



CLYDE VALLEY
GROUP

Procurement Procedures Manual

Procuring goods, services and works for
Clyde Valley Group

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Section 1: Setting the Scene

1.1 Foreword by the Chief Executive

“We spend between £8m and £20m every year on goods, services and works (including development of new homes) and it’s important that we spend this money wisely. The procedures in this manual reflect best practice in the industry and compliance with them will help to ensure that we meet our corporate objectives, comply with procurement regulations, and derive as much benefit for us, our tenants, the wider community and the environment. It is imperative that every staff member procuring on behalf of CVG follow this manual and do not deviate from the process. Furthermore, every staff member should note and adhere to the relevant documents outlined on the links contained within this manual

Carron Garmory, Chief Executive

1.2 Scope and approach

These procedures apply to all expenditure by the Association with third parties for the supply of goods, the provision of services and delivery of works projects (including development of new homes). The purpose of this manual is to provide staff with instructions on how they must conduct procurement, ensuring that there is a consistent and compliant approach to procurement throughout the organisation.

These procedures must be followed across the whole organisation i.e., development, property services, asset management, finance, IT and housing. Any exceptions must be dealt with in accordance with the Exceptions section in this procedures manual.

Procurement has traditionally been thought of as purely tendering. However, to extract the most value from procurement it’s important to extend this to pre-tender engagement with the supply market, engagement with tenants and the wider community and also to manage supplier performance during the life of the contract to maximise innovation and value for our tenants.

These procedures are in keeping with, and refer regularly to, the Scottish Government’s [Procurement Journey](#). This online resource follows the full procurement process using an “underground map” theme with various stops. It is a useful source of up-to-date resources.

1.3 Links to other relevant policies and documents

This procedures manual is consistent and should be read in conjunction with the following documents:

Policy / Document	Key Relevant Content
Annual Procurement Strategy & Programme Procurement Strategy March 2024.pdf	<ul style="list-style-type: none"> • Procurement reflects CVG’s aims and objectives. • Compliance with legislation and policies • Avoiding conflict and fraud/bribery • Community Strategy • Responsibilities: Board Members, Chief Executive, Directors • Procurement plan for forthcoming 12 months
Procurement Policy	
F06 Financial Regulations.docx	<ul style="list-style-type: none"> • Only approved budget holders are authorised to commit the Association to expenditure • Job order or purchase order must be placed in advance
G13 - Standing Orders and Delegated Authority Policy 2023.docx	<ul style="list-style-type: none"> • Responsibilities: Board Members, Chief Executive • Delegated Authority for Directors to appoint consultants and contractors in accordance with this Manual • Orders should only be placed after the relevant process has been carried out in accordance with this Manual • Official orders must be placed, and these must be approved by the Group’s authorised signatories • Telephone orders can only be used in exceptional circumstances and must be confirmed with an official order within 48 hours • Authorised signatory limits for authorising variations to contract values • Authorised signatory limits for issuing of orders
Fraud, Money Laundering and Bribery Policy Fraud, Bribery and Money Laundering Policy	
Entitlements, Payments & Benefits & Board Remuneration Policy Entitlements, Payments and Benefits & Board Remuneration Policy	

1.4 Legal context

As a “Public Body Governed by Public Law”, the Association is governed by the following procurement legislation:

Legislation	Applies to	Key duties
Procurement Reform (Scotland) Act 2014	Goods/services >£50k Works >£2m	<ul style="list-style-type: none"> • Requirement to advertise (and award) in Public Contracts Scotland (PCS) • Sustainable Procurement Duty • Include community benefits for contracts >£4m • Provide feedback to tenderers • Publish Annual Procurement Strategy & Report • Publish Contract Register
Public Contracts (Scotland) Regulations 2015	Goods/services >£214,904 inclusive of VAT Works >£5,372,609 inclusive of VAT [Values are updated every 2 years]	<ul style="list-style-type: none"> • Requirement to advertise (and award) in Find a Tender Service (FTS) (carried out via PCS) • Rules regarding how contract values are estimated • Different procedures available for the award of contracts • Timescales • Providing feedback to tenderers • Standstill period (10 calendar days)
Procurement (Scotland) Regulations 2016	Goods/services >£50k Works >£2m	<ul style="list-style-type: none"> • How contract value is estimated • Using Prior Information Notice (PIN), lots etc • Rules for awarding without competition • Rules for preparing technical specifications

Section 2 - Compliance & Consequences

This procedures manual sets out the only valid ways to procure/select suppliers and contractors.

Compliance with these procedures is mandatory. Any departure from these procedures must be approved in advance by completing the Procurement Exceptions Form and gaining approval by the appropriate person in accordance with the Standing Orders and Delegated Authority Policy.

Failure to follow the procedures may result in investigation and/or disciplinary action. In some cases, criminal charges may be brought.

If you are in any doubt about what to do, please seek guidance from your Director.

Section 3 - Procurement Roles and Responsibilities

3.1 Key Roles and Responsibilities

The key stakeholders and their roles in the procurement process are summarised below.

Stakeholder	Strategic Role	Operational Role
The Board of Management	<ul style="list-style-type: none"> • Compliance with legislation • Approval of policy and strategy • Approval of Annual Procurement Report • Approving changes to delegated authority and financial regulations 	<ul style="list-style-type: none"> • Approval of contract awards in line with scheme of delegation
Audit Committee		<ul style="list-style-type: none"> • Oversight of internal controls and compliance with statutory /regulatory requirements
Finance & Corporate Services Director	<ul style="list-style-type: none"> • Overseeing implementation of strategy • Overseeing compliance with procedures 	<ul style="list-style-type: none"> • Producing Annual Procurement Report • Producing Annual Procurement Strategy • Annual Spend Analysis to identify priorities and update programme • Maintaining the Procurement Procedures Manual • Providing Assurance on Procurement to Board
Directors	<ul style="list-style-type: none"> • Ensuring all relevant staff are aware of this Procurement Procedures Manual 	<ul style="list-style-type: none"> • Ensuring day to day compliance with procedures within their teams • Authorising in accordance with Standing Orders and Delegated Authority Policy
Member of staff with requirement		<ul style="list-style-type: none"> • Compliance with strategy & procedures manual • Development of specification, selection and award criteria • Ongoing management of resulting contract • Advise own Director if aware of conflict of interest and note in Register of Interests
Internal Operational Procurement Lead		<ul style="list-style-type: none"> • Overseeing the particular procurement to ensure it is carried out to the correct standards and in accordance with this manual

Stakeholder	Strategic Role	Operational Role
(Note 1)		<ul style="list-style-type: none"> • Authorised to post quick quotes, contract notices and award notices on PCS • Co-ordinating tender evaluation and chairing consensus meetings
External Procurement Specialist (Note 1)	<ul style="list-style-type: none"> • Advice on regulated procurements where required 	<ul style="list-style-type: none"> • Leading on particular procurements as required
Tenants (where relevant)		<ul style="list-style-type: none"> • Participation in development of specification, KPIs or feedback on performance where relevant
Other relevant third parties e.g., funders		<ul style="list-style-type: none"> • Participation in development of specification, KPIs or feedback on performance
Suppliers/tenders		<ul style="list-style-type: none"> • Participation in pre-tender engagement events • Responding to tenders • Delivering as per the contract

Note 1: The Association does not have a dedicated procurement team. To ensure that procurement is carried out effectively and consistently across the organisation, every procurement activity over £20k will be conducted by an internal Operational Procurement Lead who has additional training on procurement. Where the internal Procurement Lead requires additional technical support or does not have capacity, an external procurement specialist will be brought in.

3.2 Conflicts of interest

You must immediately advise your Director if you become aware of a conflict of interest arising due to a close relationship between a staff or Board member and a potential supplier. Failure to do so will be dealt with through the Association's disciplinary procedures.

[Entitlements, Payments and Benefits Board Remuneration Policy.](#)

Similarly, tender documentation should always explicitly state that conflicts of interest that the supplier may be aware of due to a close relationship with a staff or Board member must be declared in advance of a contractual relationship being established.

Any conflict will be noted in the Register of Interests and the staff member with the potential conflict will be distanced from the procurement activity to ensure they cannot influence the outcome of the activity. The conflict will be reported to the Board in accordance with the [Entitlements, Payments and Benefits Board Remuneration Policy.](#)

3.3 Fraud / bribery

In accordance with the [Fraud, Bribery and Money Laundering Policy](#), you must immediately advise your Director, and Board Members and Directors must alert the Chief

Executive, if you become aware of an attempt by any supplier to influence a procurement decision by way of inducement or otherwise. Canvassing of staff or Board members by suppliers for any contract is expressly forbidden and a standard clause (conflict of interest) must be included in all procurement documents (using a template ITT) to make this clear. Suppliers who have behaved in this way will be excluded from the procurement process and subsequently may be disqualified for competing for other current and future contracts. Legal advice will be taken where this is considered appropriate.

Similarly, suppliers must alert the Chief Executive and/or Chairperson if inducement is sought by any staff or Board member. Such action breaches the Association's Code of Conduct and will be dealt with through the Association's disciplinary procedures.

Section 4 – Procurement Process Overview

4.1 Using a Prior Information Notice (PIN)

4.1.1 Using a PIN as an Advance Notice

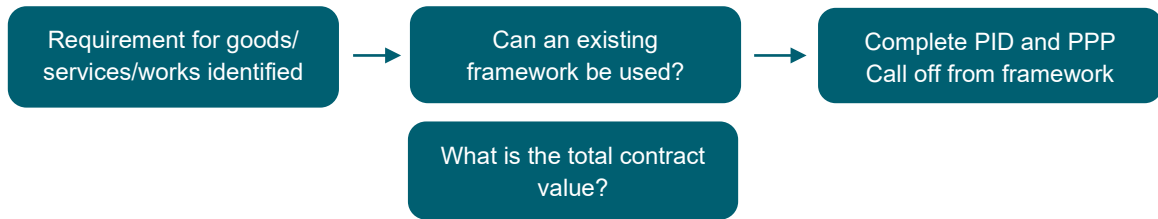
The Association may give advance notice of planned procurements through the publication of a PIN on Public Contracts Scotland. This can allow potential bidders to prepare themselves to bid in time for the contracts announced. Using a PIN means that the timescales for the actual tender can be reduced.

A PIN can also be used to request information from the market before going out to tender.

4.1.2 Using a PIN as a Call for Competition

The PIN can be used as advance notice and at the same time as the call for competition. The PIN must state that the contract will be awarded without further publication of a call for competition and invite bidders to express their interest. This option is not recommended, however, as many bidders will not realise that it is a future contract notice.

4.2 Procurement process - Flowchart



NON-REGULATED PROCUREMENT			REGULATED
ROUTE 1A	ROUTE 1B	ROUTE 1C	ROUTE 2
Less than £5k	£5k - £20k	£20k-£50k Goods/Services £20k -£2m Works	>£50k Goods/Services >£2m Works
		Procurement Lead	Procurement Lead
Buyer discretion	3 Quotes by email	Quick Quote on PCS	Advertise on PCS



4.3 Calling off from an existing framework, dynamic purchasing system (DPS)

A framework agreement is an 'umbrella agreement' that sets out the terms (particularly relating to price, quality and quantity) under which individual contracts (known as call-offs) can be made throughout the period of the framework agreement (normally a maximum of 4 years, but a DPS can be longer).

The Association may have its own (or collaborative) framework agreement or other available framework agreements where the Association is named (or implied e.g., all Housing Associations) e.g., the Scottish Procurement Alliance (SPA), Scotland Excel and Crown Commercial Service. The latter frameworks will have their own specific instructions for call offs, which may include mini-competition templates, and may incur charges for use. A cost benefit analysis must be included in the Pre-Procurement Plan including what the cost of using the framework would be v the benefits.

Call offs may be direct award or mini competition. Refer to the guidance on the framework to decide which process is most suitable. Some considerations include:

- Whether the best value contractor can be identified without further competition
- Whether there is time to carry out further competition through a mini competition
- Whether a mini competition is necessary to further define and price requirements

Calling-off contracts from an existing framework agreement has the advantage of saving the Association time and resource and may offer the opportunity to take advantage of any economies of scale achieved by the framework agreement. When a relevant framework is available, this should be considered and utilised unless there is a justification as to why it is not appropriate. There are many reasons why this might be the case e.g., scope or specification, best value or social or economic reasons. This must be recorded in the Pre-Procurement Plan.

Call offs from Frameworks do not require a standstill period. These [templates](#) may be used to notify the successful and unsuccessful tenderers when awarding a contract following a mini competition in a framework agreement.

4.4 Using an existing contract

Where the Association already has a contract in place for similar goods, services or works then normally using this is the best route, so long as it is within the original values (or up to 50% more than original value – [Regulation 72](#)). Please refer to Regulation 72 first and check with the Contract Owner (recorded in the Contracts Register) before raising a Purchase or Works Order under the existing contract.

An amendment to an existing contract might, if considered a material change, be considered equivalent to awarding a new contract and, depending on the value, the Association may need to undertake a competitive tender process to avoid breaching legislation. Examples of material changes (which change the essential terms of the contract) include:

- Introducing conditions which, had they been part of the initial award procedure, would have allowed for the admission of tenders other than those which were admitted, or would have allowed for the acceptance of a tender other than the one initially accepted – in other words the new conditions would have potentially changed the participants in, or the outcome of, the original procurement exercise.
- Extensions to the contract period which were not detailed in the original contract
- Extending the scope of the contract considerably to include services not initially covered
- Removal of certain qualification or performance requirements

Any staff member considering modifying a contract in any way must discuss this with your relevant Director in the first instance.

4.5 Determining the value

The value of the procurement may not be immediately obvious. The Regulations provide [guidance](#). For the purpose of deciding what procurement route to take, is:

- For one off requirements – the anticipated total value of the requirement
- For ongoing requirements – the 4-year cost (regardless of duration of contract) or value over period of contract (if longer than 4 years) including any optional extensions

You must not artificially divide a requirement to circumvent the thresholds set out by the Procurement Reform (Scotland) Act 2014 or the Public Contracts (Scotland) Regulations 2015 (this is called disaggregation).

From 1 January 2022, the calculation of the value must be inclusive of Value Added Tax (VAT). This is as a result of [SPPN 8/2022](#). Note: this is only for the purpose of determining whether the procurement exceeds the new (higher – formerly OJEU) threshold values and so whether it will be published only in PCS or also in Find a Tender Service (FTS). When putting the contract value in the contract notice in PCS, this will continue to exclude VAT. For the avoidance of doubt, the Procurement Reform Act 2014 limits of £50,000 for goods and services and £2,000,000 for works remains exclusive of VAT.

Where a proposed contract is ‘mixed’ e.g., it contains works and services / goods or goods and services, it should be classified according to the main subject of the contract. For example, a contract to carry out electrical safety inspections (a service) and electrical repairs arising from the inspections (works) would be classed as a service contract, as that is the main function of the contract, and the repairs are a by-product.

If in any doubt about the value, err on this side of caution. So, for example, if the value is around £50k, it would be better to conduct a full tender process.

4.6 Considering alternatives to individual or repeat procurement exercises

4.6.1 Creating a framework agreement

Framework agreements can be set up for one contracting authority to use or can be set up to allow call-offs by multiple contracting authorities. The advantage of this is that it will

subsequently be quicker to appoint a supplier since a full procurement process is not required.

4.6.2. Collaborative procurement

Where appropriate, check with other housing associations or related organisations before embarking on a procurement exercise to determine whether you could work collaboratively with them. If there is an opportunity to work collaboratively, advise your Director, who in turn will seek approval from the Board to proceed. The Board will need to be satisfied that this meets the needs of the Association and provides best value.

4.6.3 Package deals

This describes a situation where a developer approaches the Association and offers a site for development but on the condition that they are the developer and as such there is no competitive process in respect of the building contract. All decisions to enter into a package deal must be approved by the Board. The Board will need to be satisfied that such an arrangement demonstrates best value for the Association taking into account operational and strategic considerations.

4.7 TUPE considerations

The TUPE Regulations aim to protect employees who are working on contracts which may be transferred from one supplier to another. Staff must give careful consideration as to whether TUPE is likely to apply to their procurement activity or not. Where procuring staff consider that TUPE will apply, this must be made clear in the procurement documentation and staff should seek to include as much information as possible on the potential impact for the new supplier (for instance including likely numbers of staff to be transferred and an indication of terms and conditions of staff) to allow potential suppliers to accurately reflect any TUPE costs in their tender. This information should be sought from the incumbent supplier before any procurement exercise starts.

4.8 Approval to proceed

Prior to commencing with any procurement exercise, the procuring member of staff must obtain approval to proceed.

Procurements up to £20,000	An email from the budget holder and with the appropriate delegated authority under the Financial Regulations
Procurements over £20,000	Complete the Procurement Initiation Document (PID).docx – see Templates appendix This must be signed by the appropriate person/people per the Financial Regulations

4.9 Record keeping

All procurement exercises require a good audit trail to be maintained. All records, including evaluation records, must be retained for a period of six years from the end date of the contract.

At the beginning of a procurement exercise, the procuring member of staff must update the Association's Contract Register so that there is a central record of all activity.

At the end of a procurement exercise, if a contract is awarded, the procuring member of staff must update the Association's Contract Register.

An appropriate written contract must be used, and this must be concluded with the correct legal entity. For very minor works the legal contract may simply be an exchange of letters. Contracts should be signed only by a member of staff with the correct level of delegated authority.

4.10 Dealing with complaints or challenges

Any complaint about, or challenge to, the Association or any situation which could reasonably be expected to lead to a complaint or challenge must be notified to the relevant Director and/or Chief Executive Officer by email as soon as is known. The Director and/or Chief Executive will decide whether seeking legal advice is appropriate in each case.

Section 5 – Dealing with Exceptions

It may be necessary in very rare and exceptional circumstances to carry out a procurement without competition above £5k. These include:

- Where procurement activity was undertaken but there were no suitable bids or notes of interest
- Where the contract can only be awarded to a particular supplier for technical or artistic reasons or where there are exclusive rights in respect of the required goods, services or works
- Where the work is required urgently, for example due to H&S / Structural or other significant concerns and due process would take too long (note: this can't be due to poor planning)

This route should only be relied upon in limited circumstances and the procuring staff member must obtain a quotation for the item in question and complete a [Procurement Exceptions Form \(PEF\).docx](#) – see Templates Appendix - for approval by the appropriate authoriser (see PEF) in accordance with CVHA's Financial Regulations prior to progressing with the purchase of the relevant goods, service or works. The PEF ensures that Value for Money and legal implications are considered despite the absence of competition.

If the need is out with normal office hours and/or of extreme urgency it may be that the PEF is completed after the supplier is engaged, but this should be extremely rare and should be approved by a Director at the time.

Note that even if the Association's decision is that a competitive procedure is not required, the Procurer will still require to have a specification, terms and conditions, SLA/KPIs etc and have a written contract with the supplier/contractor.

Section 6 - Non-regulated Procedures (route 1)

Route 1 procedures are non-regulated i.e., are below the value thresholds where the regulations apply.

Please note that these are the minimum requirements. However, you may on occasion decide that you would like to go up a level e.g., for services of £20k you might want to advertise this opportunity (on PCS or in a publication) even though advertising is not mandatory according to these procedures.

6.1 Route 1A – Goods, services or works up to £5k

There is no formal process for procurements of less than £5k. It is up to the buyer and the budget holder and with the appropriate delegated authority under the Financial Regulations to agree on the most appropriate process to ensure that value is achieved for the Association.

6.2 Route 1B – Goods, services or works £5k - £20k

1. Obtain approval to proceed with a quotations process

Get an email from the budget holder and with the appropriate delegated authority under the Financial Regulations giving approval to proceed with a procurement with a view to awarding a legally binding contract at the conclusion of the procurement.

2. Prepare Invitation to Quote (ITQ)

Three written quotations are required and should be requested by email. The Invitation to Quote (ITQ) will include:

- a specification (or detailed description of the works, goods or services required)
- terms and conditions
- a date and time that the quotation must be received by
- what the award criteria are, the weightings, and how this will be evaluated
- details of where the quotation must be sent to (normally the procuring member of staff's email address)
- instruction to use the quotation reference in the subject of the email
- Contractor's Pack – this includes financial, insurance and health & safety information and documentation.

3. Opening and evaluation

The procuring member of staff will open the quotation(s) only once the deadline has passed and evaluate the quotations. They will decide which offers best value and accept or reject the quotation. They must advise all suppliers who sent in quotes of the outcome by email as soon as practically possible.

4. Contract award and purchase order

The procuring member of staff must send a standard email to both successful and unsuccessful bidders as per templates in the template library.

The procuring member of staff should raise a purchase order or works order, as applicable, as soon as practically possible.

6.3 Route 1C – Goods & services between £20k and £50k and works from £20k to £2m – Quick Quote

1. Complete Procurement Initiation Document (PID)

Complete the PID and obtain approval and sign off by the budget holder/ person with the required delegated approval.

Engage an Internal Operational Procurement Lead to lead and oversee this procurement.

2. Contracts Register

The requirement should be added to the Association's Contracts Register within 2 working days of the sign off of the PID. You will receive a reference number for the procurement exercise.

3. Prepare Quick Quote

A minimum of three written quotations are required to be sought (more, if possible, to increase the likelihood of receiving 3 quotes) and must be issued using PCS (as this provides the best audit trail). If a supplier is not registered on PCS, advise them to register (registration is free).

The Quick Quote (QQ) will include:

- a specification (detailed description of the works, goods or services required)
- terms and conditions
- a date and time that the quotation must be received by
- details of how the quotations will be evaluated (e.g., 100% price or mix of price/quality – must be specified)
- details of how to submit the quotation (via PCS post-box)
- Contractor's Pack – this includes financial, insurance and health & safety information and documentation. (Alternatively, you may wish to use the Single Procurement Document – SPD)
- The QQ must be distributed in PCS by a Procurement Lead

4. Opening and evaluation

At the closing date and time, or shortly thereafter, the PCS post-box can be opened. The post-box cannot be opened before the closing date/time. Pricing responses will be downloaded and kept separate and not be looked at until the Quality section is evaluated. Those carrying out the Quality evaluation must not see the pricing until the Quality evaluation is finalised so that this does not influence their decision.

The quotes must be evaluated by a minimum of two people unless it is 100% price in which case one person can carry out the evaluation. There may be an exception is an external consultant is carrying out the evaluation. Please refer to the separate document "Guidance for evaluators".

If you receive only one quotation, then you must take the following action before proceeding:

- Contact the other suppliers who did not quote and ask why they did not quote
- Consider whether the quote received offers value for money
- Inform the Director and Procurement Lead by email and obtain permission to proceed

5. Contract award and purchase order

The procuring member of staff must award the contract using PCS within 5 working days of a decision being made. This will generate notification to the successful and unsuccessful tenderers.

Please note that by accepting the quotation you are creating a legally binding contract.

The procuring member of staff should raise a purchase order as soon as practically possible in line with the Association's "No PO, No Pay" policy.

6. Update Contract Register

Once awarded, the relevant details must be recorded in the Contracts Register within 5 working days. This includes:

- Reference number
- Names of successful supplier
- Price/ Value per annum/ Value in total
- Contract start date
- Contract end date
- Update the status to "live" (from "in progress")

Section 7 – Regulated Procurement - Tender Process (Route 2)

This section applies to regulated procurements of goods, services and works i.e.

- a) Goods and services above £50k and works above £2m regulated by the Procurement Reform (Scotland) Act and the 2016 Regulations; and
- b) [Higher level \(formerly EU\) procurements](#) – goods and services above regulated by the 2015 Regulations

Essentially, the tender process is very similar whether it is an EU tender or non-EU tender. The main differences are the strict requirements for EU tenders regarding timescales, permissible award criteria etc. For the purposes of these procedures, the timescales and practices for EU tenders shall be applied to all tender procedures. Where there are requirements specific to above EU tenders this has been highlighted.

The procedures follow those in the Scottish Government's [Procurement Journey](#) for Route 2 and is split into 3 “zones” – A, B and C.



7.1 Complete Procurement Initiation Document (PID)

Complete the Procurement Initiation Document and ensure this is signed off by the appropriate person with appropriate Delegated Authority. This ensures that the relevant people give their authority for the procurement to proceed.

Update the Contract Register. You will receive a reference number for the tender.

7.2 Procurement Lead assigned

For all tender procedures, a procurement Lead will be assigned to the project. The procurement Lead will have more experience of tendering and have additional training. Their role will be to advise and support the procuring member of staff.

7.3 Complete Pre-Procurement Plan (PPP)

Complete the “Pre-Procurement Plan” document in the document library. The preparation of a PPP ensures that procuring staff consider all possible risks and benefits associated with the procurement activity and structure the procurement in a way that maximises value for money to the Association, its tenants and the wider community, whilst complying with all the various duties inferred on the Association by procurement legislation. It includes documentation of:

- Desired outcomes
- Stakeholder identification and mapping including evaluation panel & tenants
- Current contract details and spend analysis
- Supply market analysis to assess the number of potential suppliers and whether the opportunity is likely to attract competitive tenders
- Risk management
- Route to market options and rationale for decision
- Procedure options and rationale for decision
- Sustainability considerations including SMEs participation and lotting strategy, community benefits and reducing waste, energy and emissions and rationale for decisions
- Contract management - KPIs and roles and responsibilities
- Proposed award criteria and price / quality ratio and rationale
- Project programme and key milestones

The PPP must be signed off the by assigned Procurement Lead and the relevant officer according to the value of the procurement prior to the activity progressing.

When deciding on the procedure to be used there are several factors to consider:

	Advantages	Suitable when
Open (one-stage)	<ul style="list-style-type: none"> • Reduced timeframe • One round of evaluation 	A low number of tenders are expected
Restricted (two-stage)	<ul style="list-style-type: none"> • Allows restriction of suppliers who are invited to tender 	There is a lot of competition in the market and a lot of tenders would otherwise be received Where qualifications and experience are really important

There are other tender procedures available for higher value (former EU) tenders. These are contained in Appendix VI. The procurement Lead will decide whether one of these alternative procedures are applicable.

Section 9 of The Procurement Reform (Scotland) Act 2014 places a [Sustainable Procurement duty](#) on the Association to consider how, in conducting the procurement process it can:

- improve the economic, social, and environmental wellbeing of the authority's area,
- facilitate the involvement of small and medium enterprises, third sector bodies and supported businesses in the process, and
- promote innovation

[Community Benefits](#)

The Act also requires use of a [community benefits clause](#) in all contracts in excess of £4m. In order to maximise the potential for community benefit, the Association will aim to include core or non-core community benefits in all goods / services contracts with a value over £50k and works contracts with a value over £2m. Community benefits must be proportionate to the value of the contract being procured. Core community benefit clauses must have a direct link to the core purpose of the contract and can be used as evaluation criteria.

Corporate Services will manage a register of Community Benefits that will be populated with all appropriate contracts and updated quarterly. –

Community Benefits must be maximised from all contracts to provide added value to CVG procurement. The contract manager of each contract must ensure that what was outlined in the tender document as tender award in respect of community benefits is met throughout the lifetime of the contract.

7.4 Market Engagement

It is good practice to carry out market research and pre-market engagement before going out to tender. This can be useful to inform your approach to market, your specification and can lead to innovation. You may consider issuing a Prior Information Notice. Further, the Supplier Development Programme can host pre-tender events (free of charge).

7.5 Develop documents

The documents that require to be developed are:

- The **SPD**. Guidance/ specifics must be included in the Contract Notice and/or the procurement documents.
- The **Invitation to Tender (ITT)** – includes specification and instructions (giving guidance on the process and outlining evaluation criteria (quality and price) and scoring/evaluation information – see Templates Appendix
- **Terms and Conditions**
- The **Tenderer's Submission** documents (Quality questions and Pricing Schedule) – these should be 2 separate documents so that the pricing schedule can be withheld from evaluators until after the quality scoring is complete. See Templates Appendix.

- Declarations e.g., Form of Tender, FOISA, Conflicts of Interest

If carrying out a two-stage process, it is more practical to develop the SPD at this stage, and then develop the other contract documents whilst awaiting the SPD applications.

Please note, however, that the award criteria weightings will need to be known at the first stage as this is published in the Contract Notice.

7.5.1 SPD

The [SPD](#) contains mandatory and discretionary exclusion criteria, and also selection criteria. It was formerly referred to as a PQQ (Pre-qualification questionnaire). The SPD can be created in 3 ways:

- PCS
- PCS-T

A buyer's guide for the PCS SPD is available [here](#). CVG have created SPD profiles in PCS which will save them time when responding to SPDs. Also, PCS will keep the SPD up to date and therefore there is no risk to the Association that they will use an out-of-date version.

The SPD is not a standalone document and requires guidance to be published in the contract notice. [Standardised statements](#) are available to assist. The questions in the SPD itself must not be altered; however certain questions may not be required in certain cases and can be removed/deleted. For example, it may be that turnover information is not relevant, or that financial ratios are not required. The Procuring member of staff and the Procurement Lead should discuss the tailoring of the SPD and decide on insurance levels etc at this stage.

The SPD is self-declaration meaning that the supporting documents (insurance certificates, accounts) are not supplied at the time of application. Should a supplier be successful then prior to award there will be a "request for documents" stage.

7.5.2 ITT

Templates for the ITT documents can be found in the Templates Appendix.

This will need to be reviewed and tailored in each case. The ITT pack will include:

Instructions for tenderers. These will be fairly standard and will include dates for submission, how to ask questions (using the PCS portal), how to submit their tender (via PCS post-box), procurement timetable, selection and award criteria, how questions will be evaluated, TUPE information (if applicable) etc. The evaluation panel should be identified and notified of the procurement timetable so that they can reserve time in their diaries for the evaluation task.

Specification/ Project Brief. Getting the [specification](#) right is extremely important as this will be what the supplier is required to do contractually. In some cases, a quantity surveyor or other suitably qualified consultant may be required to assist with this, and prior approval

for this must be obtained in the pre-procurement plan. It is important that the specification is clear and unambiguous, to avoid disputes. The specification will also cover KPIs. It may be that other stakeholders will be involved in this stage e.g., tenants.

Consideration should be given to engaging with a wide range of potential tenderers to get feedback on the draft specification – this would normally be done at the Pre-Procurement Planning stage.

You should avoid reference within a technical specification which has the effect of favouring or eliminating particular suppliers by specifying a particular material or goods of a specific make or source or to a particular process, or trademark, patent, type, origin or means of production – this should only be done in exceptional circumstances where there is clear justification. A performance specification should be detailed.

You can apply [life cycle costing](#) as part of the specification and subsequent evaluation. Life cycle costing takes into account all of the identifiable costs attributable to a product or service from its acquisition through use, maintenance and end of life (recycling / disposal). If using a life cycle costing approach to award a contract, the ITT must state the data to be provided by bidders and the method that will be used to determine the life-cycle cost on that basis.

The specification checklist should be completed and saved in the project folder.

Specification checklist	yes/no/n/a
Are previous specifications available as a starting point (either the Association’s or from another source)?	
Has Market Engagement been carried out to inform the specification?	
Has innovation and future proofing been considered?	
Has an output/performance been used (to encourage innovation)? If not, why not?	
Is it clear and unambiguous?	
Have you considered sustainability (per the Sustainable Procurement Duty)?	
Have you consulted (or involved) all relevant stakeholders?	
Have you avoided use of brand and trade names?	
Does the specification offer equal opportunity to all potential suppliers? Does it encourage and enable competition?	
Is the specification achievable?	
Have you included e-commerce requirements such as electronic catalogues, punch-out and electronic invoices?	
Have you specified what Management Information and/or KPIs you need and how often?	

Choosing award criteria & weighting. The weighting of price/quality and of individual quality questions has a significant impact on the outcome of the tender. The rationale for weightings must be included in the Pre-Procurement Plan. Having a higher quality: price ratio does not in itself guarantee a quality product or service. In fact, ensuring that only suitably qualified and capable suppliers get through the qualification (SPD) stage, and having a sound specification is just as important. Generally speaking, the greater the

potential for variation in quality of goods/services/works (assuming that variations in quality matter) the greater the weighting on quality needs to be in the tender.

If quality is taken care of in the specification, and therefore compliance with the specification ensures consistent quality amongst tenderers, then there is less weighting required for quality in the award criteria.

Once the tender is advertised; the criteria and weightings cannot be changed.

Please refer to guidance on the Procurement Journey for [Price/Quality Ratios](#)

Note: High Value (formerly EU) Tenders cannot be awarded on the basis of price/cost only – there must be at least one other award criteria.

Presentations/site visits/interviews. These should only be used when absolutely necessary because they do present a risk of challenge. If used at all then it’s advised to use it to clarify bids rather than have a score attached to the presentation itself. Care must be taken when using this stage to score (rather than clarify bids) to ensure transparency and equal treatment.

Evaluation. The instructions should contain details of the scoring matrix and how questions will be evaluated. A sample scoring matrix can be found below.

0	Unacceptable - Nil or inadequate response. Fails to demonstrate an ability to meet the requirement
1	Poor - Response is partially relevant and poor. The response addresses some elements of the requirement but contains insufficient/limited detail or explanation to demonstrate how the requirement will be fulfilled
2	Unacceptable – Response is unacceptable. It addresses some elements of the requirement but contains insufficient detail or explanation in parts.
3	Acceptable - Response is relevant and acceptable. The response addresses a broad understanding of the requirement but may lack details on how the requirement will be fulfilled in certain areas
4	Good - Response is relevant and good. The response is sufficiently detailed to demonstrate a good understanding and provides details on how the requirements will be fulfilled
5	Excellent - Response is completely relevant and excellent overall. The response is comprehensive, unambiguous and demonstrates a thorough understanding of the requirement and provides details of how the requirement will be met in full

Key Performance Indicators (KPIs). KPIs provide a mechanism to measure the performance of suppliers during the life of the contract. These should be included in the ITT as this gives potential tenderers a flavour of what will be expected of them. To decide on KPIs, review the specification and award criteria and select the main things that will make a difference to the success of the contract. Examples are provided here [KPIs](#).

Terms & Conditions. This may be issued as a separate document from the rest of the ITT. The Association has a suite of standard terms and conditions (forms of contract). You should select the relevant template and review and amend as appropriate. For works contracts a standard Scottish Building Contract will usually be used. Any amendments to standard terms & conditions should be tracked and approved by the Director before being issued as part of the ITT pack. Amendments to Standard Building Contracts should be discussed with a Quantity Surveyor.

You should invite any requested amendments to the terms either between the shortlisting and ITT stage, or at the ITT stage so that any amendments are agreed prior to submission of tenders. Notwithstanding that, there is limited scope to clarify minor issues with the successful bidder once they have been appointed.

Form of tender and other certifications. A certificate that the supplier must complete that certifies that it is an honest tender – see Templates Appendix.

7.5.3 Tenderer's Submission

This is the document that the supplier will complete and return by the deadline. This will be 2 documents - a word document which includes quality questions and a pricing schedule. The pricing schedule should be a separate document (and most likely in Excel) so that, when returned, the pricing cannot be viewed by those scoring the quality questions, at least until after the quality scores are finalised.

Quality Questions – when deciding on quality questions ([award criteria](#)), consider what aspects of the specification are most important and ask how these will be achieved. Examples include technical functionality, method statement, management information, customer service, maintenance & support, innovation, key staff, sustainability, community benefits, equality, diversity and inclusion (EDI) and [fair working practices](#). For instance, if customer service is important, the Association might ask bidders to confirm how they will ensure high rates of customer satisfaction or ask bidders how they would respond to a specific customer service situation. When wording the question, think carefully about how you will score the responses.

The Scottish Government has published [guidance on selection & award criteria](#).

Price – Some common ways of pricing are:

- Hourly or daily rate (this will most commonly be used for specialist consultants)
- % fee (this will most commonly be used for professional fees, such as architects)
- Schedule of rates / Bill of Quantities
- Fixed cost (including or excluding expenses)

Take care to ensure that all costs are included. All costs are quoted excluding VAT. See also above re lifecycle costing.

7.6 Prepare contract notice

The contract notice must be published on Public Contracts Scotland. The Procurement Lead will prepare the Contract Notice on PCS. Even if the SPD is prepared using PCS it

is good practice to have SPD guidance in the contract notice so it is clear to potential tenders what the minimum criteria are to assist their bid/no bid decision.

If a two-stage process, then all that is required at this stage is to create the SPD in PCS. If a one-stage process, then all documents in the ITT pack above and the SPD will be required to be uploaded.

7.7 Receipt and opening of tenders

Prior to the deadline, the evaluation spreadsheet can be created ready for the supplier details to be added after the deadline. See the evaluation spreadsheet template in the Templates Appendix.

The PCS post box can be opened at any point after the submission deadline. The responses should be downloaded and filed in the tender folder. The pricing schedules must be filed separately and not be opened at this stage. Take care when downloading responses from PCS that you reconcile the number of responses received in PCS to the number of suppliers on your evaluation spreadsheet to avoid overlooking a supplier response.

A recording of the opening of the tender should be taken and stored in the evaluation folder.

The opening requirements for different values of tenders are noted below:

Regulated procurement value:	SPD stage	ITT stage (or single stage tenders)
£50k - £2m	Portal to be unlocked by procurement administrator and downloaded and shared in the tender folder as outlined in 7.7. Opening to be recorded in the tender register	Portal to be unlocked by procurement administrator and downloaded and shared in the tender folder as outlined in 7.7. Opening to be recorded in the tender register
£2m +	Portal to be unlocked by procurement administrator and downloaded and shared in the tender folder as outlined in 7.7. Opening to be recorded in the tender register	Portal to be unlocked by procurement administrator and downloaded and shared in the tender folder as outlined in 7.7. Opening to be recorded in the tender register

If a tender is found to be non-compliant (e.g., fail SPD, price not completed, questions not answered) then it is best practice to advise the tenderer of this in writing at the earliest opportunity.

7.8 Tender evaluation

Evaluation approach. It is important that the evaluation process is robust in order to provide a full justification and audit trail for the resultant shortlist and/or award decision.

At both the SPD and ITT stages the scoring panel members will independently score submissions and make good notes on the reasons for their scores. An unsuccessful bidder can request feedback on their submission, or challenge a decision, and so the scoring panel must ensure that robust records are kept on the scoring methodology.

The Procurement Lead for the activity will collate the scores and chair a consensus meeting at which final scores will be agreed. Averaging of scores will not be used.

The Association's template evaluation matrix spreadsheet – Templates Appendix - should be used to record SPD, quality and price scores.

Evaluation Panel. The evaluation panel must consist of a minimum of two members (unless an external consultant has been engaged to carry out the evaluation) who have technical knowledge of the goods / services or works being procured. They may include staff, Board members, tenants or consultants. All members of the panel must have read and understood the Guidance for Evaluators document. Ideally the same people should be involved throughout the process. The panel members must declare any interest or connection with any individual, firm or company which has tendered – it may be that they will have to be replaced on the panel.

As a matter of good practice, no member of the evaluation panel should assess both the quality questions and the pricing elements of the tender. If not, then Quality to be locked in before assessing.

SPD – the procuring staff member will check the SPD submissions against the pass / fail criteria and check that bidders have answered all the questions. The evaluation panel will only need to evaluate the scored questions in the SPD e.g. case studies. Results must be recorded in the evaluation spreadsheet. Please note that supporting evidence e.g. insurance certificates and accounts are not requested at this stage. These are only required at the request for documents stage prior to contract award.

Quality questions (award criteria) – these should be scored by the evaluation panel individually using the scoring methodology set out in the ITT. When recording justifications for the score given, it is useful to record what you liked and what could have been added to achieve a higher score so that useful information can be passed on to the unsuccessful tenderers. Evaluators must be able to justify their scores at the consensus meeting

Pricing – The Procurement Lead, Quantity Surveyor or specialist consultant will assess the priced element of the tender. The pricing should ideally be scored by a person who is not involved in the Quality evaluation, where this is practical. Pricing will not be revealed to anyone carrying out the Quality evaluation until the evaluation is complete – this is to avoid influencing the quality scores.

Bid clarifications

Extreme caution and care must be exercised to avoid either unfairness to potential tenderers or the impression of unfairness to some tenderers.

Where there is a requirement for clarification of any of the responses these clarifications should be issued to the relevant bidders by the Procurement Lead, with a deadline for them to respond, referring to the instructions in the tender document (e.g., Alternative 1 or Alternative 2 may apply).

Abnormally low bids. Where tenders appear abnormally low in relation to the supplies and services being offered, organisations are legally obliged (Regulation 69) to clarify the price or costs proposed in the tender. If satisfied, the bid can proceed, otherwise the bid may be rejected.

Presentations/site visits – ensure that the focus is on the specification and delivery of the product or service and not on the characteristics of the tenderer.

Post tender negotiations - negotiation on price and material terms of the contract is risky and may put the Association at risk of challenge by an unsuccessful bidder and should only be undertaken after taking advice from the Director of Finance and Corporate Services.

7.9 Contract award

Following evaluation of tender responses and application of award criteria, all tenders will be scored, and a contract award decision will usually be made. The contract will normally be awarded to the Most Economically Advantageous Tender.

Tender summary report – The Procurement Lead will complete a Tender Summary report – see Template Appendix - which sets out a summary of the process and the recommended outcome. This will be signed off by the relevant people in accordance with the Standing Orders and Delegated Authority Policy.

The report must contain reference to the following:

- Summary of the process to date
- Ensure any decisions for supplier disqualification have been fully documented and that the paperwork is available for inspection
- Recommendation of award & request for approval
- **Selection Stage** evaluation results (if not contained within previous report)
- Quality and Price evaluation (including any whole life costing) together with details of any clarifications conducted benefits and savings available
- Details of any risks still present and mitigation plans
- **Sustainability considerations** (life-cycle costing, social, economic and environmental)
- Considerations in relation to community benefits in procurement exercises equal or greater than £4m
- Details on how the tender outcome will meet the requirements identified in the PPP

Request for documents – this can take place in parallel with waiting for the Tender Summary report approval. Documents such as insurance documents, accounts,

memberships and accreditations, method statements and risk assessments must be obtained prior to any contract award.

Notification letters (by email) - once you have obtained approval you can notify both the successful and unsuccessful tenderers of the outcome. For Higher Value (formerly EU tender thresholds), the regulations require a specific notification to tenderers (the Standstill Notice), which commences a standstill period. The purpose of the standstill period is to enable unsuccessful tenderers to consider the feedback on their submissions and to allow them an opportunity to seek further information or call for a review of the decision.

Where the standstill notice is sent to all tenderers by electronic means, the standstill period is a period of 10 days ending at midnight at the end of the 10th day after that on which the last notice is sent.

If court proceedings are served on the Association during the standstill period, then the Association cannot enter into the contract. If there is any hint of a challenge the procuring member of staff must inform the Director immediately.

A [standstill notice](#) communicates the intent to conclude the contract and should be sent as soon as possible after the contract award decision has been made. The standstill period is optional for below Higher Value (formerly EU) thresholds and the wording of the letters should be amended as appropriate. The unsuccessful letters must inform the suppliers of the reasons for this outcome and advise them of the name of the successful bidder and the winning score. Letters must be signed by the Department Director.

Templates can be found [here](#):

Debrief. If requested, a debrief must be provided. You must respond as soon as possible or at the latest 15 days from the receipt of a written request for more information.

7.10 Contract mobilisation

Once the contract is awarded:

- Update the contract register with all the required details
- Publish the award notice in PCS (must be done within 30 calendar days from the date of contract award to do this)
- Create a contract document and have this signed by both parties – this will include the invitation to tender, the tenderer's submission and the terms and conditions. The contract must be signed on behalf of the Association by someone with the relevant authority level, and the contract signing should be entered in the signings register.
- Arrange a kick off meeting with the successful supplier(s). This should cover timescales, preparation including health & safety, roles and responsibilities, reporting requirements and next steps.
- Raise a purchase order or works order (as appropriate)
- Communicate with internal and external stakeholders and potential users of the contract as appropriate

Section 8 - Contract & Supplier Performance Management

8.1 Proportionality

Contract and supplier management takes time and resource and therefore the extent of management has to be proportionate to the risk and impact of poor performance.

8.2 Benefits of contract and supplier management

Successful contract and supplier management will mean:

- service delivery is satisfactory to both parties
- the expected business benefits and value for money are being achieved or exceeded
- the supplier is efficient, co-operative and responsive
- the supplier and the Association understand their obligations under the contract
- there are no surprises
- there are no disputes
- professional and objective discussions over changes and issues are straightforward and easily managed
- efficiencies are being realised
- Community benefits are realised
- the Association's market knowledge improves, and benefits future contracts

In order to achieve this, the contract owner must meet regularly with the supplier and have open and professional dialogue with them. The supplier should feel able to raise any issues or concerns. The KPIs will provide a framework for the discussion with the supplier re. performance. There may be formal review milestones in the contract.

Any issues will be immediately highlighted to the relevant Service Manager.

8.3 Annual performance review

In the absence of anything formal in the contract, a formal Performance Review will be undertaken at the end of every year of the contract period to document the effectiveness of the service provided and to record the level of satisfaction with the supplier.

8.4 Dealing with under performance

Where the working practices of a supplier fall short of the standards expected by the Association, you must take steps to improve the situation. The Association must not allow its reputation to be diminished by the activities or poor performance of a supplier.

Firstly, arrange to meet with the supplier and discuss the issues. Ensure that the meeting is minuted and actions shared with all parties. Monitor actions and record improvements. If poor performance continues, discuss with the Director of Finance and Corporate Services.

Where there is a material breach of contract this will be reported to the next relevant Board meeting.

8.5 Supplier changes in circumstances

In instances where there is reason to believe that:

- The supplier is going into receivership or administration;
- The supplier is actively looking to sell or merge its business; or
- The supplier is ceasing to trade, or threatening to cease trading

The Association will take immediate steps to formally investigate and if necessary, to take positive steps to minimise any potential detriment to the Association and its customers. This may include ensuring that another supplier completes current contracts.

Where a merger takes place, an automatic transfer of all on-going contracts will take place only if the Association is clear that the same contract terms and conditions will be met. This includes levels of customer satisfaction.

8.6 Payment

Payment for contracts shall only be made in accordance with the conditions contained within the contract. The supplier must submit a valid invoice with a Works or Purchase Order number and on the submission to the Association of a detailed statement of account in an approved format.

Executive Management Team (EMT) will receive a quarterly review of procurement spend on each contract to ensure oversight of spend and avoid breaching the procurement levels.

8.7 Contract variations and works variations

Contract and works variations will be carried out in alignment with the contract terms and within delegated authority.

APPENDIX I – GLOSSARY

Approved supplier	When engaging a new supplier below £5k, prior to awarding them a contract, or sending them a works or purchase order, it is important to ensure that they have satisfactory financial health, insurances and health & safety procedures in place. Once this is satisfied, they become an approved supplier.
Competitive dialogue	
Contract Register	A register maintained by the Association of all contracts (and mini competition awards). Contracts over £50k must be publicly published.
Dynamic Purchasing System	
SPD	Single Procurement Document. A standard set of questions for the pre-qualification stage – includes mandatory and discretionary exclusion criteria and selection criteria. The SPD is a self-declaration of the businesses' financial status, abilities and suitability for a public procurement procedure.
Framework agreement	
Lots	Contracts, or frameworks, may be divided into lots. Different suppliers may win different lots. The lots can be geographical or type of work or value of work.
Open procedure	A one stage procedure where there is no restriction of tenderers i.e. any tenderer who passes the pre-qualification criteria (set out in the ESPD) will have their tender considered. The tenderer must complete the ESPD and the technical/quality questions and commercial questions at the same time.
PCS	Public Contracts Scotland. The online portal where contract notices (adverts), PINs and contract award notices must be published.
PCS-T	Public Contracts Scotland – Tender. A sister online product to PCS. This is not an advertising platform. It can be used for the ESPD and/or conducting mini-competitions, quick quotes and tender exercises.
PIN	Prior Information Notice. Published in PCS and allows timescales to be reduced.
Quotations process	Where supplier(s) are invited to provide a quote. The main difference between this and tendering is that the buyer is in control of which suppliers may bid.
Restricted procedure	A two-stage process. At the first (pre-qualification) stage, tenderers can be eliminated from the competition. 5 tenders (min) must be short-listed and invited to tender.
Sustainable Procurement Duty	A duty introduced by the Procurement Reform (Scotland) Act 2014. improve the economic, social, and environmental wellbeing of the authority's area, facilitate the involvement of small and medium enterprises, third sector bodies and supported businesses in the process, and promote innovation.
TUPE	Transfer of Undertakings (Protection of Employment) Regulations