



Bright Futures

EDUCATIONAL TRUST

The best *for* everyone, the best *from* everyone

PROCUREMENT POLICY

This is a Trust-Wide Policy
which applies to all the schools within the
Trust

Date of Policy Approval: **26 June 2020**

Owner of Policy: **Chief Operating
Officer**

Authorised By: **Audit Committee**

Policy Review Date: **June 2022**

Distribution: **All Staff
Website**

CONTENTS

<u>Objective</u>	P5
<u>Background</u>	P5
<u>EU Public Procurement Directives</u>	P6
<u>Public Contracts Regulations 2015</u>	P6
<u>Key Principles</u>	P6
<u>Application on the Policy</u>	P7
<u>Procurement Thresholds</u>	P7
<u>Estimating the Value of a Contract</u>	P7
<u>Contracts Register</u>	P8
<u>Annual Procurement Plans</u>	P8
<u>Aggregation</u>	P9
<u>Expenditure Limits & Authority to Spend</u>	P9
<u>Summary of Authorisation Levels</u>	P10
<u>Frameworks & Dynamic Purchasing Systems</u>	P11
<u>Procurement Procedures</u>	P12
<u>Tender Procedures</u>	P13
<u>Invitation to Tender (ITT) Pack</u>	P14
<u>Equal Treatment of Suppliers</u>	P16
<u>Dispensations</u>	P16
<u>Charge Card Purchases</u>	P17
<u>Raising Orders</u>	P17
<u>Payment & Payment Terms</u>	P17
<u>Segregation of Duties</u>	P18
<u>Signing of Contracts</u>	P18
<u>Audit & Retention of Documents</u>	P19
<u>Bribery, Fraud & Corruption</u>	P19
<u>Confidentiality (FOI)</u>	P19
<u>Risk of Challenge / Non-Compliance</u>	P20

This policy should be read in conjunction with:

- EFSA Academies Financial Handbook

and the following BFET documents:

- Trust Financial Handbook
- Delegation Framework
- Conflicts of Interest and Related Party Transaction Policy
- Freedom of Information Policy
- Anti-Bribery and Corruption Policy (or equivalent)
- Whistleblowing Policy
- Risk Management Policy
- Trust Travel & Expenses Policy
- Modern Slavery Act Statement (if applicable)
- Health and Safety Policy
- Safeguarding/ DBS Policy

1. Objective

1.1 The Trust's vision "The best for everyone, the best from everyone", is underpinned by our Trust Values and Commitments, the most pertinent to this Policy being:

- Integrity
- Value for Money
- Strong Governance and Accountability

1.2 In order to achieve our vision, one of the Trust's strategic aims is to Ensure Financial Viability: long term sustainable viability, managed within a robust financial control environment that is effective and efficient.

1.3 This Policy sets out how the Trust will procure all goods, services and works in line with our strategic aims, values and commitments in order to achieve our vision, whilst ensuring we are compliant with all relevant legislation.

2. Background

2.1 Bright Futures Educational Trust is a publicly funded organisation which, in line with government guidance, is required to demonstrate high standards of probity in the management of public money.

2.2 Procurement forms a significant part of the Trust's expenditure and as such, the Trust Board is responsible for ensuring the key requirements of regularity, propriety and value for money are met for all public expenditure.

2.3 Procurement is the strategic process by which goods, services and works are acquired. It covers a whole spectrum of activities including:

- Identifying a need
- Developing a specification and evaluation criteria
- Seeking approval to proceed
- Determining the procurement route e.g. request for quotation, direct award/mini competition via a framework, full tender process.
- Running the procurement process
- Assessing the suppliers
- Evaluating quotations
- Awarding and implementing the contract
- Purchasing
- Contract and supplier management
- Disposal

2.4 Purchasing, as opposed to Procurement, is purely transactional and usually refers just to the ordering, goods receipting and invoicing aspects of acquiring goods or services.

3. EU Public Procurement Directives

- 3.1 As a member of the EU, the United Kingdom and consequently as a public body, the Trust and Academies are subject to EU Public Procurement Directives.
- 3.2 These Directives set out the legal framework for procurement by public authorities. They apply when public authorities seek to acquire supplies, services or works. They set out the procedures which need to be followed before awarding a contract when its value exceeds set thresholds. The main purpose of the Directives is to encourage free and open competition in order to achieve value for money.
- 3.3 In accordance with these Directives, the Trust, and its Academies are known as contracting authorities.

4. Public Contracts Regulations 2015

- 4.1 The Public Contracts Regulations 2015 are the UK implementation of the EU Public Procurement Directives. All UK contracting authorities, irrespective of the source of funding for a particular purchase, must comply the Public Contracts Regulations 2015.

5. Key Principles

- 5.1 To ensure the proper and effective use of public funds at all times when procuring supplies, services or works, the Trust and its Academies must demonstrate compliance with procurement legislation and the key principles of:
 - Equal Treatment
 - Non-Discrimination
 - Transparency and
 - Proportionality
- 5.2 Procurement procedures should not be undertaken in a manner which artificially narrows competition, or one which favours or disadvantages any particular contractor, supplier or service provider.
- 5.3 Unless below the threshold for obtaining multiple quotations or tenders all supplies, services or works need to be procured using a procedure which allows effective competition and includes adequate publication of the contract opportunity, unless there are convincing and justifiable reasons to the contrary. Competition promotes efficiency and effectiveness in expenditure. Awarding contracts on the basis of value for money following competition contributes to the competitiveness of supplies.
- 5.4 Value for money is the optimum combination of whole-life cost and quality (or fitness for purpose) to meet the user's requirement. This is rarely possible with the lowest price alone.

6. Application of the Policy

- 6.1 This policy sets out how the Trust will manage its procurement activities to ensure compliance with all relevant legislation including, but not limited to, the Public Contracts Regulations 2015.
- 6.2 The Policy is applicable to all procurement activities, regardless of value and needs to be followed by all staff involved in any aspect of procurement whether at individual Academy or Trust level.
- 6.3 All employees who may be involved in any stage of the procurement process have a duty to apply the key principles of best practice procurement and to ensure any supplies, services or works they may procure, meet Trust's requirements for value for money.
- 6.4 The Trust Finance Team will provide support to individual Academies and Headquarters in procuring the required supplies, services or works in the most appropriate manner and in compliance with current legislation and best practice.
- 6.5 Alternatively, where an Academy is procuring independently, the Academy staff should follow the guidance within this policy and any associated documents which are referenced within.
- 6.6 This Policy and any associated documentation will be reviewed at least every two (2) years or whenever required by a change in legislation.

7. Procurement Thresholds

- 7.1 There are two types of threshold governing the procurement for the Trust and Academies:
 - The authority to commit expenditure e.g. by placing orders or entering into/renewing contracts. This is covered in the Delegation Framework
 - The estimated value of the contract which will determine the procurement process to be followed.

These thresholds are outlined in Section 13.1 below

8. Estimating the Value of a Contract

- 8.1 It is important that the value of a contract is properly estimated in order to determine the relevant Procurement Threshold that should apply.
- 8.2 The estimated contract value should be the estimated total cost over the life of the contract. The whole-life cost of supplies, services or works must be considered in order to ensure all on-going costs and/or costs of disposal are included.

- 8.3 The value of the contract should be calculated by multiplying the estimated average annual spend by the estimated duration of the contract.
- 8.4 In the case of contracts without a fixed term, or where the term is unknown, the value is estimated by multiplying the estimated annual cost by four (4) years.
- 8.5 Procurement legislation requires that all Academies' needs are combined into one procurement if they are the same or similar.
- 8.6 It is not permitted to deliberately sub-divide a contract or phase the issue of purchase orders in an attempt to circumvent either; the authority levels within the Delegation Framework or; the requirement to run a particular procurement process thereby avoiding the relevant legislation.

9. Contracts Register

- 9.1 The Trust Financial Controller will maintain a contract register detailing all procurement activity undertaken, with a value over £20,000, which records all related documentation, details of the winning bidder, price, duration of contract and the procurement process followed.

10. Annual Procurement Plans

Academy Level

- 10.1 The Trust requires that each Academy works with the Finance Team to produce a procurement plan outlining all planned procurement activities within a twelve (12) month cycle and detailing key purchases for the year with a lifecycle cost in excess of £20,000. This is to enable the Trust Executive to identify any opportunity for potential aggregation or the possibility of a breach to thresholds.
- 10.2 The Academy Procurement Plans will enable the Trust to identify categories where total Trust expenditure is likely to reach within 10% of the current thresholds defined in the current Procurement Legislation and therefore plan Trust-wide procurements accordingly.
- 10.3 The practice of renewing annual contracts is not permitted unless specific provision has been made within the original procurement process for contract extensions. Re-procurement should feature on the annual procurement plan and be commenced in a timely manner to ensure the procurement process and transfer to a new contract is managed effectively.

Trust Level

- 10.4 The Trust Financial Controller will prepare and keep updated an annual procurement plan setting out key tender activity and milestones. The plan will include the use of the contracts register and the individual Academy procurement plans in order to:

- plan the requirement for future tenders,
- schedule reviews of current contracts,
- identify strategic areas of development,
- identify any policy and procedural developments that are required.

10.5 The Trust Financial Controller will continually review the procurement requirements of the Trust and its Academies to ensure compliance with all relevant legislation.

10.6 To avoid the inefficiencies of re-procuring services annually, the Trust Financial Controller will work with Academies to review procurement plans and develop multi-year contracts on a regional or Trust-wide basis wherever appropriate.

11. Aggregation

11.1 Procurement legislation sets out how and when multiple orders and contract values for the same type of work should be added together for the purposes of deciding the most appropriate procurement process to be followed. Therefore, both individual Academies and the Trust must consider aggregation when expenditure reaches certain thresholds.

11.2 In order to comply with the legislation concerning aggregation, the Trust will review all proposed purchases over £20,000 in the context of total Trust expenditure to come to a decision whether the potential requirement to aggregate is complementary or contrary to the requirement to show value for money.

11.3 Where expenditure is likely to reach these thresholds, the Trust Finance Team will consult with individual Academies on the potential to develop Trust-wide or regional contracts in order to comply with the requirements around aggregation and value for money.

11.4 Should an Academy or the Trust identify or anticipate that specific expenditure is likely to reach or has exceeded the current EU thresholds then action should be taken to re-procure the supplies, services or works in a compliant manner as a matter of urgency.

11.5 In appropriate circumstances the Trust may identify opportunities to establish regional or Trust contracts on behalf of Academies. Academies will be invited to participate, however in such cases the Trust will work on the basis that this expenditure does aggregate and procure accordingly.

12. Expenditure Limits & Authority to Spend

12.1 In line with the Trust Financial Handbook the approved budget sets each academy's 'approved level of authority to spend' at each individual budget line.

- 12.2 All procurement activities must be compliant with all relevant legislation, the EFSA Academies Financial Handbook, the Trust’s Financial Handbook, its Delegation Framework, this Policy and any associated documents referenced within.
- 12.3 Anyone procuring on behalf of an Academy or the Trust, is acting as an agent of the Trust in creating binding terms and conditions on the Trust.
- 12.4 Any process which involves committing the Trust or an Academy to expenditure should be approved in accordance with the Delegation Framework. The Delegation Framework confirms who is accountable for the decision or activity and the financial level of that particular decision or activity.
- 12.5 Employees are not authorised to commit the Trust or an Academy to expenditure without first ensuring that there is adequate budget provision.
- 12.6 Employee may not approve purchases unless they have been given authority to do so within the Delegation Framework.
- 12.7 Any employee placing a purchase order on behalf of the Trust or an Academy must be sure that they have the correct level of authority to do so in accordance with the Delegation Framework and where required, must obtain approval from a more senior member of staff with a higher approval limit if necessary.

13. Summary of Authorisation Levels

- 13.1 This refers to procuring for goods and services, entering contracts, authorising requisitions for budget holders and the authorisation of purchase orders.

Estimated Value	Authorisation Level (according to contract type)		Procurement Procedure
	Trust Contract	School Specific Contract	
Up to £999	COO/Financial Controller	Principal if budgeted for	Single Written Quotation
£1,000 to £19,999	COO/Financial Controller	Principal if budgeted for	3 written quotations / RFQ
£20,000 to £39,999	COO with CEO approval	COO with CEO approval	Formal Tender (sub-threshold)
£40,000 to £79,999	Audit & Risk Committee		Formal Tender (sub-threshold) with advertisement on Contracts Finder
Above £80,000	Board of Trustees		Formal Tender (above threshold)

Authorisation Period Thresholds

13.2 The period which a member of staff can enter into a contract for is as follows.

Annual Contract Value	Responsible Officer	Authorisation Period
Up to £999	Principal/Head of Academy	1 Year - if within approved annual budget
£1,000 to £19,999	Financial Controller	1 Year - if within approved annual budget
£1,000 to £39,000	CEO/COO	3 years
£40,000 to £79,999	Audit Committee	5 years
Above £80,000	Trust Board	5 Years

14. Frameworks & Dynamic Purchasing Systems

14.1 In order to save time and unnecessary expense the Trust should avoid running its own procurement processes, and instead use an existing framework arrangement or dynamic purchasing system (DPS) wherever possible.

14.2 Examples include those set up by Crown Commercial Service (CCS) or Public Sector Buying Organisations (PSBOs) e.g. Yorkshire Purchasing Organisation. Eastern Shires Purchasing Organisation.

14.3 Where appropriate the Trust may procure their requirements from a suitable pre-existing framework agreement which has been let by another public sector contracting authority providing:

- the Trust ensures that the framework or DPS is compliant with EU procurement legislation;
- the call-off/further competition will be made based on value for money criteria.
- the Trust is entitled to call off from the arrangement – before calling off from any framework, it should be confirmed that it is permissible for the Trust/Academy to use the framework and where required an appropriate access agreement has been approved by the Chief Operating Officer.
- the specification and the contract terms are suitable to the Trust/Academy(s) needs. The terms and conditions from frameworks are set in advance and cannot be changed beyond the mechanism set out in the framework;
- the Trust/Academy follows the framework's guidance, particularly about how orders should be placed.

15. Procurement Procedures

- 15.1 The Trust operates a system of devolved financial authority under which Principals are responsible for the decision-making process and planning procurements for those requirements below the values estimated in the table above. For these lower value procurements, the Trust Finance Team may provide support and advice regarding the most suitable process if requested.
- 15.2 Where the value of the procurement exceeds £10,000 the Trust Finance Team will manage the process on behalf of the Academy(s) with the particular requirement. In these cases, the relevant Principal will be required to provide input into the procurement procedure in terms of specifying requirements, evaluation criteria and committing funding.
- 15.3 The Trust Finance Team will select and manage the most appropriate procurement process in accordance with the anticipated value, any potential aggregation and Trust tendering guidelines which are compliant with current procurement legislation. This may include the use of Frameworks, Dynamic Purchasing systems, or bespoke tenders.
- 15.4 The achievement of value for money underpins the appropriate use of all public funds therefore, as well as striving to achieve the best price possible for all purchases, consideration should also be given to other factors such as quality, suitability, availability, reliability of the supplier etc.
- 15.5 A full tender process can take up to twelve (12) months depending on the complexity of the requirement and the procurement route required.

Procurement Procedure	Summary of Procedure
Single Written Quotation – up to £999	Minimum of one (1) written/online quotation to be obtained and approved before a purchase order can be issued
Request for Quotation (RFQ) – £1,000 to £19,999	Minimum of three (3) written/online quotations to be obtained by an RFQ process and assessed either based on: Price only Price and Quality All quotes should be ranked/scored and presented to the Authoriser in writing for approval before a purchase order can be issued
Formal Tender (sub-threshold) – £20,000 to £39,999	Preparation of a full ITT pack to be suitably advertised/issued to a minimum of three (3) suppliers. Suppliers must be given a minimum of two (2) weeks to submit their tender returns (dependent on the complexity of the requirement) Submissions must only be opened at the agreed time and be evaluated by a minimum of two (2) people in line with the criteria stated in the ITT pack.

	The scoring of all submissions and the award recommendation must be recorded in writing and presented to the Authoriser in writing for approval before a purchase order can be issued
Formal Tender (sub-threshold) with advertisement on Contracts Finder – £40,000 to £79,999	Same as above with the additional requirement that the requirement is advertised on Contracts Finder in order to solicit bids.
Formal Tender (above threshold) – Above £80,000	<p>As per the above with the additional requirement that the tender is subject to all relevant legislative requirements in line with the Public Contract Regulations 2015.</p> <p>Currently this includes:</p> <ul style="list-style-type: none"> • Advertisement in OJEU (Official Journal for the European Union) by way of a formal Contract Notice • Adherence to the prescribed tender timelines • Mandatory use of a suitable e-tendering platform • Standstill Period • Provision of a full debrief to all bidders • Issue of a formal Contract Award Notice to OJEU

16. Tender Procedures

- 16.1 All procurements over £10,000 must be managed by the Trust Finance Team and in these cases early involvement is recommended to ensure expectations are clear and timelines are achievable.
- 16.2 All expenditure over £20,000 must be subject to a formal tender in accordance with the guidance in this Policy and all relevant legislation.
- 16.3 All current and future tenders must be advertised using the Trust website, Contracts Finder or OJEU in accordance with the thresholds stated in this Policy.
- 16.4 It is the responsibility of the Trust Finance Team to carry out all tenders above £20,000 for Goods, Services and Works on behalf of the Trust and its Academies.
- 16.5 All procurement over £20,000 must be reviewed and/or carried out by the Trust Finance Team in accordance with relevant legislation by either undertaking a compliant tender process or by using an established, relevant and accessible compliant framework.
- 16.6 Even when a procurement is not subject to the requirements of the Public Contracts Regulations 2015 (e.g. because the estimated value of the contract falls below the relevant legislative threshold), the key EU Treaty principles of non-discrimination, equal treatment, transparency and proportionality must still apply. Therefore, a degree of

advertising, appropriate to the scale of the contract, is necessary to demonstrate transparency. This is in line with the UK's objective of achieving value for money in all public procurement

16.8 Subject to the thresholds outlined in this Policy, competition should be proportionate to the level of expenditure, complexity and risk. To minimise procurement costs for the Trust and suppliers, for the avoidance of doubt and to ensure compliance with legislation, best practice and Trust Financial regulations, the procedures outlined within this policy and any associated documentation reference within, must be followed at all times.

16.9 Any minimum standards should be proportionate to the contract and not discriminatory other than where legally required.

16.10 All requests for quotation must be made using the appropriate templates and in accordance with the guidance most relevant to the estimated value of expenditure.

17. Invitation to Tender (ITT) Pack

17.1 The invitation to tender (ITT) pack should contain as a minimum:

- a. Instructions to Tenderers
- b. Specification
- c. Tender Evaluation Plan
- d. Tender Reply Forms
- e. Terms and Conditions of Contract

a. Instructions to Tenderers

- Contract overview/background to the procurement/contract objectives
- Date of commencement of contract and contract term – including any extensions
- Tender Timetable including the deadline for submissions.
- Description of Tender Documentation
- General Instructions for Submission and Clarifications

b. Specification:

- A comprehensive and detailed description of the requirements detailing quality standards and any technical requirements
- Care should be taken to avoid both: 'under-specifying' - which may lead to contract variations and increased costs and; 'over-specifying' - which may unnecessarily rule out tenderers or result in tender submissions which are unaffordable
- Care should be taken to accurately specify the requirements in a way which is unambiguous, non-discriminatory and removes barriers to participation by SMEs.
- Specifications should be designed in such a way as to allow like for like tenders to be submitted without providing any one tenderer an unfair advantage over another.
- Specialist advice regarding the design of a specification should be sought where necessary.

Health and Safety

When procuring any goods, services or works employees need to ensure that checks are made to confirm that suppliers are suitably experienced and qualified to undertake the work required. Where building or maintenance works is planned, suitable risk assessments and/or method statements must be in place and if required Academy change approval must be sought. All services, supply and works procured by the Trust need to comply with the relevant UK and European health and safety legislation in force at the time the items are procured. Where required by legislation, products (including used or refurbished products) must comply with the relevant UK and European Laws on the design, supply and operation of products.

c. Tender Evaluation Plan

- Evaluation criteria should be agreed in advance and made available in full to suppliers within the tender documentation. RFQ or ITT exercises can be awarded based on either:
 - **Price only:** the lowest compliant price in consideration of all requirements within the specification and whole life cost.
 - **Price and Quality:** the Most Economically Advantageous Tender (MEAT) for the Trust/Academy
- Where an RFQ/ITT is to be evaluated based on both price and quality, the individual criteria should also be included in the RFQ or tender documentation. For example, the relevant weightings between both price and quality and any sub-weighting of individual quality questions must be made clear in the RFQ or ITT documentation.
- The evaluation criteria cannot be amended once the RFQ/ITT has been advertised to suppliers.

d. Tender Reply Forms

- The format in which you require the tenderer to submit their response. Dependent of the complexity of the procurement, the evaluation requirements and relevant legislation, these may include:
 - Supplier Selection Questionnaire
 - Pricing Template (table/spreadsheet etc)
 - Quality/Method Statement Template
 - Certificates of Non-Collusion
 - Conflicts of Interest Declaration
 - Freedom of Information Disclosure Form
 - Form of Tender

e. Terms and Conditions of Contract

- All procurement should be carried out using the Trust's Standard Terms and Conditions of Purchase unless otherwise specified/required.
- These Terms and Conditions must be provided to suppliers upfront as part of the RFQ/ITT process and they must be required to sign to state that these Terms and Conditions will apply to any contract which may be awarded.
- There may be certain exceptions to this where the use of an established framework requires alternative Terms and Conditions are used

- In any case any departure from Trust terms and conditions must be approved by the Trust Chief Operating Officer before agreement is made. Legal advice should be sought, if necessary, as to the suitability of any alternative Terms and Conditions of Contract.

18. Equal Treatment of Suppliers

- 18.1 One of the key principles of procurement legislation is that all suppliers are treated equally in any competitive process regardless of value. Care must be taken to ensure that all tenders receive all the same information, at the same time – this includes all RFQ/ITT documentation, responses to any questions, access to sites for visits and the results/outcome of the RFQ or ITT process.
- 18.2 If a tenderer asks a question (known as a clarification) during the RFQ or Tender period, the question, along with the answer must be circulated to all tenderers.
- 18.3 All bidders are entitled to a debrief at the end of a process and to be informed of the winning bidder.

19. Dispensations

- 19.1 In limited circumstances a dispensation from the requirement to obtain multiple quotes may be granted, provided that any such instances are compliant with procurement legislation. This may include authority being granted to solicit a single quotation, to award a contract or place an order without having obtained the requisite number of tenders or quotations or to directly award a contract.
- 19.2 All dispensations require prior approval from the CEO up to £40,000 and the Trust Board in excess of £40,000 before progressing and must not result in a breach of procurement legislation or be contrary to the Trust Delegation Framework.
- 19.3 Full details of the circumstances and reasons where a dispensation may be granted are included below.
- 19.4 The Trust “Waiver of Standing Orders and Standing Financial Instructions” policy and form must be used for all dispensation requests. The application must be submitted directly to the Trust Chief Operating Officer. There may be a requirement for the person requesting the dispensation to attend a Trust Executive Meeting to explain the reasons for requesting a dispensation.
- 19.5 Dispensations from the requirement for competitive quotations/tenders must not be used to avoid competition, or for administrative convenience, or to award additional work to a supplier originally appointed through a competitive procedure.
- 19.6 Subject to approval as outlined in the Trust Delegation Framework, dispensations may be granted for the following reasons:

- Unforeseen emergency requirement
 - The goods or services are only available from one source and there is no possibility of the Trust's requirements being met in any other way
 - An extension is required to a current contract in order to allow sufficient time to complete a competitive tendering exercise (Note: In order to comply with procurement legislation, failure to have programmed sufficient time for re-procurement is **not** permitted as justification for requesting a dispensation.
- 19.7 A record of the reason(s) for the seeking and granting/declining of dispensations will be kept for at least three years.

20. Charge Card Purchases

- 20.1 The Trust recognises the benefits of charge cards as an alternative means of paying for goods and services. The advantages include reduced paperwork, reduced administration time and costs, opportunity to make online purchases and seek discounts from suppliers on the basis that they receive immediate payment.
- 20.2 Charge cards are particularly suitable for high volume, low value purchases, booking train tickets etc and for site staff to order building materials etc.
- 20.3 Full details governing the use of charge cards is subject to the procedures stated within the Trust Financial Handbook

21. Raising Orders

- 21.1 Purchase Orders, contracts and invoices should only be raised/signed/issued to suppliers which are already set up on the Trust Financial Management system
- 21.2 New suppliers may only be added to the Financial Management system following completion of a new supplier form and the requisite vetting procedures. The authorisation of the Financial Controller, Head of Central Finance or Finance Manager AGGS is required for the addition of new suppliers or amendment to existing suppliers to the Financial Management system.
- 21.3 All staff who raise purchase orders for supplies, services or works should ensure that they have obtained the necessary authorisation in line with the Trust Financial Handbook.
- 21.4 No orders shall be placed, or contracts altered or extended, with the intention of avoiding the relevant thresholds applicable within this Policy.

22. Payment and Payment Terms

- 22.1 The Trust's standard payment terms are 30 days following receipt of a correct invoice, unless alternative arrangements have been agreed at contract or purchase order stage.

- 22.2 Where purchases are made using established frameworks, the payment and other terms and conditions may be those of the framework.
- 22.3 Invoices will be checked and processed in line with the guidance in Trust Financial Handbook
- 22.4 Payment should only be made on receipt of supplies or services. Where services or works are being procured then payment for work in progress or agreed interim stages may be appropriate in accordance with the approved guidance and subject to sign off from the Chief Operating Officer.
- 22.5 Payment should not be made in advance of receipt of supplies, services or works. If a supplier requests payment in advance then this should be discussed with and approval sought from the Chief Operating Officer.

23. Segregation of Duties

- 23.1 There are a number of processes in procurement. There must be adequate segregation of duties to ensure that the processes of: tendering; evaluating/awarding contracts; raising order; checking receipt/completion of orders and; authorising payment, are not the responsibility of one person.
- 23.2 In order to minimise the risk of errors and perceived or actual fraud, full segregation of duties should be in place in line with the guidance within the Trust Financial Handbook.

24. Signing of Contracts

- 24.1 A signature on an agreement or contract, or even an email response indicates that the Trust or Academy indicates acceptance of the Terms and Conditions referenced. If these are not the Trust's own standard Terms or Terms which have been pre-agreed as part of a tender process, it is likely that these will not be favourable to the Trust and could place the Trust at significant risk.
- 24.2 Any agreement, contract or lease with a supplier which requires a signature by a member of Trust or Academy staff (not including one-off orders for supplies and services below £10,000) should be forwarded to the Trust Chief Operating Officer for review prior to signature.
- 24.3 Following the award of a contract for the Trust, or an individual Academy, under any procurement procedure consistent with the thresholds identified within this Policy, the Terms and Conditions of Contract may only be signed by those officers to whom the Trust Board has delegated such authority within the approved Delegation Framework.

- 24.4 In the event that the Terms of any purchase order or contract have to be amended, an official variation order must be approved and issued by the Chief Operating Officer/Audit Committee/Trust Board as appropriate.

25. Audit & Retention of Documents

- 25.1 The Trust and all Academies are subject to scrutiny by internal and external auditors as well as the EFSA and other government departments/organisations. It is the responsibility of everyone involved in the procurement process to ensure that they are compliant with all current policies, procedures, guidance and legislation.
- 25.2 All documentation and communication (including emails) relating to purchases or tenders must be retained for audit purposes.
- 25.3 Tender or quotation documentation should be retained for a minimum of seven (7) years from the end date of the contract.
- 25.4 Documentation may be retained electronically rather than in hard copy, however it must be readily accessible for audit or other purposes if required.
- 25.5 Where procurement is undertaken on behalf of an Academy by the Trust Finance Team, all documentation in relation to the procurement process will be retained centrally. Academies need not hold local copies and can rely on notification from the Chief Operating Officer that the regulations within the Trust Financial Handbook and relevant procurement legislation has been complied with.

26. Bribery, Fraud & Corruption

- 26.1 Procurement is a high-risk area for potential bribery, fraud and corruption.
- 26.2 All employees should be aware of The Bribery Act 2010, which came into force in April 2011. The Trust, its employees, suppliers and tenderers are all covered by this Act. To meet our obligations under the Act, the Trust has an Bribery and Fraud Prevention policy within the Finance Handbook. All employees should be familiar with the policy and must remain compliant with it at all times
- 26.3 It is Trust policy is not to accept any form of gift or hospitality from suppliers.

27. Confidentiality (FOI)

- 27.1 The Freedom of Information Act 2000 gives the public and potential suppliers the right to request certain information regarding Academy and Trust purchasing. All such requests should be handled in accordance with the Trust policy and subsequently referred to the Chief Operating Officer.

27.2 As part of the process for providing quotations and tenders the Trust requires all bidders to identify confidential information which they would not want the Trust to disclose in response to a freedom of information request.

28. Risk of Challenge/Non-Compliance

28.1 Any changes made during a tender process without communicating them to tenderers and allowing for additional tender submission time will result in non-compliance and the possibility of a formal challenge.

28.2 Changes made following submission of tenders/quotations, particularly for those exceeding EU thresholds, are classed as a breach of legislation and will result in successful challenge. It is therefore crucial that all risks are considered and addressed in the published evaluation criteria so that the Trust can be satisfied as to the basis on which to assess a successful tender.

28.3 Failure to comply with this Policy, all associated documentation referenced within and relevant procurement legislation, could result in a breach of legislation, fines and litigation, claims for damages and loss of reputation.