



# Procurement Policy

## POLICY FOR THE PROCUREMENT OF GOODS, SERVICES AND WORKS

**2022/25**

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## Contents

- Section 1 -** Introduction
- Section 2 -** Aims and Objectives
- Section 3 –** Overview of Legislation
- Section 4 –** Procurement Routes & Responsibilities
- Section 5 –** Statutory Duties
- Section 6 –** Awarding Contracts Under Threshold
- Section 7 –** Framework Agreements
- Appendix 1 -** Procurement Decision Flow Chart
- Appendix 2 -** Procurement under the Regulations
- Appendix 3 -** Procurement under the Act

## Section 1 – Introduction

- 1.1 This Procurement Policy sets out the procedures which Berwickshire Housing Association Limited (referred to in this Policy as “BHA”) will follow when procuring contracts for the supply of services, the supply of goods and material and / or the execution of works.
- 1.2 All procurements undertaken by BHA must have regard to the terms of the Procurement Strategy and the values, objectives and goals set out in the Procurement Strategy.
- 1.3 This Policy must be interpreted in accordance with fundamental general principles of equal treatment, non-discrimination, transparency, and proportionality.
- 1.4 This Policy is subject to the over-riding provisions of European Union, United Kingdom and / or Scottish legislation. It is also subject to any EU Commission, UK Government or Scottish Government guidance on public procurement that may be issued from time to time.
- 1.5 All BHA employees shall comply with the terms of this Policy. Failure by any employee to comply with the terms of this Policy may result in disciplinary action.
- 1.6 This Policy may be suspended either in whole or in part by a decision of the governing body in respect of the proposed award of any contract upon the joint recommendation of the Chief Executive and the Executive Team if they have delegated responsibility for the policy and the Chair, provided there are special circumstances justifying the suspension.
- 1.7 Any query regarding the application or interpretation of this Policy should be made in the first instance to the Executive Director Business Support.
- 1.8 BHA will embrace a continuous improvement culture within our procurement operating model.
- 1.9 Berwickshire Housing Association procurement will take cognisance of the minimum requirements as set out in Section 15(5) of the Procurement Reform (Scotland) Act 2014, which requires public bodies to reflect their approach to sustainability, community benefits, fair working practices (including promoting payment of the living wage), promoting compliance with the Health and Safety at Work Act 1974, procurement of fairly and ethically traded goods and services and the improvement of health and wellbeing within our communities.
- 1.10 The Scottish Government has legislated for any changes arising from leaving the European Union (such as changes to spend thresholds), but none of the changes will fundamentally change the procedures and processes of advertising and awarding public contracts. The process of open & transparent procurement, advertising contracts and observing minimum timescales remain in place.

## Section 2 – Aims and Objectives

2.1 The objectives of this Policy are to:

- Ensure that BHA maximises value for money when procuring contracts;
- Ensure that BHA complies with all legal and regulatory requirements governing procurement and related best procurement practice when procuring contracts;
- Ensure that procurement accords with the requirements of BHA's policy in respect of payments and benefits;
- Maximise opportunities to jointly procure services on a collaborative basis with colleagues in other local registered social landlords and related organisations;
- Ensure that expectations of tenants, customers, colleagues, and other key stakeholders are met and continually improved; and
- Ensure that BHA makes best use of the commissioning process and that there is sufficient flexibility to ensure expenditure can be increased and decreased as necessary within the financial year.

2.2 This policy should be read in conjunction with the following BHA policies and procedures:

- Standing Orders,
- Financial Regulations,
- Scheme of Delegation,
- Entitlements, Payments, and Benefits Policy,
- Procurement Strategy.

2.3 In the event of any conflict or inconsistency between the terms of this Policy and any provisions in any of the above policies relating to public procurement of contracts, this Policy shall take precedence.

## Section 3 – Overview of Legislation

- 3.1 Following the United Kingdom’s withdrawal from the European Union and the expiry of the transition period on 31 December 2020, the Public Contracts (Scotland) Regulations 2015 (PCSR 2015) have been amended to reflect the exit from the European Union. Links to the rules for public procurement can be found below.
- 3.2 Current thresholds (August 2022) can be found here:  
<https://www.gov.scot/publications/procurement-thresholds-and-vat-inclusion-in-estimated-contract-value-sppn-8-2021/>
- 3.3 The Procurement Scotland Regulations (2016):  
<https://www.legislation.gov.uk/ssi/2016/145/contents/made>
- 3.4 Procurement Reform (Scotland) Act 2014:  
<https://www.legislation.gov.uk/asp/2014/12/contents>
- 3.5 The Public Contracts (Scotland) Regulations 2015:  
<https://www.legislation.gov.uk/ssi/2015/446/contents/made>
- 3.6 The Utilities Contracts (Scotland) Regulations 2016:  
<https://www.legislation.gov.uk/ssi/2016/49/contents/made>
- 3.7 When procuring contracts for goods, services or works, BHA must comply with the Public Contracts (Scotland) Regulations 2015 (“**the Regulations**”) and the Procurement Reform (Scotland) Act 2014 (“**the Act**”).
- 3.8 BHA is subject to a two-tier procurement regime where the Regulations will apply to contracts with a value which meets or exceeds the relevant EU thresholds (£213,477 for supplies or services and £5,336,937 for works including VAT) and the Act will apply to contracts with a value below such EU thresholds but with a value which is equal to or greater than the thresholds set out in the Act (£50,000 for supplies or services and £2,000,000 for works).
- 3.9 The EU procurement thresholds values change every 2 years, and the table below lists updated contract value thresholds that Contracting Authorities (Housing Associations) must follow for all European procurement procedures using SPPN 8/2021 and applying from 1 January 2022.
- 3.10 **Please note that while the threshold values are current and within the policy review period, please check with the above links on thresholds before proceeding with any regulated contract.**

3.11 EU procurement thresholds - Public Contracts (Scotland) Regulations 2015 at 1 January 2022

<b>Contracting Authority</b>	<b>Public Contract Type</b>	<b>Threshold (exc. VAT)</b>	<b>Threshold (incl. VAT)</b>
Central Government Bodies	Supplies or Services	£115,633	£138,760
Other contracting authorities (RSL, LA, etc.) and subsidised services contracts	Supplies or Services	£177,897	£213,477
All contracting authorities	Works (inc. subsidised work contracts)	£4,447,447	£5,336,937
	Light touch regime for Services	£552,950	£663,540
	Small Lots Goods	£58,982	£70,778
	Small Lots Works	£737,267	£884,720

3.12 Scottish Procurement Thresholds – Procurement Reform (Scotland) Act (2014) at 1 January 2022

<b>Contracting Authority</b>	<b>Public Contract Type</b>	<b>Threshold (exc. VAT)</b>
All Contracting Authorities	Supplies or Services	£50,000
	Works	£2,000,000

## Section 4 – Procurement Routes and Responsibilities

- 4.1 The flowchart at Appendix 1 has been provided with this Policy to assist in determining which statutory requirements apply to a particular procurement.
- 4.2 There are six procurement routes that can be chosen, these apply to procurements under the Regulations. There are no prescribed procurement procedures or timescales under the Act, but BHA may, if appropriate, use any one of the procurement routes. The six procurement routes are summarised using the Scottish Government procurement journey website (<https://www.procurementjourney.scot/>). For full explanations and operation, please refer to the Regulations and procurement journey. Brief descriptions are provided below and further details on the Open and Restricted procedures are also provided in Appendix 2.
- 4.2.1 **The Open Procedure:** This is where you send all bidders (who responded to the advertised opportunity) the full Invitation to Tender documents. This means there is no separate selection stage. The open procedure can be used freely in any circumstances and for any type of contract and Framework Agreement. Any interested bidder may submit a tender. However, in some cases it can be beneficial to choose a procedure where the number of the bidders can be reduced at the selection stage based on their capability and capacity, especially if the Organisation does not have enough resources (such as time) to conduct a full open procedure.
- 4.2.2 **Restricted Procedure:** The Restricted Procedure should be used for procurement exercises where market analysis has shown many bidders could meet your needs and may bid. The Restricted Procedure is a two-stage process. The first stage is a selection process, where the bidders' capability, capacity and experience to perform the contract is assessed i.e. the SPD (Scotland) is used to shortlist bidders. This means the number of bidders can be reduced at the selection stage. The second stage is when the Invitation to Tender is issued and the bids are assessed to determine the most economically advantageous tender, the basis of contract award. Only the shortlisted bidders are then invited to submit a tender.
- 4.2.3 **Competitive Procedure with Negotiation:** This procedure lets you clarify bids with bidders after their submission of fully formed initial tenders. You should use this procedure if you are unable to define how to meet your needs technically and/or you cannot specify the legal or financial requirements of your contract. This procedure should not be used for 'off-the-shelf' services or goods, where many suppliers can deliver the service or product. The use of Competitive Procedure with Negotiation must be justified, and the reasons recorded. You can also use the Competitive Procedure with Negotiation where all the

submissions received for an Open or Restricted Procedure that you have conducted are classed as either irregular or unacceptable.

- 4.2.4 Scottish Government guidance examples are: procuring services or goods that require adaptation or design inputs, in cases of complex purchases, such as sophisticated products, intellectual services or major information and communication technology tools.
- 4.2.5 **Competitive Dialogue:** You cannot use this procedure when your requirements can be provided by many different market operators, or it is an off-the-shelf service or supply. The use of Competitive Dialogue must always be justified, although there is no need to include that justification in your Contract Notice. Unlike the Competitive Procedure with Negotiation, here the specification requirements concentrate on your organisation's needs without having to detail the nature, characteristics, or solutions to be offered.
- 4.2.6 Scottish Government guidance examples are: highly complex and risky projects; procuring innovative projects where you are unable to specify your requirements (e.g. your technical, financial or legal solutions) and therefore bidders may have a major role in defining the solution; you cannot assess without in-depth dialogue on what the market can offer; and where Open or Restricted Procedures may not deliver the expected outcomes.
- 4.2.7 **Negotiated Procedure without Prior Publication:** These exceptions should be limited to cases where publishing a call for competition e.g. Contract Notice, is not possible. Organisations relying on this procedure should provide reasons why there are no reasonable alternatives or substitutes.
- 4.2.8 Scottish Government guidance examples are: no bids or no suitable bids are received; no requests to participate or no suitable requests to participate to a previous Open or Restricted tender exercises; where it is necessary for reasons of extreme urgency and these events have been caused by unforeseeable events and not caused by your Organisation; or where the supplies or services can only be provided by a particular supplier (such as the purchase of a unique work of art or artistic performance).
- 4.2.9 **Innovation Partnership:** An Innovation Partnership must only be used where there is a need for the development of an innovative product or service and the subsequent purchase of these cannot be met by solutions already available on the market. The use of this procedure must be justified. The Innovation Partnership Procedure aims to solve an existing problem i.e., organisations not being able to purchase directly from the developer without further competition. This was because the original research and development contract was awarded without competition.

## Section 5 – Statutory Duties

- 5.1 There are a number of specific statutory duties under the Act which will apply to the procurement of any contracts which are subject to the terms of the Act or the Regulations.
- 5.2 The principal statutory duties under the Act are as follows:
- 5.2.1 **The Sustainable Procurement Duty:** BHA must consider, before starting a procurement competition, how, by the way in which it conducts the procurement process, it might improve the economic, social, and environmental well-being of its local area, how it might facilitate the involvement of small and medium enterprises, third sector bodies and supported businesses, and to consider how it can promote innovation. Having considered and identified how these aims might be achieved, the Act requires BHA to conduct its procurements in a way designed to secure the improvements identified.
  - 5.2.2 **Annual Procurement Strategy:** The Act requires BHA to prepare and publish an annual procurement strategy for each year in which it considers its total expenditure on regulated procurements will exceed £5,000,000. If it is obliged to prepare an annual procurement strategy, BHA must also prepare an annual procurement report.
  - 5.2.3 **Contracts Register:** BHA must keep and maintain a contract register which must include details of all contracts entered into by BHA following a regulated procurement under the Act.
  - 5.2.4 **Community Benefit requirements:** The Act requires that, for any regulated procurement with an estimated value equal to or greater than £4,000,000 (excluding VAT), BHA must consider whether to impose community benefit requirements as part of the contract delivery before carrying out the procurement. BHA must include in the contract notice relative to the procurement a summary of the community benefit requirements it intends to impose or, if it is not going to include any community benefit requirements, the reasons for not including any such requirements.

## Section 6 – Awarding Contracts Under Threshold

- 6.1 Contracts with an estimated value below the thresholds set out in the Regulations and the Act do not require to be procured in accordance with the terms of the Regulations or the Act but must be procured in accordance with the requirements of this section of this Policy.
- 6.2 Contracts with an estimated value below the prescribed thresholds do not need to be advertised in OJEU or publicly procured in terms of the Regulations, but contracting authorities must ensure a degree of advertising and follow a procedure leading to the award of the contract which is sufficient to enable open competition and comply with general principles of equal treatment, non-discrimination, transparency, and proportionality.

Legislation	Estimated Value of Contract	Procedure to be Followed
Neither the Act nor the Regulations apply	Below £5,000 works, goods, and services / supplies	Minimum of <b>TWO quotations</b> to be obtained. Lowest priced contractor/supplier to be appointed
	Between £5,000 and £25,000 works, goods, and services / supplies	Aim for <b>THREE</b> with a minimum of <b>TWO quotations</b> . Appointment on either price or Most Economically Advantageous Tender (MEAT).
	Between £25,000 and £50,000 works, goods, and services / supplies	Minimum of <b>THREE competitive quotations</b> via Quick Quote (QQ) using standard documentation. Appointment on either price or MEAT. See Route 1 of the Procurement Journey.
	Between £50,000 and £2,000,000 works	Best practice tender process to be followed with at least 3 competitive tenders via Scottish Contract Notice on Public Contracts Scotland (PCS). Contractor evaluated as being the MEAT to be appointed. See Route 2 of the Procurement Journey.
The Act applies	Between £2,000,000 and £5,336,937 works	Formal Scottish tender process to be followed with at least 3 competitive tenders via Scottish Regulated Contract Notice on PCS. Contractor/supplier evaluated as being the MEAT to be appointed. See Route 2 of the Procurement Journey.
	Between £50,000 and £213,477 goods and services / supplies	
The Act and the Regulations apply	Over £5,336,937 works Over £213,477 goods and services / supplies	OJEU tender process with at least 3/5 competitive tenders via EU Regulated Contract Notice on PCS full tendering procedure. MEAT contractor/supplier appointed. See Route 3 of the Procurement Journey.

## Section 7 – Framework Agreements

- 7.1 Rather than conducting a stand-alone procurement procedure in respect of a particular requirement, BHA may consider procurement through a framework agreement.

### What is a Framework Agreement?

- 7.2 A framework agreement is an 'umbrella agreement' that sets out the terms (particularly relating to price, quality and quantity) under which individual contracts ("call-offs") can be made throughout the period of the agreement (which will be a maximum of 4 years).
- 7.3 Framework agreements can be set up for one contracting authority to use or can be set up for a number of contracting authorities to use.
- 7.4 BHA may set up its own framework agreements or it could explore in relation to a particular requirement, whether there is an existing framework agreement put in place by another contracting authority under which BHA is entitled to draw down the required supplies, services, or works.
- 7.5 Pre-procured frameworks which BHA may be able to access include frameworks established by organisations such as Crown Commercial Service, Scotland Excel, Procurement for Housing, Consortium Procurement, and the Scottish and UK Governments.
- 7.6 Framework agreements are either concluded with a single supplier or with multiple suppliers and are generally split into lots and by region.

### Contract Award under a Framework Agreement

- 7.7 If the framework agreement is awarded to one provider, then BHA can simply call-off the requirement from the successful supplier as and when it is needed (Direct Award). Where the framework is awarded to several suppliers, there are two ways in which call-offs might be made:
- 7.7.1 Where the terms laid out in the framework agreement are detailed enough for BHA to be able to identify the best supplier for that requirement, then BHA can award the contract without re-opening competition (Direct Award). The terms laid out in the framework should be reviewed as some stipulate using the first ranked supplier.
- 7.7.2 If the terms laid out in the framework agreement are not specific enough for BHA to be able to identify which supplier could offer them best value for money for that requirement, a further mini-competition would be held between all the suppliers on the framework agreement who can meet the need. Please note that ALL suppliers awarded on to a particular lot have to be invited to bid for the mini competition.

## **Advantages of Framework Agreements**

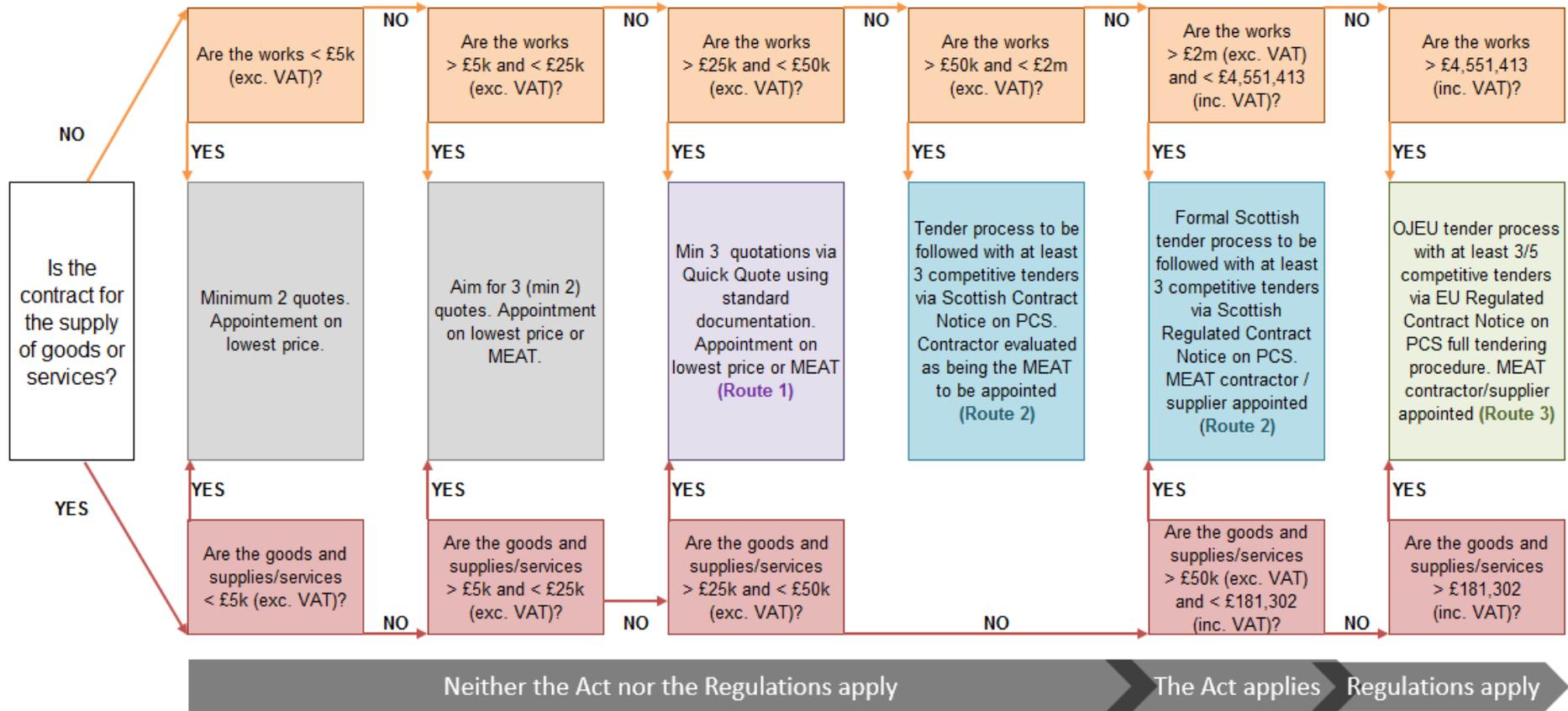
7.8 If a framework agreement has been properly concluded further to a compliant procurement procedure, BHA does not require to follow the full OJEU procedure in respect of each requirement which is the subject of a call-off, thus reducing costs and timescales. There are also potential benefits of economies of scale and applying the terms and conditions already set out in the framework.

## **Disadvantages of Framework Agreements**

7.9 Framework agreements may be relatively unresponsive to change; there may be new suppliers and/or new solutions within the market that were not included when the framework agreement was initially set up.

7.10 Framework agreements tend to apply a "one size fits all" approach, which may make it difficult for BHA to satisfy their own procurement objectives through use of a framework agreement which has been procured by a third party and may not have been tailored to BHA's requirements.

# Appendix 1 – Procurement Decision Flow Chart



## Appendix 2 – Procurement under the Regulations

### 1. Overview of the Regulations

Section 3 of the Policy document sets out the current contract types and thresholds which fall under the Regulations. These types of contracts must be advertised in the Official Journal of the European Union (“OJEU”) and publicly procured in accordance with the one of the defined procedures set out in the Regulations.

Any procurement which is subject to the terms of the Regulations must comply with general principles of:

- **transparency** – contract procedures must be transparent and contract opportunities should be publicised;
- **equal treatment and non-discrimination** – potential suppliers must be treated equally;
- **proportionality** – procurement procedures and decisions must be proportionate; and
- **mutual recognition** – giving equal validity to qualifications and standards from other Member States, where appropriate.

Contracts under the Regulations must be awarded based on the Most Economically Advantageous Tender (MEAT). The Most Economically Advantageous Tender means the tender offer that is most economically advantageous from BHA's point of view having regard to the subject matter of the contract and including matters such as:

- quality;
- price;
- technical merit;
- aesthetic and functional characteristics;
- environmental characteristics;
- running costs;
- cost effectiveness;
- after-sales service;
- technical assistance;
- delivery date; and
- delivery period or period of completion.

Contracts which are subject to the Regulations cannot be awarded based on lowest price only and must be awarded on a mix of price and quality.

Requirements under the Regulations cannot be artificially split to avoid the application of the Act and/or the Regulations (e.g., a single requirement for services with a value of £200,000 cannot be the subject of two separate contracts of £100,000 each).

Where a proposed contract is “mixed”, e.g., if it contains both works and services / supplies or services and supplies, it should be classified according to the main subject of the contract and then the largest subject value.

If the mixed contract comprises both services and supplies, or services covered by both the main regime and services covered by the Light Touch Regime (please see section 8 of this Policy), the main subject of the contract is determined by reference to which part of the contract has the greater value.

## **2. The Single Procurement Document (Scotland)**

The Single Procurement Document (SPD) (Scotland) is a standard-form document, used in regulated procurement procedures, which will include a range of mandatory and discretionary grounds for exclusion. Bidders will need to confirm in their completed SPD (Scotland) that none of the mandatory and discretionary grounds for exclusion applies to them and / or their organisation.

The SPD (Scotland) may also include a number of “pass / fail” questions or questions in relation to which a minimum score must be achieved, and bidders will be required to achieve a “pass” or the minimum score in relation to these questions in order for their tender to be fully evaluated by BHA.

The SPD (Scotland) has replaced the requirement for suppliers to provide up-front evidence or certificates by allowing them to self-declare that they meet certain selection and exclusion criteria. Bidders will be asked to provide proof that they meet the mandatory minimum criteria at a later stage in the tender process.

By law, a winning bidder must submit all the required certificates and documentation before they are awarded a contract. BHA can ask bidders to submit their evidence at any point in the procurement process, if this is necessary to ensure that the process is carried out properly.

In an open, or one-stage, procedure, the successful bidder will be asked to provide their supporting evidence at the point of contract award but before any contract is entered into.

In a restricted, or two-stage, procedure, the successful bidder will be asked to provide their supporting evidence at the point of short-listing.

If, following review of supporting evidence submitted by a successful bidder, a bidder is found to have misrepresented itself, then BHA will need to consider the following:

- If BHA identifies that a bidder is in one of the situations which is a mandatory ground for exclusion, or if it does not meet one of the minimum selection criteria, then BHA must exclude that bidder from the competition. Depending on the nature and stage of the competition, that may mean either that it proceeds without that bidder, or that competition should be re-evaluated without that bidder's tender;
- If BHA identifies that a bidder is in one of the situations which is a discretionary ground for exclusion, then BHA will need to consider whether to exclude that bidder. The decision to exclude must be made in line with the general principles of transparency, proportionality, equality of treatment and non-discrimination; and

- If the issue is more administrative in nature (e.g., mistakes in providing the documentation), then BHA will have the option of inviting the bidder to supplement or clarify the documentation provided.

### **3. Procurements under the Regulations – the Open Procedure**

The open procedure is a single stage procedure in which all interested parties may submit a tender in response to the contract advertisement.

The Open Procedure is suitable where tenders will be easy to evaluate and / or when there are only likely to be a limited and manageable number of tenders to evaluate.

As all interested parties may submit a tender, the open procedure is unlikely to be appropriate where there is any complexity in the evaluation process for practical reasons or where BHA anticipates a significant volume of responses and wishes to limit the number of tenderers invited to the tender stage of the process.

There is no separate pre-qualification stage in the open procedure, although tenderers will be required to complete an SPD (Scotland) as part of their tender submission.

The standard timescale allowed between contract advertisement and receipt of responses is 35 days which can be reduced to 15 days if tenders are to be submitted electrically. A standstill period of 10 days must be allowed after notification of the contract award decision where the notice is being issued electronically.

Under the open procedure, BHA can ask tenderers to clarify aspects of their tenders following submission. However, material changes to the terms of tenders are not permitted and BHA may not negotiate with tenderers after submission of tender responses.

### **4. Procurements under the Regulations – the Restricted Procedure**

The restricted procedure is a two-stage procedure in which all interested parties may submit an expression of interest in response to the contract advertisement.

As there is a short-listing phase, the restricted procedure is likely to be more appropriate than the open procedure for procurements where there is likely to be significant supplier interest and a large volume of expressions of interest or where BHA needs to limit the short-list of tenderers to those with specific expertise and experience in a particular area or sector. As contracting authorities are unable to negotiate with tenderers, the restricted procedure should only be used where BHA is able to adequately specify its needs.

After expressions of interest have been received, BHA then issues an SPD (Scotland) to interested parties and there follows a pre-qualification stage; only those candidates who meet BHA's selection criteria (as set out in the SPD (Scotland)) will be short-listed and invited to the tender stage of the process. A minimum of five suppliers must be invited to tender (unless fewer suitable candidates have met the selection criteria, and these are sufficient to ensure genuine competition).

The standard timescale between contract advertisement and receipt of SPD (Scotland) is 30 days, and between issue of Invitation to Tender and receipt of tenders is 30 days. Both these can be reduced by 5 days if tenders are submitted electronically. A standstill period of 10 days must be allowed after notification of the contract award decision where the notice is being issued electronically.

As is the case under the open procedure, BHA can ask tenderers to clarify aspects of their tender following submission. However, material changes to the terms of tenders are not permitted and BHA may not negotiate with tenderers after submission of tender responses.

## 5. Procurement under the Regulations – All Procedures

The following requirements apply to all procedures under the Regulations.

A specific tender notice must be placed in the supplement to the OJEU, via Public Contracts Scotland, and consideration given as to whether it would be appropriate to also advertise in a suitable professional/trade journal or the press.

Following the contract award decision, BHA must notify the successful and unsuccessful bidders of the contract award decision. Unsuccessful bidders must be given information on the scores they obtained, the reasons why they obtained those scores and the “characteristics and relative advantages” of the successful bidder’s tender submission compared to their own tender submission;

- A mandatory “standstill” period must be observed between the date of the notices informing tenderers of the outcome of the procedure and awarding the contract;
- If the last day of the standstill period is not a working day, then the standstill period must be extended to include the next working day. For example, if the ten-day standstill period ends on a Saturday, then the period must be extended until the next Monday;
- Once the applicable standstill period has expired, BHA may enter into a contract with the successful tenderer;
- Following completion of the tender procedure, BHA must publish a contract award notice in the OJEU, via the Public Contracts Scotland website; and
- Any complaint about, or challenge to, a BHA contract award procedure or any situation which could be reasonably expected to lead to such a complaint or challenge must be notified to **the senior officer immediately on the relevant BHA staff member becoming aware of it**. If a challenge is raised within the standstill period relative to a particular contract, all correspondence in relation to the challenge must immediately be passed to **Board for review**.

## Appendix 3 – Procurement under the Act

Section 3 of the Policy document sets out the current contract types and thresholds which fall under the Act. These contracts must be advertised on the Public Contracts Scotland website and publicly procured in accordance with the terms of the Act, which imposes general obligations on contracting authorities to treat economic operators equally and without discrimination and to act in a transparent and proportionate manner.

Any procurement which is subject to the terms of the Act must comply with general principles of:

- **transparency** – contract procedures must be transparent and contract opportunities should generally be publicised;
- **equal treatment and non-discrimination** – potential suppliers must be treated equally; and
- **proportionality** – procurement procedures and decisions must be proportionate.

Requirements under the Act cannot be artificially split to avoid the application of the Act (e.g., a single requirement for services with a value of £50,000 cannot be the subject of two separate contracts of £25,000 each).

Where a proposed contract is “mixed”, e.g., if it contains both works and services / supplies or services and supplies, it should be classified according to the main subject of the contract and then the largest subject value.

There are no specific prescribed procurement procedures or timescales under the Act, but BHA may, if appropriate, use any one of the procurement procedures under the Regulations for procuring contracts which are subject to the terms of the Act.

In relation to advertising of contract opportunities which are subject to the terms of the Act, the contract notice, tender documentation, and contract documentation must be published on the Public Contracts Scotland website.

Tenderers should be advised to submit any clarifications through the Public Contracts Scotland website and these clarifications and answers will be available to all bidders to ensure transparency and anonymity.

Tenderers will be advised to only submit their tender submissions through the Public Contracts Scotland website.

Following completion of the procurement procedure, a contract award notice must be published on the Public Contracts Scotland website.