

# Selling to

# Denbighshire and Flintshire County Council

A guide for suppliers and contractors



This guide aims to help potential suppliers and contractors understand how the Council currently buy goods, services and works and help them increase their chances of finding out about opportunities, and bidding for work.

# Contents

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	Page
Where to find out about contract opportunities	2
Rules and regulations the Council has to follow	3
How suppliers are selected and appointed	4
What we expect from suppliers	8
Consortia and collaborative bids	8
How the Council pays its suppliers	8
Community Benefits	9
Tendering Do's and Don'ts	10
We would like to hear from you	10
Further support	11



# Where to find out about contract opportunities

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## **As we move towards a completely electronic procurement system, all our suppliers will need to register on both Proactis and Sell2Wales**

The Council publish contract opportunities via two systems:

- **Proactis Plaza Portal** is the Council's new e-tendering portal, also used by some other local Authorities within Wales. Contract opportunities are advertised via this portal to register suppliers/contractors.
- **Sell2Wales** is the National Procurement website for Wales and includes all widely advertised contract opportunities both below and above the EU thresholds. Sell2Wales has a direct link to the Official Journal of the European Union (OJEU) where contracts above the EU thresholds must be published.

The Council is moving towards electronic procurement using the above systems, and so businesses wishing to sell goods, services or works to the Council will need to register on Proactis and Sell2Wales. Both are free of charge and allow suppliers to receive automated tender notifications by email, view opportunities via the Opportunities homepage, update and maintain their profile, and view details of awarded contracts. You can access Sell2Wales and the Proactis Portal via the Council webpages:-  
[www.denbighshire.gov.uk/currenttenders](http://www.denbighshire.gov.uk/currenttenders)

[www.flintshire.gov.uk/en/business/selling-to-the-council/current-opportunities.aspx](http://www.flintshire.gov.uk/en/business/selling-to-the-council/current-opportunities.aspx)

It is important to only register against the categories which are relevant to the goods/services/works you supply. This will ensure that you only receive notifications about the contract opportunities relevant to your field of work.

Assistance and support in preparing tenders or using the electronic procurement system is available from a number of organisations. For further information please see the Further Support section.

In addition to the above, the Councils are working towards providing a Contract Register which will provide information on our current contracts and frameworks, including details of current suppliers, the Contract Manager and expiry dates. This will allow you to plan for possible future opportunities to sell to the Council. We are expecting the Contracts Register will be available on the Councils websites by Autumn 2016.

# Rules and regulations the Councils have to follow

The Council need to buy in a way that is legal, manages risk and delivers value for money.

All of our business is procured using a competitive process, whether it is comparing quotes for low cost purchases or going through the formal tender procedure for higher value contracts. We need to ensure that all contracts are entered into lawfully, and to demonstrate that the whole procurement process is open, honest and transparent.

Our first step is to establish whether or not the goods, services or works are covered by an existing contract or framework. If they are, then we must use that supplier. If not, then the value of the contract has an effect on the procurement process as detailed in the table below. A contract value is determined by estimating the value of the goods, services or works required over the duration of the requirement.

Contract Value	Procurement Route
<b>Goods, Services and Works</b> Less than £10,000	1 quote (minimum) will be requested from businesses
<b>Goods, Services and Works</b> Between £10,001 and £25,000	4 quotes (minimum) will be requested from businesses via the Proactis e-Portal.
<b>Goods and Services</b> Between £25,001 and OJEU threshold	Tenders will be sourced through a public advertisement on Sell2Wales and Proactis and the tender process carried out electronically via the Proactis e-Portal.
<b>Works</b> Between £25,001 and £250,000	As a minimum 4 tenders will be requested from businesses via the Proactis e-Portal. Alternatively tenders may be sourced through a public advertisement on Sell2Wales and Proactis. In either case the tender process will be carried out electronically via the Proactis e-Portal.
<b>Works</b> Between £250,001 and OJEU threshold *	Tenders will be sourced through a public advertisement on Sell2Wales and Proactis and the tender process carried out electronically via the Proactis e-Portal.
<b>Goods and Services</b> At or above the OJEU threshold * <b>Works</b> At or above the OJEU	Tenders will be sourced through a public advertisement via Sell2Wales, which will also publish the same advertisement in the Office Journal of European Union (OJEU), and the tender process carried out electronically via the Proactis e-Portal in full compliance with the Public Contract Regulations 2015..

The Council's full Contract Procedure Rules can be accessed on the website at  
[www.denbighshire.gov.uk/sellingtothecouncil](http://www.denbighshire.gov.uk/sellingtothecouncil)  
[www.flintshire.gov.uk/en/business/selling-to-the-council/home.aspx](http://www.flintshire.gov.uk/en/business/selling-to-the-council/home.aspx)

**OJEU Thresholds (values effective from 1st January 2016 for two years)**

Goods	Services	Works
£164,176	£164,176	£4,104,394

The Councils have a legal requirement to comply with EU Procurement Directives, which govern the way in which public sector procurement is conducted for contracts over the thresholds set above. The purpose of the EU Directives is to encourage open and transparent competition which is delivered through competitive tendering throughout the European Union. All public sector procurement, including below EU thresholds, must abide by the EU Treaty Principles of equal treatment, non-discrimination, mutual recognition, proportionality and transparency. Adverts for contracts above the EU threshold limits must be published in the Official Journal of the European Union (OJEU).

EU procurement processes must follow minimum timescales as set out in the EU Procurement Directives. These vary according to the procurement process chosen and whether a Prior Information Notice (PIN) was issued. The actual timescales will also vary according to the scale and complexity of the procurement.

**Welsh Language**

In most circumstances documents produced in support of contract opportunities will be in English. Tenders or quotations can, however, be submitted in Welsh, and if they are, they will be treated no less favourably than those submitted in English. If a quotation or tender has been submitted in Welsh, and it is necessary to interview the bidder as part of the assessment process, we will offer to provide a translation service to enable the bidder to use the Welsh language at the interview; and if the bidder wishes to use the Welsh language at interview, provide a simultaneous translation service for that purpose (unless we conduct the interview in Welsh without a translation service).

# How suppliers are selected and appointed

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Increasingly the Council is undertaking procurement activity electronically, and by April 2016 it expects most procurement to be undertaken this way.

The following section describes how this electronic system works and what is required of our suppliers. Although the exact process followed for selecting and appointing suppliers will depend upon the value of the goods, services or works being procured, it will essentially contain the following steps which are explained in more detail below.



## Invitation to quote/tender

The Council will notify suppliers about requests for quotations or tender opportunities in one or more of the following ways:

- consult the Supplier Directory on Proactis and select appropriate suppliers to invite to quote or tender; or
- issue a **Prior Information Notice (PIN)** on Sell2Wales and – for tenders over the OJEU thresholds – in the Official Journal of European Union (OJEU); and/or
- issue a **Tender Notice** which launches a specific procurement, on Proactis and Sell2Wales and – for tenders over the OJEU thresholds – in the Official Journal of European Union (OJEU).

If you have already registered on Proactis and Sell2Wales, and in that registration process you have ticked that you can supply in the category being advertised, you will automatically be notified of the opportunity. If you are interested in quoting/tendering for the opportunity, you will still need to select that opportunity and click “register an interest” to express an interest. If you have not

registered on Proactis or Sell2Wales, you will need to register your company first (see the section on “Where can I find out about contract opportunities”), and then register an interest in the advertised opportunity. Please note: when you register it is important that you select the appropriate supply categories and select which Council, as a “buyer”, in order for you to receive notifications of relevant opportunities.

Either way, simply registering your company on Proactis is not regarded as an expression of interest. You will still need to register an interest in the advertised opportunity.

Tender documents for advertised contracts can be accessed from Proactis in the “Buyers Request” Section (and can be viewed before/without registering an interest in the opportunity). All relevant documents can be accessed via Proactis and will not be emailed to prospective suppliers.

## Submission of quote/tender

Bidders will be allowed a reasonable time both to obtain the tender documents and submit a bid – and for tenders, subject to OJEU regulations, they at least meet minimum time limits detailed in the EU Regulations. Dependent on the value of the contract, selected suppliers will either be issued with a Request for Quotation (RFQ) or an Invitation to Tender (ITT):

**Request for Quotation** is a much simpler process than a full tender. Quotes will typically be requested via Proactis and suppliers may receive all or some of the following:

- Instructions for submitting the quote
- Specification of requirements (on which suppliers must base their quote)
- Method Statements (questions asking how the requirements will be delivered)
- Evaluation criteria and scoring methodology (if there is an element of quality that must also be assessed)
- A range of questions covering issues such as health & safety, finance, insurance, equal opportunities and capability to deliver the project

**Tender** – is a much more comprehensive process. Suppliers who express an interest in the opportunity will be able to access from Proactis a tender pack. The tender pack typically consists of the following:

- Instructions to tenderers/bidders
- Specification of requirements
- Method Statement (questions asking how the requirement will be delivered)
- Evaluation criteria and scoring methodology
- Pricing schedule
- Contract Terms and Conditions
- Form of Tender
- A range of questions covering issues such as health & safety, finance, insurance, equal opportunities and capability to deliver the project

For both quotes and tenders, suppliers will be required to return their responses electronically through the Proactis Portal within the timescale specified.

The majority of tenders valued over £25,000 will follow either a Restricted or Open Procedure:

- The Restricted Procedure has 2 stages: Pre-Qualification Questionnaire (PQQ) & Invitation to Tender (ITT) for those successful at PQQ stage.
- The Open Procedure is 1 stage: Invitation to Tender: comprising of selection questions (equivalent to PQQ) and award questions (equivalent to ITT).

Standard questions will be used in Proactis for assessing that suppliers are suitable and are qualified to deliver the specified requirements against an agreed contract, whether for an open process or for a PQQ in a restricted process. The questions may take a variety of formats including Yes/No answers, text boxes or document uploads. Proactis will store the answers given to these questions so that they can be re-used and will appear pre-populated in any future tenders that are applied for.

Please note: you may be asked to certify that certain cover or policies exist in your company (e.g. public liability insurance, equal opportunities policy). You will not be asked to submit any documentation in support of this at the bidding stage but if you are a successful bidder you must be able to provide all documentation before the contract is awarded.

# How suppliers are selected and appointed

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## Evaluation of bids

Once quotes/tenders have been submitted, they will be checked by the Council to ensure that they are “compliant”, in other words that they have followed the instruction in the invitation documents. You will not be able to change your submissions but we may ask for clarification if certain errors or omissions are identified e.g. arithmetical errors affecting price.

Responses from compliant bids will either be assessed on a pass/fail basis or scored. Everything a tenderer needs to know about how they will be evaluated will be clearly stated in the tender document pack.

## Contract Award

**Price Only** – for contracts based on price only, the Supplier who submitted the lowest price will be awarded the contract (unless the quote or tender is deemed to be an abnormally low bid which cannot be justified by the bidder to be sufficient to deliver the contract).

**Most Economically Advantageous Tender (MEAT)** – for contracts awarded on a combination of price and quality criteria, the contract will be awarded to the bidder whose overall score is the highest, based on the evaluation criteria stated in the tender / quotation documents.

Once the Council has evaluated and scored submissions, all bidders will be notified of the outcome of the tender or quotation process. For contracts valued above the OJEU thresholds all bidders will receive a letter (via email) showing their scores and rankings. Unsuccessful bidders' letters will provide some information on why the bid has been unsuccessful. For contracts valued below the OJEU thresholds that information is available on request.

Quote or Tender evaluation will be based on one of the following:

- **Price only** – usually used for goods only, and only used for contracts below £25,000; and
- **Price and Quality** – used for the majority of services and works on all contracts over £25,000 (except in some exceptional circumstances). Known as Most Economically Advantageous Tender (MEAT) with weightings assigned, for example 40% price and 60% quality.

On larger contracts potential suppliers may also be invited to an interview and/or presentation.

If your bid is successful, the letter will either award or, for larger contracts which may be subject to legal “standstill” periods, provisionally award the contract. Where a provisional award has been made, this will normally be followed by a second letter (via email) after the standstill period, formally awarding the contract. The exception to this will be where there has been some form of challenge or other legal complication.

You will receive a letter of award and an electronic Purchase Order for all contracts with a value in excess of £25,000, and some contracts below £25,000, together with a formal contract pack for signing. The contract will be posted to you and will need to be signed and returned to the Council within the specified period (usually 2 weeks). Please make sure you know the purchase order number and quote it on all invoices as this will speed up the payment process for those invoices (see “How the Council pays its suppliers” section).

## **Contract Management**

All contracts will have a named Contract Manager from the Council who will be the key point of contact for any issues or problems that arise.

For most contracts, delivery is expected to commence shortly after the award. For larger contracts, once an award has been made the successful supplier may be invited to a meeting to establish how the relationship will work between the parties. This may include agreeing on the regularity of, and who needs to attend future meetings, how progress will be reported and how any problems that may arise will be addressed.

Suppliers and Contractors will be expected to meet their obligations to provide the goods, services or works in accordance with the requirements set out in the contract documentation. The Council will strive to ensure that there is a good open and constructive working relationship with its Suppliers and Contractors, which will also help to identify and resolve problems at the earliest opportunity.

# What we expect from Suppliers

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The minimum requirements that the Council expects of organisations seeking to deliver contracts on our behalf depends on the type, value and risk of the specific contract. In general, any organisation taking part in a competitive tender process will need to meet the following requirements, as minimum, in order to be successful:

- Competitive pricing
- Robust method statements for contract delivery
- Financial stability and capacity adequate to deliver the contract
- No prosecutions, outstanding charges or tribunals against the organisation or its directors; or evidence of rectification where there have been

- Insurance policies to an appropriate level of cover; or willingness to increase cover to these levels if bid is successful
- Access to personnel with capacity and capability to deliver the contract
- Management systems and processes that ensure a consistently high level of quality to customers
- A health and safety policy and evidence of successful implementation
- An equality and anti-discrimination policy compliant with the Equality Act 2010, and evidence of successful implementation

## Consortia and collaborative bids

The Councils encourage suppliers and contractors to submit consortia or collaborative bids for the work, particularly for larger value or complex contracts. Consortia bids may help to increase the chance of winning work and in particular benefit smaller businesses and third sector organisations, who may not have the skills or capacity to submit bids for larger contracts on their own.

As well as working collaboratively or through consortia, smaller businesses and third sector organisations may also be able to secure subcontracting opportunities with main contractors. The Councils will encourage these supply chain opportunities through their relationships with the main contractor, and will endeavour to ensure that information about such opportunities, for example Meet the Buyer events, reach relevant businesses and organisations. We also promote the use of Sell2Wales by main contractors in order to advertise sub-contracting opportunities to smaller businesses.

Assistance and support in preparing tenders or using the electronic procurement system is available from a number of organisations. For further information please see the Further Support section.

## How the Council pays its suppliers

Payment terms will be set out in the contract document and are usually within thirty (30) calendar days of the receipt of a valid invoice. In reality payment is normally made within 15 calendar days of the Council receiving a valid invoice.

The Council now operates an internal process that requires all invoices to have a corresponding Purchase Order. Suppliers who do not submit an invoice with a valid purchase order will experience a delay in receiving payment. Suppliers should insist on receiving a valid purchase order from the person within the Council requesting the goods, services or works.

# Community Benefits

The Council want to make sure we deliver wider social benefits from the contracts we award

Community Benefit clauses can be used to build a range of economic, social, or environmental conditions into the delivery of public contracts. The Councils will make it a contractual requirement for Suppliers to deliver some form of community benefits for all contracts over £1,000,000 in value, and where appropriate may also require them for smaller value contracts. The type of community benefit required will vary depending on the type of contract, but examples could include:

- Providing training and employment opportunities for economically inactive people;
- Working with local schools and communities to help young people gain experience through apprenticeships, work experience or voluntary work;
- Requiring main contractors to open up their subcontracting opportunities to local businesses;
- Spend with local businesses to supply materials.

The delivery of community benefits can be evaluated and scored as part of the assessment process to determine which bidder is awarded the contract. Where this is the case they are known as core benefits.

Suppliers may also suggest further community benefits they would deliver if they are successful in securing the contract. These are known as non-core community benefits, and whilst they are not evaluated, they will be contractually binding if that supplier is awarded the contract.

For further information on the inclusion of Community Benefits, please click on the image below.



# Tendering Do's and Don'ts

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## Do.....

Register with both the Proactis and Sell2Wales portals and ensure you keep your details up to date in order to receive appropriate notifications.

Read the documentation clearly and understand what is required of you.

Check the deadline time and date for return of quotes or tenders, and ensure you put aside enough time to complete the documentation (you will not be able to submit after the closing time).

Make sure you answer the questions as set giving details of the specified requirements and provide evidence as indicated in the guidance.

Review the assessment criteria and provide answers which respond to these criteria and that will enable evaluators to easily assess/score your response.

Ask for clarification if you are unsure on any part of the specification or have general queries in relation to the quote or tender documents and/or contract documents. Queries can be submitted via Proactis.

## Do NOT.....

Be put off by the tender documentation – you can always ask for help.

Assume that answers provided to previous questions will be considered in subsequent questions, even if this means some repetition of information, as different evaluators may be scoring different questions and will not be able to see all the responses.

Assume that the evaluators have any personal knowledge of your organisation/company, and/or a vast knowledge of the sector/field, as by law evaluators can only score the written information provided in the tender documents.

Assume there will be an opportunity to provide additional information or verbally discuss the submission within the evaluation process.

Leave it until the last minute to submit your bid as external forces, such as slow internet speed, may delay submission.

# We would like to hear from you

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This guide aims to help provide organisations who want to work with the Council with a clearer understanding of how to bid for work and what may be asked of them as a Supplier or a Contractor. We would welcome your feedback on how we could improve this guide, what information you feel is missing and whether there is anything you would like to see included in future updated versions.

We would also like to receive your feedback with regards to your

experience of doing business with the Council and any issues or problems you have encountered. Please send your comments to: [procurement@denbighshire.gov.uk](mailto:procurement@denbighshire.gov.uk)

# Further support

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## Business Wales

Business Wales provide a variety of support and guidance to help businesses be successful. This support includes advice on successful tendering for public sector contracts, eProcurement, forming consortiums and collaborative bidding.

 [www.business.wales.gov.uk/](http://www.business.wales.gov.uk/)

 03000 6 03000

## Federation of Small Businesses

The Federation of Small Businesses offers legal, legislative, business, financial and health support to its members.

 [www.fsb.org.uk/](http://www.fsb.org.uk/)

 0808 2020 888

## Denbighshire Voluntary Services Council

The Denbighshire Voluntary Services Council promotes, supports and develops third sector organisations in the County.

 [www.dvsc.co.uk/en/home/](http://www.dvsc.co.uk/en/home/)

 [office@dvsc.co.uk](mailto:office@dvsc.co.uk)

 01824 702441

## Wales Co-operative Centre

The Wales Co-operative Centre is Wales' national body for co-operatives, mutuals, social enterprises and employee owned businesses, and can provide a range of services and support to organisations in the third sector.

 [www.walescooperative.org/](http://www.walescooperative.org/)

 0300 111 5050

## Denbighshire/Flintshire County Council Procurement Team

Denbighshire County Council and Flintshire County Council have a joint Procurement Team that covers both Council's. The team can provide general advice and guidance on our procurement processes and bid requirements.

 [www.denbighshire.gov.uk/sellingtothecouncil](http://www.denbighshire.gov.uk/sellingtothecouncil)

 [procurement@denbighshire.gov.uk](mailto:procurement@denbighshire.gov.uk)

## Flintshire Economic Development Team

Flintshire Economic Development Team offer specialist advice on all aspects relating to tendering including "how to tender" workshops and how to approach public sector buyers. They can provide up to date information on the local market, along with tips and hints on how you can get your business ready for tendering.

 [businessdev@flintshire.gov.uk](mailto:businessdev@flintshire.gov.uk)

 [www.flintshire.gov.uk/en/Business/Selling-to-the-Council/Home.aspx](http://www.flintshire.gov.uk/en/Business/Selling-to-the-Council/Home.aspx)

## Denbighshire Economic & Business Development Team

Denbighshire's Economic & Business Development Team take a proactive lead around inward investment and local growth, with a focus on assisting businesses to benefit from local and regional opportunities through networking, training, advice, support and funding.

 [econ.dev@denbighshire.gov.uk](mailto:econ.dev@denbighshire.gov.uk)

 [www.denbighshire.gov.uk/business](http://www.denbighshire.gov.uk/business)

 01824 706896