which is not in accordance with these instructions except with the authorisation of the Registrar.
- 13.3.5 All tenders, quotations, correspondence and associated paperwork should be treated as confidential and be retained electronically in accordance with the ARB records retention policy which states that:
- Successful tenders/quotes to be kept for duration of contract.
  - Unsuccessful tenders/quotes to be kept for one year from the contract award date and should be retained for inspection in line with ARBs documents retention policy.

## 14. Regulation 84

- 14.1 Under the regulations of the Public Contracts Regulations 2015, there is an obligation to create a report on every over threshold public contract and framework agreement entered, and to send a copy of this report to the Cabinet Office if requested to do so.
- 14.2 It is recommended that a Regulation 84(1) report is completed for all above threshold tenders and where an award of contract is made via a framework agreement, if there is more than one supplier on that framework agreement.
- 14.3 A Regulation 84 report can also be called upon by an unsuccessful supplier if they believe due process has not been followed in accordance with PCR2015. A report should be completed for all above threshold procurements.
- 14.4 Regulation 84 [checklist](#)

## 15. Challenging a Procurement Award Decision

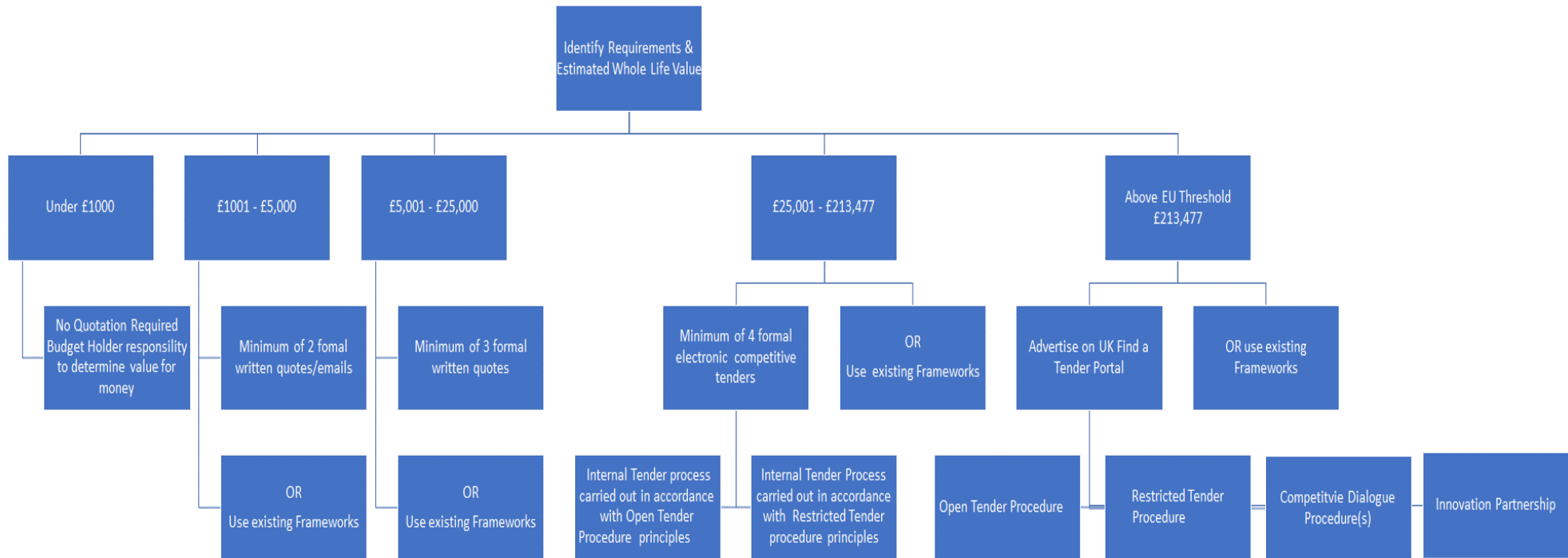
- 15.1 A supplier has the right to challenge an award decision if they are unhappy with this. They can bring a claim in the high court, usually the [Technology and Construction Court \(TCC\)](#).
- 15.2 Proceedings can be started within 30 days of knowing the grounds for starting the proceedings had arisen.
- 15.3 Usually, the first time a supplier becomes aware they wish to challenge will be upon receipt of a notification they have been unsuccessful. They will check the unsuccessful letter for the name of the winning bidder. The characteristics of the winning bid and relative advantages of the winning bid compared to theirs and if there is sufficient detail to enable them to make an informed decision about the merits of a decision to challenge.
- 15.4 If the standstill letter is defective then ARB takes the risk in proceeding to award a contract which might amount to an unlawful direct award giving rise to a remedy of ineffectiveness.
- 15.5 Most issues can be sorted without the need for legal proceedings, and ARB may consider extending the standstill period to manage this.
- 15.6 If not, and legal proceedings are commenced, ARB should seek urgent legal advice and assistance.



## 16. Records Retention

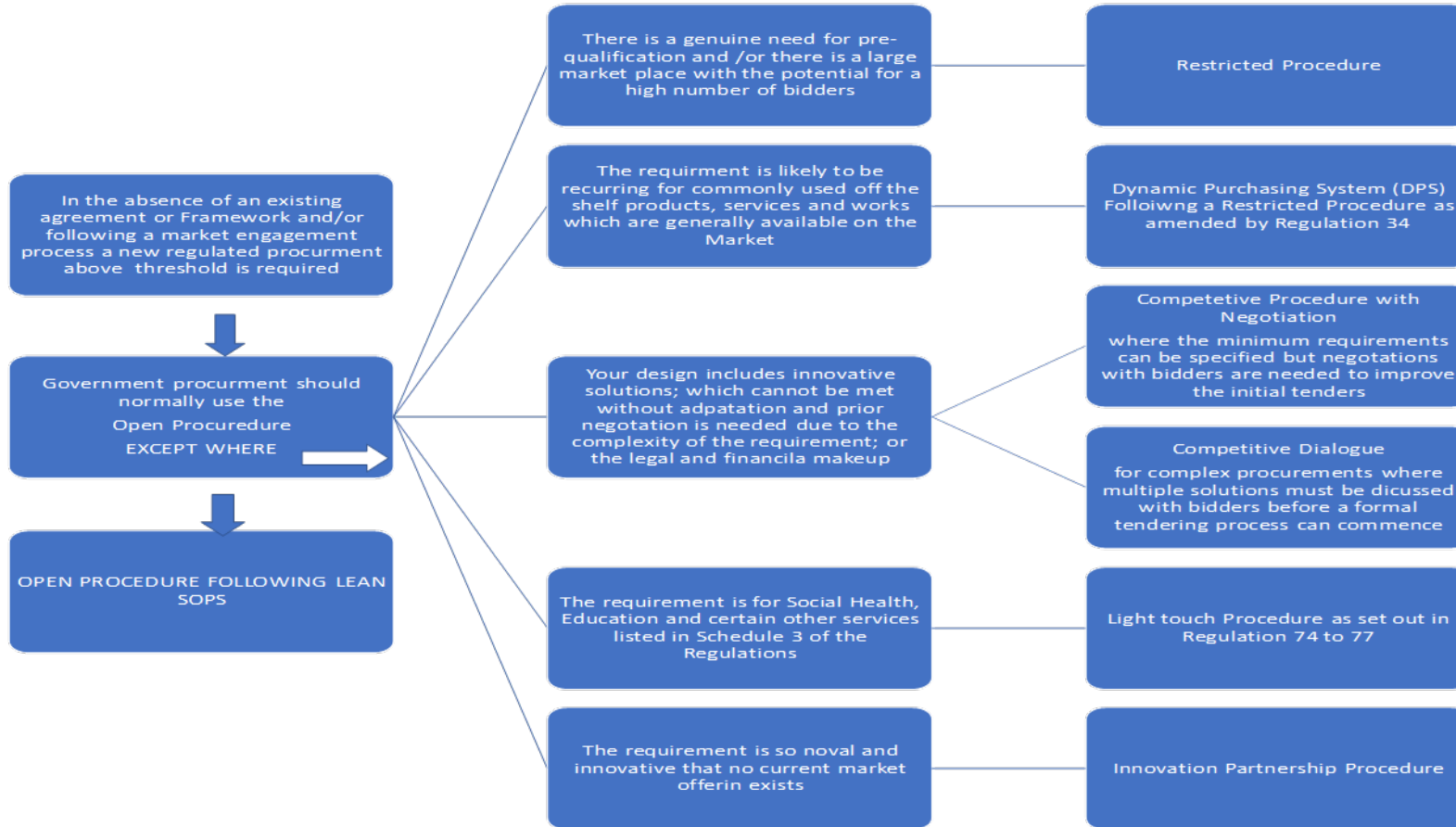
- 16.1 All quotation and tendering paperwork and correspondence should be retained electronically or in folders of evidence, in accordance with the ARB records retention policy.

## Appendix A – Pre-Procurement Decision Tree



- All ARB expenditure must be approved in accordance with the Scheme of Delegation (see table set out in section 9.4)
- The level of expenditure which must be calculated using the whole life costs of the proposed contract for goods, services and works.
- The type of process to be undertaken and the timeline will be dependent upon the complexity of the requirements needed.

## Appendix B – Pre-Procurement Procedure Route Planner



- Selecting the choice of procurement procedure will be dependent upon the procurement category, complexity of the requirements and associated whole life cost. Each procedure has a different timeline, the availability of the appropriate resources to complete the procedure to agreed time scales should also need to be considered as part of the pre-procurement market discussions.

## Appendix C – Basic Procurement Timetable

<b>BASIC PROCUREMENT TIMETABLE</b>	
<b>Date</b>	<b>Activity</b>
	Dispatch of the tender/ Find A Tender Contract Notice
	Clarification period starts
	Clarification period closes ("Tender Clarifications Deadline)
	Deadline for the publication of responses to Tender
	Deadline to acknowledge intention to submit a Tender
	Deadline for submission of Tenders ("Tender Submission Deadline2)
	Evaluation period
	Presentation dates (if required)
	Intention to award notices issued to successful and unsuccessful Potential Suppliers.
	10 day Standstill Period ends at 23:59 on this day (in accordance with Regulation 87)
	Prospective commencement date for Contract

## Appendix D – Contacts Register Template



03 Tender Register  
Template.xls

## Appendix E – Quotation and Tender Register Templates



03 Tender Register  
Template.xls



Tender Opening  
Form Document.doc



01. Quotation  
Register Template.xls



02 Quotation  
Opening Form Docu

## Appendix F – Cabinet Office Lean Sourcing Approach

- [cabinet office lean sourcing guidance](#)

## Appendix G – Generic Quotation and Tender Templates



Template-Invitation-  
To-Tender.doc



Tender for Mgd  
BaaS Final-Red.pdf



Award letter.docx



Template-Letter-to-  
unsuccessful-bidder



## Appendix H - Regulation 84 Template

Regulation 84:

<https://www.legislation.gov.uk/uksi/2015/102/regulation/84/made>

Regulation 84: Standard Check List Form for reporting Documentation Requirements

Regulation	Data	Required?	Included?
84(1)(a)	Name and address of contracting authority	Yes	<input type="checkbox"/>
84(1)(a)	Subject-matter and value of the contract	Yes	<input type="checkbox"/>
84(1)(b)	Names of candidates/tenderers passing any selection (SQ/PQQ) stage and the reasons for their selection	If relevant	<input type="checkbox"/>
84(1)(b)	Names of candidates deselected following any selection (SQ/PQQ) stage and the reasons for their deselection	If relevant	<input type="checkbox"/>
84(1)(b)	Names of bidders selected (following a "reduction of numbers" under Regulation 66), to continue to take part in a competitive with negotiation or competitive dialogue process, and the reasons for their selection	If relevant	<input type="checkbox"/>
84(1)(b)	Names of bidders deselected (following a "reduction of numbers" under Regulation 66) from a competitive with negotiation or competitive dialogue process, and the reasons for their deselection	If relevant	<input type="checkbox"/>
84(1)(c)	Reasons for rejection of any tender found to be abnormally low	If relevant	<input type="checkbox"/>
84(1)(d)	Name(s) of successful bidder(s)	Yes	<input type="checkbox"/>
84(1)(d)	Reasons why successful bid(s) was/were selected	Yes	<input type="checkbox"/>
84(1)(d)	Share of the contract/framework agreement that the successful bidder intends to sub-contract	If relevant	<input type="checkbox"/>
84(1)(d)	Names of the main sub-contractors	If relevant	<input type="checkbox"/>
84(1)(e)	Justification for use of competition with negotiation process or competitive dialogue process (see Regulation 26)	If relevant	<input type="checkbox"/>
84(1)(f)	Justification for use of negotiated procedure without a notice (see Regulation 32)	If relevant	<input type="checkbox"/>
84(1)(g)	Reasons why the contracting authority decided not to award the contract/framework agreement	If relevant	<input type="checkbox"/>
84(1)(h)	Reasons why non-electronic means was used for submission of tenders	If relevant	<input type="checkbox"/>
84(1)(i)	Details of conflicts of interest detected and measures taken to nullify these	If relevant	<input type="checkbox"/>
76(4)(b)(iii)	In a Light Touch regime process, where the contracting authority has chosen to depart from the process as originally stated in the procurement documents (in accordance with the conditions permitting this at Regulation 76(4)), this decision and the reasons behind it must be documented in compliance with Regulations 84(7) and (8)	If relevant	<input type="checkbox"/>

## Appendix I – Guide to using Crown Commercial Service Frameworks

- Crown Commercial Solutions digital brochure and full list of all our commercial agreements:

[https://www.crowncommercial.gov.uk/digital\\_brochure/request/30384/commercial-agreements-autumn-2021-digital-brochure](https://www.crowncommercial.gov.uk/digital_brochure/request/30384/commercial-agreements-autumn-2021-digital-brochure)

- Guide to: Buying through Crown Commercial Services:

<https://www.crowncommercial.gov.uk/buy-and-supply/how-to-buy/>

- Crown Commercial Solutions Customer Service Helpdesk

<https://www.legislation.gov.uk/ukSI/2015/102/regulation/84/made>



## Appendix K – Declaration of Interest - Staff



Declaration for the  
Register of Interests

## Appendix L – Declaration of Interest – Non-Staff



ARB Declaration  
and Conflicts Forms

## Appendix M – Public Procurement 2015 Tender Timescales

Choice of procedure and stage	Standard timescales	Option for Member States relating to sub-central contracting authorities	Tenders <u>submitted electronically</u>	Requirement is urgent and longer time limit is impractical as a result	PIN published no more than 12 months and no less than 35 days from despatch of contract notice
<b>Open</b> ( <a href="#">Regulation 27</a> ) A single stage process that allows all suppliers to offer submissions to the tender. This is appropriate when there are a small number of suppliers in the market.					
Despatch of contract notice to receipt of responses	35 days		5-day reduction	Period reduced to 15 days	Period reduced to 15 days
Standstill	10 days				
<b>Restricted</b> ( <a href="#">Regulation 28</a> ) A two-stage process that allows the pre-qualification of suppliers based on their financial standing and technical and professional capability. This is appropriate when many suppliers exist within a market					
Despatch of contract notice to receipt of responses	30 days			Period reduced to 15 days	
ITT to receipt of bids	30 days	May agree time-limit with tenderers – in absence of agreement minimum period is 10 days	5-day reduction	Period reduced to 10 days	Period reduced to 10 days
Standstill	10 days				
<b>Competitive with Negotiation</b> ( <a href="#">Regulation 29</a> ) A two stage process (similar to Restricted) that allows the contracting authority to negotiate with suppliers to improve the tenders submitted. This is appropriate for services or supplies that require adaptation or design inputs.					
Despatch of contract notice to expressions of interest	30 days			Period reduced to 15 days	
ITN to receipt of initial tenders	30 days	May agree time-limit with tenderers – in absence of agreement minimum period is 10 days	5-day reduction	Period reduced to 10 days	Period reduced to 10 days
Standstill	10 days				

Choice of procedure and stage	Standard timescales	Option for Member States relating to sub-central contracting authorities	Tenders <u>submitted electronically</u>	Requirement is urgent and longer time limit is impractical as a result	PIN published no more than 12 months and no less than 35 days from despatch of contract notice
<b>Competitive Dialogue</b> ( <a href="#">Regulation 30</a> ) A multi-stage process allowing dialogue with limited potential suppliers to develop suitable solutions where the delivery of the requirement isn't pre-determined. Suitable for high risk and complex projects where suppliers have a major role in defining the solution.					
Despatch of contract notice to expressions of interest	30 days				
Standstill	10 days				
<b>Innovation Partnership</b> ( <a href="#">Regulation 31</a> ) Uses the negotiated approach to invite suppliers to submit ideas to develop innovative works, supplies or services. This is only appropriate when there is a need for the development of an innovative product or service.					
Despatch of contract notice to expressions of interest	30 days				
Standstill	10 days				
<b>Dynamic Purchasing System</b> ( <a href="#">Regulation 33</a> ) An entirely electronic secondary-tendering process which allows for new entrants at any time. A DPS is most suitable when a contracting authority is trying to create and maintain a list of approved suppliers for commonly used goods, works and services.					
Despatch of contract notice to expressions of interest	30 days	A minimum period of <u>30 days</u> between sending the contract notice for publication and receipt of requests to participate.			
ITT	10 days	Followed by a minimum period of <u>10 days</u> between sending invitations to tender and receipt of tenders.			
Standstill	10 days				

# Tool Kit 1. Example Contracts Database/Register



Contracts Database  
Draft v0.1.xls



# Tool Kit 2. Supplier Representatives Policy

[Government Code of Conduct](#)



suppliers-and-supplier-representative-g

## Tool Kit 3. Procurement Standing Operating Procedures



Procurement  
Procedures.xlsx

## Tool Kit 4. DLUHC Procurement, Contracting & T&C Templates



03. OJEU  
Templates.zip

Total estimated contract/purchase value (VAT incl)	Method of selection	Internal authorisation level	Proposed changes
£0-£200	No restriction	Staff with SLG sign-off on expenses	Increased to £1000 and Manager/HoS can approve
£200-£2,000	One verbal quotation	SLG	Merged - require two formal quotes £1,001 to £5,000
£2,001-£5,000	Two oral quotations	SLG	
£5,001-£10,000	Two written quotations	SLG	Requires three formal quotes
£10,001 - £25,000			New category created - no need to tender but must obtain three written quotes. Must be approved by the Registrar
£10,000-£100,000	Use of contract or framework agreement following tender	Registrar & SLG	Deleted
£25,001 - £213,447			New category to bring in line with EU procurement levels Must carry out a formal tender process if unable to fulfil via Framework Formal approval from CEO
£100,000+	Use of contract or framework agreement following tender	Board	Deleted - Board to approve above EU threshold level only
£213,447+	Use of contract or framework agreement following tender	Board	Formal tender and use of Find A Tender service Board agree procurement strategy and make award