



Department
for Education

Effective buying for your school

**For school leaders, school business
managers, back office staff and
governing bodies in all schools**

March 2014

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Introduction

This is advice from the Department for Education. This advice is non-statutory, and has been produced to provide guidance to schools about buying practices and how to achieve better value for money. It also helps recipients understand their obligations in relation to the basic rules of procurement when spending public money.

Expiry or review date

This advice will next be reviewed when new public sector procurement regulations come into effect.

Who is this advice for?

This advice is for school leaders, school business managers, bursars, back office staff and governing bodies in all schools.

Key points

Basic rules of procurement aim to ensure that public funds are spent openly and fairly, and make the most of every budget, while protecting you against legal challenges, financial penalties and damage to your school's reputation. This document highlights:

- areas of spend where your school can achieve value for money
- the basics of buying
- organisations that provide contracts, deals and frameworks
- links to finance, procurement, and school related information
- provides ways to help you compare spend against other schools
- training opportunities
- information about buying green and environmental initiatives.

Tell us what you think

We would like your feedback on:

- Any gaps in information and support
- Content of this resource
- Additional information you require
- Anything else you would find useful

Email us at CG.COMMUNICATIONS@education.gsi.gov.uk

Making savings

All schools are subject to public standards of accountability. Although schools spend most of their money on education staff, they collectively spend approximately £9.2 billion on other areas including energy, catering and back office. The benefits of effective procurement practices include:

- financial savings that can then be re-invested in your priorities for driving up standards
- goods or services purchased are fit for purpose
- suppliers deliver (and continue to deliver) as agreed
- legal and financial obligations are complied with.

If you've used a price comparison website to buy insurance, you'll know that prices can vary dramatically. Shopping around can help you to save a lot of money. So, are you shopping around for your school as well? After all, with budgets being tight, what you buy, and how much you pay for it, matters more now than ever. Comparing - or benchmarking - prices will help you to make the most of every penny of your school's budget.

Benchmarking can be used to identify significant differences in the way schools manage their resources. Through comparison with other schools' spending and patterns of service, schools can determine whether there is scope for doing things better: improving efficiency, reducing costs or identifying the potential scope for savings. Take a look below for ideas.

Wherever you decide to buy goods and services from, the prices quoted will vary. The table below provides a snap shot of the different prices you could pay. It can be worth getting to know the market, and shopping around for good-value deals, rather than simply going to the first supplier you find.

How benchmarking works

The table below illustrates the difference in prices for a simple glue stick:

Glue stick price comparison		
Order method	Supplier own brand	Market leading brand
Catalogue	7p, 39p, 51p, 68p	82p
Internet	70p, 73p, 99p	80p
E-marketplace	9p	86p

Which would you choose? Would you choose the one that costs 99p? Or the one that costs 7p? Shopping around in this case leads to a saving of almost 93 per cent.

Data obtained from a range of publicly available sources. Why not view the [performance tables](#) to compare your spend with that of similar size schools. Benchmarking allows the comparison of similar products with different providers. If schools in the local area are spending less could you consider collaboration or improving existing terms with incumbent suppliers?

Understanding your spend

Schools have autonomy over the use of their budgets and so it is for heads and governors to determine at school level how to secure better value for money. All schools should be working to make savings, spending their funds prudently and looking to make the most of their money in order to invest in teaching and learning. The [Review of efficiency in the schools system](#) identifies a number of characteristics which are common to many of the more efficient schools and proposes a number of actions that schools, government and our partners can take to support greater efficiency in schools.

Your school is responsible for its own financial management and the details of your deals and contracts. Understanding your finances and deals can help you identify where savings can be made and makes it easier to compare your current deals with those offered by public sector organisations such as the Crown Commercial Service. Our [Schools Financial Benchmarking](#) website enables all English maintained schools to prepare charts so that they can compare their income and expenditure profiles with those of similar schools.

The basics of buying

The buying process is broken down into three stages – planning, purchasing and managing. Different rules apply depending on the value of the purchase you are making. You could save money by using existing contracts or teaming up with other schools so that you have more purchasing power.

Why is procurement important?

You must follow basic procurement regulations because your school spends public money. This will ensure that the money is spent in a way that is fair, open and good value for money. Your procurement decisions must be fair and open.

Poor procurement decisions and a failure to comply with procurement legislation could result in legal challenges from suppliers, contracts being cancelled and financial penalties which can be costly, time-consuming and impact on your school's reputation.

As a general guide, the higher the value of the purchase and the more public money you're spending, the more stringently you should follow procurement rules.

Planning

Budgets are tight, so make sure you plan before you make your purchase. Make sure that you know precisely what you need to buy (ask those who will be using it) and that it'll meet your school's needs over a period of time.

Think also about whether you could loan equipment, or share resources with other schools (which would mean not having to make a purchase at all). Maybe you could collaborate with other schools to increase your buying power?

Check if there are any existing deals already in place for what you are buying through your local authority or a public sector framework. These will all be compliant and the hard work will be done for you.

You will need to estimate the total contract value (the life of the contract including any disposal activity, excluding VAT) of what you are buying. Remember that you may need to do a business case for higher value purchases.

Getting value for money

And don't forget, value for money is not always about the lowest price. It's about getting the right balance between quality and cost. Think about how you will measure these when you specify and evaluate your purchase.

Frameworks

Don't waste time and money if there's already a deal in place. Buy through a pre-existing framework and all the hard work will be done for you. See [EduBuy](#) for a wide choice of compliant contracts in one location.

What is a framework?

Frameworks are essentially contracts that other organisations, such as local authorities, central government departments or public buying organisations negotiate with suppliers to get the best, compliant deals. These organisations then make these deals available to schools and other public sector bodies.

To buy from a framework, the main thing you will need to do at a school level is to carry out a 'mini-competition' among the relevant suppliers on the framework. This is usually a much quicker and simpler process than setting up a new contract yourself.

Where can I find a framework?

Check with the following organisations to see if there is an existing contract / framework agreement for the goods or service you want to buy:

- [Crown Commercial Service \(CCS\)](#)
- [The Crescent Purchasing Consortium \(CPC\)](#)
- [Pro5](#)
- Your Local Authority

(you may need to register with some of these organisations, but this is a simple process – don't let it put you off)

Facts about frameworks

- already gone through a competitive tendering process;
- complies with public sector procurement regulations – on certain frameworks you won't need to look for competing bids;
- favourable terms and conditions have already been negotiated
- if anything does go wrong during the life of the contract, you'll have the support and assistance from the organisation that negotiated it.

Information regarding frameworks is available [Buying for schools](#) on GOV.UK and [Edubuy](#)

Buying

So, you've planned your purchase meticulously, and now's the time to buy. How you do this depends on how much the contract is worth and your local authority's procurement thresholds. Typical values are as follows:

- less than £10K is a low value purchase.
- £10k to £40K is a medium value purchase.
- £40K + (but below the EU threshold) is a high value purchase

Don't have a buying decision tree in school? Use the [purchases checklists](#) providing School Business Managers with information relating to the basic questions and choices you need to consider when you need to purchase any goods, works or services for your school.

Note that aggregation rules do apply. If the totality of the contract for the services is below the threshold as calculated following public contract regulation rules then just public sector procurement policy, EU Treaty principles and UK competition law would apply. Open competition should be considered to comply with transparency requirements and ensure value for money has been tested.

Purchases with a value above the EU threshold and for schools this is £172,514 fixed to January 2016 must follow EU procurement process. Visit The Cabinet Office for [latest policy and regulations](#). It is considered essential to complete the public sector procurement e-learning on [BuyWays](#).

Low to medium value quotes

Most of your day-to-day, **low value** procurements won't require an elaborate competition process. Be prepared to investigate and get to know your market, and to 'shop around' to look for good-value deals, rather than simply going to the first supplier you can find. Ideally, you'll want to compare prices and options on at least three suppliers, by getting quotes (in writing). Check your financial regulations or procurement rules on this.

Prepare a Statement of Requirement or specification so all suppliers are treated equally.

Write a Statement of Requirement

Usually a paragraph or so, a Statement of Requirement is used for low value purchases:

- State clearly the product or service that you require; quantity; quality; delivery requirements; and any relevant information about end use
- Avoid using specific brand names (or, if this is unavoidable, include 'or equivalent to ensure competition is fair) and jargon or abbreviations.

- If the supplier has to meet any legal criteria (e.g. health and safety), say so. Also include information about how you will measure the supplier's performance.
- Leave it to the supplier to decide how to provide the product or service – just ensure you specify what you want the outcome of the purchase to be.

Why is it important?

It ensures that your school receives the right standard and scope of product or service and can be included as an appendix to terms and conditions in a contract to form part of the legal agreement with the supplier. General principles for [developing a statement of requirements](#) are available on GOV.UK

For low value purchases, point suppliers to your school website for your terms and conditions so you don't have to send copies of them out.

Evaluating low to medium value quotes

One of the key things to remember when evaluating quotes is that you need to be fair, treating all suppliers equally.

Evaluate:

- how well the supplier has quoted to meet your specification
- all quotations are returned on time - reject any that are late
- the whole-life cost of the purchase or contract (e.g. including VAT, delivery charges, maintenance costs, running costs, disposal costs)
- whether there will be price increases over the duration of the contract (if a cheap deal increases in price over time, another supplier might be better value over the long term)
- whether you are just looking for the cheapest quote, or the one that offers best value for money, once factors like quality and service are added in (for maintained schools check whether your local authority has a policy of only awarding to the supplier who offers the lowest price).

Keep a copy of all the records leading to a decision. Once you're satisfied you've identified a good price for the goods or services you need, you can simply proceed by issuing a **purchase order** or PO. This is an instruction to a supplier to provide goods, services or works to an organisation. The purchase order describes the item(s) being purchased, the price and the delivery address. It also states terms and conditions of payment (for example, when payment needs to be made).

Medium or high purchases

Writing a specification

For a medium or high value purchases, you must complete a detailed, carefully thought out specification giving precise details about the goods or services you require.

The specification should be included as part of the tender documents sent to suppliers. For an OJEU tendering process it is compulsory to also include a statement of the contract evaluation criteria and weightings which will be used to select the winning tender. [Tendering hints and tips are available on GOV.UK](#)

When writing a specification:

- State clearly the product or service that you require; quantity; quality; delivery requirements; and any relevant information about end use
- Avoid using specific brand names (or, if this is unavoidable, include 'or equivalent to ensure competition is fair) and jargon or abbreviations.
- If the supplier has to meet any legal criteria (e.g. health and safety), outline why and how
- Outline clearly the standards of performance expected
- Leave it to the supplier to decide how to provide the product or service – just ensure you specify what you want the outcome of the purchase to be.
- Don't over specify – focus just on what you need, rather than what you want.
- Write your Key Performance Indicators, Service Level Agreement and evaluation criteria at the same time, which will make sure they all complement one another.
- Include the specification as an appendix to the other terms and conditions in a contract, so that it forms part of your legal agreement with your chosen supplier

Why is it important?

It ensures that your school receives the right standard and scope of product or service.

Advertising your requirement

Once you've written your specification you'll need to advertise your requirement to attract suppliers to bid for your procurement project.

For high-value purchases you need to do this in a place where suppliers are likely to look such as local or national newspapers, education specific publications or websites, or trade magazines. You could also consider putting your requirement on [Contracts Finder](#). You must word your advertisement so that it sets realistic expectations for

potential suppliers, by clearly explaining the procurement and the information you require in responses from suppliers.

For EU-qualifying purchases you'll need to advertise your requirement by publishing an OJEU notice. See [BuyWays](#) for essential public sector procurement eLearning.

If your purchase is above the EU procurement threshold ([EU public procurement web page](#)) you must advertise it publicly to give all suppliers the option to compete for the business. For schools this is £172,514 fixed to January 2016.

EU public sector procurement

The European Union (EU) has introduced rules to open up public purchasing by making states remove restrictive practices. These rules are incorporated in a 'Directive' which, converted into legal obligations in the UK through Regulations, place particular duties and responsibilities on all public spending contracting authorities which the UK courts can enforce.

The Public Contracts Regulations sets cash limits (excluding VAT) for the goods and services they cover. These limits are referred to as thresholds. The thresholds are revised every two years. The last review was on 1 January 2014. For schools this is:

£172,514 (€207,000) for goods and services and £4,322,012 (€5,186,000) for the procurement of works

When the value of a contract, over its expected duration, exceeds or is likely to exceed the relevant threshold, you must tender these contracts in OJEU.

The Directive offers a number of ways in which to estimate the value of a contract. It is expressly prohibited to split requirements into smaller units or orders to avoid the rules and regulations.

Key Principles

These are:

- a requirement to advertise contracts in the Official Journal of the European Union (OJEU) which exceed certain financial thresholds;
- setting time limits for the tender procedure;
- the use of the universally acceptable standards in specifications to promote wider competition;
- making early decisions on the criteria for the award of the contract mandatory;
- not discriminating against foreign suppliers;
- offering debriefing to unsuccessful tenderers; and
- the need to keep statistics of procurements made under the terms of the Directive.

Types of EU Tendering

There is a choice of four procedures for tendering contracts under the Regulations:

- Open;
- Restricted;
- Competitive Dialogue; and
- Negotiated.

Use of the Competitive Dialogue and Negotiated Procedures are only applied under very specific circumstances and anyone wishing to consider them should consider their legal team before proceeding.

OPEN procedure

The OPEN procedure means that suppliers send in tenders in response to an advert in OJEU. The procedure is useful when you know that there are not many suppliers in the market and you want to encourage as many as possible to respond to the Invitation to Tender (ITT).

RESTRICTED procedure

Tenders are by invitation only after the receipt and evaluation of expressions of interest. You can send your invitation only to the selected suppliers. This procedure is useful if there are many potential suitable suppliers in the market. You will be able to sift initial applicants and maintain an open and fair competitive process. When advertising your invitation to tender (ITT) you will need to indicate that you are using a restricted procedure.

Competitive Dialogue Procedure

For use in complex procurements where the use of the open or restricted process are thought to be unsuitable; and

Negotiated Procedure

You can negotiate directly with a supplier or group of suppliers, of your choice.

Pre-Qualification Questionnaire (PQQ)

Over £100,000 you may choose to issue a PQQ. Your advert must clearly set out the information that you will be seeking in your PQQ and this information must be compliant with EU rules. This helps potential suppliers to assess your requirement from the advert and decide whether they are able to meet your needs. It will help to reduce the volume of expressions of interest.

This will help you to narrow down the list of suppliers to create a shortlist (a minimum of five).

A PQQ asks all interested suppliers to provide some basic critical information. You can then score and evaluate these shorter responses to create your shortlist.

What questions could be included in a PQQ?

- Financial stability – does the supplier have an established pattern of turnover in recent years?
- Track record – can the supplier prove that they can deliver?
- Relevant experience – has the supplier completed similar projects for other schools in the past?
- Capacity – does the supplier have the resources to complete the work?

Note that, when using a PQQ, if a supplier wants clarification about anything to do with the procurement, you must give the question and answer to all participating suppliers, without identifying the questioner.

Forms

There is a standard format for submitting OJEU advertisements, please see the [European Commission website](#). When advertising your requirement you need to state clearly which procedure you have chosen, together with your criteria for the procurement. This helps potential suppliers assess whether or not they can meet the requirements. Any suppliers responding to the advert within the stated timeframe must be sent everything they need to be able to complete the tender.

You can submit your advertisement online at [Europa eNotices - Forms for public procurement](#)

Buying goods and services for schools is a complicated procedure. Templates and sample conditions are available on GOV.UK [Exemplar contract forms, templates and glossary of procurement terms](#)

Exemplar letters to Tenderers are available on GOV.UK [Buying for schools: exemplar letters](#)

Issuing an Invitation to Tender

If you are undertaking a high-value or EU-Qualifying purchase you will need to issue an Invitation to Tender as part of the process. An Invitation to Tender (ITT) is a pack of documents sent out to potential suppliers inviting them to submit a bid. The pack should include:

- Covering letter – which covers tendering instructions: advice for suppliers on the project timescales and administration.
- Timetable for tender submission – if using the standard tendering process for a high-value purchase, three to four weeks would be considered reasonable, but remember under the OJEU tendering process for an EU-qualifying purchase, you must allow a minimum of **52 days** (reduced to 45 if the contract notice is sent to OJEU electronically) between the date of the contract notice, and the date set for the return of the tenders. If there is to be some form of consultation e.g. the inspection of the premises then this minimum period may be extended to allow for such a visit.
- If you offer unrestricted and full direct access by electronic means to the contract documents from the date of publication of the contract notice and the contract notice specifies the internet address at which the documents are available then the minimum number of days for receipt of tender can be reduced by 5 days
- **Note:** If a Prior Information Notice (PIN) has been published in OJEU the 45 days minimum period may be reduced to 36 days. If the contract notice is sent electronically the minimum number of days can be reduced to 29 days.
- Send the tender documents out within 6 working days to all the suppliers that have requested documents to take part in the exercise.

Restricted procedure

If you decide to use the Restricted Procedure you must:

- Place an advert in OJEU using the appropriate form.
- Allow as a minimum 37 days (reduced to 30 if the contract notice is sent to OJEU electronically) between the date of dispatch of the notice and the request to be selected to tender.
- Shortlist (a minimum of 5) those suppliers you are going to invite to tender against a pre-determined evaluation criteria which must be set out in the contract notice sent to OJEU. You should note that at this stage, you can only de-select organisations on economic, financial and technical criteria. If you require clarification on this, then contact your legal team.
- Send the Invitations to Tender out to everyone at the same time
- Allow a minimum of **40 days** to return the tender documents

If you offer unrestricted and full direct access by electronic means to the contract documents from the date of publication of the contract notice is and the contract notice specifies the internet address at which the documents are available then the minimum number of days for receipt of tender can be reduced by 5 days

Note: An accelerated restricted procedure is available to use by contracting authorities in very limited circumstances. The accelerated procedure allows the first stage of the restricted procedure to be reduced from 37 days to 15 days (reduced to 10 if the contract notice is sent to OJEU electronically) and the second stage from 40 days to 10 days. You must contact your legal team before considering using the accelerated procedure.

Remember: If a PIN has been published in OJEU under the Services Directive the minimum period for receipt of tenders may be reduced from 40 days to 36 days.

Reduced Timescales after Publication of a PIN

To take advantage of the reduced timescales given in Open and Restricted Procedures there must be a gap of at least 52 days between the sending of the PIN and the tender advert to OJEU.

Additional requirements

- Specification – this will help the supplier respond to your requirements in the tender.
- Evaluation criteria – this will enable the supplier to check that they're providing you with all the information for each of the criteria.
- KPIs and SLA – this will let the supplier know what is expected and how their performance will be measured.
- Pricing schedule – a supplier must complete one of these to show their proposed prices and expenses.
- Contract terms and conditions – This includes details about performance, monitoring, payments and remedies for failure to deliver under the contract's terms.
- A supplier is not obliged to respond to an ITT but if they do submit a tender, this is a formal offer from the supplier committing them to what they will provide, should they be awarded the contract.

Evaluation criteria and weightings

What are they?

Evaluation criteria and weightings are used in high-value and OJEU purchases to objectively evaluate suppliers' tender submissions. This ensures a decision to award a contract is fair.

The supplier who gets the highest score will be awarded the contract. With this in mind, it's important to ensure that your evaluation criteria and weightings accurately address what you need the purchase to deliver.

It is the process of:

- deciding what factors are key to you when assessing the merits of each bid, for example price quoted, relevant experience of bidder, turnover of their company, how closely they meet your specification output: and
- deciding the relative weight of these factors. For example, is it more important that the bid is as cheap as possible, or that the bidder can deliver a sustainable outcome by using low-energy equipment, say?

Think of two possible suppliers for your contract for cleaning services. Let's say you have two evaluation criteria – the proposed price quoted for this contract, and the comparable experience (how many other schools does the supplier provide cleaning services for?)

For cost, you might give a score of 20 for any bid coming in below your proposed budget, 10 for bids between the budget's minimum and maximum ranges, and 0 for any where the price quoted by the bidder is over your top budget figure. And for experience, you might give a score of 20 for a supplier already providing cleaning for other schools, 10 for one with cleaning contracts with other public sector establishments (such as hospitals and sports centres), and 0 for suppliers with no relevant public sector clients.

But which factor matters more to your school?

If budget is the key factor for you, you might also give this a weighting of 3, and the 'experience' factor would have a weighting of 2. So in scoring, a below-budget bid from an inexperienced supplier would score $20 \times 3 = 60$ for contract cost, and $0 \times 1 = 0$ for relative experience, making a total score of 60. A more costly but established schools cleaning supplier might score $0 \times 3 = 0$ for cost, and $20 \times 2 = 40$ for experience, making a total score of 40.

In this case, the cheapest supplier, with least experience, wins the bid. So if you believe relative experience is worth paying more for, you would change the weightings – making cost less important ($\times 2$ weighting), and experience more important ($\times 3$ weighting).

Evaluation and weighting is a little tricky to explain – but in practice, this gives you a formal process of comparing elements of each bid in a fair way, and ensures that the successful bidder will ultimately be the one who can offer you the best fit to those factors that are most important to you.

Bear in mind that your evaluation process needs to be decided in advance– you will have to choose, set and inform all suppliers of the criteria and weighting you'll be using to score them. You can't leave this until you've received bids, or change the criteria you've initially agreed after you've started your tender

Tender advertisements must state whether the criteria that will be used to decide who to award the contract to will be a) most economically advantageous (or best value) or b) lowest price. The former is more flexible as this allows the inclusion of such factors as quality, delivery and sustainability as well as the price. For services, consideration must also be given to professional skill, efficiency and reliability. If using the most economically advantageous option you must either state the criteria in the contract advert or state that the tender documents will include the criteria.

Evaluation criteria and weightings:

- must be used in OJEU tenders
- are recommended for high value purchases
- must be determined at the specification stage of the tender process, and published with the tender documents released to suppliers
- let suppliers know how you will make your decision to award a contract

Notifying suppliers under the standard tendering process

You must respect the confidentiality of tenderers at all times. The notification letter to the successful tenderer is an invitation to finalise contractual arrangements and it makes plain that no commitments are made and no work is to commence until the contract is signed by both parties.

Once the contract has been agreed you must inform suppliers who submitted unsuccessful quotes. Standard practice is to formally inform unsuccessful suppliers by letter. If the supplier asks for specific details of the successful bid, restrict information to a summary of the evaluation criteria used and the aspects of the quote that were considered the most economically advantageous, for example delivery arrangements offered, quality and competitive price (do not give the actual price). If an enquirer specifically asks for the successful price to be disclosed it would be acceptable to refuse. However, under the Freedom of Information Act this is now not as straightforward and you may need to seek advice before making a response.

Once you have notified all suppliers of your decision you can award the contract to the successful supplier.

Debriefing Unsuccessful Tenderers and the Mandatory Standstill Period (Alcatel)

Once the successful supplier(s) has been selected there must be a minimum 10 day period between notifying all tenderers and contract conclusion. Contract conclusion means signing the contract and/or starting work. The standstill period does not apply to below threshold procurements. The information that must be given to tenderers is:

- the award criteria;
- where appropriate, the score the tenderer obtained against those award criteria;
- where appropriate, the score the winning tenderer obtained; and
- the name of the winning tenderer

You must provide additional debriefing including the reasons why they were unsuccessful and the characteristics and relative advantages of the successful tender within the mandatory standstill period only if an unsuccessful tenderer requests it by the end of the second working day of the standstill. Contracting authorities must allow for three working days between this additional debriefing and the end of the standstill period. You may need to extend the standstill around public holiday periods. Where a request arrives within the standstill period but after the two working days deadline, you are not bound to provide further debriefing within the standstill but still need to provide it within 15 days of receiving a written request.

The mandatory standstill period begins the day after the award decision is issued by in writing by the quickest means possible (including e-mail) to all tenderers. If the standstill period ends on a non-working day, it must be extended to the end of the next working day.

If a legal challenge is brought during the mandatory standstill period, contracting authorities should wait to see whether interim measures are granted by the Court before proceeding to contract conclusion, and where interim measures are granted, should wait until the outcome of legal proceedings before concluding the contract.

The mandatory standstill period need not apply to procurements where there is only one tenderer including those following the urgency provision under the negotiated procedure where single tendering takes place.

Advertising the Award of the Contract

A notice publicising the award of the contract must be placed in OJEU within **48 days** of a contract having been awarded.

Schools are legally obliged to comply with the new regulations concerning notification and debriefing tenderers. Failure to comply could result in the contract being cancelled and the school/LA incurring a fine and/or paying damages to suppliers. Please contact your LA for further guidance on this matter or for further information look at [GOV.UK](https://www.gov.uk)

Providing no challenge is received within this period you can continue to award the contract to the successful supplier.

Debriefing unsuccessful suppliers

Debriefing tenderers helps to improve their competitiveness in future exercises. The debrief should be constructive and, where appropriate, credit should be given for those areas of the tender where it is deserved. Care must be taken to limit the discussion to that particular tender - you must not compare the specifics of one tender with another, winning or otherwise. Debriefing must never be used as a device to reopen negotiations.

There is a requirement following an OJEU procurement exercise that feedback must be given within 15 days of a request by an unsuccessful bidder. For maintained schools your LA may provide support with an OJEU procurement exercise.

Keep notes of the debrief and where possible, more than one member of staff should be present.

Abandoning the Tender Exercise

There may be rare occasions when a decision is taken to halt a tender exercise. If this happens with an EU tender then you must send a notice to OJEU telling them what has happened.

Teckal

Teckal exemption allows for in-house provision without competition however it must pass several tests. Teckal means, in certain circumstances, a contract let by a public body will not be deemed to be a contract for the purposes of the public procurement regime. The relevant circumstances are that:

- The service provider carries out the principal part of its activities with the relevant public body.
- The public body exercises the same kind of control over the service provider as it does over its own departments.
- There is no private sector ownership of the service provider or any intention that there should be any.

The exemption was established by the Court of Justice of the European Union (ECJ) ruling in *Teckal Srl v Comune de Viano and Azienda Gas-Acqua Consorziale (AGAC) di Reggio Emilia (C-107/98) [1999] ECR I-8121*.

The Teckal in house body must comply with public sector procurement law when letting contracts on behalf of the public body.

When drafting the constitutional documents of a Teckal company, it is important to consider the objectives of the company as this can help to pass the circumstances (control test) above.

If not followed correctly the public body may be at risk of challenge and it could be a multitude of challengers' not just potential supplier – e.g. EU Commission, audit. A judicial review could be used if processes were not followed correctly. All trusts should review their financial agreements as they usually include a clause on use of public funds and incorrect use may also be a breach of it.

Managing a contract

How to manage a contract

Properly managing the contract for a high or medium value purchase will make sure your goods or services are supplied as requested, on time, every time, and help you to monitor the overall performance of the supplier. For more information relevant to all contract management [see contract management on GOV.UK](#)

Tips for managing contracts

- keep copies of all related documents, including quotes, written communications, any OJEU process document, contracts (and extensions or amends) etc. – this is a legal requirement
- build a good relationship with your supplier
- ensure the goods or service is delivered correctly, meeting your requirements
- manage risks effectively - for high-value or business critical contracts, carry out a risk assessment of your contract, keep a risk register and prepare a contingency plan
- if you think you may need to make changes to the contract, set up change control procedures in advance and agree them with your supplier
- if you need to end the contract, review the contract's end terms and conditions in good time and agree an exit strategy with your supplier

Working with local authorities (LAs)

Each LA sets out procurement regulations that must be followed by every public service body it funds, including all maintained schools. Maintained schools must follow your LA's most up-to-date regulations for procurement spend, including the steps you'll need to take for any spending up to specific thresholds set by your LA.

Your LA may also help and support you in getting to grips with procurement, advising you on challenging projects and contracts and helping you to find best-value deals. Most LAs will have contracts or frameworks for buying a wide range of the most popular goods and services it needs. Your school can also buy through these LA contracts and frameworks, using them to find a range of good-value suppliers and make purchases quickly and easily.

Buying through the contracts and frameworks already set up by your LA can have significant benefits for your school. Prices will be competitive; the suppliers will have been checked to ensure they're reputable and credit-worthy. In short, most of the hard work of procurement and compliance has already been done for you by your LA, reducing your workload and ensuring you're always getting best value from spending public money. It's also worth benchmarking the prices you source for different traded services to ensure you're getting the best possible deal.

Areas for potential savings

There are recognised deals that you can use to buy certain goods and services including:

- energy
- food
- administrative supplies
- supply teacher insurance
- temporary staff
- multi functional devices
- facilities management
- telephony
- exam fees
- creative media services
- learning resources
- ICT

Energy

There are several organisations that provide advice and support to schools who want to make energy savings. [See buying for schools: energy top tips on GOV.UK](#)

Carbon Trust

[The Carbon Trust](#) are independent experts who offer advice on carbon reduction and resource efficiency. They have a tailored [schools' service](#), which involves working directly with local authorities and schools to develop low- and no-cost energy saving solutions.

They have also developed an application called [Empower for Schools](#), designed to help teachers, staff and pupils play a part in achieving energy and carbon savings for their school.

Eco-Schools initiative

The [Eco-Schools](#) programme helps schools to address a variety of environmental themes, ranging from litter and waste to healthy living and biodiversity.

RE:FIT

The [RE:FIT](#) schools energy efficiency programme is the first major programme to address energy efficiency in schools. RE:FIT will help 200 of London's schools and academies by investing in school buildings, which will improve both energy efficiency and the environment for pupils and staff. [Salix Finance](#), who were set up by the Department of Energy and Climate Change (DECC), are providing the funding for this project.

Buying energy

School energy should be bought through a Public Sector Buying Organisation (PSBOs). They offer a range of fully compliant energy options for schools and academies. These contracts were set up by expert energy buyers and access to these contracts is usually through your local authority. If not, contact one of the PSBOs below:

- [Crown Commercial Service](#)
- [ESPO energy solutions](#)
- [LASER Energy Buying group](#)
- [Central Buying Consortium \(CBC\)](#)
- [North East Procurement Organisation \(nepo\)](#)
- [YPO](#)

We are working with partners to make sure schools can access energy at fair prices.

Food

What goods and services does this include?

Frameworks currently in place include catering equipment, catering services, food and ingredients.

Where should I buy from?

Further details of framework agreements are available on [EduBuy Food and Catering](#) and [Crescent Purchasing Consortium \(CPC\) catering frameworks](#)

More frameworks are being developed which will offer greater choice and value to schools.

Useful information

- Find out more about the School Food Plan here: [schoolfoodplan](#)

- Children's Food Trust have resources available for schools and academies on school food and nutritional standards: [childrensfoodtrust](#)
- With input from DfE, Children's Food Trust also developed a quick guide to procurement: [childrensfoodtrust procurement guide](#)

Administrative supplies

Administrative supplies include many non-teaching resources, for example:

- stationery
- postage
- furniture
- governor expenses
- medical supplies

See [EduBuy](#) for a wide choice of compliant contracts in one location.

Useful tips

- Schools working together experience greater buying power.
- Schools may be offered savings from list prices. However, you could potentially increase the discount through a public sector framework.
- Ask suppliers if they offer discounts for buying larger quantities - shop around for the best deals.
- Review all suppliers and seek several quotes for goods or services to get the best deal.

Supply teacher insurance

Where should I buy from?

Maintained schools may buy through your local authority if they have a contract in place. If not, follow the tips below.

Useful information

- Make sure you pick a policy that matches both your absence profile and requirements to avoid paying an excessive premium.
- There are two key variables that your school can change and these will determine your insurance premium: daily benefit and excess.
- Daily benefit is the amount paid to your school for absence. The daily benefit does not cover the cost of supply teachers but is set at a pre-agreed level, e.g. £100, £150, £200. The higher your daily benefit, the higher the premium. Choose the appropriate daily benefit level for your school - if you have a daily benefit of £100 but are paying supply teachers £200 per day then your insurance is only covering 50 per cent of that cost.
- Excess is the number of days of absence that must have passed before policy cover starts. A shorter excess will lead to a high premium.
- Make sure the types of cover you have are relevant to your school. Some policies offer worldwide and jury service cover. If you don't need this cover ask the insurers to exclude it.
- Set up a method for tracking absence over the year. This will help you build an accurate picture of your school's absence which you can use during the planning stage to get a more accurate quote from your suppliers and select the right parameters for your policy.

Temporary staff

Where should I buy from?

Visit the Crown Commercial Service, the Crescent Purchasing Consortium and Pro5 website for more information.

Multi functional devices (photocopiers)

It can be easy to be tempted into uneconomical deals on leasing photocopiers, or multifunctional devices, by suppliers who offer 'gestures of goodwill' or sales incentives.

There is a joint collaborative photocopier and print services framework between [Crown Commercial Service](#), [YPO](#) and [ESPO](#) that all schools can use without the need for further competition.

An on-line portal has recently been launched so users can now buy RM1599 Lot 1 products start to finish on-line. Many schools were part of the user testing and provided valuable insight. The feedback has been very positive for users so far. Once registered users can see the pricing, compare products and calculate savings.

Please see the [customer guidance](#) for further information.

This is what two schools had to say about their new deals:

By using the RM1599 framework **Benthal Primary School, Stoke Newington**, London saved 90% on previous charges using the new Xerox MFD agreement plus over 80% on the Service contract.

"We've accessed the RM1599 Lot 1 framework and we're saving over £1,500 a year. The greatest savings have been on the new colour capable device, 34% less for lease rental contract and 51% lower for the service contract. We're glad to say the service has been excellent and we can now fund other vital resources." **Meadowgate School**

KCS can also supply a wide range of mono and colour-capable devices, from desktop up to high quality colour MFD's. For more information contact the KCS Photocopier/MFD department at kcsphoto@kent.gov.uk

For more information relevant to all MFD and photocopiers [see buying for schools: MFD and photocopier top tips on GOV.UK](#)

Facilities management

What goods or services does this include?

This includes services such as cleaning, caretaking and grounds maintenance. It also includes improvement of or buildings maintenance and water and sewerage.

Where should I buy from?

Check with your local authority or public buying organisations to see if they can provide any of these services through a framework. CCS has a framework agreement for facilities management (not including water).

Useful information

- Collaborate with other schools to get better deals. Damson Wood Infant School saved £1000 per year on grounds maintenance after teaming up with eight primary and secondary schools in the West Midlands to negotiate contracts with four suppliers, three of whom were local.
- Water provision can be costly, so look at how you might reduce water consumption.
- Cleaning is a competitive market, so if you do your research and precisely plan your requirements you should find a supplier to meet your requirements. Compare local suppliers to your local authority, and collaborate with other schools – the increase in business will drive prices down.
- Bundle all of your maintenance requirements together and use output-based contracting.

Alternatively contact the [Crown Commercial Service](#) or use [EduBuy](#) to see what is available.

Telephony

Paying too much for calls? Visit the [Crown Commercial Service](#) for frameworks or use one of the [Pro5](#) who have deals in place.

Exam fees

Working with other schools can bring savings. The Association of Colleges has a useful [exam fee download](#) which may provide ideas.

Creative media services

What goods and services does this include?

Creative media services includes design, writing and editorial, PR, conference and events, direct marketing, video and film production; digital services including web design; photography.

Where should I buy from?

The Department has set up a framework to provide the above services for schools. **CMS Creative Media Services (CMS) (Creative Choice)** is available for services listed above, please contact Creative Choice direct at creative-choice.org

Learning resources (non ICT)

What goods and services does this include?

A diverse range of items including text books, library books, exercise books, phonics products, lab equipment, school trips and educational visits, coach hire and exam fees.

Where should I buy from?

Public sector buying organisations (PSBO) or your local authority may have several compliant frameworks or contracts for many of these supplies.

Useful information

- Collaborate with other schools for greater buying power.
- Book distributors offer discounts from list prices even though books can often be bought more cheaply online. By buying books online, schools can also benefit from better deals for bulk buying books.
- Research recently undertaken by the Department shows that around 85 per cent of schools are buying their transportation directly from suppliers as opposed to going through the local authorities / PSBOs.

ICT

Buying ICT licences, products and services is often more complex than buying standard commodities. **For more information see the [Buying for schools: ICT Publications on GOV.UK](#)**

Advice and guidance on ICT, Broadband and DfE Frameworks can be found in the DfE buying guide for ICT but if additional help is required, please contact the procurement team's group email address schools.ictsupport@education.gsi.gov.uk

Buying and purchasing organisations

Public Sector Buying Organisations (PSBOs)

Who are they?

[Crown Commercial Service \(CCS\)](#) – providing an integrated commercial and procurement service for Government and the UK public sector including education. The established procurement arrangements allow public sector organisations to save time and money. These cover a range of areas such as ICT, energy, travel, fleet, office solutions, property solutions and professional services. The CCS News pages contain monthly procurement updates and links to procurement training.

[Pro 5](#) - Eastern Shires Purchasing Organisation, Central Buying Consortium, YPO and the North East Purchasing Organisation.

Help and support schools to achieve better value for money through combined buying power and procurement expertise for commonly bought goods and services.

Provide framework contracts that have been procured professionally and are dedicated to the delivery of education. Email enquiries@pro5.org.

[EduBuy - Linking education to better buying](#)

Several public bodies united to enable schools and Academies to achieve up to £1billion savings and achieve efficiencies with their everyday purchasing requirements. YPO has worked with fellow public sector organisations ESPO, Crown Commercial Service (CCS) and the Department for Education (DfE) to provide a single online platform for academies and schools to access EU compliant contracts.

EduBuy links schools to good deals and simplifies the buying process. It is a free website dedicated to providing wider choice and value for the education sector www.edubuy.org offers a collective portfolio of over 300 of YPO, ESPO and CCS's EU compliant contracts across core areas, including ICT, stationery, facilities management and energy. It contains practical procurement guidance and case studies to help schools, academies and the wider education identify savings and efficiency opportunities.

The Crescent Purchasing Consortium

Who are they?

The [Crescent Purchasing Consortium](#) is the largest purchasing consortium for the English academies and free schools sectors, and the only national purchasing group for UK Further Education and Sixth Form Colleges

What they do?

Offer access to properly procured contracts across commonly purchased categories of goods and services in the education sector and professional purchasing advice guidance and tools.

Offer introduction to procurement and intermediate purchasing training at locations across the country.

Membership of CPC is free of charge and open to all schools with a sixth form and academies. Visit the [CPC website](#) to join for free and access to available frameworks.

Improve your procurement knowledge

Having a basic knowledge of public procurement regulations is a useful tool in creating cost savings and efficiencies to be spent on raising educational standards. It is considered essential to complete the public sector procurement e-learning on [BuyWays](#)

BuyWays

[BuyWays](#) is a basic introduction to procurement. It can be used by anyone working or volunteering in education in England including Governors.

The guidance and advice in the BuyWays modules can be used as an introduction for anyone new to public procurement or as a refresher for more experienced buyers.

The modules in the course are 15 to 30 minutes in duration, dealing with topics on the Procurement Cycle, European Union Directives and thresholds, and Contract Management. There are case studies to help you learn about real-life procurement, and short review sections where you can test your knowledge.

All users can access [BuyWays](#) free of charge.

Other organisations offering training

- [National College for Teaching and Leadership](#) offers training for school business managers.
- [National Association of School Business Management](#) also has a range of training courses available.
- [Association of School and College Leaders](#) holds regional events for school business managers.
- [National Governors' Association](#) provides a range of training for governors.

Buying green

Does your curriculum cultivate the knowledge, skills, values and confidence for pupils to minimise waste and consume sustainably. Do you have links with external bodies that can champion the cause to being green? For example:

- [Green Buying](#) provides information about what other businesses are doing to become more sustainable and the tools to act now, plus there's the Eco Shop which sells green office supplies at competitive prices.
- [Walk to School](#) encourages all children to make walking their journey part of their daily routine.
- [Big Green Book](#) provides information on new services and updates in the environmental and utilities field.
- [Safe PC Disposal](#) and [Green IT Disposal](#) offer free recycling of redundant IT equipment and a guaranteed secure data destruction facility.

Be sustainable

The Government has pledged to make this the 'greenest government ever', with far-reaching plans to protect the natural environment, tackle climate change, reduce carbon emissions and promote sustainability – procurement plays a key part in that. We believe schools understand their responsibility on how sustainable development should be reflected in their ethos and day-to-day operations.

The Government is committed to reducing its greenhouse gas emissions of at least 80 per cent by 2050 – relative to 1990 levels. Further advice can be found on our [My2050 teachers toolkit](#) .

There are good practice materials on the [Sustainability and Environmental Education website](#) that underpin the national framework for sustainable schools, which includes a series of top tips on how to help schools become more sustainable.

The Government supports the ethos of the Sustainable Schools Alliance, which aims to provide a clear and compelling offer of support to all schools, which will help them to put sustainability at the heart of what they do. The Alliance, which brings together over 400 local and voluntary organisations, aims to provide accessible information for schools to continue their sustainability journeys. Visit the [Sustainable Schools Alliance](#) website.

Further information

Useful links

- [GOV.UK](#) – The official UK government website.
- [Carbon Trust](#) – The Carbon Trust’s website provides energy saving ideas.
- [Buying for schools: purchases checklists](#) – this will take you through the basic questions and choices you'll need to consider when you purchase any goods, works or services for your school.

Associated resources

Here are examples of private supplier initiatives where contracts between you and the supplier are required. We do not endorse such resources but understand that they can provide alternative information that may prove useful:

- [TES HireWire](#) , [Eteach](#) and [GuardianSchoolsJobs](#) for on line recruitment services for educational establishments.
- [Teacher Network \(The Guardian\)](#) – provides thousands of ready-made resources for teachers on subjects including maths through to PE aimed at four to 18 year olds.
- Professional educational support services including [The Key](#), [tengovernor](#)
- Trade Associations such as [British Educational Suppliers Association \(BESA\)](#) and [Professional Publishers Association](#) who may provide information on suppliers to educational establishments. [Finance & Leasing Association](#) - provides a range of information on asset finance and companies who are members of the FLA.



Department
for Education

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