



# Selling to the Council.

A supplier's guide.

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There is a great deal of competition for Thurrock Council's contracts and using this guide does not guarantee that any organisation will win Council business. However, the guide should help suppliers offer informed quotations and tenders in response to business opportunities with the Council.

## 1. Introduction

The Council is committed to open, transparent and fair processes. As part of this commitment, the Council has produced this guide to help potential suppliers, including small and medium enterprises and voluntary and community organisations, to understand the process of selling to the Council. It explains the legal requirements that define how the Council conducts its procurement process, how suppliers can work with the Council, where suppliers can find out about Council contracts, how the Council contracting process works and where to look for more public contract opportunities and additional information.

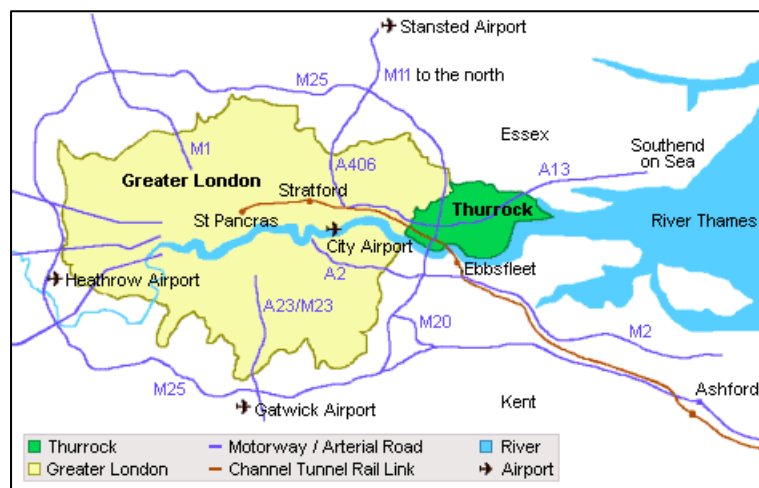
The Council recognises that procurement provides an opportunity for achieving multiple objectives and in particular the role procurement can play in improving economic, social and environmental welfare in Thurrock. The Council will use procurement activity to help meet the authority's strategic objectives and achieve community benefits.

The Council looks for quality goods, works and services at a cost that gives the best overall value for our taxpayer's money. If your business can provide this, then the Council wants to know about it.

### 1.1 About Thurrock

Thurrock has a long and celebrated history; having played a vital role in the defence of the region, the capital and the realm.

Situated within the heart of the Thames Gateway in South Essex, just to the East of London, this thriving borough encompasses huge swathes of green belt country, with 18 miles (29km) of Thames frontage. The area's unique riverside location and vast natural resources are the key to its past and future development, growth and success.



Thurrock's economy has historically been driven by the presence of several large sectors - transport, logistics, port functions and retail account for a substantial part of the current economic landscape.

Thurrock has been considered a gateway between Britain and the rest of the world for decades and this still holds true today – DP World's presence in the borough is testimony to that.

Alongside these areas of peace and beauty, Thurrock is also home to one of the largest shopping complexes in Europe. All of this is just 40 minutes from the heart of The City.

The Thames Gateway corridor is Europe's largest regeneration programme 50 per cent of which is being delivered in Thurrock. This status brings many opportunities but also some significant challenges – 26,000 new jobs and 18,500 new homes by 2021.

## 1.2 Procurement Services contact details

The Procurement Services team at the Council is a dedicated resource of professional Procurement Officers provided through the Strategic Services Partnership. The team works alongside the Council's officers to promote good practices within all directorates.

Title	Head of Procurement Services
Address	2 <sup>nd</sup> floor, Civic Officers New Road
Town	Grays Thurrock
Post Code	RM17 6SL
Country	England, United Kingdom
Email address	<a href="mailto:procurement@thurrock.gov.uk">procurement@thurrock.gov.uk</a>
URL	<a href="http://www.thurrock.gov.uk/business">www.thurrock.gov.uk/business</a>
Telephone	01375 652207
Fax	01375 652251

## 1.3 Approved supplier lists

The Council does not keep approved supplier lists for any of its purchases or contracts but does have contracts and agreements in place with various suppliers for some types of purchases. These suppliers have been subject to selection and award procedures.

## 2. The Council's requirements

Procurement at the Council is conducted in accordance with requirements set by the European Union, the United Kingdom and by the Council itself. A brief description of some of these requirements is set out below.

### 2.1 Procurement legislation and policy

The Government's procurement policy states that local authorities' procurement of goods, works and services must not be based solely on price. Local authorities must consider which options

provide value for money and which look beyond the lowest price to factors such as quality, environmental sustainability, innovation, previous experience and service level.

The Government has also adopted regulations governing public contracts, which incorporate those set by the European Union. The underlying basis of these regulations come from the European Union treaty and embodies principles of non-discrimination, transparency and equal treatment. They set out detailed procedures and criteria for the award of public contracts that exceed set monetary thresholds.

The Council has a Procurement Strategy which directs its procurement activities and sets out its aspirations for use of procurement as a policy tool. The strategy is aligned with The National Strategy and European strategies, which various milestones have been set for the Council to achieve.

To complement the Procurement Strategy, the Council has adopted the national small and medium size enterprise (SME) friendly procurement **Concordat** intended to encourage a mixed range of suppliers to help develop and stimulate a varied and competitive marketplace (<http://www.thurrock.gov.uk/business/content.php?page=concordat>).

These regulations and requirements mean that the Council cannot favour any particular supplier over another. Contract award decisions will be made based on which supplier offers the best value for money on a particular contract.

Council employees are also bound by the Code of Conduct, which ensure that any personal interests in existing or potential suppliers are declared. The Council's Contract Procedure Rules incorporate the EU and UK requirements.

### 2.1.1 EU and Council thresholds

Details of the EU thresholds [net of VAT] from 31 January 2010 and Thurrock Council's Contracts Procedure are given below:

#### Public Contracts Regulations 2006 - From 1 January 2010:

Organisation	Supplies	Services	Works
Public Sector			
Contracting Authorities	£156,442	£156,442	£3,927,260
[Including Thurrock Council]	(€193,000)	(€193,000)	(€4,845,000)

**Thurrock Council's Contracts Procedure Rules Summary:**

Contract Values	Procedure
Contracts > £10,000 but < £75,000	3 Quotes Required
Contracts > £75,000 but < EU threshold	Full Tendering Required
Contracts > EU Threshold	Full OJEU Tendering Required

**2.2 Equalities**

The Council is under a statutory duty with regards to the Race Relations Act 1976, the Disability Discrimination Act 2005 and the Sex Discrimination Act 1975. These apply in relation to how the Council carries out various functions to eliminate discrimination and promote equality of opportunity on the grounds of race, disability and gender.

Local Authorities and contractors must also comply with the EU Treaty principles of equal treatment and non-discrimination. Under the new Equality Act 2010, the Council and its contractors have a single duty to promote non-discrimination and equality of service provision on a number of protected grounds including age, gender reassignment, religion or belief and sexual orientation.

Equality legislation places a duty on public bodies to prevent discrimination in all aspects of service provision, including procurement. It provides a clear and positive legal duty to eliminate discrimination and ensure equality of opportunity. We want to assist and encourage contractors and other partners working with the Council to achieve good practice in creating equality of opportunity.

**2.2.1 Equality and Procurement**

The Council will always be clear in defining its requirements within any procurement process, including our equality requirements in relation to any particular works, goods or services we want to purchase. This is often referred to as the 'subject matter of the contract'. These equality requirements are fundamental to our procurement processes. Where an external supplier carries out a function, the Council remains responsible for meeting the statutory duty set out in equality legislation. Therefore contractors delivering services must adopt the Council's Schemes and standards or demonstrate that they have arrangements in place that are acceptable to the Council.

This supplier's guide supports the Council's Equality Scheme and ensures that the Council appropriately meets the obligations placed on it by equality legislation. The guide also ensures that there is a consistent approach across the Council to all areas of procurement. It is an important part of our obligations to ensure the Council is encouraging and, where appropriate, requiring organisations which bid for Council business to practice and promote equalities in employment and service delivery.

The promotion of equalities in the procurement process will help the Council to:

- Obtain value for money for the Council and improve the quality of local services
- Ensure that public money is not spent on practices which lead to unfair discrimination
- Create a diverse and integrated workforce
- Deliver more responsive and flexible services in combating social exclusion and building strong and cohesive communities
- Encourage other organisations to practice the Council's public service ethos on equalities.
- Deliver services that meet the needs of residents of the Borough
- Improve employment conditions

For more detailed equalities guidance contact the corporate diversity team on 01375 652472 or email: [diversity@thurrock.gov.uk](mailto:diversity@thurrock.gov.uk).

### 2.3 Business Continuity

Do you have a Business Continuity Plan that is regularly reviewed and exercised? A little time taken now can pay dividends in the event of an unexpected disruption. "Fail to Plan and You Plan to Fail." Further advice can be found at:

[http://www.thurrock.gov.uk/safety/content.php?page=business\\_crisis](http://www.thurrock.gov.uk/safety/content.php?page=business_crisis)

See also the business continuity advice booklet and the 10 minute business continuity assessment on the Essex Resilience Forum webpage at

[http://microsites.essexcc.gov.uk/microsites/essex\\_resilience/bca.htm](http://microsites.essexcc.gov.uk/microsites/essex_resilience/bca.htm)

### 2.4 Sustainability and Corporate Social Responsibility

The UK Government sees Corporate Social Responsibility (CSR) as *'the business contribution to our sustainable development goals. Essentially it is about how business takes accounts of its economical, social and environmental impacts in the way it operates – maximising the benefits and minimising the downsides'*.

All businesses make an environmental footprint on the world in some way or other; it is therefore the Council's goal to work with suppliers and the supply chain to minimise our negative environmental impact. The Council supports sustainable, environmentally friendly practices and expects suppliers to take into account the environmental impact of their products and services at all stages of their lifecycle. The Council, when evaluating its tenders, will consider what action suppliers take to follow environmentally sustainable practices.

<http://sd.defra.gov.uk/>

### 3. Quotations

The Council invites quotations for goods, works and services with an estimated value of up to £75,000. While these opportunities may not go through a formal tender process, some contracts will still be advertised. Keep an eye on the Council's website [www.thurrock.gov.uk/business](http://www.thurrock.gov.uk/business) and our supplier portal [http://thurrock.g2b.info/cgi-gen/profile.pl?action=view\\_profile&oid=704#top](http://thurrock.g2b.info/cgi-gen/profile.pl?action=view_profile&oid=704#top) for information about new opportunities

### 4. The tender process

Contracts for goods, services, materials and works that exceed £75,000 are awarded through a tender process. General information on this process is provided in the sections below. Please note that these are general guidelines and that the specific process may vary by specific contract type. For example, if the value of the goods, works or services exceeds the threshold set up by the European Union, additional procedures will apply.

The tender process is carried out objectively, consistently and without bias towards a particular group of suppliers. Generally, evaluation takes place at several stages:

- **Stage 1:** Advertising and the Pre-Qualification Questionnaire (PQQ) – to identify a shortlist of suppliers who will be invited to tender.
- **Stage 2:** Tender evaluation – to consider all tender submissions. A panel of officers evaluates each application and tender to ensure a fair and objective decision is reached.
- **Stage 3:** Interview and presentations – an opportunity for the panel to meet the suppliers and clarify critical points of the tender evaluation.
- **Stage 4:** Contract award – the panel make an award recommendation to the authorised officer.
- **Stage 5:** Contract legalities – signing and sealing the contract.

#### 4.1 The advertising and pre-qualification process

The advertisement gives information about the contract the Council is offering for tender. The media through which the tender is advertised will depend on the type and value of the project offered. Projects valued in excess of the European Union thresholds will be advertised in the Official Journal of the European Union (OJEU) as well as any other way. Contract opportunities may also be advertised on the Council's website, on the Council's supplier portal, in local newspapers, or in trade journals.

If you are interested in working with the Council, keep an eye out for advertisements and contract opportunity notices.

The advertisement allows interested suppliers to submit an expression of interest and a pre-qualification questionnaire.

The Pre-qualification questionnaire includes section on the following:

- General organisation/company information
- Previous contracts and experience
- Relevant qualifications and accreditations
- Financial capacity information
- Health and Safety
- Insurance
- Environmental policy
- Business probity
- Diversity and equality

The purpose of the Pre-qualification questionnaire is to ensure we are inviting suppliers to tender who best demonstrate, thorough knowledge and ability, that they would be able to take on the contract at the standard required by the Council. The time and cost involved in suppliers preparing tender submissions is often very high and, therefore, we only seek to invite bids from suppliers who are able to demonstrate this level of performance.

The Council evaluates the Pre-qualification questionnaire against a scoring matrix to produce a short list. These short listed companies are then offered an invitation to tender (ITT).

Be sure that you read, understand and follow the instructions with the Pre-qualification questionnaire. Failure to follow the instructions and fully answer all questions may invalidate your response and impair or end your chance to be shortlisted.

## 4.2 Invitation to tender

If your company is short listed, you will receive an invitation to tender.

The invitation to tender comprises:

- **Instructions:** this document gives you guidance on how to complete your response and the criteria against which it will be evaluated.

- **Official form of tender:** this document confirms that you are offering to supply the Council goods and services in accordance with the tender documentation
- **Anti-Collusion certificate:** this is a statement that confirms the tender you are submitting is genuine, competitive and that you have not colluded with anyone in the submission of your tender
- **Specification:** the specification provides details of what the Council is seeking.
- **Contract conditions:** the contract conditions specify the terms that will govern the contract between the Council and your company if you are successful in your tender.
- **Pricing Schedule:** Prices are entered in a standard format in order to ensure that tenderer's prices can be compared on a like-for-like basis.
- **Response schedule:** this is where you respond to specific questions in relation to the tender evaluation criteria.

Be sure that you read, understand and follow the instructions in this package. Failure to follow the instructions and fully answer the questions asked may invalidate your response and cause your tender to be rejected.

Before investing your time and resources in responding to an invitation to tender, read the documents carefully and determine whether your organisation can really provide the goods, services or works to the standards specified before you respond. If you believe your organisation does not have the necessary capability, the contract may not be for you. But do not give up – keep an eye out for other opportunities!

### 4.3 Preparing your response

When you receive the invitation to tender:

- Read all the documentation and ensure you understand what is required
- Address any questions you have as soon as possible and well before the deadline

Do not be put off by the amount of information included in the tender pack. You can always ask for clarification if you need it.

Keep in mind the following tips as you complete the forms:

- Read the questions carefully and answer accurately, precisely and thoroughly

- Make sure your answers and responses are cross-referenced to the question in the tender pack. This will make your response easier to evaluate and will help you ensure that you have fully answered all questions.
- Be clear in your pricing information and check your arithmetic. If you have made any assumptions (for example, resources required, timetables, etc.) when setting your prices, be sure that you clearly state those assumptions in your responses.
- Use the pre-formatted tender documentation provided. This helps to ensure that the evaluation process is streamlined and uniform.
- If you are asked to provide references, include the names of organisations for which you have provided the same type of work.
- If you are requested to provide supporting documentation, or if you refer to supporting documentation, attachments or enclosures, be sure that you supply those documents with your tender response. Do not include publicity materials with your submission unless specifically requested.
- If there is any requested information that you cannot provide, please ask for advice. If your answer to any question is “no” or “none” or something similar, do not leave the space blank. Instead, complete the answer with “no”, “none” or the appropriate response.

When you have completed the documentation and are ready to submit your response:

- Proofread your submission and check for any mistakes
- Make sure that there are no identifying marks on your tender pack when submitting your bid.
- Make sure you stick the label that you received with your invitation to tender pack on your tender packaging.
- If you are posting your tender submission, ensure that you have proof of postage. Note, however, that late tenders will not be accepted under any circumstances. It is your responsibility to ensure that we receive your tender submission by the deadline.

You must complete and return the tender documents by the specified time and date. We will not accept tenders received after the submission deadline, even if they were posted before the deadline, it is your responsibility to ensure that your tender is received on time. Be sure that you have signed where required, double-checked your submission (including arithmetic) and included any referenced enclosures.

#### 4.4 Evaluation of tenders and clarification

After the Council receives all the tender submissions, all tender documents are opened at the same time and are recorded. Once the documents have been opened and recorded, they are forwarded to the tender panel for evaluation. We will evaluate the responses according to the published criteria. If it is necessary for the Council to seek clarification of your answers, the Council's Procurement Officers will contact you.

Sometimes tender submissions will be disqualified and removed from consideration. Please be sure that your tender submission is not one of these. Common reasons for disqualification include:

- Identifying marks on the tender envelope (remember to check your franking machine)
- Tender documents received after the closing date
- Tender documents returned to the wrong address, even if that address is one used by the Council – documents must be returned to the specified address
- Tender documents returned in the open post without the provided label affixed
- Tender documents not signed where and by whom required
- Incomplete responses or referenced documentation not included in the tender package

#### 4.5 Interview and presentations

At any time during the tender process, you may be invited to give a presentation or attend an interview. The questions asked will be common and asked of all suppliers to ensure transparency and objectivity.

#### 4.6 Contract award

If your submission meets the evaluation criteria and is the most economically advantageous tender, you could be awarded the contract. All organisations who submitted tenders will be notified of the award decision.

If your tender is unsuccessful and you would like feedback, you may contact the Council's Procurement Services department. Procurement Services will be able to provide information on why your submission was unsuccessful and you may gain some insight on how to improve your chances of success in the future.

## 4.7 Contract implementation and management

If you are awarded the contract, you will be expected to meet the terms agreed in the contract. The Council's Contract Manager will monitor your progress to ensure that the project is proceeding according to expectations. If, for some reason, performance is not meeting expectations, this officer will work with you to determine the reasons behind the problems and put in place corrective measures.

## 4.8 Financial Vetting

The Council has a duty to determine the financial stability of suppliers in ways that meaningfully assess the risk of their being unable to deliver the contact due to financial difficulties.

## 4.9 Payment

All local authorities now have prompt payment targets. This means that the Council is committed to paying all invoices within 30 days of receipt, irrespective of invoice value or payee.

## 5 Other opportunities

There are many other opportunities to provide goods, works and services to the public sector. The organisations listed below are just examples of the many places to look for business.

### 5.1 Schools

The Council does not set school budgets or procure services for schools. Schools may choose whether they want to use established framework contract managed by local authorities. Where schools use their own arrangements, they adhere to the same principles of openness, transparency and fairness. You should be able to access their opportunities in a manner similar to that as local authorities. To find local schools' contact information, visit

<http://schoolsfinder.direct.gov.uk>

### 5.2 Other local authorities

There are many local authorities that, like the Council, conduct procurement exercises for goods, works and services to meet the needs of the Councils and their residents. Check local authority websites for business opportunities. Many local authorities make use of the same portal as the Council [http://www.paessex.gov.uk/pae/supplier\\_guide.shtml](http://www.paessex.gov.uk/pae/supplier_guide.shtml).

Registering on this portal will give you access to information about these opportunities. Notices placed on this portal are also reflected in the supply2.gov.uk website (described later). Please note:

registration on any supplier portal (whether through a free or paid services) does not guarantee that you will receive business from any local authority, including this Council.

### 5.3 Additional opportunities

Sometimes the procedures attached to larger opportunities (such as European Union requirements) can seem daunting, but do not assume, just because a contract is advertised in the Official Journal of the European Union, that the contract is too big for your company. Remember that the Council advertises its contracts according to the total value of the lifetime of the contract. This means that a three-year contract with an advertised value of £150,000 is worth about £50,000 per year.

However, if you do not feel that your business can manage a larger contract on its own, consider getting involved as a sub-contractor to a company who works locally.

If, on the other hand, you feel that your company can handle these large contracts not only for the Council, but elsewhere as well, do not limit yourself. The Treaty principles that apply to Government procurement in the United Kingdom apply equally to Government procurement in all member States of the European Union. This means that they must also advertise their opportunities and allow our local businesses to compete.

Do not limit yourself and your organisation to competing for Council business. There is a wealth of public contracting opportunities out there. Compete for opportunities from other organisations, across the EU and get involved in the larger supply chain.

## 6 Useful contacts and information

### The Council's business page

The Council's business page provides contact information for the Procurement Services team and details current business opportunities. This site also provides links and information about registering on the Council's supplier portal. This portal provides a database of supplier accessible by local authorities and a centralised information centre that gives details of available opportunities for this Council and other local authorities.

Basic registration on the supplier portal is free of charge, but other services, including pre-qualification registration, carries a charge.

**Please note:** registration on the supplier portal (whether through the free or paid service) does not guarantee that you will receive Council business.

[www.thurrock.gov.uk/business/content.php?page=team](http://www.thurrock.gov.uk/business/content.php?page=team)

Email: [procurement@thurrock.gov.uk](mailto:procurement@thurrock.gov.uk)

## **Procurement Agency for Essex**

The council is a member of the Procurement Agency for Essex (PAE). The role of the PAE is to promote and facilitate collaborative procurement across Essex. The supplier portal combines procurement information from its member and allows interested suppliers to see opportunities from public bodies on one convenient site.

<http://www.paessex.gov.uk/pae/index.shtml>

## **Business link in the East of England**

This site has a wealth of information and resources, including information on bidding for public sector contract, tendering information and finding out about opportunities.

[www.businesslink.gov.uk/essex](http://www.businesslink.gov.uk/essex)

## **supply2.gov.uk**

This is another Business Link site that gives businesses a centralised portal for access to lower-value contracts offered by the public sector. While these contracts are generally below £100,000, the site does allow access to higher-value contracts. Many Government portals (including the Council's) are linked to Supply2.gov.uk, meaning that you have access to a wide range of opportunities locally and nationally.

You choose the level of access and geographical scope you want.

[www.supply2.gov.uk](http://www.supply2.gov.uk)

## **Tenders Electronic Daily**

This site publishes contract opportunities offered by public authorities across the European Union. You may, however, find it easier to use one of the many commercial sites that also publish this information or to use the information provided by the Euro Info Centres (see below)

[www.ted.europa.eu](http://www.ted.europa.eu)

## **Buying Solutions**

This is the national procurement partner for UK Public Services.

<http://www.buyingsolutions.gov.uk/aboutus/supplierzone>

## 7 Other Information

### 7.1 Freedom of Information Act 2000

The Freedom of Information Act 2000 came fully into force on 1 January 2005. In general terms, the Act obliges public authorities to divulge recorded information, either proactively following their publication schemes or following a request to do so.

We would recommend you to obtain your own legal advice about the effect of the Act, but further information is available on the Office of Government Commerce (OGC) and the Information Commissioner's Office website.

See also: [www.thurrock.gov.uk/foi/](http://www.thurrock.gov.uk/foi/)

[www.ogc.gov.uk](http://www.ogc.gov.uk)

[www.ico.gov.uk](http://www.ico.gov.uk)