

How to do Business With Clackmannanshire Council

Suppliers Guide





The purpose of this guide is to provide useful information to support potential suppliers, contractors and business people, in general, who wish to tender for the supply of goods, works and services to Clackmannanshire Council.

It should not be taken as a statement of the law and suppliers should take their own legal advice as necessary.

In issuing this advice the Council does not commit to enter into any contract with individual businesses or group of companies.

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1. Introduction

Clackmannanshire Council (“the Council”) spends **62.8** million of pounds on A wide variety of supplies, services and works each year, providing companies of all sizes with a range of commercial opportunities.

This Guide aims to help all potential contractors, suppliers and service providers (“Suppliers”) to tender for contracts with Clackmannanshire Council. It explains the legislation that the Council follows and outlines the procedures that apply when tendering for Council work.

Issuing this guide is part of the Council’s commitment to supporting and encouraging all suppliers, including small and medium sized enterprises (SMEs), to compete for Council business. **64%** of our spend is with **SME’s** The Council also recognises that many small businesses are key local employers and make significant contributions to their communities. This Guide is therefore designed to assist SMEs tender to supply goods and services to the Council and support the Council’s wider commitment to achieve community benefits through procurement. **23.36%** of our spend is with companies in **Clackmannanshire**, **37.75%** is spent in **Forth Valley** and **64.23%** with companies in **Scotland**

2. Procurement Objectives

Underpinning the procurement process is the Council’s duty to seek best value in obtaining supplies, services and works. In seeking best value the Council is committed to ensuring that consistent procurement procedures are in use throughout the Council.

The use of these procedures promotes transparency, fairness and equality of treatment for all potential suppliers. All our procedures comply with applicable legislation and the Council’s own procurement rules.

In order to assist suppliers the Council shall:

- Publicise tender opportunities on Public contracts Scotland (PCS) Web site. <http://www.publiccontractsscotland.gov.uk/default.aspx>
- Give guidance as to tendering processes and ensure the guidance is kept up to date.
- Make our tender documents available free of any charges.
- Keep tender documents simple to understand.
- Set realistic timetables for tendering submissions.
- Engage with small and medium sized businesses to deliver elements of larger contracts and framework agreements.
- Encourage and support suppliers to adopt e-commerce systems that streamline processes, reduce administration time and enable the Council to make payment to suppliers more quickly.

3. Rules that affect how works, supplies, and services are purchased

Total Estimated Contract Value	Procurement Journey	PCS Notice and place of published
£10,000 - £49,999 Supplies/Services/Works (including Health & Social Care contracts where decision taken to seek quotes) (Unregulated procurement)	Procurement Journey Route 1 Use Request for Quick Quote	Publication in Public Contracts Scotland Select this option to create a notice for publication on Public Contracts Scotland only. This type of notice will NOT be published in the UK e-notification service Find a Tender.
£50,000 - £179,087 (excl. of VAT at 20%) (inc. of VAT £214,904) Supplies & Services Regulated Procurement	Procurement Journey Route 2 Use ITT Goods & Services from £50,000	Publication in Public Contracts Scotland Select this option to create a notice for publication on Public Contracts Scotland only. This type of notice will NOT be published in the UK e-notification service Find a Tender.
£50,000 - £4,447,174 (excl. of VAT at 20%) (inc. of VAT £5,327,609) Works Regulated Procurement	Procurement Journey Route - See Construction Procurement Handbooks Use ITT Works from £50,000	Publication in Public Contracts Scotland Select this option to create a notice for publication on Public Contracts Scotland only. This type of notice will NOT be published in the UK e-notification service Find a Tender.
Health and Social Care - where decision is taken to tender £50,000 to £552,949.99 (excl. of VAT at 20%) (incl. of VAT £663,539.99) Regulated Procurement	Procurement Journey Route 2 and also see – Care & Support Services Use ITT Goods & Services from £50,000	Publication in Public Contracts Scotland Select this option to create a notice for publication on Public Contracts Scotland only. This type of notice will NOT be published in the UK e-notification service Find a Tender.
From £179,087 (excl. of VAT at 20%) (inc. of VAT £214,904) Supplier & Services Higher Value Regulated Procurement	Procurement Journey Route 3 Use ITT Goods & Services from £50,000	Publication in PCS with onward transmission to UK Find a Tender service. Select this option to create a notice for publication on Public Contracts Scotland and for onward transmission for publication in the UK e-notification service, Find a Tender.
From £4,447,174 (excl. of VAT at 20%) (inc. of VAT £5,327,609) Works Higher Value Regulated Procurement	Procurement Journey - See Construction Procurement Handbooks Use ITT Works from £50,000	Publication in PCS with onward transmission to UK Find a Tender service. Select this option to create a notice for publication on Public Contracts Scotland and for onward transmission for publication in the UK e-notification service, Find a Tender.
Social and Other Specific Services (including Health & Social Care and Education) From £552,950 (excl. of VAT at 20%) (incl. of VAT £663,540) Higher Value Regulated Procurement	Procurement Journey - See Care & Support Services and Additional Resources Light Touch Regime Use ITT Goods & Services from £50,000	Publication in PCS with onward transmission to UK Find a Tender service. Select this option to create a notice for publication on Public Contracts Scotland and for onward transmission for publication in the UK e-notification service, Find a Tender.

4. How to find out about tendering opportunities

The Review of Public Procurement in Scotland recommended that an open market environment supported by a single public sector electronic portal should be established. Suppliers must be able to access all essential information on opportunities to offer services and bid for contracts for the supply of commodities and services to the whole public sector in Scotland.



The national advertising portal - Public Contracts Scotland

<http://www.publiccontractsscotland.gov.uk/> -

This portal enables the Council to advertise tendering opportunities. Whilst public bodies will no longer be required to publish notices in the Official Journal of the European Union (OJEU), these notices still require to be published on a UK e-notification system called Find a Tender System (FTS). FTS has been developed to comply with international agreements such as the GPA, which requires relevant procurements in the UK to be advertised through a single point of access available free of charge. To meet this requirement to publish on FTS, the Council continue to use PCS

The portal allows tender documents to be attached to the notice,. Suppliers can view the contract notices and in addition if registered, can receive free e-alerts notifying them of contract opportunities relevant to their business.

The Council maintains an up to date register of existing contracts with suppliers on the Council's website and details of the value of contracts awarded. This can be viewed @ <https://www.clacks.gov.uk/business/contractsregister/> or on Public Contracts Scotland – Public Contract Register https://www.publiccontractsscotland.gov.uk/Contracts/Contracts_Search.aspx?AuthID=AA00260

5. Applying for contracts that are advertised

The Council generally uses two types of procedures:

Open Procedure

An Open Procedure is where the procurement exercise is open to all suppliers. This means that any interested supplier can bid, within the tender timescales, and the procurement officer cannot limit the number of bids it receives.

This is normally used by public sector procurement officers where there is likely to be limited interest in an opportunity, to ensure maximum competition (and therefore value for money for the taxpayer). This procurement procedure is a one stage process i.e. all selection and award criteria are evaluated in one stage

Restricted Procedure

The Restricted Procedure is used where there are likely to be many suppliers interested in the opportunity. This is because procurement officers using the Restricted Procedure can limit the number of bidders to invite to tender to those with the best capacity and capability to meet the contract requirements, meaning bidders not meeting this criteria do not waste time and resources completing a full tender response.

The first stage of this procedure is where interested suppliers need to complete a Single Procurement Document (SPD). The procurement officer will publish a Contract Notice which will include details of how to access the SPD (Scotland) online SPD (Scotland) Module in Public Contracts Scotland

In both the 'Open' and 'Restricted' Procedure

If you apply to tender under the open procedure or are selected to tender following the restricted procedure, information on how the tender documentation can be obtained will be sent to you from either the Council Service supervising the project or The Council Procurement Manager.

The Council will make all documents available in electronic format on The national advertising portal – Public Contracts Scotland www.publiccontractsscotland.gov.uk/

6. If you receive a tender - how do you respond?

Typically the Invitation To Tender (ITT) documents that you receive will consist of all or some of the following:-

- **Invitation to Tender** –

provides guidance for completing the tender documentation.

- **Contract Specification** –

sets out what needs to be achieved including policies, procedures or guidelines to be followed. It sets out the performance standards and the outcomes expected.

- **Schedule of Rates/Pricing Document** –

the document where all prices are entered.

- **Terms and Conditions of Contract** –

sets out the legal framework and the obligations of both parties.

- **Quality Requirements/Method Statement Questions** –

questions about how a supplier intends to provide the service, including supporting evidence demonstrating relevant experience. This will be used to help evaluate the quality of the bid.

- **Tender Evaluation Criteria** –

advises how the tender submission will be evaluated and the contract awarded.



- **Contractors will be required to support Clackmannanshire Council's Community Wealth Building Objectives** –

The Council is keen to progress the way in which it undertakes commissioning and procurement further, with a specific focus upon how it can achieve Community Benefits through the process. <https://www.clacks.gov.uk/business/communitywealth/>

- **Any Other Relevant Supporting Information.**

If you receive a tender you must follow the instructions given in the ITT, as a failure to do so may prevent the Council from considering your tender.

The tender documents are all opened in the PCS tender Postbox which is an online submission facility which allows the Council to receive tender responses from suppliers electronically in a secure environment.

Responses are submitted through the portal and held in the secure Postbox until the deadline for responses has expired.

Once the tender documents have been opened they are then able to be evaluated. If you fail to send your documents by the deadline your tender will not be included in the evaluation.

When tendering for Council contracts it is important to consider a few key Do's and Don'ts:

Do ensure that you	Dont
supply all details requested and signatures	expect any special treatment; all tenders are treated equally
can provide the goods and services the Council needs as per the specification	ask for special meetings to discuss your bid during the tendering process as all tenderers must have equivalent rights to information and access
provide all relevant contact details	forget to ask for debriefing if your bid is unsuccessful
return your tender to us by the deadline; late tenders will not be considered	
are not discouraged from bidding for further work if your tender fails	



7. How are contracts awarded?

The Council will usually evaluate tender bids on the basis of the “most Economically Advantageous Tender” MEAT, which takes account of selection criteria, exclusion grounds, award criteria and whole life costing. <https://www.procurementjourney.scot/route-2/develop-documents/exclusion-selection-and-award-criteria>

After evaluating the bids, if the Council is satisfied that you can undertake the requirement and your tender is considered the most economically advantageous you will be awarded the contract. Please note that the Council is not bound to accept the lowest priced bid or indeed any bid submitted.

If you are not awarded the contract you will be notified that you have been unsuccessful and within the limits of commercial confidentiality the Council if requested will offer feedback to you.

This information should assist you with any future bids. Being unsuccessful in one bid does not mean you will be unsuccessful in the future.

8. Challenge of a Contract Award

If a contract has not been procured or awarded in accordance with the PC(S)R 2015, an aggrieved party may seek redress in the Sheriff Court or the Court of Session (Regulation 88(2)). In practice, most procurement challenges are brought in the Court of Session, if the claim is for more than GBP 100,000. Proceedings may not be brought unless the claimant has informed the authority of the breach and of its intention to bring proceedings in respect of that breach. In addition, those proceedings must be brought within the relevant time limit



9. Freedom of Information (FOISA)

The Freedom of Information (Scotland) Act 2002 requires all public authorities to adopt and maintain a publication scheme. Under the scheme, the Council can make a significant amount of information publicly available - without the need for someone to specifically request it. The scheme is a description of the classes or types of information published, as well as a list of publications or documents currently available. In addition to the publication scheme, the Council’s website contains specially written material aimed at helping make the Council and its services more accessible.

All information submitted to the Council in a tender may therefore need to be disclosed and /or published in compliance with the Act. If you consider that the information should not be disclosed you should identify that information and explain in broad terms why it should not be disclosed. The Council will take this into account in deciding whether or not to release the information to a third party

10. Customer care

The Council’s aim in working with suppliers is to be open, fair and transparent.

The Council will adopt a variety of contract monitoring arrangements appropriate to the value and nature of each contract.

Most complaints will be discussed and resolved through these arrangements.

If this can not be done we have a Complaints Handling Procedure (CHP) which reflects Clackmannanshire Council’s commitment to valuing complaints. It seeks to resolve customer dissatisfaction as close as possible to the point of service delivery and to conduct thorough, impartial and fair investigations of customer complaints so that, where appropriate, we can make evidence-based decisions on the facts of the case.



11 Further information and support

In accordance with the terms of the Procurement Reform (Scotland) Act, Clackmannanshire Council is committed to maximising community benefits, community wealth building and the Council's social and economic regeneration objectives.

Where identified candidates will be required to complete the community benefit method statement, which will form part of the contract conditions. The successful candidate will be required to enter into a legally binding agreement incorporating the Community Benefits method statement

Community Benefits will be included as part of the evaluation at the Selection Stage as minimum criteria (pass/fail) and/or at the Award stage as a percentage of the overall weighting

If you are having any difficulty in completing the method statement, candidates are advised to make contact with the Council's Economic Development Section on 01259 452196 and to read the supplementary guidance note provided by the Council's Economic Development Section included in the tender documentation.

What do our communities need?

In order to ensure community benefits requested are proportional and relevant to this contract, Clackmannanshire Council have asked community groups and third sector organisations to identify items they require to support their work.

Clackmannanshire Third Sector Interface, also known as CTSI, are tasked by the Scottish Government to enable development of the Third Sector in Clackmannanshire to meet the needs of the community and to represent the Voluntary Sector in community planning.

In Partnership with CTSI
we have developed a list of
benefits which you can

find on our website or the CTSI website at

<https://ctsi.org.uk/community-benefits>

Suppliers should choose to deliver an offer made up of at least one item from the list.



We have tried to ensure that organisations have asked for things which are appropriate for suppliers and are easy to deliver.

However If you cannot find a community benefit that is suitable for you, or if you have any queries about using this list please CTSI on 01259 213840 email them on admin@ctsi.org.uk

Method Statements

You are recommended to contact the third sector organisations directly to confirm details of their requirements before submitting your method statement.

Your response should detail:

what Community Benefits you will commit to deliver via this contract;

how you will deliver these to their full potential;

when these will be delivered by;

how you will report regularly on all progress made and;

contact details of the individual responsible for delivering Community Benefits.

Monitoring

Community benefits will be monitored and reported during the lifetime of the contract and the council will request management information to support and confirm delivery of the benefits committed.

Construction Skills

Overview of Client-based Approach in Scotland

<http://www.cskills.org/aboutus/sectorskillscouncil/public-sector-procurement.aspx>

Advice and assistance for employers in the construction industry looking to take on apprentices or carry out other forms of training for existing staff

Range of grants available to eligible employers to fund other forms of construction training

National Construction College training courses reviewed regularly to meet changing employer and industry needs

Publications and training materials to assist employers

www.cskills.org

11 Further information and support. Cont.

Clackmannanshire Works



Part of Clackmannanshire Council's Economic Development Team, Clackmannanshire Works offers a FREE support service to contractors and subcontractors to deliver employment and training outcomes by :

- Offering a single point of contact to source potential employees, trainees and young people
- Identifying suitable candidates for employment, training and work experience opportunities
- Pre-screening of candidates
- Arranging interviews for selected applicants on your behalf
- Sourcing and organising appropriate training linked to employment/placement opportunities
- Offering on-going support to you and employees to assist new staff settle into their new jobs
- Brokering links with schools, colleges and other employability support organisations
- Assisting your company to access any available grant funding for eligible recruits

Telephone: 01259 226699
Email: cworks@clacks.gov.uk

Supplier Development Programme

Clackmannanshire Council is a partner in the Supplier Development Programme (SDP) which:
Helps small, medium sized businesses understand the process of tendering for public contracts
Assists them to become 'tender ready'
Provides free workshops, information and factsheets
www.sdpscotland.co.uk



Just Enterprise Programme

Assists social enterprises, voluntary and community organisations to participate in public sector tendering Provides free workshops and development support
<https://justenterprise.org/landing-page/>



Public Contracts Scotland

www.publiccontractsscotland.gov.uk



Scottish Government

Community Benefits in Public Procurement
Guidance Note 2008
<http://www.scotland.gov.uk/Resource/Doc/212259/0056492.pdf>



Procurement Journey

<https://www.procurementjourney.scot/node>



12. Procurement Information

We have further information on Clackmannanshire Procurement here
<https://trello.com/b/UbIVkO01/clackmannanshire-council-procurement>



Find us also on Twitter [@clacksprocure](https://twitter.com/clacksprocure)

Want to know what the Council spend?

Check out “Focus on Spend” which seeks to deliver meaningful visibility of Clackmannanshire Council's spending on goods & services. bought from suppliers last financial year.

<https://www.clacks.gov.uk/business/focusonspend/>



Our Procurement Strategy is now available online @
<https://www.clacks.gov.uk/business/procurementstrategy/>





12. Council procurement - jargon buster

Procurement

The acquisition by purchase, lease, rent, hire, transfer, loan or other legal means of the goods, services and works required and/or used by an organisation

Contract Standing Orders

Clackmannanshire Council's internal control procedures for procurement and contracting.

SPD

Single Procurement Document which replaced the Standard Pre-Qualification Questionnaire (sPQQ),

Threshold values for contracts

subject to procurement legislation and for publishing notices remain unaltered (see [SPPN 8/2019](#) for details of current thresholds). These values, sometimes referred to as OJEU thresholds, derive from the GPA so there is no change in the value and the value will be consistent throughout the UK.

The next review of the thresholds will be implemented by January 2022.

Tender

Formal procurement process for all requirements with an aggregated value of £50,000 to the GPA threshold detailed above, with very detailed and specific documentation, but where the timetable is more flexible than in an above GPA process.

RFQ - Request for Quotation.

A formal procurement process for requirements valued from £10,000 to the £50,000 where the documentation issued is less detailed and less specific than is used for tenders. An RFQ process is the least formal of the procurement processes.

Purchasing Cards

A payment card issued to staff that may be used to purchase goods and/or services up to an agreed value from certain suppliers. Although similar in operation, it is not a credit card that can be used anywhere and there is no credit facility. For suppliers' the important fact is that typically payment in full will be made direct to their bank accounts within three working days, thereby improving their cash flow. There are also other benefits for suppliers.

Total Aggregated Value

The total value of the overall requirement over the contract term. Individual or annual values are irrelevant where goods, services or works are of the same type or have similar characteristics. The total value of the contract must be used when deciding which tender process to use.

FOISA

Freedom of Information (Scotland) Act 2002.

Please send your enquiries to:

AssetManagementPPP.Procurement@clacks.gov.uk

Catering.Procurement@clacks.gov.uk

CityDeal.Procurement@clacks.gov.uk

Cleaning.Procurement@clacks.gov.uk

Communications.Procurement@clacks.gov.uk

CommunitySafety.Procurement@clacks.gov.uk

DevelopmentServices.Procurement@clacks.gov.uk

EconomicDevelopment.Procurement@clacks.gov.uk

Education.Procurement@clacks.gov.uk

EnergyEfficiency.Procurement@clacks.gov.uk

EnvironmentalServices.Procurement@clacks.gov.uk

FacilitiesManagement.Procurement@clacks.gov.uk

FinanceAndRevenues.Procurement@clacks.gov.uk

Fleet.Procurement@clacks.gov.uk

HealthAndSafety.Procurement@clacks.gov.uk

Housing.Procurement@clacks.gov.uk

HumanResources.Procurement@clacks.gov.uk

ICT.Procurement@clacks.gov.uk

LandServices.Procurement@clacks.gov.uk

Legal.Procurement@clacks.gov.uk

Leisure.Procurement@clacks.gov.uk

Libraries.Procurement@clacks.gov.uk

ProcurementTeam.Procurement@clacks.gov.uk

PublicTransport.Procurement@clacks.gov.uk

Policy.Procurement@clacks.gov.uk

Roads.Procurement@clacks.gov.uk

SocialServicesChildren.Procurement@clacks.gov.uk

SocialServicesAdult.Procurement@clacks.gov.uk

Sustainability.Procurement@clacks.gov.uk

ThirdSector.Procurement@clacks.gov.uk

Training.Procurement@clacks.gov.uk

Transformation.Procurement@clacks.gov.uk

WasteServices.Procurement@clacks.gov.uk

WorksContracts.Procurement@clacks.gov.uk