



Brunel University London

Procurement Policy

Version: 7.0

# Sign Off History

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V1.0	Anthony Oliver	Interim Chief Procurement Officer	11 <sup>th</sup> June 2019
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# 1. Introduction

## 1.1. Executive Summary

- 1.1.1. This Procurement Policy sets the mandatory procurement rules for Brunel University London (BUL) to follow. This policy is applicable to any persons or organisations that are responsible for supplier selection, awarding, managing and monitoring contracts for BUL.
- 1.1.2. The Policy applies to all procurement and contract management activity. This policy is designed to ensure that BUL achieves best value from procurement activities, risks are minimised, procurement complies with BUL's own Financial Regulations, the most up to date Public Contracts Regulations, the most up to date Concession Contracts Regulations and other relevant legislations in place.
- 1.1.3 The Policy also applies for externally funded or collaborative projects where BUL is the contracting authority conducting the procurement and signing the contract (e.g. collaboration agreements with other Institutions).
- 1.1.4 Overarching principles of the Policy are:
- Best Value (MAT – most advantageous tender) shall be obtained for all works, goods and services procured;
  - Compliance with the Public Procurement Regulations is paramount;
  - All procurement shall take place in an open and transparent manner;
  - Fairness, with all potential and existing suppliers being treated equally;
  - All actions are compliant with UK and EU Legislation;
  - Responsible Procurement is applied (including where possible social, economic and environmental characteristics) to all strategic procurement.

## 2. Operating Model

### 2.1. Responsibility and application of the Policy

- 2.1.1 The overarching responsibility of Procurement lies with the Director of Procurement, who is accountable to the Chief Finance Officer. Any interpretations of this Policy will be clarified by the Director of Procurement.
- 2.1.2 All parties involved in the procurement process shall ensure they are aware of and comply with all relevant legislation, corporate strategies and policy.
- 2.1.3 If any party finds themselves in a situation of potential, perceived or actual conflict of interest, they must take the necessary action to disclose it formally to the Director of Procurement for decision.

### 2.2. The Procurement Department

- 2.2.1. The Procurement Department applies a Category Management approach for managing all spend and leads on procurement activity over £50,000 excluding VAT.
- 2.2.2. The Procurement Department will aim to aggregate spend and contract for goods and, or services over multiple years to ensure BUL can derive maximum value and economies of scale from the procurement. The contract term will be determined by the Procurement Department in

conjunction with the relevant College/Directorate. For more information on spend, please refer to section 3.4.

2.2.3. The purpose of the Procurement Department is to ensure that the required goods, services and works arrive at the right place, time, quality and cost in order to support the delivery of the University's key organisational objectives and in making commercially sound decisions which incorporate:

- Value for Money
- Whole Life Costing
- Sustainability/Social Value Considerations
- Compliance with the latest Government Procurement Regulations
- Compliance with the latest GDPR Regulations

### 2.3. Category Management

2.3.1. Category Management is a strategic approach which organises Procurement resources to focus on specific areas of spend.

2.3.2. The Category Managers will focus their time and conduct in depth market analysis to fully leverage their procurement decisions on behalf of BUL.

2.3.3. The major spend categories are:

Major Spend Categories
Soft Facilities Management
Construction & Hard Facilities Management
Information, Communications & Technology
Professional Services
STEM, Teaching/Research Projects

2.3.4. The Procurement Department includes specialist Category Managers who will be the commercial lead and provide expert knowledge and advice. All Category Managers are aligned to the Major Spend Categories as per 2.3.3 in order to deliver all procurement with an aggregated value over £50,000.

### 2.4. Procurement Operations

2.4.1. The Procurement Operations team provides the framework within which procurement and contract management activity is performed, including policy, process, governance, performance and systems.

2.4.2. Procurement Operations supports the procure to pay (P2P) activity for BUL, advising on all aspects of the procurement cycle and the use of the ERP System for raising requisitioning all the way through goods receipting.

- 2.4.3. Procurement Operations is responsible for the management of BUL's Purchasing Card (PCard) Programme.
- 2.4.4. Procurement Operations will carry out due diligence checks on all new suppliers, before they are approved. These checks will be completed and recorded by the Procurement Operations team and include:
- Financial data on the supplier,
  - Financial strength (a Credit Safe report will be generated, any Supplier scoring lower than 30 will be rejected),
  - Insurances,
  - Conflict of interest declaration, and
  - References (if required).
- 2.4.5. The Procurement Department doesn't allow retrospective set-up of Suppliers. Retrospective setup meaning the Supplier has already committed to provide work/services to the University at the point of request. This is to allow the Procurement Department to advise at the point of the set-up request whether a preferred Supplier should be used instead. All retrospective Supplier set-ups will be recorded for audit purposes. Non-compliance with this process may lead to the Procurement Operations team to reject the retrospective set-up request.
- 2.4.6. Procurement Operations requires users to attach the relevant supporting information (please refer to section 3.12 on the need for quotes, etc.) to their Supplier set-up and/or STA as the spend committed to on these forms will be monitored. This is to ensure that:
- The spend thresholds are being adhered to for audit purposes; and
  - If overspend occurs, explore the needs for any tender to be run and contracts to be put in place.

## **2.5. Brunel eSourcing**

Brunel eSourcing is BUL's Procurement Portal which encompasses spend analysis, strategic sourcing, evaluation, contract management and supplier performance management in an integrated portal. Brunel eSourcing can be found at [www.BrunelSourcing.com](http://www.BrunelSourcing.com).

## **2.6. Officers**

- 2.6.1. Individual officers at BUL are responsible for sourcing activity under £50,000 (exc VAT) and shall ensure they are aware and comply with all relevant legislation and policy.
- 2.6.2. The Procurement Department has published guidance for procuring below £50,000 (exc VAT) and will continue raising awareness through the organisation of yearly Roadshows.
- 2.6.3. Contract management responsibilities are outlined paragraph 3.19.
- 2.6.4. If officers are unsure of best practice, guidance is to be sought from the Procurement Department by emailing [procurement@brunel.ac.uk](mailto:procurement@brunel.ac.uk).
- 2.6.5. Lead Officers with accountability for the delivery of goods, services and works will engage the Procurement Department to lead procurement on their behalf over £50,000 (exc VAT).

## **2.7. Code of Conduct**

2.7.1. BUL expects all officers involved in procuring goods/services to behave with the highest levels of integrity in accordance with the Bribery Act 2010, Code of Conduct detailed in BUL's Financial Regulations and Anti Bribery Policy.

## **2.8. Receiving Gifts or Hospitality**

2.8.1. BUL expects all officers involved in procuring goods/services to comply with the overarching University policy relating to Receiving Gifts or Hospitality detailed in BUL's Financial Regulations.

2.8.2. Failure to adhere to these conditions may result in disciplinary action.

## **2.9. Conflicts of Interest**

2.9.1. The University is required to take appropriate measures to effectively prevent, identify and remedy conflicts of interest arising in the conduct of the procurement so as to avoid any distortion of competition and to ensure equal treatment of all economic operators. This should be monitored throughout the soft market testing exercise to ensure those conflicts do not arise, or if they do, they are dealt with appropriately and in accordance with the Regulations. All new Supplier Set-Up requests also contain a section where the person requesting the set-up will have to declare any conflict(s) of interest to Procurement prior to engaging with the Supplier.

# **3. Procurement Planning**

## **3.1. Corporate Contracts**

3.1.1. The Procurement Department has awarded a range of Corporate Contracts for goods, services and in some cases works that are commonly required. The use of these Corporate Contracts is mandatory and compliance will be monitored/reported upon.

3.1.2. Corporate Contracts may be accessible through a range of procure to pay (P2P) solutions. These solutions may include but will not be limited to Punchout Catalogues via CHIME, Purchase Requisitions via CHIME and Supplier Portals. The P2P route to be followed will be advised directly by the Procurement Department.

3.1.3. Buying Guides for each procurement areas detailing which Corporate contracts are in place are available on the Intranet. Officers must seek advice from the Procurement Department if unsure whether a Corporate Contract is available and, or which P2P route should be followed.

## **3.2. Estimating the Total Contract Value**

3.2.1. Officers should calculate a genuine pre-estimate of the total contract value excluding VAT. This should be for the whole life of the contract period which must include any provisions for extensions. If the terms of a contract are yet to be established or uncertain, then a 4-year contract should be assumed for the purposes of estimating the contract value.

- 3.2.2. Officers must not deliberately sub-divide or disaggregate procurement for the purpose of avoiding thresholds.

### 3.3. Spend Definitions

- 3.3.1. **Works** are defined as the construction, demolition, transformation or repair of a building or location.
- 3.3.2. **Goods and Services** are defined as the provision of tangible items (goods) or intangible routine actions (services) that are required to fulfil a need.
- 3.3.3. **Consultancy Services** are defined as the provision of objective advice relating to strategy, structure, management or operations of an organisation. For the avoidance of doubt, Architectural services are not classed as the provision of Consultancy but will fall under the definition detailed under item 3.3.2 Goods and Services.

### 3.4. Standard Procurement Documents

- 3.4.1. The Procurement Department is responsible for developing and maintaining standard procurement documents to be used when conducting tender or requests for quotations. The standard documents/templates shall be used for all new strategic procurement.

### 3.5. Terms & Conditions of Contract

- 3.5.1. BUL will only use and accept its own standard Terms and Conditions. The standard terms and conditions are located on the Intranet. Any variation to the standard Terms and Conditions will require express authorisation and advice from the Procurement Department, who will seek advice on alternative clauses from Legal Services as appropriate. Exceptions to be agreed with the Procurement Department would normally be Joint Contract Tribunal (JCT) terms and conditions and those associated with approved Frameworks.

### 3.6. Evaluation Criteria

- 3.6.1. The standard evaluation criteria for any procurement is weighted 60:40 to Cost:Quality . Any deviation from this ratio requires the Director of Procurement's approval. This rule to obtain approval will not apply to procurement where the total contract value is below £100,000 and the price criterion is increased.

### 3.7. Responsible Procurement

- 3.7.1. For all contracts with a total contract value of £100,000 or above, BUL requires a minimum of 5% of the total weighting of the tender evaluation score to be allocated for Responsible Procurement. This will be derived from the Quality section of the evaluation and will include social, economic and environmental characteristics (example: Quality has 40% overall weighting Social Value will be 5% of that weighting allowing 35% for other quality evaluation criteria).

### 3.8. External Frameworks (including Dynamic Purchasing Systems)

- 3.8.1. Prior to using an external framework (or DPS) for the first time, the Procurement Department will undertake a due diligence assessment.

### 3.9. Access Agreements (including Dynamic Purchasing Systems)

- 3.9.1. Where use of a framework (or DPS) requires BUL to sign an Access Agreement (or similar) with an external contracting authority, the agreement must be reviewed by the Procurement Department and authorised by the Director of Procurement.
- 3.9.2. Mini-competitions, desktop evaluation and direct awards from frameworks (or DPS), over £50,000 (exc VAT) should be administered through the Procurement Department and conducted using the Esourcing portal.

### 3.10. Procurement Strategy Thresholds and Approval

- 3.10.1. The Procurement Strategy thresholds determine the approach to be applied to all procurement activity and set the type and levels of approvals before engaging the market via an appropriate route to market and procedure..
- 3.10.2. Where procurement is considered to be high risk, the appropriate Category Manager must be consulted.
- 3.10.3. A Procurement Strategy may include a programme of works/projects over a defined period of time. Any deviation from an approved procurement project strategy will require officers to seek approval again.

### 3.11. Procurement thresholds

Estimated Total Contract Value (exc VAT)	Key Points and Requirements	System	Approval Required By
<b>Low Value</b> Under £15,000	Obtain a minimum of 1* quote	Email.	Appropriate Head of Department
<b>Operational</b> Less than £50,000	Request for Quote (RFQ) – invite a minimum of three (3) suppliers to quote.	Record of requirements and service levels to be issued in writing.  Evidence of requesting and retention of quotes received to be retained for audit purposes.	
<b>Strategic</b> £50,000 and above  <i>*In accordance with UK Research &amp; Innovation T&amp;C's: for the purchase of equipment over £25,000 (ex. VAT), procurement team must be consulted before the Procurement process begins.</i>	The Procurement Department must be involved at an early stage and lead the project to ensure compliance with Public Procurement Regulations (by using an appropriate procedure).	Mandatory use of <a href="http://www.BruneleSourcing.com">www.BruneleSourcing.com</a> for all procurement over £50k* including both tendering and contracts management.	Director of Procurement

### 3.12. Single Tender Actions (STA)

- 3.12.1. In exceptional circumstances a waiver or STA to the requirements of the Procurement Policy may be sought.
- 3.12.2 If you have a signed Call-Off Contract, signed Contract resulting from an FTS tender or signed cross-Institutions Collaboration Agreement, no STA is required.



3.12.3. All STA's must be reviewed by the appropriate Category Manager and Director of Procurement prior to issue for approval.

Estimated Total Contract Value	Approval Required By
Less than £1.0m	Director of Procurement
£1.0m +	Chief Finance Officer in conjunction with the Director of Procurement

3.12.4. If the STA is approved, the award of contract must still be approved in accordance with the total contract value (see section 3.15 for more information).

3.12.5. The statutory provisions of the most up to date Public Contracts Regulations will be applied to all procurement by BUL and cannot legally be waived.

### 3.13. Procurement Exemptions

3.13.1. In limited instances it is not necessary to seek a competitive tender or quotations; the list of approved exemptions to procurement is included in [Appendix 1](#).

### 3.14. Non-Compliance

3.14.1. STA's will not be granted retrospectively. Requests for retrospective waivers, where a commitment has been made to a provider of works/goods/services without appropriate approval, will be reported to the Audit Committee as non-compliant and will also be reported to the Executive Board as part of the quarterly contract review and to the Audit Committee as part of the Annual Contract Review.

3.14.2. Proceeding with a non-compliant procurement without the appropriate approvals will be the responsibility of the officer involved and the relevant member of BUL Leadership Team.

### 3.15. Contract Award Thresholds and Approval

3.15.1. The contract thresholds set out the level of approval required by officers prior to proceeding with the award of a contract and the authorised officer able to execute a contract. When seeking approval for a contract award, officers must clearly state the contract term (which must include any provisions to extend).

Total Contract Value	Contract Award Approval
Less than £50k	*Appropriate member of BUL Leadership Team, Procurement Category Manager.
Strategic £50,000 +	*Appropriate member of BUL Leadership Team, Procurement Category Manager and Director of Procurement.
Strategic £150,000 +	*Appropriate member of BUL Leadership Team, Procurement Category Manager and Director of Procurement.
Strategic £1 million +	Chief Finance Officers or Chief Operating Officers, Procurement Category Manager and Director of Procurement.
Strategic £3 million +	Vice Chancellor , Procurement Category Manager and Director of Procurement.

\*Deputy Vice Chancellor, Deans of College, Directors of Institutes, Directors of College Operations and Directorate Heads.

### 3.16. Contract Signature and Scheme of Financial Delegation

Once the Contract is ready for signature, the below scheme of financial delegation is applicable (as per [Scheme of Financial Delegation Authority Document](#)):

Total Contract Value	Contract Approval/Signature
Up to £15,000	Head of Department / Institute (system approver Finance Administrators) and Procurement Category Manager.
£15,001 to £50,000	Heads of Department (Academic), Directors of Institutes, College Managers and Procurement Category Manager.
£50,001 to £100,000	Pro-Vice Chancellors and Executive Deans of College, Directors of College Operations, Directorate Heads and the Director of Procurement.
£100,001 to £1,000,000	Vice-Chancellor and President, Deputy Vice-Chancellor, or Chief Operating Officer and the Director of Procurement.
Exceeds £1,000,000	Requires additional approval from either – Vice-Chancellor and President, Deputy Vice-Chancellor, or Chief Operating Officer and the Director of Procurement.

In the event of an approver being absent, the substitute for the period of absence would ordinarily escalate to the approver with a higher approval authority within the chain of escalation or to a peer. In the event of the absence of the Head of Department a nominated alternate from within the department is permitted, provided that this individual ordinarily assumes responsibility for the school during the Head of Department's absence. The Head of Department should confirm this nominee.

All authorised approvers can also approve amounts below the levels in the maximum thresholds detailed above.

- 3.16.1. The model contract documents/templates shall be used for all new contracts. Where modifications are required, the Procurement Department must approve the amended document and work with Legal Services as appropriate.
- 3.16.2. Before entering into any contract where data sharing may be involved, the budget holder must engage with Infosec or the DPO and provide proof of this to Procurement before any tendering event takes place.
- 3.16.3. Information relating to Contracts may be commercially sensitive and officers must not communicate it directly or indirectly to other external suppliers.
- 3.16.4. BUL does not enter into Memorandums of Understanding or issue Letters of Intent for procurement exercises.
- 3.16.5. BUL will only issue or operate under Voluntary Ex-Ante Transparency (VEAT) notices in exceptional circumstances. Any VEAT must be approved by Director of Procurement and CFO prior to notice being completed. A standstill period of 10 days must also be observed.
- 3.16.6. No goods will be delivered, works or services commence without a proper contractual commitment in place.
- 3.16.7. All contracts shall have a defined duration and provision(s) for extensions and termination.
- 3.16.8. Contracts shall not have provision for automatic roll over or be allowed to exist in perpetuity.
- 3.16.9. Prior to award (for all contracts with a total value over £50K exc. VAT) the supplier's financial information will be reviewed using BUL's preferred credit check agency called Credit Safe. If the Credit Safe report falls below 30, BUL shall not enter into a contract with this Supplier.

### **3.17. Revenue earning contracts**

- 3.17.1. Where BUL wishes to enter into a revenue earning contract, the Officer shall advise:
  - BUL Leadership Team member, when revenue generated will be less than £50,000 per annum.
  - The Chief Finance Officer, when revenue generated will be more than £50,000 per annum.

### **3.18. Contract Extensions and Variations**

- 3.18.1. Officers must consult the Procurement Department, on all contract extensions or variations to ensure compliance with Public Procurement Regulations. It should be noted that the extent of permitted variations is limited by law and require specific conditions to be fulfilled.
- 3.18.2. Extending or varying the terms of a contract may require the same approvals as the contract award, see item 3.15. This is appropriate to the total contract value and will depend on the specific factors and assessment of any potential risks concerning the proposed extension or variation.
  - Minor variations which are not substantial and are permitted under the Public Procurement Regulations may not require the same approval process as contract award; however, officers must notify the Procurement Department and seek approval from the Director of Procurement.

- Variations, extensions of contract or contract overspends that will account for an additional cost of 10% or more of the original contract value will require retendering as per Public Procurement Regulations.
- Officers will be responsible for ensuring that all extensions or variations are formally documented and the Procurement Department is notified.

3.18.3. All contract extensions that may involve data sharing must engage with Information Security or the DPO when entering into further contracts.

### **3.19. Contract Management**

3.19.1. Contract Management is the responsibility of the College/Directorate. This includes ensuring a Contract Manager is identified during any tendering process.

3.19.2. Periodic reviews of our strategic suppliers will be undertaken quarterly. The Contract Manager and Procurement Category Manager will be present and review supplier performance during the contract period. Ideally suppliers will be monitored against a set of Key Performance Indicators (KPIs), Service Level Agreements (SLAs) agreed before contract commencement date.

3.19.3. Any operational discussions or meetings with our strategic suppliers will be led by the Contract Manager or designated person from the business area, responsible for operational issues. Any commercial discussions or meetings with our strategic suppliers must be led by Procurement.

### **3.20. Changes of Suppliers Details**

3.20.1. The Procurement Department must be consulted on any requests for the assignment or novation of contracts to ensure compliance with the Public Procurement Regulations.

3.20.2. Copies of all documentation such as a Deed of Novation or Parent Company Guarantee must be supplied to the Procurement Department for contracts valued at £50,000 exc. VAT or more.

3.20.3. If the remaining term of the contract value falls within the thresholds detailed within item 3.16, the same approval process must be followed.

3.20.4. Contract Novations that will account for an additional cost of 10% or more of the original contract value will require retendering as per Public Procurement Regulations.

3.20.5. The supplier shall cover all costs arising from assignment/novation where this has been at the request of the supplier.

3.20.6. Where it is established that no assignment or novation has taken place, but only a rebranding exercise following a company merger or acquisition, then a copy of the Change of Name Certificate must be provided to the Procurement Department.

### **3.21. Document Retention**

3.21.1. All original signed and/or sealed contract must be supplied to the Procurement Department once the documentation has been completed.

3.21.2. The Procurement Department is responsible for maintaining a register of tenders and will keep records for all procurement over £50,000 exc. VAT for 6 years.

3.21.3. Contracts awarded under seal must be retained by the Procurement Department for 12 years from the date of final delivery or completion of the contract.

### **3.22. Procure2Pay (P2P)**

The Director of Procurement is responsible for Procure2Pay Policies in conjunction with the Director of Finance.

### **3.23. Purchase Orders (PO)**

All purchases require a valid purchase order to be raised within the ERP System.

### **3.24. No PO No Pay**

BUL operates a No PO No Pay policy, as such in order for any invoice to be paid, a valid Purchase Order must be raised on the ERP system and appropriately receipted.

### **3.25. Prompt Payment Policy**

In accordance with the Prompt Payment Policy, BUL aims to pay undisputed invoices that quote a valid purchase order number, within the terms agreed at the outset of the contract.

### **3.26. Purchasing Cards (PCards)**

3.26.1. Where appropriate, the Director of Procurement may approve the issuing of procurement cards. The Director of Procurement is responsible for setting in place a system to monitor the use of all cards (through the Procurement Operations Team) and to ensure that all expenses charged through them are properly accounted for.

3.26.2. Holders of Pcards must use them only for the purposes for which they have been issued and within the authorised purchase limits. The misuse of such cards may be grounds for disciplinary action. Cards must not be loaned to another person, nor should they be used for personal or private purchases. Cardholders should obtain approval to purchase from the relevant budget holder and should ensure that there is sufficient budget available to meet the costs.

3.26.3. The Director of Procurement (with Finance Department) shall determine what information is required on purchases made with procurement cards from cardholders and deadlines for receipt in the finance department to enable financial control to be maintained and cardholders must provide that information.

3.26.4. Details of the operation of the scheme are set in the Procurement PCard Policy. Procurement Card Guidance is available to view from the Procurement page on the Intranet.

## APPENDIX 1

### University Procurement Exemptions

There are instances where conducting a procurement under the Procurement Policy would not represent Best Value, these circumstances are set out in the table below and may be exempt from the full application of the requirements of the Procurement Policy. ***Please note that if there is an identified exemption, you do not need to seek a waiver (STA) of the Procurement Policy.***

A Category Manager shall still be engaged for Strategic expenditure - £50,000 exc. VAT and above as per section 3.12.

Note that the examples listed below are not necessarily exhaustive. Any use of these exemptions must be approved by the Procurement Department and officers must seek the advice of a Category Manager to ensure that the correct process is followed.

Exemption Number	Circumstance	Example
E1	BUL has no influence over the supplier selection	The procurement activity is grant funded (or BUL is match funding) and the supplier is named as a condition of that funding.
		Where it can be robustly demonstrated that there is only one supplier capable of providing the requirements of BUL (e.g. Where software is being procured which must be compatible with an existing IS system thereby limiting the potential providers to the current software provider ONLY).
		A subscription is to be paid for a particular service (e.g. annual subscription to London Universities).
E2	BUL are buying goods on behalf of another organisation and those goods will remain on their asset register.	e.g Where purchases are made on behalf of the NHS.
E3	Where services need to be procured as a matter of extreme urgency, timescales do not allow for the prescribed procurement route set out in the	Where an incident occurs, which has brought about the events that could not be unforeseen circumstances by BUL.
	Procurement Policy to be fully followed. This would normally be within 7 day of the incident occurring.	
E4	The acquisition, disposal, or rental of land, existing buildings or other immovable property.	Sale of University land to public or private organisation.

E5	Loans	Secured lending to fund the development of a new building.
E6	Banking Services	Banking services including the provision of current and deposit accounts and related financial services.
E7	Payment Card Services	Including but not exclusively Purchasing Cards, Corporate Cards and Lodge Cards.
E8	International Recruitment	Overseas (non-EU) providers of international recruitment who are paid based on number of students accessing BUL graduate/post graduate courses.
E9	Library Services	Specific suppliers where they have exclusive books/journals that can only be procured from them direct.
E10	Collaboration Agreement	Specific Institutions have entered into a collaboration agreement and therefore this partner Institution is the only one that can be used.