



## FINANCE POLICY & PROCEDURE (FPP No. 3)

### TENDERING AND QUOTATION PROCEDURE

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<b>Author:</b> Charles Porter – Director of Finance	<b>Approval:</b> Audit Committee
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# South Central Ambulance Service NHS Foundation Trust

## FINANCE POLICY NO. 3 TENDERING AND QUOTATION PROCEDURE

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This document **MUST** be made available to all budget holders in the Trust. It sets out guidance for these officers on the procedure to be followed prior to ordering goods and services.

This document is supplemental and subordinate to the South Central Ambulance Service NHS Foundation Trust Standing Orders and Standing Financial Instructions and does not supersede the governance provided by them either in part or in whole.

Charles Porter  
Director of Finance

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# SOUTH CENTRAL AMBULANCE SERVICE NHS FOUNDATION TRUST

## GUIDE FOR BUDGET HOLDERS ON TENDERING AND QUOTATION

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### 1. Introduction

Tendering and contracting thresholds and procedures are contained within Trust Standing Orders and Standing Financial Instructions (SFI 17), copy attached to this policy at Appendix A. This policy provides specific, supplemental and complementary guidance for general daily use.

All Trust purchases will be carried out under the following precepts:

- a) Decisions are based upon obtaining the best value for money when considered in terms of economy, efficiency and effectiveness within an overall context of quality and fitness for purpose.
- b) Goods and services are acquired via fair and adequate competition under all circumstances, unless there are convincing and compelling reasons to the contrary or specific exemption is provided within Trust Standing Orders and Standing Financial Instructions.
- c) In all dealings with suppliers and potential suppliers, Trust representatives will operate under the highest standards of honesty, integrity, impartiality and objectivity.
- d) All Trust procurement personnel will operate in accordance with the Chartered Institute of Procurement and Supply Code of Ethics, copy attached to this policy as Appendix D.

### 2. Tendering and Contracting Thresholds

The general procedure under each financial threshold (annual contract values) is as follows:-

a) **Up to £5,000 (including VAT where irrecoverable).**

The budget holder may rely on a single supplier quotation. However, where it is opportune, the budget holder should seek to assure themselves that an alternative quotation is not readily available and that best value for money is being obtained. All documentation must be retained on file by the budget holders for audit inspection.

b) **£5,001 to £25,000 (including irrecoverable VAT).**

The budget holder **MUST** seek competitive quotations from at least two suppliers based upon a written specification prepared on behalf of the Trust. If only two quotations are requested or available, the reasoning must be recorded in writing and be available on file for audit inspection. For the avoidance of doubt, in all circumstances quotations must be requested from sufficient

suppliers to provide fair and adequate competition and limiting competition must not be used as a simple administrative convenience or avoidance measure. If the lowest quotation is not accepted, written reasoning should form part of the evidence retained on file to justify the decision.

c) **£25,001 and upwards.**

Formal competitive tenders from suppliers **MUST** be sought based upon a full written specification prepared on behalf of the Trust. Tendering procedures are fully described at SFI 17.6.

Budget holders are reminded that all public sector area procurement comes under EU directives. The current EU procurement thresholds are listed in Appendix B.

**Note:** Financial thresholds relate to the total value of the procurement as a whole. For example a contract might be for £22,000 and therefore (b) would be applicable if this was a one (1) year cost. However, if the contract is for five years (or even a potential five years), the total value of the procurement is £110,000 and therefore, not only is (b) not applicable but if it is a service or a supply, then European Tender is applicable under Appendix B. Also please note that “disaggregation (i.e., breaking a contract into parts so as to avoid exceeding the threshold requiring EU tender) is unlawful.

Providing that all conditions and circumstances set out in this procedure note and Standing Orders and Standing Financial Instructions have been fully complied with, formal authorisation and awarding of a contract may be decided by designated staff to the value of the contract as detailed in the delegation list appended to the Scheme of Reservation and Delegation which forms part of Standing Orders and Standing Financial Instructions.

**Note:** In all cases, planned purchases must not be broken down into smaller lots in order to avoid thresholds, either internal or legislative. Attempts to do this will result in the application of the Trust’s disciplinary procedures.

### 3. Business Cases

For Business Cases in respect of revenue expenditure (see 4. below for capital expenditure), where the expected whole life cost of the project is >£50,000 (e.g., £11,000 per annum for five years) the business case **MUST** be authorized in writing by the relevant Executive Director.

Clearly the tendering thresholds in 2 above (ref. Appendix A and Appendix B) will also apply.

### 4. Capital Expenditure

Whilst this procedure is primarily aimed at revenue expenditure, capital expenditure including Business Cases is controlled by the same mechanisms, although approval is

through the Fixed Asset Management and Strategy Group (FASMG). No capital expenditure or Business Cases can be considered or agreed without FASMG approval. All orders for capital expenditure **MUST** be authorised in accordance with Finance Policy 5 - Guide for Managers and Staff on the Authority to Incur Expenditure and Related Financial Matters.

## 5. Single Supplier

Whether revenue or capital expenditure is proposed, there will be instances where a single supplier tender/quotation is the only option. The guidance above, allows the budget manager to consider such action up to a total contract/order value of £5,000 including irrecoverable VAT. Other instances are detailed at SFI 17.5.3, 17.7.3 and 17.9. In cases of expenditure above £5,000 including irrecoverable VAT the form attached at Appendix A **MUST be completed on every occasion** and be counter-signed by an Executive Director. Where expenditure is above £10,000 the counter-signatory must be the Director of Finance or Chief Executive.

For values from £5,000 up to £10,000 the designated budget holder may authorise and award the contract. For awards of £10,001 and above, the contract **MUST** be signed by the Director of Finance or Chief Executive.

Where the Single Supplier action is above £50,000, it is the responsibility of the Chief Executive or Director of Finance to ensure that approval is obtained from the Trust Board and that an appropriate minute is recorded in the Trust Board minutes of the relevant meeting.

The single supplier documentation applies equally to capital expenditure. All documentation must be retained on file by the budget holder.

## 6. Exceptions to Quotation/Tendering Procedure

The only exceptions to this quotation and tendering procedure will be where purchases are made under nationally-agreed Government contracts, e.g. diesel fuel (see also SFI 17.5.3(f)). Where this is the case written documentation to evidence this should be retained on file for audit inspection. If in doubt, the budget manager **MUST** follow the required process or seek appropriate guidance from the Director of Finance.

## 7. Equality Statement

The Trust is committed to promoting positive measures that eliminate all forms of unlawful or unfair discrimination on the grounds of age, marital status, disability, race, nationality, gender, religion, sexual orientation, gender reassignment, ethnic or national origin, beliefs, domestic circumstances, social and employment status, political affiliation or trade union membership, HIV status or any other basis not justified by law or relevant to the requirements of the post.

By committing to a policy encouraging equality of opportunity and diversity, the Trust values differences between members of the community and within its existing workforce, and actively seeks to benefit from their differing skills, knowledge, and

experiences in order to provide an exemplary healthcare service. The Trust is committed to promoting equality and diversity best practice both within the workforce and in any other area where it has influence.

The Trust will therefore take every possible step to ensure that this procedure is applied fairly to all employees regardless of race, ethnic or national origin, colour or nationality; gender (including marital status); age; disability; sexual orientation; religion or belief; length of service, whether full or part-time or employed under a permanent or a fixed-term contract or any other relevant factor.

Where there are barriers to understanding e.g. an employee has difficulty in reading or writing or where English is not their first language additional support will be put in place wherever necessary to ensure that the process to be followed is understood and that the employee is not disadvantaged at any stage in the procedure. Further information on the support available can be sought from the Human Resource Department.

### SOUTH CENTRAL AMBULANCE SERVICE NHS FOUNDATION TRUST FINANCE POLICY NO. 3 – APPENDIX C EXTRACT FROM TRUST STANDING FINANCIAL INSTRUCTIONS

#### 8. TENDERING AND CONTRACTING PROCEDURE

##### 8.1 Duty to comply with Standing Orders and Standing Financial Instructions

The procedure for making all contracts by or on behalf of the Trust shall comply with these Standing Orders and Standing Financial Instructions (except where Standing Order No. 3.13 Suspension of Standing Orders is applied).

##### 8.2 European Union (EU) Directives Governing Public Procurement

Directives by the Council of the European Union promulgated by the Department of Health (DH) prescribing procedures for awarding all forms of contracts shall have effect as if incorporated in these Standing Orders and Standing Financial Instructions.

##### 8.3 Reverse e-Auctions

The Trust should have policies and procedures in place for the control of all tendering activity carried out through Reverse e-Auctions. For further guidance on Reverse e-Auctions refer to <https://www.gov.uk/government/organisations/crown-commercial-service>

##### 8.4 Capital Investment Manual and other Department of Health Guidance

The Trust shall comply as far as is practicable with the requirements of the Department of Health "Capital Investment Manual" and "Estate code" in respect of capital investment and estate and property transactions. In the case of management consultancy contracts the Trust shall comply as far as is practicable with Department of Health guidance "The Procurement and Management of Consultants within the NHS".

##### 8.5 Formal Competitive Tendering

###### 8.5.1 General Applicability

The Trust shall ensure that competitive tenders are invited for the:

- supply of goods, materials and manufactured articles;
- rendering of services including all forms of management consultancy services (other than specialised services sought from or provided by the DH);
- design, construction and maintenance of building and engineering works (including construction and maintenance of grounds and gardens); for disposals.

## 8.5.2 Health Care Services

Where the Trust elects to invite tenders for the supply of healthcare services these Standing Orders and Standing Financial Instructions shall apply as far as they are applicable to the tendering procedure and need to be read in conjunction with Standing Financial Instruction No. 18.

## 8.5.3 Exceptions and instances where formal tendering need not be applied

Formal tendering procedures **need not be applied** where:

- (a) the estimated expenditure or income does not, or is not reasonably expected to, exceed **£35k**;
- (b) the supply is proposed under special arrangements negotiated by the DH in which event the said special arrangements must be complied with;
- (c) regarding disposals as set out in Standing Financial Instructions No. 24;

Formal tendering procedures **may be waived** in the following circumstances:

- (d) in very exceptional circumstances where the Chief Executive decides that formal tendering procedures would not be practicable or the estimated expenditure or income would not warrant formal tendering procedures, and the circumstances are detailed in an appropriate Trust record;
- (e) where the requirement is covered by an existing contract;
- (f) where national Government agreements are in place and have been approved by the Board;
- (g) where a consortium arrangement is in place and a lead organisation has been appointed to carry out tendering activity on behalf of the consortium members;
- (h) where the timescale genuinely precludes competitive tendering. However, failure to plan the work properly would not be regarded as a justification for a single tender;
- (i) where specialist expertise is required and is available from only one source;
- (j) when the task is essential to complete the project, and arises as a consequence of a recently-completed assignment and engaging different consultants for the new task would be inappropriate;
- (k) there is a clear benefit to be gained from maintaining continuity with an earlier project. However in such cases the benefits of such continuity must outweigh any potential financial advantage to be gained by competitive tendering;

- (l) for the provision of legal advice and services providing that any legal firm or partnership commissioned by the Trust is regulated by the Law Society for England and Wales for the conduct of their business (or by the Bar Council for England and Wales in relation to the obtaining of Counsel's opinion) and are generally recognised as having sufficient expertise in the area of work for which they are commissioned.

The Director of Finance will ensure that any fees paid are reasonable and within commonly-accepted rates for the costing of such work.

- (m) where allowed and provided for in the Capital Investment Manual.

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

Where it is decided that competitive tendering is not applicable and should be waived, the fact of the waiver and the reasons should be documented and recorded by the Trust, recorded through use of (Appendix C of this documents shows record form) and reported to the Audit Committee at each meeting.

#### **8.5.4 Fair and Adequate Competition**

Where the exceptions set out in SFI Nos. 8.1 and 8.5.3 apply, the Trust shall ensure that invitations to tender are sent to a sufficient number of firms/individuals to provide fair and adequate competition as appropriate, and in no case less than two firms/individuals, having regard to their capacity to supply the goods or materials or to undertake the services or works required.

#### **8.5.5 List of Approved Firms**

The Trust shall ensure that the firms/individuals invited to tender (and where appropriate, quote) are among those on approved lists. Where in the opinion of the Director of Finance it is desirable to seek tenders from firms not on the approved lists, the reason shall be recorded in writing to the Chief Executive (see SFI 8.6.8 List of Approved Firms).

#### **8.5.6 Items which subsequently breach thresholds after original approval**

Items estimated to be below the limits set in this Standing Financial Instruction for which formal tendering procedures are not used which subsequently prove to have a value above such limits shall be reported to the Chief Executive, and be recorded in an appropriate Trust record.

## 8.6 Contracting/Tendering Procedure

### 8.6.1 Invitation to tender

- (i) All invitations to tender shall state the date and time as being the latest time for the receipt of tenders as detailed on the settings for the PQQ/ITT.
- (ii) All invitations to tender shall state that no tender will be accepted unless: submitted **online** via [tenders@scas.nhs.uk](mailto:tenders@scas.nhs.uk), with **no** other variations submitted via post, email or fax being accepted, unless specified within the tender invitation documentation.
- (iii) Every tender for goods, materials, services or disposals shall embody such of the NHS Standard Contract Conditions as are applicable.
- (iv) Every tender for building or engineering works (except for maintenance work, when Estmancode guidance shall be followed) shall embody or be in the terms of the current edition of one of the Joint Contracts Tribunal Standard Forms of Building Contract or Department of the Environment (GC/Wks) Standard forms of contract amended to comply with concode; or, when the content of the work is primarily engineering, the General Conditions of Contract recommended by the Institution of Mechanical and Electrical Engineers and the Association of Consulting Engineers (Form A), or (in the case of civil engineering work) the General Conditions of Contract recommended by the Institute of Civil Engineers, the Association of Consulting Engineers and the Federation of Civil Engineering Contractors. These documents shall be modified and/or amplified to accord with Department of Health guidance and, in minor respects, to cover special features of individual projects.

### 8.6.2 Receipt and safe custody of tenders

Tenders must **ONLY** be submitted **online** via [tenders@scas.nhs.uk](mailto:tenders@scas.nhs.uk) with **no** other variations submitted via post, email or fax will be accepted, unless specified to the contrary within the invitation to tender documentation.

### 8.6.3 Opening tenders and Register of tenders

- (i) As soon as practicable after the date and time stated as being the latest time for the receipt of tenders, they shall be downloaded and opened by two senior officers/managers designated by the Chief Executive and not from the originating department.
- (ii) A member of the Trust Board will be required to be one of the two approved persons added to the opening committees of tenders estimated above **£100k**. The rules relating to the opening of tenders will need to be read in conjunction with any delegated authority set out in the Trust's Scheme of Delegation.
- (iii) The 'originating' Department will be taken to mean the Department sponsoring or commissioning the tender.
- (iv) The involvement of Finance Directorate staff in the preparation of a tender proposal will not preclude the Director of Finance or any approved Senior

Manager from the Finance Directorate from serving as one of the two senior managers to open and download tenders.

- (v) All Executive Directors/members will be authorised to open and download tenders regardless of whether they are from the originating department provided that the other authorised person opening the tenders with them is not from the originating department. Opening Committee's will always reflect these rules.

The Trust's Company Secretary will count as a Director for the purposes of opening tenders.

- (vi) Every tender submitted shall be automatically logged in a detailed audit trail highlighting the date of opening and by those that initiated the opening sequence.
- (viii) Incomplete tenders, i.e. those from which information necessary for the adjudication of the tender is missing, and amended tenders i.e., those amended by the tenderer upon his own initiative either orally or in writing after the due time for receipt, but prior to the opening of other tenders, should be dealt with in the same way as late tenders. (Standing Order No. 17.6.5 below).

#### 8.6.4 **Admissibility**

- i) If for any reason the designated officers are of the opinion that the tenders received are not strictly competitive (for example, because their numbers are insufficient or any are amended, incomplete or qualified) no contract shall be awarded without the approval of the Chief Executive.
- (ii) Where only one tender is sought and/or received, the Chief Executive and Director of Finance shall, as far practicable, ensure that the price to be paid is fair and reasonable and will ensure value for money for the Trust.

#### 8.6.5 **Late tenders**

- (i) Tenders received after the due time and date, but prior to the opening of responses, may be considered only if the other responses have not yet been opened. The Chief Executive or his nominated officer decides that there are exceptional circumstances i.e. dispatched in good time but delayed through no fault of the tenderer. Late responses, by default, will be marked as Late where it is under The Chief Executive's discretion to allow them to continue into the process or not.
- (ii) Only in the most exceptional circumstances will a tender be considered which is received after the opening of the other tenders and only then if the tenders that have been duly opened have not left the custody of the Chief Executive or his nominated officer or if the process of evaluation and adjudication has not started.

#### 8.6.6 **Acceptance of formal tenders (See overlap with SFI No. 8.7)**

- (i) Any discussions with a tenderer which are deemed necessary to clarify technical aspects of his tender before the award of a contract will not disqualify the tender.
- (ii) The lowest tender, if payment is to be made by the Trust, or the highest, if payment is to be received by the Trust, shall be accepted unless there are good and sufficient reasons to the contrary. Such reasons shall be set out in either the contract file, or other appropriate record.

It is accepted that for professional services such as management consultancy, the lowest price does not always represent the best value for money. Other factors affecting the success of a project include:

- (a) experience and qualifications of team members;
- (b) understanding of client's needs;
- (c) feasibility and credibility of proposed approach;
- (d) ability to complete the project on time.

Where other factors are taken into account in selecting a tenderer, these must be clearly recorded and documented in the contract file, and the reason(s) for not accepting the lowest tender clearly stated.

- (iii) No tender shall be accepted which will commit expenditure in excess of that which has been allocated by the Trust and which is not in accordance with these Instructions except with the authorisation of the Chief Executive.
- (iv) The use of these procedures must demonstrate that the award of the contract was:
  - (a) not in excess of the going market rate / price current at the time the contract was awarded;
  - (b) that best value for money was achieved.
- (v) All tenders should be treated as confidential and should be retained for inspection.

#### 8.6.7 **Tender reports to the Trust Board**

Reports to the Trust Board will be made on an exceptional circumstance basis only.

#### 8.6.8 **List of approved firms (see SFI No. 8.5.5)**

##### (a) **Responsibility for maintaining list**

Procurement shall on behalf of the Trust maintain lists of approved firms from who tenders and quotations may be invited. These shall be kept under frequent review. The lists shall include all firms who have applied for permission to

tender and as to whose technical and financial competence the Trust is satisfied. All suppliers must be made aware of the Trust's terms and conditions of contract.

**(b) Building and Engineering Construction Works**

- (i) Invitations to tender shall be made only to firms included on the approved list of tenderers compiled in accordance with this Instruction or on the separate maintenance lists compiled in accordance with Estmancode guidance (Health Notice HN(78)147).
- ii) Firms included on the approved list of tenderers shall ensure that when engaging, training, promoting or dismissing employees or in any conditions of employment, shall not discriminate against any person because of colour, race, ethnic or national origins, religion or sex, and will comply with the provisions of the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976, and the Disabled Persons (Employment) Act 1944 and any amending and/or related legislation.
- iii) Firms shall conform at least with the requirements of the Health and Safety at Work Act and any amending and/or other related legislation concerned with the health, safety and welfare of workers and other persons, and to any relevant British Standard Code of Practice issued by the British Standard Institution. Firms must provide to the appropriate manager a copy of its safety policy and evidence of the safety of plant and equipment, when requested.

**(c) Financial Standing and Technical Competence of Contractors**

The Director of Finance may make or institute any enquiries he deems appropriate concerning the financial standing and financial suitability of approved contractors. The Director with lead responsibility for clinical governance will similarly make such enquiries as is felt appropriate to be satisfied as to their technical / medical competence.

**8.6.9 Exceptions to using approved contractors**

If in the opinion of the Chief Executive and the Director of Finance or the Director with lead responsibility for clinical governance it is impractical to use a potential contractor from the list of approved firms/individuals (for example where specialist services or skills are required and there are insufficient suitable potential contractors on the list), or where a list for whatever reason has not been prepared, the Chief Executive should ensure that appropriate checks are carried out as to the technical and financial capability of those firms that are invited to tender or quote.

An appropriate record in the contract file should be made of the reasons for inviting a tender or quote other than from an approved list.

## **8.7 Quotations: Competitive and non-competitive**

### **8.7.1 General Position on quotations**

Quotations are required where formal tendering procedures are not adopted and where the intended expenditure or income exceeds, or is reasonably expected to exceed **£15k** but not exceed **£25k**.

### **8.7.2 Competitive Quotations**

- (i) Quotations should be obtained from at least 2 firms/individuals based on specifications or terms of reference prepared by, or on behalf of, the Trust.
- (ii) Quotations should be in writing unless the Chief Executive or his nominated officer determines that it is impractical to do so in which case quotations may be obtained by telephone. Confirmation of telephone quotations should be obtained as soon as possible and the reasons why the telephone quotation was obtained should be set out in a permanent record.
- (iii) All quotations should be treated as confidential and should be retained for inspection.
- (iv) The Chief Executive or his nominated officer should evaluate the quotation and select the quote which gives the best value for money. If this is not the lowest quotation if payment is to be made by the Trust, or the highest if payment is to be received by the Trust, then the choice made and the reasons why should be recorded in a permanent record.

### **8.7.3 Non-Competitive Quotations**

Non-competitive quotations in writing may be obtained in the following circumstances:

- (i) the supply of proprietary or other goods of a special character and the rendering of services of a special character, for which it is not, in the opinion of the responsible officer, possible or desirable to obtain competitive quotations;
- (ii) the supply of goods or manufactured articles of any kind which are required quickly and are not obtainable under existing contracts;
- (iii) miscellaneous services, supplies and disposals;
- (iv) where the goods or services are for building and engineering maintenance the responsible works manager must certify that the first two conditions of this SFI (i.e.: (i) and (ii) of this SFI) apply.

### **8.7.4 Quotations to be within Financial Limits**

No quotation shall be accepted which will commit expenditure in excess of that which has been allocated by the Trust and which is not in accordance with Standing

Financial Instructions except with the authorisation of either the Chief Executive or Director of Finance.

## **8.8 Authorisation of Tenders and Competitive Quotations**

Providing all the conditions and circumstances set out in these Standing Financial Instructions have been fully complied with, formal authorisation and awarding of a contract may be decided by designated staff to the value of the contract as detailed in the delegation list appended to the Scheme of Reservation and Delegation which forms part of this document.

Levels of authorisation may be varied or changed and need to be read in conjunction with the Trust Board's Scheme of Delegation.

Formal authorisation must be put in writing. In the case of authorisation by the Trust Board this shall be recorded in their minutes.

## **8.9 Instances where formal competitive tendering or competitive quotation is not required**

Where competitive tendering or a competitive quotation is not required the Trust should adopt one of the following alternatives:

- (a) the Trust shall use NHS Commercial Alliance procurement hub for procurement of all goods and services unless the Chief Executive or nominated officers deem it inappropriate. The decision to use alternative sources must be documented.
- (b) If the Trust does not use the NHS Commercial Alliance procurement hub - where tenders or quotations are not required, because expenditure is below **£5k**, the Trust shall procure goods and services in accordance with procurement procedures approved by the Director of Finance.

## **8.10 Private Finance for capital procurement (see overlap with SFI No. 13)**

The Trust should normally market-test for PFI (Private Finance Initiative funding) when considering a capital procurement. When the Board proposes, or is required, to use finance provided by the private sector the following should apply:

- (a) The Chief Executive shall demonstrate that the use of private finance represents value for money and genuinely transfers risk to the private sector.
- (b) Where the sum exceeds delegated limits, a business case must be referred to the appropriate Department of Health for approval or treated as per current guidelines.
- (c) The proposal must be specifically agreed by the Board of the Trust.
- (d) The selection of a contractor/finance company must be on the basis of competitive tendering or quotations.

## **8.11 Compliance requirements for all contracts**

The Board may only enter into contracts on behalf of the Trust within the statutory powers delegated to it by the Secretary of State and shall comply with:

- (a) The Trust's Standing Orders and Standing Financial Instructions;
- (b) EU Directives and other statutory provisions;
- (c) any relevant directions including the Capital Investment Manual, Estatecode and guidance on the Procurement and Management of Consultants;
- (d) such of the NHS Standard Contract Conditions as are applicable.
- (e) contracts with Foundation Trusts must be in a form compliant with appropriate NHS guidance.
- (f) Where appropriate contracts shall be in or embody the same terms and conditions of contract as was the basis on which tenders or quotations were invited.
- (g) In all contracts made by the Trust, the Board shall endeavour to obtain best value for money by use of all systems in place. The Chief Executive shall nominate an officer who shall oversee and manage each contract on behalf of the Trust.

## **8.12 Personnel and Agency or Temporary Staff Contracts**

The Chief Executive shall nominate officers with delegated authority to enter into contracts of employment, regarding staff, agency staff or temporary staff service contracts.

## **8.13 Disposals (See overlap with SFI No. 15)**

Competitive Tendering or Quotation procedures shall not apply to the disposal of:

- (a) any matter in respect of which a fair price can be obtained only by negotiation or sale by auction as determined (or pre-determined in a reserve) by the Chief Executive or his nominated officer;
- (b) obsolete or condemned articles and stores, which may be disposed of in accordance with the supplies policy of the Trust;
- (c) items to be disposed of with an estimated sale value of less than **£5k**, this figure to be reviewed on a periodic basis;
- (d) items arising from works of construction, demolition or site clearance, which should be dealt with in accordance with the relevant contract;
- (e) land or buildings concerning which DH guidance has been issued but subject to compliance with such guidance.

## **8.14 In-house Services**

- 8.14.1 The Chief Executive shall be responsible for ensuring that best value for money can be demonstrated for all services provided on an in-house basis. The Trust may also determine from time to time that in-house services should be market tested by competitive tendering.
- 8.14.2 In all cases where the Board determines that in-house services should be subject to competitive tendering the following groups shall be set up:
- (a) Specification group, comprising the Chief Executive or nominated officer/s and specialist.
  - (b) In-house tender group, comprising a nominee of the Chief Executive and technical support.
  - (c) Evaluation team, comprising normally a specialist officer, a supplies officer and a Director of Finance representative. For services having a likely annual expenditure exceeding **£250k**, a non-officer member should be a member of the evaluation team.
- 8.14.3 All groups should work independently of each other and individual officers may be a member of more than one group but no member of the in-house tender group may participate in the evaluation of tenders.
- 8.14.4 The evaluation team shall make recommendations to the Board.
- 8.14.5 The Chief Executive shall nominate an officer to oversee and manage the contract on behalf of the Trust.

## **8.15 Applicability of SFIs on Tendering and Contracting to funds held in trust (see overlap with SFI No. 29)**

**These Instructions shall not only apply to expenditure from Exchequer funds but also works, services and goods purchased from the Trust's trust funds and private resources.**

## APPENDIX B

### SOUTH CENTRAL AMBULANCE SERVICE NHS FOUNDATION TRUST FINANCE POLICY NO. 3 – GUIDE FOR BUDGET HOLDERS ON TENDERING AND QUOTATION

#### FINANCIAL THRESHOLDS FOR PURCHASES UNDER THE PUBLIC CONTRACTS REGULATIONS and EUROPEAN DIRECTIVES ON PUBLIC PROCUREMENT

If the financial value of the proposed transaction(s) is/are estimated to exceed the following thresholds, then such procurements are subject to the European Directives on public procurement and the advice of the Director of Finance **MUST** be sought before any plans to proceed. The thresholds set out below apply until the 31 December 2018 when they will be revised and the Trust as a public sector organisation **MUST** comply with these thresholds.

The following thresholds are net of VAT and are applicable to Public Contracts Regulations 2015, with values applicable from 1 January 2018.

	SUPPLIES	SERVICES	WORKS
Entities listed in Schedule 1	£118,133 (€144,000)	£118,133 (€144,000)	£4,551,413 (€5,548,000)
Other public sector contracting authorities	£181,302 (€221,000)	£181,302 (€221,000)	£4,551,413 (€5,548,000)
Small lots (regulation 8 (12))	£65,630  (€ 80,000)	£65,630  (€ 80,000)	£820,370  (€1,000,000)

**Note:** All values are applicable to the entire value of the goods/services supplied and/or duration of the contract **and is not an annual figure**. For example a 4 year contract for services with an annual value of £50,000 would be calculated as £200,000. This is then subject to EU tendering rules as such values exceed the threshold values. The above shown thresholds are amended on a bi-annual basis.

**Note:** 1. Planned purchases *must not* be broken down (“disaggregated”) into smaller lots in order to avoid or evade the stated thresholds.  
2. Threshold values shown are net of VAT.

**APPENDIX C**

**SOUTH CENTRAL AMBULANCE SERVICE NHS FOUNDATION TRUST  
SINGLE SUPPLIER/TENDER APPROVAL**

**Name of Budget Holder**

\_\_\_\_\_

**Date Requested:**

\_\_\_\_\_

**DETAILS OF SERVICES/GOODS TO BE PROCURED**

**Proposed Supplier:**

**Value including VAT where irrecoverable:**

**Description:**

**CASE FOR SINGLE SUPPLIER/TENDER ACTION**  
**(Please attach any appropriate evidence to support case)**

**Proposed by:**

\_\_\_\_\_ (Print Name)

\_\_\_\_\_ (Title)

\_\_\_\_\_ (Signature)

**(Date)**

\_\_\_\_\_

**Authorised by:**

\_\_\_\_\_ (Print Name)

\_\_\_\_\_ (Job Title)

\_\_\_\_\_ (Signature)

\_\_\_\_\_ (Date)

## APPENDIX D

### Code of Ethics (Chartered Institute of Procurement and Supply)

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The following Code is based upon that subscribed to by all members of the Chartered Institute of Procurement and Supply.

Persons engaged in any aspect of procurement on behalf of South Central Ambulance Service NHS Foundation Trust shall never use their authority for personal gain and shall seek to uphold and enhance the reputation of South Central Ambulance Service NHS Foundation Trust by:

- Maintaining an unimpeachable standard of integrity in all their business relationships both inside and outside South Central Ambulance Service NHS Foundation Trust.
- Fostering the highest possible standards of professional competence amongst those for whom they are responsible.
- Optimising the use of resources for which they are responsible to provide the maximum benefit to their employer.
- Complying both with the letter and spirit of the law of the country (ies) in which they operate and with which they deal.
- Rejecting any business practice which may reasonably be deemed improper.

# Equality Impact Assessment Form Section One – Screening

Name of Function, Policy or Strategy: **FPP: No. 3: Tendering and Quotation Procedure**

1.	What is the main purpose of the strategy, function or policy?
<b>Guidance for staff on the procedures to be followed prior to ordering goods and services.</b>	
2.	List the main activities of the function or policy? (for strategies list the main policy areas)
<ul style="list-style-type: none"><li>• <b>Tendering and Contracting Thresholds</b></li><li>• <b>Business Cases</b></li><li>• <b>Capital Expenditure</b></li><li>• <b>Single Supplier</b></li><li>• <b>Exceptions to Quotation/Tendering Procedure</b></li><li>• <b>Extract from Trust Standing Financial Instructions</b></li></ul>	
3.	Who will be the main beneficiaries of the strategy/function/policy?
<b>The Trust and its Employees</b>	
4.	Use the table overleaf to indicate the following:- <ol style="list-style-type: none"><li>a. Where do you think that the strategy/function/policy could have an adverse impact on any equality group, i.e. it could disadvantage them?</li><li>b. Where do you think that there could be a positive impact on any of the groups or contribute to promoting equality, equal opportunities or improving relations within equality target groups?</li></ol>

		Positive Impact – it could benefit	Negative Impact – it could disadvantage	Reasons
<b>GENDER</b>	Women	No	No	No negative or positive impact.
	Men	No	No	No negative or positive impact.
<b>RACE</b>	Asian or Asian British People	No	Yes	If English is not first language this may affect employees ability to understand policy and/or procedure
	Black or Black British People	No	Yes	If English is not first language this may affect employees ability to understand policy and/or procedure
	Chinese people and other people	No	Yes	If English is not first language this may affect employees ability to understand policy and/or procedure
	People of Mixed Race	No	Yes	If English is not first language this may affect employees ability to understand policy and/or procedure
	White people (including Irish people)	No	Yes	If English is not first language this may affect employees ability to understand policy and/or procedure
	<b>Disabled People</b>	No	Yes	Disability may affect employee the employees ability to understand the policy and/or procedure
	<b>Lesbians, gay men and bisexuals</b>	No	No	No negative or positive impact.
	<b>Trans people</b>	No	No	No negative or positive impact.
<b>AGE</b>	Older People (60+)	No	No	No negative or positive impact.
	Younger People (17 to 25) and children	No	No	No negative or positive impact.
	<b>Faith Groups</b>	No	No	No negative or positive impact.
	<b>Equal Opportunities and/or improved relations</b>	No	No	No negative or positive impact.

Notes:

Faith groups cover a wide range of groupings, the most common of which are Muslims, Buddhists, Jews, Christians, Sikhs and Hindus. Consider faith categories individually and collectively when considering positive and negative impacts.

The categories used in the race section refer to those used in the 2001 Census. Consideration should be given to the specific communities within the broad categories such as Bangladeshi people and to the needs of other communities that do not appear as separate categories in the Census, for example, Polish.

5. If you have indicated that there is a negative impact, is that impact:			
		<b>Yes</b>	<b>No</b>
<b>Legal</b> (it is not discriminatory under anti-discriminatory law)		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Intended</b>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Level of Impact</b>		<b>High</b>	<b>Low</b>
		<input type="checkbox"/>	<input checked="" type="checkbox"/>
If the negative impact is possibly discriminatory and not intended and/or of high impact then please complete a thorough assessment after completing the rest of this form.			
6(a). Could you minimise or remove any negative impact that is of low significance? Explain how below:			
<b>The negative impact is minimised by Section 7 which states that staff can seek assistance from Staff within the Human Resources Department.</b>			
6(b). Could you improve the strategy, function or policy positive impact? Explain how below:			
<b>N/A</b>			
7. If there is no evidence that the strategy, function or policy promotes equality, equal opportunities or improves relations – could it be adopted so it does? How			
<b>This Policy will be monitored by Human Resources informing the author of any impact that has been brought to their attention via their assistance as stated above in 6(a).</b>			

Please sign and date this form, keep one copy and send one copy to the Trust's Equality Lead.

Signed: Charles Porter

Name: **Charles Porter**

Date: **August 2018**