



# **Bassetlaw District Council**

## **Doing Business with the Council**

**A Guide for Suppliers and Contractors**

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# About this guide

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This guide has been produced to assist suppliers and contractors who wish to supply the Council with goods, materials, services or works. It is intended to help in the following ways:

- It outlines the rules that the Council must follow.
- It alerts potential suppliers to the opportunities that exist for supplying the Council.
- It explains how you should bid for Council work.
- It advises of the other contacts within the Council that companies may wish to consider.

The guide supplements the Council's standard procedures and is aimed at achieving value for the public money for which we have a responsibility.

Bassetlaw District Council encourages competition and welcomes expressions of interest from both new and established suppliers.

Contracts are awarded on the basis of their value for money and whilst the Council cannot discriminate in favour of locality, we are committed to supporting and encouraging local firms to compete for contracts.

What benefits can suppliers expect from working with Bassetlaw District Council? We are:

- Fair
- Non-discriminatory
- Professional
- A long established organisation (30 + years)
- Prompt to pay our bills

Any potential supplier interested in pursuing business opportunities with the Council should respond as requested to an advertisement or contact the officer responsible for that area of business (see the list of contacts at Appendix 1).

# About the Council

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Bassetlaw is the most northerly district in Nottinghamshire, and the largest in terms of geographical area. The Council serves a population of approximately 109,400 across a district that covers 63,688 hectares. The district contains a mixture of traditional market towns, country villages and the 'Dukeries' estates and is close to major cities such as Sheffield and Nottingham. The main towns in the District are Worksop to the west and Retford to the east. More than a third of the population live in rural areas.

Bassetlaw borders South Yorkshire to the north, Lincolnshire to the east and

Derbyshire to the west. There are excellent road and rail links. With the A1 and East Coast Mainline running through the District and the M1 within easy reach. The new Robin Hood Doncaster Sheffield Airport, just outside the District on the former Finningley RAF base, will further enhance the District's communications links.

The Council deals with contracts of varying types from one-off purchases to major contracts for supplies, services or works. These contracts will operate for a specific period of time before coming up for renewal.

# Opportunities to supply the Council

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This section is to provide a breakdown of the core services of the Council for Procurement purposes. A brief description is to be provided of the key procurement opportunities that are available in each service area.

This listing does not have to mirror the Council's services – indeed it may be advantageous to consider groups of common procurement areas that cut cross services of the Council.

# How to find out about supply opportunities

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A detailed contact list covering relevant services responsible for the Council's procurement activities is provided at Appendix 1. This list is not intended to be exhaustive and will change from time to time.

The Council proposes to publish a forward prospectus of forthcoming contracts which will be updated and available on the Council's website, [www.bassetlaw.gov.uk](http://www.bassetlaw.gov.uk).

Higher value contracts will be included in the Council's Forward Plan. This sets out the key decisions to be taken by the Council's Cabinet in the four month period from the date of the plan. This will be available to be viewed at: [www.bassetlaw.gov.uk](http://www.bassetlaw.gov.uk).

Contracts for goods and services with an estimated value in excess of £153,376 and contracts for works over an estimated value of £3,834,411 are advertised in the Official Journal of the European Union (OJEU). These

contracts can be viewed at [www.ted.eur-op.eu.int](http://www.ted.eur-op.eu.int) or [www.euroguide.org](http://www.euroguide.org)

Contracts and invitations to companies to be considered for inclusion on a select list may also be advertised in the local press or specific trade publications.

Works related contracts below the OJEU financial limits but in excess of £50,000 will generally be awarded following an Invitation to Tender. Contractors included on the Council's approved list where such a list exists, will be invited to apply for the contract. Where no approved list exists, the Council will administer the Tendering procedure, which will begin with the advertising for expressions of interest from potential suppliers. Details of how to apply to be considered for inclusion on an approved list are given on page 9.

# Applying to advertised contracts

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The contract notice or advertisement will invite companies to submit an expression of interest for a contract. The advertisement will detail the procedure and what information is required. It is important that companies supply all of the requested information and respond by the due date. Details of the tendering process for council contracts are included on page 9.

The general information requested of companies is that they :

- Provide the Council with basic details about the organisation,
- Verify that the organisation can be identified as a legitimate, discrete trading organisation (address of office, registration number and company group information),
- Promote good practices in areas of equal opportunities, environmental protection and health and safety issues.

The areas of companies that are assessed can be summarised as follows:

## **Financial Information**

In this section companies will be asked for certain financial information relating to each of the last three years. (It may require only the last two years for some contracts). Private Limited Companies and Public Limited Companies must submit fully audited accounts as registered with Companies House. Other applicants should forward copies of financial statements, business plans or a certified statement of turnover. This information is used to assess the financial position of the company in relation to the size of the contract. Information is also required to check that a company is registered (if appropriate) for tax and complies with the Council's insurance requirements.

In high-risk contracts where non-performance could result in significant financial loss or where operational performance is crucial, companies may be required to submit a Parent Company Guarantee or a Performance Bond.

## **Experience and Technical ability**

Further information requested seeks to assess whether a company has the relevant experience and technical ability to carry out the categories of work or to provide the quality of service required.

If an application relates to a specific contract, it will be necessary to provide references.

Some further questions may be asked that will be tailored to the needs of the individual contract and the responses and supporting evidence will be used to assess whether a company has the required level of skills and abilities to tender.

## **Health and Safety**

Depending on the nature of the goods / service / works, organisations may be required to submit their Health and Safety Policy

Subject to compliance with European Procurement Rules and Regulations other information may also be requested from Companies such as:

## **Equal Opportunities**

The Council strongly supports equal opportunities, equal access and positive outcomes for all sections of the community. The Council aims to ensure that organisations that provide services on behalf of the Council comply with equal opportunities legislation and promote equality of opportunity. It also aims to encourage

those organisations and individuals with which it does business to observe and adhere to the principles contained within the Council's Equal Opportunities Policy. Questions may be asked about how racial equality issues are included in a company's employment practices. Copies of the Council's Equal Opportunities Policy can be obtained from the Head of Policy and Performance, Queen's Buildings, Potter Street, Worksop S80 2AH or by e-mail to [procurement@bassetlaw.gov.uk](mailto:procurement@bassetlaw.gov.uk)

### **Environment**

Bassetlaw District Council is committed to protecting our local environment and ensuring a better quality of life for everyone – now and for future generations. In order to promote this the Council has agreed a sustainability strategy to improve its environmental performance (Local Agenda 21). The council expects its contractors to meet similar levels of environmental care and commitment. A copy of the Council's Local Agenda 21 Strategy can be obtained from the Head of Policy and Performance, Queen's Buildings, Potter Street, Worksop S80 2AH or by e-mail to [procurement@bassetlaw.gov.uk](mailto:procurement@bassetlaw.gov.uk) This sets out the Council's environmental policies and assists contractors to understand the criteria for assessing environmental performance.

### **Quality Assurance**

For certain contracts including work contracts, organisations may be required to demonstrate that they have a suitable quality assurance system in place. This may be demonstrated by certification from an approved assessment company or by our review and acceptance of the organisation's quality manual.

### **Freedom of Information**

Bassetlaw District Council will undertake its responsibilities with regard to the Freedom of Information Act (FOI) that will come into force with effect from 1 January 2005. The FOI Act obliges the Council to provide information that it holds if requested. This requirement will include information supplied to us by potential suppliers. As part of our response to the FOI Act we will attempt to ensure that we only ask potential suppliers for information that we need to enable us to make a procurement decision. In the same manner we will ensure that information supplied by suppliers that is found to be no longer needed by the Council will be destroyed. The Council will comply with the spirit of openness required by the Act and so will only consider confidentiality agreements with potential suppliers where this is absolutely necessary.

# Applying for inclusion on an approved list of contractors

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The Council does maintain lists of approved contractors for the provision of certain works that are not undertaken in house. Companies applying to be included on the approved list must complete an application form. The questions on the form are designed to give the council sufficient information to make an assessment as to the suitability of a company for inclusion on the list. In addition to ensuring that the company can demonstrate its ability to undertake the work the Council also wishes to ensure that the company carries out its responsibilities in respect of health and safety and equal opportunities. Details of the different approved lists and who to contact to obtain information are included in Appendix 1.

## **Tendering for contracts**

Companies will either be invited to tender (where an open tendering procedure is being followed) or be sent either a pre-qualification questionnaire or in the case of procurement of ICT systems and solutions, a specification of requirements (SOR) prior to issuing an invitation to tender. The purpose of a pre-qualification questionnaire and SOR is to assess the potential bidders suitability to apply to the Council and their ability to satisfy the contract before tenders are issued. It saves time and effort being unnecessarily spent on completing tenders.

## **Tender evaluation and contract award**

Returned tenders will be evaluated against the pre-determined criteria as specified in the tender documentation. Evaluation will focus on examining how the tender proposals will deliver

the service (quality) and the cost of the service (price). The balance between quality and price will depend on the particular service area. Normally the Council will award the contract on the basis of the economically advantageous tender. The successful tenderer will be notified in writing either by letter or official electronic communication.

## **Procurement of ICT systems**

The Council follows a different procedure for the procurement of ICT systems and solutions and issues a specification of requirements (SOR) prior to the issue of tender. As part of the initial response, the Council will request expressions of interest from potential suppliers, who will be assessed using the criteria specified. The SOR is then issued to all suppliers included on the first shortlist with the requirement that they provide a detailed response. The response is then assessed for compliance with the requirements and a second shortlist produced. Successful suppliers may then be asked to give a scripted demonstration to a number of users, allowing a more detailed assessment of the solution they are proposing to supply. Users are asked to score each of the demonstration's and once these are assessed a final shortlist is produced. At this stage the users may also visit reference sites for the systems included on the final shortlist. The tender document will then be issued to all suppliers who still remain.

## **Debriefing**

Within the limits of commercial confidentiality, the Council will always endeavour to offer unsuccessful tenderers feedback to find out why

their bid has failed. This information can be used to help with any future bids as being unsuccessful in one contract does not mean that a company will be unsuccessful in future bids.

### **Electronic Trading**

The Council has an e-Commerce Strategy which aims to increase the levels of electronic business which over time will include electronic tendering, ordering and invoicing. The aim is to reduce both the Council and suppliers' costs associated with the procurement process and the costs of normal commercial trading. It is recognised that e-commerce can help suppliers by opening up a supplier's products and services to a wider market. The Council will seek to work with suppliers who can help deliver its e-Commerce Strategy.

### **Contact Performance**

Bassetlaw District Council has to monitor its performance as part of its duty under Best Value, and suppliers and contractors to the Council are monitored to assess their compliance with pre-defined performance criteria. Contracts have to perform in accordance with the requirements set out in the contract documentation. Contract conditions will be strictly applied.

The Council is continuously striving to improve its own performance and it expects its contractors to do the same.

### **Complaints Procedure**

The Council will adopt a variety of contract monitoring arrangements appropriate to the value and nature of each contract. Most complaints will be discussed and resolved through these arrangements. However, if any contractor or prospective supplier has a complaint about unfair treatment or discrimination that cannot be resolved through normal commercial contact with the Council, the complaint can be made in writing through the Council's

Corporate Complaints Procedure. This procedure details the Council's policy for dealing with complaints and ensures that the Council acts promptly. Copies of the Corporate Complaints Procedure can be obtained from the Chief Executive's Office, Queen's Buildings, Potter Street, Worksop, Nottinghamshire, S81 7PJ or by e-mail to [Procurement@bassetlaw.gov.uk](mailto:Procurement@bassetlaw.gov.uk)

Anyone who has supplied a tender to the Council under the European Public Procurement rules can take action in the High Court if they have been harmed, or are at risk of harm by the Council breaking these regulations. Anyone who feels they have not been treated fairly can also complain to the European Commission.

### **Local and Smaller Suppliers**

The Council is committed to supporting and encouraging smaller and east midlands based business and to improve their ability to meet the Council's requirements whilst complying with the requirements of the EU regulations, Standing Orders, and best practice guidance.

It is recognised that suppliers play an important part in government's core business. Although more than 50% of the UK private sector workforce is employed in small organisations (less than 50 employees) they are finding it increasingly difficult to compete for public sector contracts. In order to assist these organisations the Council's aims are to:

- Publicise opportunities in local newspapers,
- Give guidance as to the processes and making sure that they are kept up to date,
- Keep tender documents simple to understand and jargon free,
- Set realistic timetables,
- Encourage suppliers to adopt supply chain management practices, and
- Encourage suppliers to adopt e-commerce systems that

streamline processes, reduce administration time and enable

the Council to make payment to suppliers more speedily.

# Procurement Rules and Regulations

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1. As a local authority, there are regulations at a European, National and local level which the Council has to follow when procuring goods, services and works and when establishing approved tender lists.
2. European Rules – all public sector contracts no matter what their value within the European Union are covered by a treaty which incorporates the free movement of goods and services and which prevents discrimination against firms on the grounds of nationality.

The principles of the treaty are backed up by a series of EC Procurement Directives:

- Public Supplies Directive 1993 – 93 / 36 / EEC.
- Public services Directive 1992 – 92 / 50 / EEC.
- Public Works Directive 1993 – 93 / 37 / EEC.
- Amending Directive 1997 – 97 / 52 / EC (amends the three directives above).

These directives are included in UK law as a number of regulations:

- The Public Supply Contracts Regulations 1995 S.I. No. 201.
- The Public Services Contracts Regulations 1993 S.I. No. 3228.
- The Public Works Contracts Regulations 1991 S.I. No. 2680.

The directives and regulations require the Council to follow detailed procedures for all procurements above financial thresholds. The thresholds are revised every two years (for the two year period 1/1/2004 –

31/12/2005 the threshold is £153,376 for Supplies and Services and £3,834,411 for Works).

The Council must follow some basic principles:

- A specific Tender Notice must be placed in the supplement to the Official Journal of the European Union (OJEU) to give all suppliers in the EU an equal opportunity to tender.
- Tenders must be invited in accordance with one of the prescribed procedures (open, restricted, negotiated – there are also two separate urgency procedures). Each procedure imposes minimum time-scales covering the tender activities to ensure that reasonable time to respond to adverts and prepare submissions is given to interested parties.
- A notice of contract award must be placed in OJEU. Unsuccessful contractors must be debriefed if requested.

Further information about the EC Procurement Directives can be viewed at [www.simap.eu.int](http://www.simap.eu.int)

3. National Rules – Whilst there is no prescription on local authorities to tender out specific services, the Council has a duty under Best Value legislation (introduced in April 2000) as laid down by Part 1 of the Local Government Act 1999 to fundamentally review its services and make arrangements to ensure

continuous improvement having regard to economy, efficiency and effectiveness. Performance indicators and targets for improvement are set and published in an annual Best Value Performance Plan. The Council recognises that effective procurement is at the heart of best Value and that the Best Value Review process will help deliver it's commitment to provide the best possible services for the people of Bassetlaw.

The Council's Best Value Performance Plan can be viewed at <http://www.bassetlaw.gov.uk/bvpp/index.html>

Further information about Best Value can be viewed at [www.local-regions.odpm.gov.uk/bestvalue](http://www.local-regions.odpm.gov.uk/bestvalue)

The Council must also have regard to Part II of the Local Government Act 1988 which prohibits "non commercial considerations" being taken into account when awarding contracts.

4. Local Rules – Procurement activities must also comply with the Constitution of the Council.

Contracts below £15,000 – whilst it is not necessary to obtain quotations for purchases below £15,000 it is necessary to ensure value for money is obtained by periodically testing the market.

Contracts between £15,000 and £50,000 will be subject to competitive quotations being obtained from at least three

contractors, or if this is not possible from all capable contractors.

Contracts over £50,000 will be subject to competitive tenders being obtained:

- From a reasonable number of capable contractors, or
- Following advertisement in at least one local newspaper. A similar advertisement may also be published in a specialist trade or professional journal.

Approved lists – where an approved list of contractors is maintained tenders may be invited from some of the contractors on the list. Contractors are selected from the relevant list on a rotational basis and the company that was successful for the previous job will also be considered. Further information is given in the earlier section of this guide titled Applying for inclusion on an approved list.

Tender lists – tenders can be restricted and invited from some (or all) respondents to an advertisement providing they comply with the selection criteria.

5. The Council's procurement policy is based upon fair, transparent and open competition and the procedures ensure that the process is reasonable as far as it is commercially possible and auditable.