



## Parliamentary Procurement Rules

### Document Revision History and Key Facts

Version	Issue date	Policy owner	Date of next review	Comments/ brief description of main changes in this revision
001	01/01/15	PPCS Director	01/01/16	
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003	27/10/15	PPCS Director	01/01/16	Amended Sections 12 and 13; renamed "Tender Evaluation Report" to Award Report
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## **I. Overview**

- 1.1 Public sector procurement is governed by UK regulations that implement the EU procurement directives. As publicly funded organisations, the House of Lords, the House of Commons and the Parliamentary Digital Service (“the Authority”) must abide by this Procurement Rules which will ensure compliance with procurement regulations and at the same time ensure that all contracts are delivered in a compliant manner to the required level of service, time, cost and quality.
- 1.2 The Parliamentary Procurement and Commercial Service (‘PPCS’) oversees all procurement processes carried out in the Authority and provides procurement services as defined in the Service Level Agreement between both Houses. PPCS must be consulted about the most appropriate procurement route for contracts.
- 1.3 PPCS provides professional procurement advice and support with regards to procurement or contracts of any size. The role of PPCS is to work in partnership with stakeholders in both Houses (“Client”), and to ensure that, through the application of professional skills and knowledge, value for money is obtained through our procurement processes and from Clients' purchasing budgets.
- 1.4 This Policy document is sponsored by the Finance Directors and owned by the Director of PPCS. The Head of Governance in PPCS is responsible for ensuring its delivery.
- 1.5 The Finance Directors of the two Houses have discretion to amend this document, referring significant policy changes to the Management Boards (or equivalent).

## **2. Purpose of This Document**

- 2.1 The Parliamentary Procurement Rules (“Procurement Rules”) have been developed by PPCS which is responsible for providing advice and support to staff throughout the various stages of the procurement and contract management life cycle.
- 2.2 This document is not an alternative to seeking professional advice from PPCS, it provides relevant tools necessary to enable staff to carry out the procurement activities and should be used in the first instance whenever buying goods, services or works. The rules set out in this document are mandatory for all departments of the Authority.
- 2.3 This document is a companion to the Parliamentary Contract Management Governance and Rules.

## **3. Procurement Principles**

- 3.1 All expenditure on works, services and supplies must satisfy the following principles:

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- There is a demonstrable need for the works, goods or services;
- There is no current in-house or external agreement that can legitimately be used;
- Fair and open competition will be pursued unless exceptional circumstances justify otherwise;
- Opportunities to work collaboratively across departments, both Houses and the Parliamentary Digital Service, government bodies or other public sector bodies have been explored;
- The expenditure will achieve value for money;
- Savings and efficiencies will be explored both prior to and after letting or renewing the contract;
- The expenditure complies with all legal requirements and does not expose the Authority to risk of legal challenge, payment of compensation and fines, or reputational risks beyond their risk appetite;
- The Authority’s objectives beyond compliance and value for money (“vfm”), including diversity, sustainability and environmental protection are considered during the procurement process.

3.2 In principle, joint contracts between the Houses is preferred to separate contracts, and good reason will be required to let unicameral contracts. In respect of catering, any exception will require the approval of the Lords Directors of Facilities and Finance.

#### 4. Roles and Responsibilities

4.1 PPCS is responsible for:

- Assessing if there is a genuine need for the procurement and that there is no in-house capability to provide the requirements;
- Reviewing the documents prepared by Clients for the procurement process (including specification) before they are issued to the suppliers;
- Assessing if there are other framework agreements or corporate contracts in place that can be used;
- Manage procurement projects over £10,000 and mini-competitions;
- Ensuring that due consideration is given to the suitability of the contract to Small and Medium-sized Enterprises (SMEs) and Social Enterprises in all procurement activities in order to increase their presence in our supply chain;
- Ensuring that appropriate procurement procedures are used and that they are relevant to the size and complexity of the contract;
- Ensuring that appropriate procurement templates matching the recommended procedure are up to date and available;
- Reviewing the tender evaluation process to ensure fairness, compliance and conformance with issued tender documents and our procurement policy;
- Advertising contract notices and contract award notices on the Official Journal of the European Union (OJEU) and Contracts Finder;
- Intermediating the appeal process;
- Saving all relevant procurement documentation related to the procurement process including the final contract on SPIRE;

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- Maintain a contracts database with contract details once they have been awarded, extended, renewed, novated or terminated;
- Develop contract management strategy and guidance and deliver advice in that area for contract managers in the Authority.

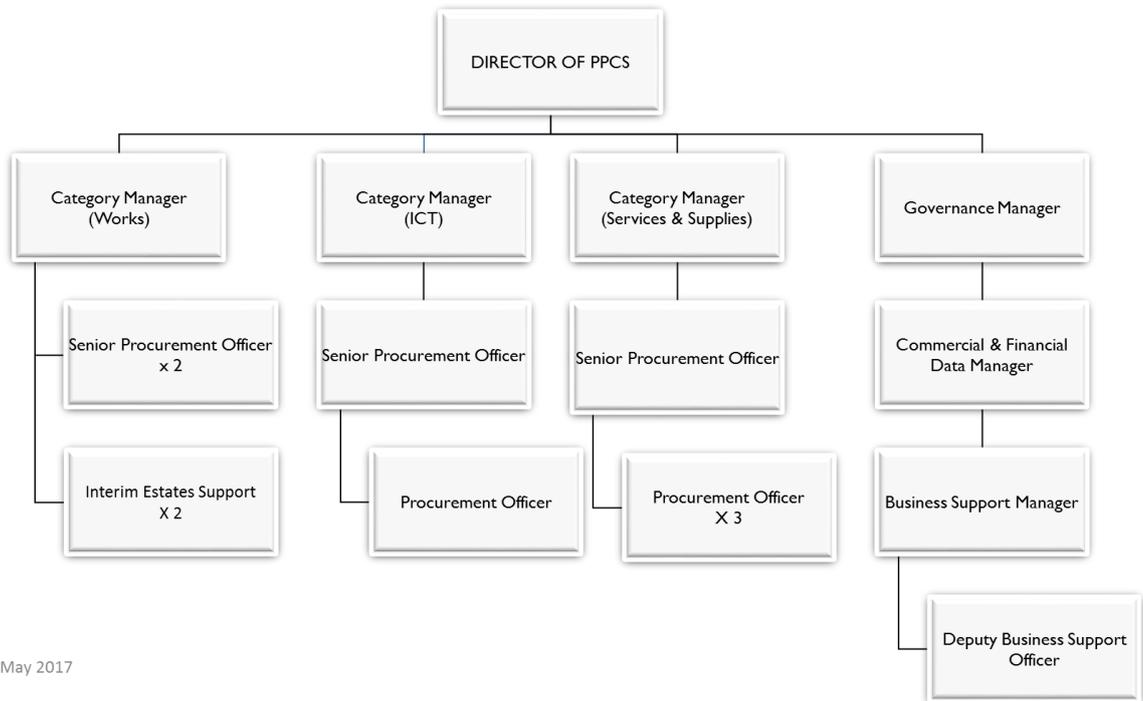
#### 4.2 Clients are responsible for:

- Writing unambiguous specifications and ensuring that they clearly state what is required, when it is expected to start and finish, delivery requirements and factors such as security and environmental conditions.
- Ensuring sufficient financial resource to spend on the requirement and obtaining approvals prior to the commencement of the procurement.
- Appointing a member of staff who will be responsible for leading on the technical aspects of the project.
- Agreeing a procurement strategy with PPCS for the particular requirement, i.e. how the goods or services will be procured, in what timeframe and with what approach.
- Allowing sufficient time for the procurement to be undertaken effectively.
- Agreeing a timetable with PPCS and ensuring that key staff are available when required.
- When defining requirements, ensuring that the business case takes full account of any equality impact analysis or screening, which must be undertaken before the procurement begins.
- Ensuring that environmental, social and economic factors have been taken into account to support our sustainable objectives;
- Identifying the risks associated with the procurement and agreeing contingency options with PPCS.
- When drafting evaluation criteria ensuring objectivity and transparency.
- Ensuring that value for money can be evidenced in the procurement project. Value for money is a combination of competitive price, quality, timely delivery and meeting requirements.
- Using standard terms and conditions provided by PPCS.
- Ensuring that the appropriate level of delegated authority has approved both procurement project and the award decision. See House of Commons - Finance Rules and the House of Lords Finance Manual.
- Maintaining a clear and documented audit trail for all steps of the procurement process and making documents and notes available to PPCS on request.
- Providing an effective means of managing any ongoing contractual relationship. The Parliamentary Contract Management Governance and Rules outline detailed guidance on this area.

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## 5. PPCS Organisation

5.1 PPCS is structured into category teams. Whether you intend to buy works, services or supplies, each category team will be able to provide advice with the relevant level of expertise. PPCS will also assess the most appropriate procurement procedure.

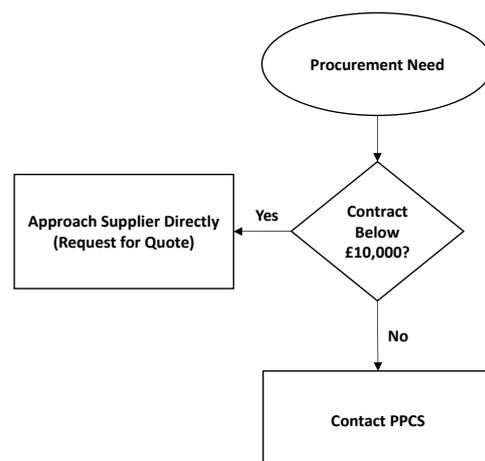


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## 6. Procurement Process

- 6.1 There are various options available when considering which procurement process will provide best value for money whilst also complying with relevant legal requirements.
- 6.2 When spend is below £10k, the client may approach a single supplier directly with limited PPCS involvement. Above £10k or where it involves a mini-competition, the client must work through PPCS. For contracts between £10k and £50k it is sufficient to compare a minimum of three quotes. Open competition must be followed when spend is over £50k and is the best way to achieve demonstrable value for money and also to increase awareness of a contract to attract potential suppliers. The form of competition used should be appropriate to the value and complexity of the required product or service.
- 6.3 The list below outlines the procurement procedure routes commonly used by the Authority leading to contracts with suppliers.

- Request for Quote
- Request for Proposal



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- Open procedure EU/Non-EU
- Restricted procedure EU only
- Framework Agreement
- Negotiated
- Competitive procedure with negotiation
- Single Tender Action

## 7. Procurement Thresholds

7.1 Finding suitable suppliers depends on the value, complexity and size of your requirement. The thresholds below should be considered when planning a procurement project:

Type	Expenditure Limits	Typical Risk	Procurement Route	Typical Timescales(*)	Process Owner
<b>Low value</b>					
Goods, Services and Works	Less than £10,000	Low	1 written quote	1-2 weeks	The Client
	£10,001 - £50,000	Low	A minimum of 3 written proposals	2-4 weeks	The Client + PPCS
<b>Medium value</b>					
Goods and Services	£50,001 – £ 100,000	Med – High	Competitively tender or use Frameworks	4-8 weeks	The Client + PPCS
Works	£50,001 – £ 3,500,000	Med – High	Competitively tender or use Frameworks	4-12 weeks	The Client + PPCS
<b>High value</b>					
Goods and Services	£ 100,001	High	EU procedures or use Frameworks	3-6 months	The Client + PPCS
Works	£ 3,500,001	High	EU procedures or use Frameworks	3-6 months	The Client + PPCS

(\*) Timescales are estimated and apply to time spent on procurement process only, it does not include business case preparation or approval times.

These thresholds exclude VAT. EU Thresholds = Services & Supplies £106,047; Works £4,104,394

## 8. Contract Value

8.1 For these purposes, the value of a contract is its expected cost over its whole life, including any possible extensions and excluding VAT.

## 9. Low Value Contract

9.1 Purchases below £50k are considered to be 'Low Value Procurement' and follow a simpler process that is nonetheless subject to EU treaty principles including non-discrimination, equal treatment and transparency. These procurements must also provide demonstrable value for money through maximising competition where possible.

9.2 For low value requirements below £50k, suppliers are usually selected on the basis of lowest cost. Where quality or timeliness is more important, it is advisable to use award criteria based on quality/cost when evaluating proposals, see more information on ratios in para 14.29.

9.3 A business case is not obligatory for this value of spend and each stage in the procurement cycle should be less formal and time consuming than for medium or high value procurements, unless the service or goods being procured are critical, sensitive or particularly complex.

9.4 As a minimum, the specification of requirement must be provided to the supplier, together with reference to the terms and conditions that will apply and timescales for delivery. The standard Terms and Conditions of the Authority must be used except for works contracts, where the standard form of contract for construction and associated contracts as agreed with PPCS must be used (i.e. NEC3).

9.5 There are no set timeframes for a quote to be returned, though suppliers should be allowed sufficient time to put a considered response together and return by a common deadline.

9.6 Where there is no existing contract or framework agreement in place, the following process will apply:

9.6.1 Contracts with a lifetime value below £10,000

- a) The Client consults PPCS to ensure the correct process is being used;
- b) The Client prepares statement of requirements including reference to our Terms and Conditions
- c) The Client invites a minimum of 1 supplier to submit a quote or proposal.
- d) The supplier(s) may be contacted directly by the Client;
- e) There is no need to use the e-tendering portal;
- f) Where more than one supplier is invited, the award should usually be on the basis of the lowest price. Please give also consideration to the provisos in paragraph 9.2 above.
- g) Information about the process and award is recorded by the Client.

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- h) PPCS will monitor low value contract spend below £10k via HAIS (Commons) and via HAISL (Lords).

#### 9.6.2 Contracts with a lifetime value between £10,000 and £50,000

- a) The Client invites a minimum of 3 suppliers to submit proposals;
- b) Suppliers are usually selected on the basis of lowest cost. Where quality or timeliness is more important, an award criteria splitting quality/cost should be used instead.
- c) PPCS will manage the procurement process via the e-procurement portal, provide advice and support, upload tender documents to the e-tendering system and save each supplier's response to the relevant contract folders on SPIRE.

9.7 More information on how to conduct a low value procurement process can be found in the Low Value Procurement - Guidance and Procedures.

### 10. Medium Value Contract

10.1 A **formal** competitive tender process must take place in order to award contracts within the following thresholds:

**Services and Suppliers:** £50,000 to £100,000  
**Works:** £50,000 to £3,500,000

10.2 Clients must seek advice from PPCS from the outset. PPCS will be responsible for conducting such procurements on behalf of the clients, advertising the contract on Contracts Finder, publishing the contract on the e-tendering portal, issuing tender documents, receiving bids and sending notification letters to suppliers.

10.3 The Open Procedure Map provides an outline of the activities involved in the various procurement stages. Note that for this level of contract value, the 10 calendar days for standstill period referred to in the Open Procedure Map is not applicable as they are below EU thresholds.

10.4 The use of Selection Questionnaire ("SQ") at selection stage to procure for low and medium value contract is not allowed. SQ must only be used for contracts over EU threshold value in accordance with the law.

### 11. High Value Contract

11.1 A **formal** competitive tender procedure in accordance with the [Public Contracts Regulations 2015](#) must take place in order to award contracts exceeding or at risk of exceeding the EU thresholds:

**Services and Suppliers:** £100,001 and above  
**Works:** £3,500,001 and above

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- 11.2 Clients must contact PPCS in order to run the procurement and to arrange the necessary advertising in the Official Journal of the European Union (OJEU)/Contracts Finder and manage other legal requirements.
- 11.3 There are mandatory minimum timescales that must be followed for EU procurements. PPCS will provide advice throughout the procurement cycle, be involved in the drafting of documents, manage the e-tendering portal, advise the Evaluation Panel and notify the suppliers.
- 11.4 Clients must justify to PPCS why a contract cannot be divided into lots. This justification must be included in the procurement documents and in the award report.
- 11.5 The Restricted and Open Procedure Map provides an outline of the activities involved in the various procurement stages.

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## 12. The Restricted Procedure Map (For EU Procurements only)

### Prerequisites

- All procurement documents to be completed, including the technical specifications, descriptive document evaluation criteria and proposed conditions of contract before publishing the advert in the OJEU.
- Members of the evaluation panel appointed and aware of their tasks

Client

PPCS

- Agree the advert & SQ prior to issue
- Agree evaluation criteria and weightings that will be included in the SQ
- With PPCS assistance produce draft specification
- Agree ITT document including evaluation criteria, weightings, etc.

- Draft the advert & SQ for approval
- Create evaluation matrix from SQ
- Set up procurement project profile on the e-tendering system
- Assist in production of draft specification
- Produce full draft ITT, including spec, T&Cs, evaluation criteria for panel approval
- Create evaluation matrix for the ITT
- Publish OJEU and Contracts Finder adverts

Minimum time limit for requests to participate at SQ stage: 30 calendar days

- Sign Conflict of Interest form
- Evaluation panel members to individually assess all SQs received
- Meet to agree panel scores for all SQs and shortlist suppliers for tender stage

- Notify & liaise with potential suppliers
- Send returned SQs & matrix to panel
- Carry out financial checks on proposed shortlisted companies
- Notify suppliers of panel decision & debrief

Minimum time limit for receipt of tenders: 25 Calendar Days

- Evaluation panel members to individually assess all tenders received
- Presentations/site visits/interviews etc may be carried out at this point
- Meet to agree panel scores for all tenders and agree award decision
- Secure approval on the award report

- Liaise with tenderers
- Send submitted tenders & matrix to panel
- Compile award report for approval
- Once the award report is approved, notify suppliers of panel decision & debrief unsuccessful tenderers

Minimum time limit for Standstill Period: 10 Calendar Days before contract award

- Respond to enquiries from tenderers
- Attend debrief meetings

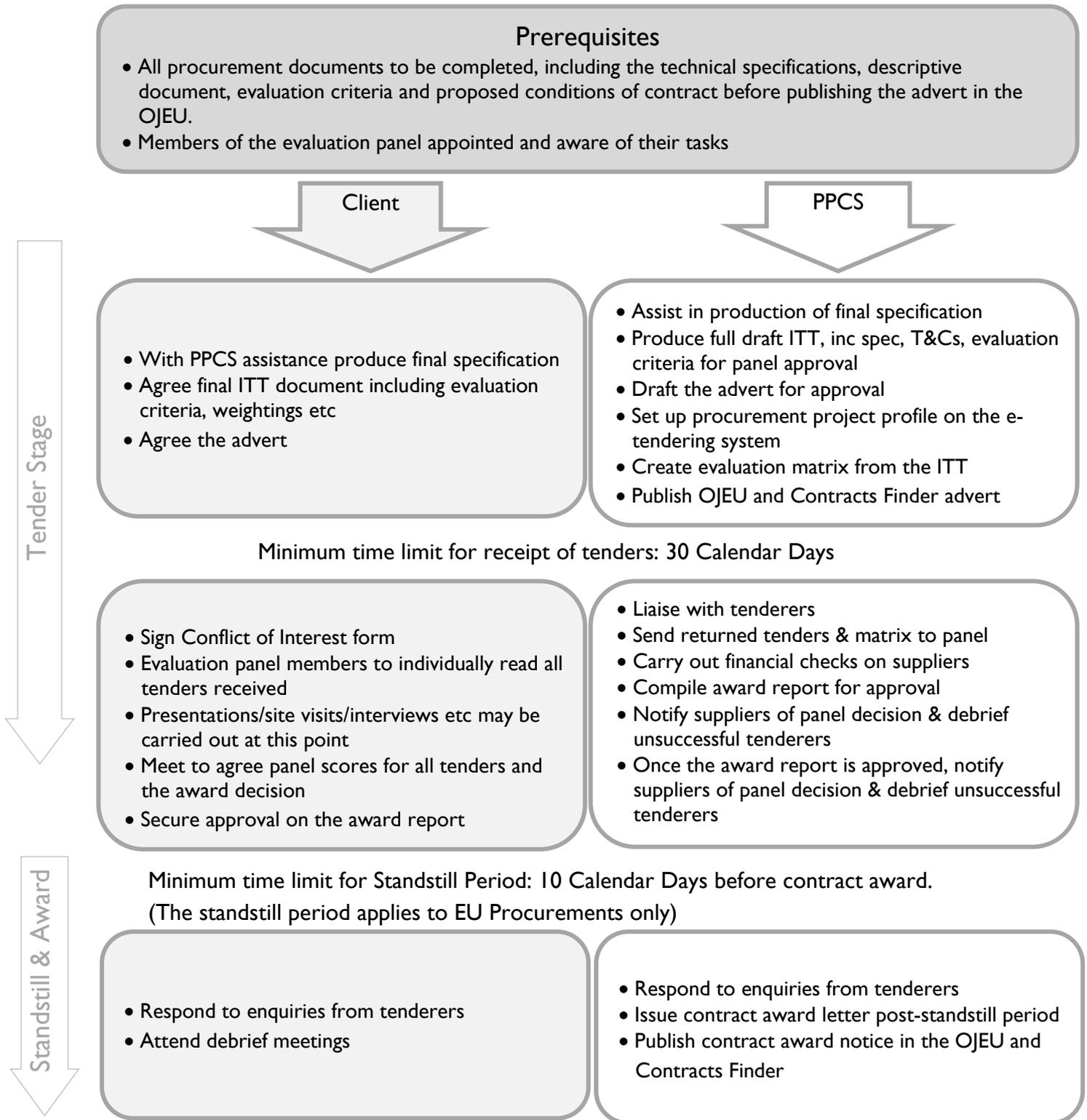
- Respond to enquiries from tenderers
- Issue contract award letter post-standstill period
- Publish contract award notice in the OJEU and Contracts Finder

Pre- Qualification Stage

Tender Stage

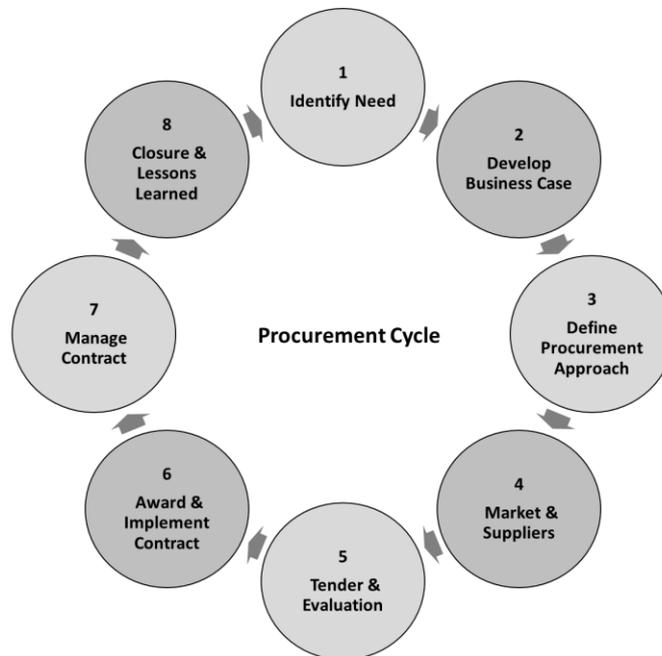
Standstill & Award

### 13. The Open Procedure Map (For EU and Non-EU Procurements)



## 14. The Procurement Cycle

- 14.1 A successful procurement can be defined as the acquisition of supplies, services or works at the best possible total cost of ownership<sup>1</sup>, in the right quantity and quality, at the right time, in the right place and from the right source for the direct benefit of the purchasing organisation or others as specified.
- 14.2 The procurement cycle is the representation of the 8 phases which a contract valued at £10k and above has to go through, from conception to closure. The phases are outlined below and should be followed whenever acquiring works, services or supplies on behalf of the Authority.
- 14.3 Each phase on its own requires specific actions to be carried out by staff responsible for the project and/or managing the resultant contract.



### Stage I: Identify the need

- 14.4 The Client must contact PPCS at the planning stage of a procurement to ensure that the necessary time and resources can be allocated to the exercise. It will be necessary to provide evidence of a business need which can be met only by procurement.
- 14.5 The Client, rather than PPCS, will be responsible for drafting the Specification (see Specification Guidance ) as they know the outcomes required, what operational changes may take place during the lifetime of the agreement, and any new technologies that may affect it. However, PPCS must be asked to comment on

<sup>1</sup> The Total Cost of Ownership (TCO) refers to the total costs of goods, services or works over the whole of their life, including direct and indirect costs.

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medium and high value procurement specifications to ensure that they do not contain information that may put the Authority at risk of legal challenge, and relevant risks and responsibilities have been allocated properly.

- 14.6 By law, where the outcome/output of the procurement is intended for use by natural persons, whether the general public or staff of the Authority, the technical specifications shall, except in duly justified cases, be drawn up so as to take into account accessibility criteria for disabled persons or design for all users.
- 14.7 In order to draft the Specification it may be necessary to obtain professional input either by engaging a specialist company to assist with the content of the specification or by conducting market research. It is important to ensure this stage of the process complies with the law – in particular that all suppliers are treated equally – and so advice from PPCS must be sought before any discussions take place or appointments are made.

### **Conflict of Interest Prevention**

- 14.8 Staff involved in the procurement process, including PPCS staff, evaluation panel members and specialists, must complete a Conflict of Interest disclaimer at pre-procurement stage or as soon as the names of the tenderers submitting SQ or ITT responses become known to them. They must declare if there is any actual or perceived conflict of interest that may prevent them from taking part in any stage of the procurement process.
- 14.9 Potential specialists (i.e. consultants) must be aware before they accept any appointment that if they assist with the development of the Specification or any other part of the procurement process they will have to follow a due process if they want to compete for the particular contract. Specialists must be required by the Client to disclose any conflict of interest which might cause bias in any subsequent procurement process. For example, they may be engaged by others in the relevant market and could be expected to bid for the contract.
- 14.10 PPCS suite of procurement templates require tenderers to disclose any conflict of interest and/or prior involvement in the procurement process to ensure that there is no distortion of competition in line with [Regulation 57 \(8\) \(e\) and \(f\)](#).

### **Stage 2: Develop a business case where required**

- 14.11 The business case, where one is required, will help provide evidence that the requirements of Stage 1 have been met and will establish the procurement route you intend to follow. PPCS must approve the commercial case before the business case is approved. Further instructions on preparation and submission of a business case can be found in the Business Case Guidance.

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### Stage 3: The procurement approach

- 14.12 It is all too easy to unintentionally create a legally binding contract by word, action or in writing (even if the document does not refer to itself as a contract e.g. email communication), which could commit the Authority to unfavourable terms and conditions. Therefore an appropriate procurement route should be taken in order that appropriate contractual documents are put in place.
- 14.13 After identifying the requirement and drafting a Specification the next step is to develop the procurement route with PPCS. This helps to identify the procurement criteria, whether it involves a single sector or a range of suppliers across sectors, and whether it might be better to use existing frameworks or conduct an open competition.
- 14.14 The Authority have a number of frameworks and are able to use most of the government frameworks listed on the [Crown Commercial Service](#) website. These frameworks can greatly reduce the time taken and resources incurred on new procurements. PPCS must be consulted in order to advise whether it is appropriate to use an internal or external framework. PPCS will normally recommend that a framework is used if it ensures our requirements are met and value for money achieved. Particular justification will be necessary if you decide not to use an established framework against PPCS advice or wish to either establish or use a framework consisting of a single supplier. In each case a waiver must be completed (see section 19 below).
- 14.15 For contracts above £10k, particular justification from budget holders will be required when it is decided that no competition will take place and that a Single Tender Action (STA) is required (e.g. due to a pressing operational need which makes testing the market unsuitable). Clients must complete a waiver form (See section 19).
- 14.16 When drafting contract notices, conducting tendering competitions or drawing up resulting contracts, make provision for future contract variations that you think you may need including the introduction of new technologies to carry out the contract, new software, maintenance of the equipment you are purchasing, price revision clauses, or possible period of extension, for example.

### Stage 4: Market and suppliers

- 14.17 Supplier competition is one of the most effective ways to achieve value for money in procurement. Market sounding provides a good idea of how to achieve the greatest competition and also allows us to identify the type of supplier in the market place for example, SMEs or Social Enterprises. PPCS will advise on carrying out market soundings including contacting suppliers directly and hosting supplier open days. PPCS must be consulted before any option is pursued because it may be more appropriate for them to perform this exercise to minimise the risk that

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procurement processes are challenged on the grounds of unequal treatment or lack of transparency.

- 14.18 In general, the more money you are spending, the more complex or sensitive the procurement exercise, the more steps you will need to take to limit risk and ensure open and effective competition.
- 14.19 For contracts over EU threshold value only, where market sounding shows that there is a large number of suppliers in the market it will be necessary to ask interested bidders to complete a selection questionnaire (SQ) to ensure that neither party's time and resources is wasted. PPCS have templates for SQs which must be used.

## Stage 5: Tender and Evaluation

### Tender

- 14.20 Once the tender documents have been prepared the next step is to advertise the procurement. The stages outlined in this phase broadly apply to all procedures, but are still subject to their own particularities.
- Advertise the Procurement (where required)
  - Publish procurement (via e-tendering portal/OJEU/Contracts Finder)
  - Pre-qualification (where allowed)
  - Issuing of Invitation to Tender Documents (ITT)
  - Tender Opening
  - Carrying Out Tender Evaluation
  - Tender Clarification/Interview/Presentation
  - Preparation and approval of Award Report
  - Notification to suppliers (inclusive of written debriefing to the extent required by Regulation)
  - Mandatory Standstill Period (EU thresholds procurement only)
  - Awarding the Contract
- 14.21 Publication of contract notices and award notices on [OJEU](#) and [Contracts Finder](#) will be carried out by PPCS. These notices will also be sent to the Media Corporate (HoC) and Press Office (HoL) for review. Where appropriate, the notices will also be sent to the Parliamentary Digital Service Security Team and/or a senior manager in the client's Department, Parliamentary Security Department, IRIS (HoC) and Information Compliance Team (HoL).
- 14.22 Where the procurement involves contract for services, PPCS will send the Specification and the IR35 assessment form completed to Finance before publishing the procurement. Clients are required to complete the questionnaire and submit to PPCS within a reasonable time before the start of the procurement.

14.23 Publication of the notices on Contracts Finder will be in accordance with guidelines below:

<b>For contracts over EU Thresholds</b>	
Publication of Contract Notice	It needs to be published on Contracts Finder 24 hours following confirmation receipt of publication in the OJEU; or within 48 hours after confirmation of the receipt of the OJEU notice, if publication has not been confirmed.
Publication of Contract Award Notice	It needs to be published within 30 days of the award and following confirmation receipt of publication of the award notice in the OJEU.
Publication of Contract Award Notice for call off contracts of Framework Agreements (any contract value)	It needs to be published within 30 days of the award of the contract.
<b>For contracts between £50k and below EU Thresholds</b>	
Publication of Contract Notice	It needs to be published 24 hours following publication of the contract notice on the e-tendering portal.
Publication of Contract Award Notice	It needs to be published within 30 days of the award of the contract.
<b>For contracts between £10k and below £50k</b>	
Publication of Contract Notice	Publication is not required.
Publication of Contract Award Notice	It needs to be published within 30 days of the award of the contract.

14.24 Once the Selection stage is complete (for EU procurements only) and a list of suppliers to be invited to submit tender has been agreed by the evaluation panel, the invitation to tender (ITT) package must be issued by PPCS using the electronic procurement portal. For high value tenders a minimum of 5 suppliers must be selected unless the market is so limited that it is not possible. The amount and complexity of information to be provided to the supplier will depend on the requirement. Similarly, the length of time this stage takes will vary.

14.25 A complete tender package must be issued. PPCS will ensure that the procurement documents meet Public Contract Regulations requirements.

- 14.26 In respect of non-Strategic Estates contracts, the tender package will be put together by PPCS. Strategic Estates tender documents will usually be compiled by the Client and Design Team. In both cases the person managing the project, not PPCS, will be responsible for drafting technical elements of the Specification of Requirements.
- 14.27 Procurement exercises in the Strategic Estates Team are particularly complex and the Project Leader's Handbook (which can be obtained from Strategic Estates) contains specific procedures that must be followed when conducting procurements in the construction field. The Handbook provides information which supplements but is subservient to these Rules.
- 14.28 No changes are to be made to documents forming part of the tender package without communicating those changes to each tenderer. All communications must be made by PPCS through the electronic portal to ensure an auditable record is maintained.

## Evaluation

- 14.29 Tenders must be evaluated using the evaluation criteria and weightings stated at the start of the procurement process and detailed in the tender package. For low value tenders below £50k this will normally involve selecting the lowest price tender after demonstrating this provides value for money, but quality criteria can also be used. For medium and high value tenders, the tender returns will be evaluated by a panel which must include a member of PPCS. The Specification will contain evaluation questions and these must form the basis of the evaluation criteria. The weighting and scoring mechanism should be the same as was communicated to tenderers when inviting them to tender. No changes can be made to the evaluation criteria without prior notification to tenderers. Further information on tender evaluation is available on Tender Evaluation Guidance.
- 14.30 It is important to consider the quality/cost ratio when procuring for contracts. To ensure the Authority meets its objectives of value for money the award should be made on the basis of 30% quality and 70% cost for all contracts. In respect of professional services, the default position is 50/50 (i.e. consultancy). Because of the nature of such engagements, focusing on the engagement of an individual rather than the works to be performed, it is necessary to award more scores for quality because the assessment will be mostly on the basis of CVs and interviews rather than a paper exercise. Quality is protected in all cases by ensuring that the criteria used to assess quality sets minimum requirements which must be met before any consideration of the price submitted in a tender takes place. This follows best practice guidance from the Treasury and the British Standards Institute recognising that this is the best way to achieve the quality we require for the most competitive price. A further explanation of how this rule operates can be found on Price / Quality Evaluation Rule for Procurements

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- 14.31 The client must complete a waiver form when a different ratio is sought and seek advice from PPCS.
- 14.32 On certain procurement projects, there may be a need to invite tenderers to an interview with members of the evaluation panel. This gives the opportunity to clarify matters arising from an individual tender submission. More importantly, it allows the evaluation panel to clarify and confirm the integrity of the tenderers' written proposal.
- 14.33 Tender interviews usually happen towards the end of the tender evaluation process. Tenderers will normally be invited to interview once their tenders have been read by the evaluation panel. Tenders will often have already been assessed by the panel and the interview will help them to clarify and agree their scores.
- 14.34 Tender interviews should be defined in the Invitation to Tender documents. Tenderers should be given notice of the day, time and purpose of the interview and of any specific activities they will need to perform, for example, give a presentation, answer questions etc. More information on how to conduct a tender interview is available in the Tender Interview Guidance.
- 14.35 Any terms or conditions that allow for automatic cost increases (e.g. index-linking or passing on pay rises) or charges require the completion of a waiver form.
- 14.36 All members of the evaluation panel are responsible for ensuring the process is fair, transparent and impartial. Anyone involved in the decision-making process at any stage of a procurement exercise must declare to the relevant PPCS Category Team any relevant interest which may be viewed by a reasonable person as capable of affecting the decision. Procurement processes involve increased risk in relation to fraud and bribery, so those involved should be careful to observe the Authority policies in relation to Fraud, Bribery, Gifts and Hospitality.

## **Stage 6: Award and implement the contract**

### **Award**

- 14.37 Once the evaluation team is satisfied that it has found a solution that best meets the advertised criteria PPCS will submit its recommendation for contract award, recording the reasons for its decision in an award report, to the appropriate senior officer for agreement and approval. This will include copies of the evaluation matrices and interview scores. The award report will require the Client to confirm that:
- all necessary approvals to enter into a contract have been sought;
  - that the expenditure has been budgeted for;
  - the cost to the Authority; and

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- to state whether any savings have been made (see Budgets and Approvals section in section 18 below) .

- 14.38 Once authorisation to award has been given by the relevant delegated authorities, suppliers will be notified of the outcome of their tender proposals by PPCS via the electronic portal (except contracts below £10k). **It is never appropriate to notify the successful tenderer informally because you may enter into a contract prematurely.** For low and medium value contracts the award of the contract can happen immediately after the decision has been made, while for high value contracts there is an interim standstill period where suppliers are notified of the recommended decision, but are allowed a minimum of 10 calendar days (the last day falling on a working day) to consider if they wish to challenge this decision. Unless there is a legal challenge the contract award will follow the expiry of the standstill period. If a challenge is made, PPCS will consult the Legal Team of the relevant House and recommend a course of action to the evaluation panel.
- 14.39 PPCS have a suite of templates to be used to inform both successful and unsuccessful tenderers of the decision. These templates must be used.
- 14.40 Notification letters sent to tenderers may vary slightly for EU and Non-EU threshold procurements. As a minimum, they should state the reason for the outcome result and the tenderer score, maximum possible scores and winning bidder scores. Once the award report is duly approved, PPCS will prepare and send notification letters to tenderers on all contracts over £10k.
- 14.41 For Non-EU threshold procurement, debriefings can be given over the telephone, in writing or face-to-face. Debriefs must be prepared in advance from the evaluation and interview records and should be provided within 10 calendar days from the day of the request.
- 14.42 For EU threshold procurement. The standstill notification letter issued in the first instance should contain sufficient information required by Regulation to constitute a written debrief and that as such there is not a legal obligation to provide a further debrief.
- 14.43 Where a further request for debrief is considered to be beneficial to expand upon an otherwise compliant debriefing in the standstill letter, the additional debrief provided should be in writing. If a request for a further debrief identifies a matter which raises a question about the validity of an award decision, or identifies information which should have been provided in the standstill letter, and was not, and it proves to be difficult to provide a debrief within the initial standstill period, then consideration must be given to either restart or extend the standstill period. Clients are responsible for writing the debrief letter. PPCS will review the letter to ensure compliance and submit to tenderers via the e-tendering portal.

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14.44 PPCS can provide more information about the debriefing of unsuccessful suppliers. For medium/high value tenders PPCS must be consulted and attend any debriefing meeting.

## Implementation

14.45 For all contractor relationships the requirements and specifics of each agreement must be formally documented prior to any work commencing. Once a contract has been awarded, an award letter is issued by PPCS to the successful tenderer to sign and return. This letter, which is held by PPCS, confirms the award of the contract and documents forming part of the contract.

14.46 PPCS will set up the contract in the Authority contract database file. This records details such as contract value, start/end date, London Living Wage requirements, disclosure restrictions, etc.

14.47 Clients must ensure that purchase orders are raised on the finance system (House of Commons only) as soon as contracts have been awarded to ensure that funds are available to pay the suppliers' invoices in accordance with the contractual terms. If you have awarded a contract to a new supplier in the House of Commons, you will be required to complete the Form FO39 to authorise their set-up in the finance system. This must be forwarded to PPCS Governance Team for approval ([PPCS@Parliament.uk](mailto:PPCS@Parliament.uk)). To ensure that the approval and set-up process is not delayed, the following information should also be provided with the form:

### Contract set up template

Project Reference and Name	
Supplier Name	
Supplier ID	
Contract Start Date	
Contract Expire Date	
Value of Contract (excl. VAT)	
Where is the work for the contract being delivered? Parliamentary Estate/Off the estate but in greater London, outside of greater London)	
Project Leader/Contract Manager	
PPCS contact	
Savings	
Product Code for HAIS	
Work done under CIS (if the contract has any CIS elements please provide)- MANDATORY-CIS link	
Commons only, Lords only or Joint contract?	
Is supplier SME?	
Is supplier Social Enterprise?	
Does a waiver apply?	
Any extension option in contract?	
Has tender evaluation report been approved?	
Has conflict of interest disclaimer been signed?	
Contact name at supplier	
Contact No.	
Contact e-mail	

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14.48 The House of Lords requires that the submission of a valid invoice for payment must be accompanied by an Invoice Authorisation form duly authorised and stating that the service has been delivered to contract. For contracts over £10,000 a contract number must be entered; for contracts under £10,000 a contract number may be entered where applicable i.e. where this involves PDS contracts, recruitment agency contracts or internal framework agreement call-off contracts.

### **Stage 7: Manage the contract**

14.49 You must advise PPCS of the person responsible for managing the contract so that PPCS can add this information to their contracts database and support the manager throughout the duration of the contract.

14.50 Further guidance on contract management can be found in the Parliamentary Contract Management Governance and Rules.

14.51 PPCS has also established the Contract Management Community, which provides support to Contract Managers by organising training, workshop sessions and making resource tools available online.

### **Stage 8: Closure and lessons learned**

14.52 At a reasonable time before the end of a contract, the business case should be re-visited to measure how well the contract has met the original aims. The Governance Team in PPCS will monitor the expiry dates of the contracts so that notification to Contract Managers is given prior to the end date of the contracts to allow for a future procurement exercise to be run and business continuity to be considered. The business case will help inform any future procurement strategy. You will find detailed information on how to carry out this stage in Parliamentary Contract Management Governance and Rules.

## **15. Risk Management**

15.1 Risk management is the process of identifying and controlling risks which threaten the Authority ability to achieve their strategic and operational objectives. It is important to recognise that risk management covers all aspects of procurement and contract management.

15.2 High risk/high value contracts must be subject to consideration from cross-functional teams as appropriate, including PPCS, Finance, Health and Safety, Legal, Security, Parliamentary Digital Service Information Security and Business Continuity Teams and any other relevant Service in of the Authority. Their inputs should be captured and outlined in the business case with clear outline of risks, impact, likelihood and proposed mitigations.

15.3 You will find more risk management details in the House of Commons Risk Management Handbook or House of Lords Risk Management Policy and Guidance.

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## 16. Budget and Approvals

- 16.1 Clients have the responsibility to identify how projects are funded; detailed information must be available in the Full Business Case for consideration where it applies. Please note that a procurement process cannot commence unless there is an approved budget in place, either your service's budget or a programme/project, with an approved business case.
- 16.2 Approvals must be acquired by the Client prior to initiating a procurement project (i.e. before the tender is advertised) or awarding any contract (i.e. before the start of the standstill period).
- 16.3 Procurement for contracts are expected to be formally approved at two stages:
- When initiating the procurement process – via sign off of the relevant Business Case at the appropriate level in each House – which must be done in accordance with the delegation of authority set out for each House; and
  - Before starting the standstill period or awarding the contract – via the signing off of the award report and the Full Business Case (where applicable).
- 16.4 A member of PPCS at Pay Band HL8 or above has authority to sign the new or renewed contract and contract award letter when satisfied that requisite authority from the relevant business area has been sought by the Client and evidenced to PPCS (usually in an award report).
- 16.5 An award report is not required for contracts under £10k where it is called-off of framework agreements. Instead, the Client will complete the contract set up template (see paragraph 14.47).
- 16.6 The approval routes sought by the Client need to take into consideration the financial delegation of authority which operates differently in both Houses, as outlined in the House of Commons - Finance Rules and the House of Lords Finance Manual. Further guidance is also provided within the award report template. Note that, for this purpose, the value of the contract is its cost to the House in question.

## 17. Business Case

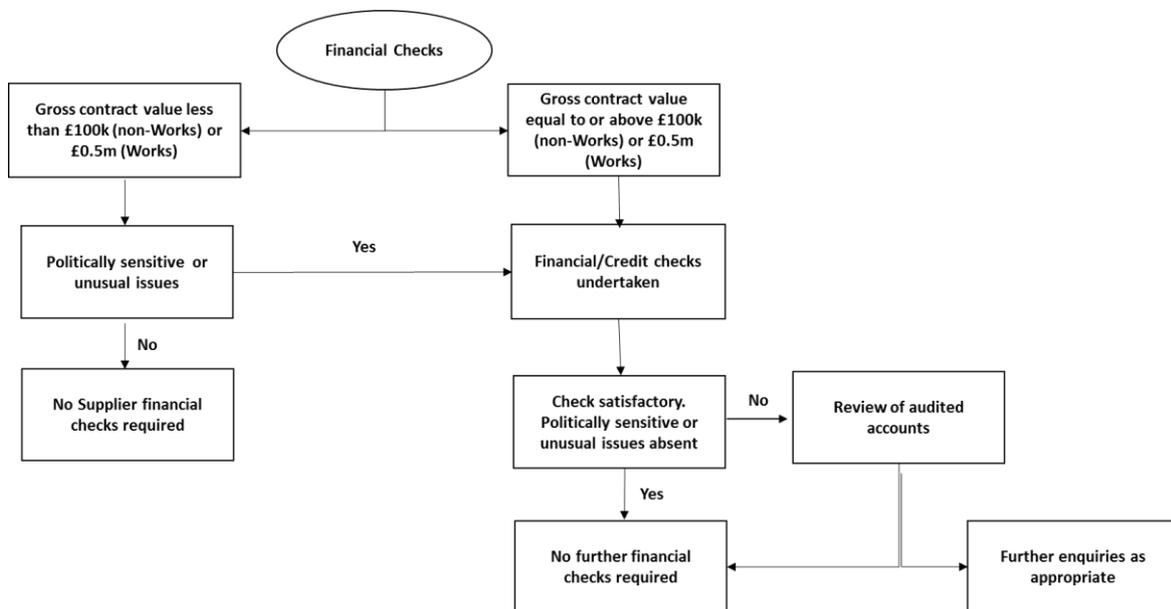
- 17.1 A Business Case is required to obtain approval for programmes or projects. The business case is the primary document to demonstrate that:
- it is essential for the Authority for the programme or project to be undertaken, or at any rate, the benefits justify the cost;
  - options have been considered and the one recommended represents value for money;
  - the programme recognises and addresses key risks and interdependencies;
  - procurement and other contractual aspects have been considered.

17.2 Further guidance on requirements for a business case and preparation can be found at:  
<https://intranet.parliament.uk/finances/financial-planning/business-case-guidance/>

### 18. Supplier’s Financial Appraisal

18.1 Financial checks are undertaken to ensure that suppliers providing services to the Authority are financially stable and capable of providing the required quality of service for the life of the contract.

18.2 Financial checks will normally be carried out in accordance with the process below at the stage of selecting potential suppliers in a procurement process. The exception to this general rule is when the contract is both under agreed threshold and not of a critical nature where the procurement team consider financial checks to be disproportionate in the circumstances.



18.3 PPCS will carry out the financial checks of the suppliers and inform project Leader/Manager on any areas of concern.

18.4 Once the contract is in place, especially for large or critical contracts, PPCS will carry out an automatic annual financial checks of the supplier and inform the Contract Manager on any areas of concern, where:

- a) the contract initial term is more than 2 years and the gross contract value is equal or above £100,000(non-Works) or £0.5m (Works); or
- b) the gross contract value is less than £100,000(non-Works) or £0.5m (Works) but the contract is politically sensitive or has unusual issues; or
- c) prior to an extension if the contract falls under criteria (a) or (b).

18.5 More information on this can be found in the Parliamentary Contract Management Governance and Rules and Supplier Financial Viability Checks guidance.

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## 19. Waivers

- 19.1 The Authority acknowledges that in special circumstances and in order to achieve best value for money, commercial optimum or to ensure business continuity, it might be necessary to depart from the Procurement Rules. These occasions are very rare, and should be in line with the Procurement Waiver Policy. Below are the most common circumstances when waivers are sought:
- A Proposal for single tender action;
  - A Variation to Quality / Cost rule;
  - To establish or use an external single supplier framework agreement;
  - Non-use of an existing framework agreement recommended by PPCS;
  - The Conduct of a competitive procurement but with fewer than the minimum number of suppliers required;
  - An automatic increase in the price of a contract;
  - A variation of the scope (in terms of value, service provided or duration) of a contract;
  - Single-House contract when joint procurement is an option;
- 19.2 It is not acceptable to seek a waiver from the procurement rules on account of failing to plan enough time to run a procurement compliantly.
- 19.3 A waiver is not required where the value of the modification of the contract is below 10% of its original contract value for services and supplies or 15% of its original contract value for works **and** below the EU thresholds. Where several successive modifications are made to a contract, then the value to be taken into account will be the net cumulative value of the successive modifications.

### Management of Procurement Waiver Requests

- 19.4 The Procurement Waiver Request Form (“waiver request”) is a document that, if approved, allows a staff member of a given Department (“the Requestor”) to procure goods, services or works without having to follow the strict procedures described in these Procurement Rules.
- 19.5 Requests for waivers are managed by PPCS and approved by the Director of PPCS, referring to the Finance Directors at her discretion. In her absence, for contracts worth more than £250k, the decision rests with either of the Finance Directors; where the waiver request involves contract commitment below £50k, then this request can also be considered and approved by two Category Managers in PPCS (at Pay Band HL8 and above).
- 19.6 The Governance team in PPCS is responsible for:
- a) Receiving the waiver request from the Category Teams once they have reviewed it;
  - b) Logging it in the Waiver Database;

- c) Submitting it to the Director of PPCS for consideration; if below £50k the request can be considered by two Category Managers in PPCS;
- d) Recording any related document/correspondence in the contracts folder on SPIRE;
- e) Reporting on waiver requests as required.

19.7 The Requestor must complete the Waiver Form by providing information regarding the proposed contract and the reasons for the waiver request and submit to the relevant Category Team in PPCS for consideration. However, the Requestor should seek advice from the relevant Category Team in the first instance in order to establish if the application meets minimum requirements.

19.8 For more information and guidance on how to submit a waiver request, you should read the Procurement Waiver Policy.

## 20. Sustainable Procurement

20.1 The Authority from time to time agree policies affecting procurement which go beyond compliance and value for money. In particular, as publicly funded bodies, they are concerned with the impact that their activities or those performed by their suppliers might have on the environment, society and the economy.

20.2 PPCS, in partnership with Clients, will ensure that suppliers are able to evidence through their tender submissions and throughout the duration of the contract that they will address issues such as:

- That suppliers comply with health and safety law and best practice for the benefit of their staff and ours;
- that the company understands the importance of, and practises, equal opportunities, inclusivity and diversity in relation to staff when performing the contract;
- That the staff concerned with providing the goods and services work in conditions that are beneficial to their welfare, including being paid a fair wage for their work;
- That staff working on our premises are paid the London Living Wage;
- (Commons only) That staff providing services to the Authority but not working on our premises are paid the relevant Living Wage;
- That animal welfare standards are met by those providing us with meat, poultry and other animal products;
- That the supplier performs the Contract in accordance with an environmental policy that aims to conserve energy, water, wood, paper and other resources, reduce waste and phase out the use of ozone depleting substances and minimise the release of greenhouse gases, volatile organic compounds and other substances damaging to health and the environment;
- That they demonstrate innovative approaches and good practice in terms of sustainable approaches and responsibility;

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- That they show that they can support the Authority in meeting their obligations relating to sustainability and alignment with our own sustainability policy.

20.3 Our Sustainable Procurement policy lays down the sustainability objectives agreed by each House and provides details as to how PPCS and Clients will monitor sustainability aspects of our contracts.

## 21. Framework Agreements

21.1 A Framework Agreement (“Framework”) is an agreement between one or more contracting public bodies and one or more suppliers, with the purpose to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged

21.2 To set up a Framework on behalf of the Authority a business case is required outlining clear justification of the business need.

21.3 The establishing of a Framework does not actually guarantee the award of any business to a supplier party to the Framework. It simply results in one or more suppliers being available for the Authority to contract with, if and when the Authority decides that it wishes to purchase something that is within the scope of that Framework.

21.4 The duration of a Framework shall not exceed 4 years, save in exceptional cases duly justified, in particular by the subject-matter of the Framework. A waiver form will require to be completed to extend a framework agreement beyond 4 years.

21.5 Frameworks are set up via the EU procurement route using Open or Restricted procedure and are subject to EU and UK legislation as to how they are managed.

21.6 Frameworks can be set up with one or multiple suppliers, divided into one or multiple lots. Call-off contracts for goods, services or works can take place as and when required within the duration of the Framework.

21.7 Frameworks can be set up by the Authority, another Public Authority (i.e. MoJ) or a Central Purchasing Body (i.e. Crown Commercial Service). The Authority currently uses various Framework Agreements from CCS, SCAPE and ESPO. Before deciding to use any existing Framework, in-house or external, seek PPCS advice to ensure that:

- An appropriate Framework is available to the Authority;
- The framework is open for use by the Authority;
- Your requirements fit the specification of the Framework;
- The suppliers on the Framework are best placed to deliver the services;
- The procedure for calling off or running mini-competition under the Framework are fully understood.

21.8 PPCS will provide the Department/Offices wishing to use a Framework with the support necessary to ensure they use the Framework compliantly.

21.9 Once a Framework has been set up, a Framework Manager will be assigned within the relevant Department. His/her responsibilities, in addition to those already mentioned in this Policy for contract management also include:

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- Ensuring that spend on call-off contracts are maintained within the scope of that allowed for the Framework;
- Ensuring that call-off contracts are awarded and compliant with the terms outlined in the Framework;
- Monitoring effectiveness and performance of the Framework, this includes gathering statistic information to inform usefulness, value for money and assurance that the Framework still provides a competitive option in relation to the market;
- Ensuring appropriate record keeping, transparency and audit trail of transactions carried out for the duration of the Framework.

21.10 Further information about responsibilities for calling off contracts or running mini-competitions can be found on the PPCS intranet page.

## **22. Baseline Personnel Security Standard pre-employment checks for suppliers and agencies**

22.1 It is a requirement of the Authority that everyone who has access to the Parliamentary Estate or its IT systems has successfully completed HMG Baseline Personnel Security Standard (BPSS), pre-employment checks and has obtained security clearance to at least Counter Terrorist Check level (CTC).

22.2 These BPSS checks comprise four main elements:

- Identity;
- Nationality and immigration status (including an entitlement to undertake the work in question);
- Employment history; and
- Criminal record (unspent convictions only).

22.3 National Security Vetting

The Pass Office will undertake security vetting to at least CTC level on all those who are required to work on the Parliamentary Estate and/or have access to the parliamentary network.

- The HMG Personnel Security Controls document, link below, provides guidance on the requirements and process.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/299547/HMG\\_Personnel\\_Security\\_Controls.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299547/HMG_Personnel_Security_Controls.pdf)
- All applicants must have resided in the UK for a minimum of 3 years out of the last 5 years.

22.4 PPCS has included in the Selection Questionnaire and ITT templates a requirement that successful suppliers must conduct pre-employment checks on the employees they intend to provide should they be awarded the contract.

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- 22.5 It is important that BPSS checks are carried out before pass applications are submitted and other levels of personnel security control, such as the Counter-Terrorist Check (CTC), are carried out by Parliament's Pass Office.
- 22.6 All suppliers and agencies must undertake these checks on all their staff and sub-contractors who will have access to the Parliamentary Estate or its IT systems. They must make their records available for auditing by the Audit and Compliance Team.
- 22.7 Once a contract is awarded, the Audit and Compliance Team will contact the supplier and its sub-contractors to carry out an audit in their process.
- 22.8 The Audit and Compliance Team has produced the following guidance material to help contractors understand their responsibilities and comply with the standard. These guidance are available on the intranet under Houses of Parliament contractors and agencies (BPSS) responsibilities. They have also been make available in the e-tendering portal for suppliers.
- Cabinet Office – HMG Baseline Personnel Security Standard guidance on the screening of contractors
  - Home Office – An employer's guide to right to work checks. This guide sets out what an employer needs to know about conducting right to work checks. It provides guidance on what right to work checks are and why it is important that employers do them. It also explains on whom an employer needs to make checks, how frequently they need to do so, and how to do the checks correctly.
  - How to verify an applicant's home address. This is a requirement of the standard and forms part of confirming the applicant's identity.
  - How to verify an applicant's last three year employment/educational history. This is a requirement of the standard.
  - How to obtain a personal reference. A personal reference may be required as part of verifying an applicant's last three year employment/educational history and ensures there are no unexplained gaps.
  - Parliamentary verification record. A record that demonstrates the contractor has completed the employee's baseline checks.
- 22.9 As BPSS includes checking official documentation (passports, identity cards, visas, residence permits, birth certificates and driving licences), the Audit and Compliance Team recommends that suppliers use the document checking facilities available on [Prado](#) and [EdisonTD](#).
- 22.10 Audit and Compliance Team

Telephone: 0207 219 3021/3468/4072

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Fax: 0207 219 6552  
Email: [act@parliament.uk](mailto:act@parliament.uk)

### 23. Document Retention

- 23.1 All procurement related documents, records and emails are filed and kept within the SPIRE system under “PROCUREMENT” (Key Word - Level 1). These documents are owned and maintained by PPCS, in compliance with the disposals procedures of the Authority.
- 23.2 Below the “PROCUREMENT” class on SPIRE you will find further classes relating to the activities carried out as part of the tendering process or as part of the management and administration of the procurement team.
- 23.3 All procurement related documentation is filed within the “TENDERING & CONTRACTING” Class (Key Word - Level 2) in accordance with the Functions and Activities as designated in the Fileplan. A new Class is created for each new procurement process.
- 23.4 Further information on SPIRE can be found on the SPIRE Intranet pages - Spire Info

### 24. Where to get help

- 24.1 If you need help or advice at any point please contact PPCS either by e-mailing [PPCS@Parliament.uk](mailto:PPCS@Parliament.uk) or by telephoning **0207 219 1600**.
- 24.2 Further information and documentation can be found on the PPCS procurement intranet pages: <http://intranet.parliament.uk/finances/procurement/> (internal users only)

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