

# Durham County Council.... a guide on how to do business with us



## Resources

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# Introduction to Procurement

We aim to help suppliers who wish to supply Durham County Council with goods or services, or carry out works on our behalf.

Durham County Council encourages competition and welcomes bids from new and established suppliers, especially from local small and medium sized enterprises (SMEs), third sector organisations, and social enterprises.



## What is procurement?

Procurement is the process of acquiring goods, works and services from third parties. Procurement includes the process by which requirements are defined and contracts are awarded, as well as the management of contracts once established. Effective procurement seeks to evidence and achieve value for money - which is not simply about the cheapest possible option, but an optimum balance of quality and sustainability for the entire contract duration.

Procurement is distinct from purchasing which is the transactional process of ordering, receiving, and paying for goods and services. A related process is commissioning - this is the strategic process by which needs are identified and assessed, desired outcome(s) are defined, and solutions designed to achieve those outcomes.

## What are the benefits of working with the Council?

As a partner to suppliers, the Council will be seen as being:

- Fair, non-discriminatory and transparent, professional
- A long-established organisation, with professionally qualified staff
- Prompt to pay invoices
- Adding social value to our procurement activity and enhancing your reputation in the community and wider business sector. Please refer to the following link that can offer further guidance. [www.durham.gov.uk/article/2815/Procurement-policy-and-strategy](http://www.durham.gov.uk/article/2815/Procurement-policy-and-strategy)

## Contact points

E-mail: [corporate.procurement@durham.gov.uk](mailto:corporate.procurement@durham.gov.uk)

Telephone: 03000 265 431

Further information is also available on the Durham County Council website at:

[www.durham.gov.uk](http://www.durham.gov.uk)

# What procurement rules the council must follow

As a local council, there are rule and regulations at European, national and local levels which the council has to follow when procuring goods, works and services to ensure transparency and value for money.

The main English law covering procurement is the Public Contracts Regulations 2015. This takes the EU legislation as a starting point, and seeks to codify a structured legal framework for public procurement.



## European rules

All public sector contracts within the European Union, no matter what their value, are covered by a treaty which incorporates the free movement of goods and services and which prevents discrimination against firms on the grounds of nationality.

The Council is required to follow detailed procedures for all procurement activity above financial thresholds, which require advertisement in the Official Journal of the European Union (OJEU). For further information please refer to <http://simap.ted.europa.eu/>

Goods and Services:	£181,302
Works:	£4,551,413
Schedule 3(Light Touch)	£615,278*

\*this applies to health care, social care, education, cultural contracts, that involves individuals or groups of people who require services from such contracts that cannot be delivered by another country within the European Union. Such contracts will be delivered within the UK.

**Despite “Brexit” these will remain in force for the foreseeable future.**

## Local Rules (the Council’s own rules)

Durham County Council has Contract Procedure Rules which officers must comply with. These are part of the Council’s Constitution which is available on the Council website.

### Durham County Council thresholds

Below the OJEU thresholds, the Council has its own minimum procurement thresholds, as follows:

**£500 - £5,000** - at least one formal quotation must be obtained

**£5,001- £50,000** - at least three quotations must be obtained via the ProContract system – either on a price-only basis using QuickQuote (see below) or using a Request For Quotation, usually with a balance of price and quality.

**£50,001 – OJEU level** - a full tender process via ProContract (but not usually advertised in OJEU)

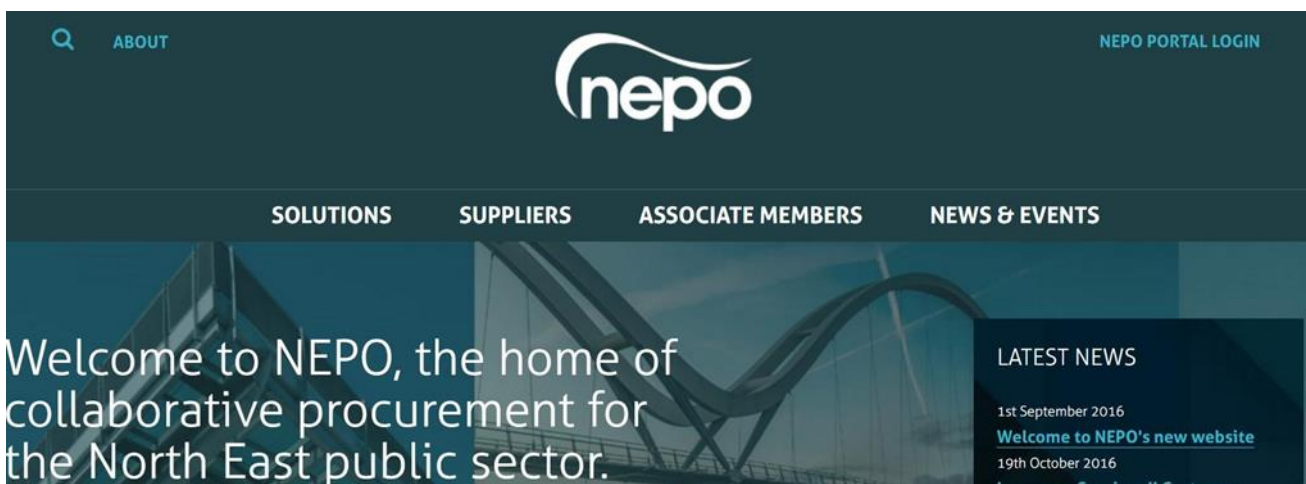
It is important to note that all quotation exercises above £5,000 in value are now conducted **electronically** via the NEPO ProContract system. In order to bid for DCC business you must therefore be registered on the ProContract System via the NEPO Portal.

## Registering your organisation on the NEPO portal

All tender activity for Durham County Council above £5000 is carried out via electronic means.

To facilitate this requirement, Durham County Council uses the ProContract electronic-Tendering System for all tenders and quotations. This is a shared facility managed on our behalf by the North Eastern Purchasing Organisation (NEPO).

To be able to express your interest for a particular Tender you must register your organisation with the ProContract e-Tendering System.



**Step 1:** Visit the NEPO portal website at: [www.nepo.org](http://www.nepo.org)

**Step 2:** Click on “NEPO PORTAL LOGIN” at the top of the screen and select “Supplier Login”.

**Step 3:** Click the “Register” button and follow the on-screen instructions to register your organisation.

**Step 4:** Once you have registered, your user name and password will be emailed to you. Please ensure that you keep your user name and password confidential.

Notifications of opportunities you may be interested in will be sent to you by email – we may also use the contact details you provide if we wish to contact you directly. Please therefore make sure that your contact details are kept up-to-date to avoid the possibility of missing out on potential opportunities. To avoid unnecessary communications such as invitations to tender opportunities that you are not interested in or are appropriate please ensure that you register for the correct category.

## Finding opportunities and registering your interest

Once registered, you will now have the facility to login to the system and view any forthcoming contracts and register your interest against them.

Go to the portal web site located at [www.nepoportal.org](http://www.nepoportal.org) and search the following links:



<https://www.nepo.org/suppliers/opportunities> . The video will take you through the process on how to find opportunities and how to access any tender documents.

Other useful links that could benefit a supplier in enhancing their opportunities to do business in the public sector are

<https://www.nepo.org/suppliers/portal> - a one stop shop for identifying and competing for tender opportunities

<https://www.nepo.org/suppliers/participate> - an opportunity to attend free events to help improve your tendering skills and actively network with like-minded companies

<https://www.nepo.org/suppliers/learn> - if you are unable to attend an event this site will take you through opportunities to develop your skills in tendering in public sector procurement.

### Specialist Professional Services

Durham County Council utilise the NEPRO solution for the provision of Specialist Professional Services. NEPRO is a neutral vendor solution for specialist professional services developed by the North East Procurement Organisation (NEPO). NEPRO offers the public sector a compliant, speedy route to appointing specialist professional services and covers 19



categories of professional services. Following NEPO's competitive tender process, Bloom Procurement Services was appointed to deliver NEPRO as single supplier from December 2015.



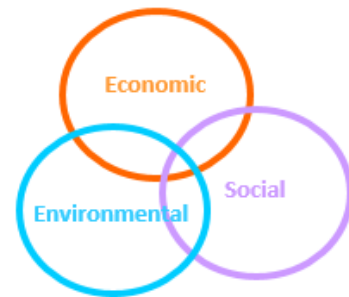
Suppliers can sign up to NEPRO to gain immediate access to the available opportunities managed by Bloom for the public sector. Further information can be viewed via the following link:

<https://nepro.org.uk/get-started/suppliers/>

<https://nepro.org.uk/contact/>

## Responsible Procurement

Responsible procurement plays an integral part in Durham County Council's procurement process. We recognise our responsibility to help suppliers by procuring value for money goods, services and works, whilst maximising social value, minimising environmental impacts and ensuring the ethical treatment of people throughout its supply chains.



The Council is continually strengthening its pursuit of these goals, with value for money principles applying throughout.

## Social Value

The Council's Sustainable Procurement approach is supported by the Public Services (Social Value) Act 2012, which makes considering the wider social, environmental and economic impacts of procurement a public duty.



Please refer to the following link, relating to Social Value, which can offer further guidance.

[www.durham.gov.uk/article/2815/Procurement-policy-and-strategy](http://www.durham.gov.uk/article/2815/Procurement-policy-and-strategy)

The Council works closely with SMEs and third sector organisations are considered in all aspects of our approach to procurement. If we don't give due regard to the impact of our contracts on our local economies, on our society, or on the environment, we are failing in our basic duty as public authorities.

In support of sustainable procurement and social value we have introduced a range of sustainable buying standards for several categories, including but not limited to:

- Food (and catering)
- Textiles
- Timber (and paper products)
- Electrical equipment
- Highways and Construction Materials

Publishing these standards allows potential suppliers to see the environmental and social standards we will specify in those contract areas – to help you understand these requirements before you bid.

We need our suppliers to support us to achieve our objectives and outcomes.

## **Modern Slavery**

The Modern Slavery Act 2015 came into effect in the UK on 29<sup>th</sup> October 2015, with the aim of preventing and tackling modern slavery, which is identified as the second largest criminal industry in the world, according to the United Nations



Durham County Council as a public sector organisation, as an employer, community leader and a procurer is committed to undertaking a preventative approach to modern slavery and human trafficking within its corporate responsibilities and activities. This also includes co-operating with partners and internal services, such as, adult care, human resources and corporate procurement to work towards the disruption of such activities.

The Council will continue to actively seek evidence that standards are met and in place in line with the Councils relevant standards. Durham County Council has an expectation that any organisation with which we work, commission a service or procure a service from, operates appropriate policy and practice in relation to modern slavery.

# Common terms and phrases used when tendering with Durham County Council

Here are some common terms or phrases that will help you understand some of the key terms used in procurement:

1. **Procurement** is the process of acquiring goods, works and services from third parties. Procurement is distinct from purchasing which is the transactional process of ordering, receiving, and paying for goods and services. It is distinct from **purchasing**, which is the transactional process of ordering, receiving, and paying for goods and services.
2. **Commissioning** - this is the strategic process by which needs are identified and assessed, desired outcome(s) are defined, and solutions designed to achieve those outcomes.
3. **Selection questionnaire (SQ)** focuses on information about the company and may include aspects such as financial information. Suppliers who are successful, dependent on the requirements of the tender, at the selection questionnaire stage may then be invited to tender.
4. **Invitation to tender (ITT)** is a document that is sent to businesses to invite them to tender for the contract.
5. **Open Tender** - all interested parties are invited to tender. No shortlisting process is used, full contract documents are issued to tenderers at ITT stage.
6. **Restricted Tender** - any organisation may express an interest, however only organisations shortlisted by the contracting authority may tender. It is a two-stage process, initial screening takes place at SQ stage and tends to be used in more complex tenders.
7. **Request for quotation (RFQ)** - is used to invite suppliers into a bidding process to bid on specific products or services. This process tends to be used for lower value tender opportunities and non-OJEU tenders.
8. **Quick Quote** – a price-only quotation exercise designed to give local suppliers a greater opportunity to participate



9. **Official Journal of the European Union (OJEU)** is the gazette of record for the European Union. New notices are advertised when an opportunity arises, these include invitations to tender, prior information notices and contract award notices.
10. **Social Value** - refers to wider financial and non-financial impacts of programmes, organisations and interventions that would include, but not limited to the wellbeing of individuals and communities, social capital and the environment.
11. **A Framework** - is an agreement, normally involving more than one supplier, for the supply of a range of goods, works, or services. It is somewhat similar to an “approved list”, but more legally sound.
12. **E-Tendering** - Electronic tendering is an **online process that manages the tendering cycle** from the advertisement of the notice straight through to the issuing of an award.
13. **NEPO** – is the North Eastern Procurement Organisation. It was established in 1976 and undertakes high-value procurement in major strategic areas of spend in conjunction with North East local authorities and a range of associate members.
14. **Contracts Finder** - Contracts Finder lets you search for information about contracts worth over £25,000 with the government and its agencies.
15. **(schedule 3) Light touch** – this applies to health care, social care, education, cultural contracts. LTR services are provided directly to individuals or groups of people who require services from such contracts that cannot be delivered by another county from within the European Union.

## Frequently Asked Questions



**Where can I find a list of awarded Council contracts and who the providers are?**

Durham County Council publishes a list of all contracts with a value that exceed £5,000 in the form of a contracts register. The register lists all contracts, commissioned activity, purchase orders, framework agreements and other legally enforceable agreements, including waste collection contracts, which exceed £5,000. It is updated quarterly.

Publication of these lists forms part of our commitment to being open and transparent with residents. The reports below are available in two formats, Adobe Acrobat and comma separated variable (CSV) files

<http://www.durham.gov.uk/article/1872/Council>

### **What impact will Brexit have on the Council's tendering process?**

As a local council, there are rule and regulations at European, national and local levels which the council has to follow when procuring goods, works and services. At the time of publication of these guidance notes there are no plans to change the procurement rules that the Council will follow.



### **How do I find about tendering opportunities?**

To be able to access tendering opportunities for Durham County Council, suppliers need to be registered via the Pro-Contract tendering portal. This is hosted by the North Eastern Procurement Organisation (NEPO). Once registered, you will now have the facility to login to the system and view any forthcoming contracts and register your interest against them.

<https://www.nepo.org/suppliers/opportunities> . There is a video will take you through the process on how to find opportunities and how to access any tender documents.

### **Who do I contact if I have a query relating to procurement or tendering?**

The Corporate Procurement Team are always willing to help and support any supplier with tendering or procurement queries. They can be contacted at

E-mail: [corporate.procurement@durham.gov.uk](mailto:corporate.procurement@durham.gov.uk)

Telephone: 03000 265 431

Further information is also available on the Durham County Council website at:

[www.durham.gov.uk](http://www.durham.gov.uk)

## The tendering process....

The Council can use a variety of processes to tender, but in the main they tend to be

- **Open procedure** any interested company can tender for the contract.
- A **restricted procedure** will involve a company meeting pre-qualification criteria in order to be invited to tender.
- A **request for quotation** – will involve a minimum of 3 suppliers being invited to quote for the opportunity.
- A **further competition** call off from a framework – only the suppliers who have been appointed to the framework will be invited to tender for requirements.

The Council will issue information setting out the background to the project, the council's objectives and an outline of the proposed procurement process. It will also outline the timetable with clear roles and responsibilities.

## Tender documents

The tender documents could consist of all or some of the following, but will not be limited to:

- **Instructions to tenderers** - provides guidance for completing the tender documentation.
- **Form of tender** - a company's agreement to the terms and conditions of tender.
- **Specification** - sets out what needs to be achieved including policies, procedures or guidance to be followed.
- **Schedule of rates/pricing document** - the document where all prices are entered.
- **Terms and conditions of contract** - defines how the council will let contracts and the rules tenderers must comply with.
- **Return details** - states the time and date by which the tender must be returned.
- Requests for relevant supporting information.

Late tenders are not normally allowed to progress to consideration for evaluation.

## Tender evaluation and contract award

Returned tenders will be evaluated based on how the proposals will deliver the service on the basis of (quality) and the cost of the service (price).

Successful and unsuccessful tenderers will be notified in writing. For OJEU tenders there is a minimum of 10 days between communicating the decision to all tenderers and actually awarding the contract.

## Top tips when submitting your bid



1. Read the all the tender documents provided, understand the specification, read the bidder instructions information this will explain how you should complete the 'response' document
2. Write your response in the box (or boxes) provided only. Do not include any part of your submission in other appendices or attachments unless you are specifically asked for these. Do not attach any policies or other literature we have not asked for.
3. Unless explicitly asked for by the question, do not include any photos, graphics, logos, charts, graphs, etc. in your response – nine times out of ten these hinder the evaluation.
4. Answer the question. Don't provide information that hasn't been asked for. Be clear, concise and honest. Use plain English and get your point across succinctly.
5. Stick to specifics. Use facts, figures and measurable evidence where you have it, to support your response. If setting targets, make them clear. Don't be too general or aspirational.





6. If you don't understand something then ask a question via the 'ProContract' portal message system.

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