

NESTON TOWN COUNCIL PROCUREMENT POLICY

To be adopted at the Annual Meeting of the Council on 20th May 2025

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Neston Town Council believes that getting procurement right is important. It is about continuously improving the delivery, quality and cost effectiveness of public services to residents and the renewal of public assets. The Council strives to attain "best value" for the goods, materials and services that it purchases. "Best Value" is defined as a balance of price, quality of product and supplier services.

The council operates a transparent procurement process in accordance with its Financial Regulations, Standing Orders and Standing Orders for contracts, which cover, amongst other things, the number of quotations required and tender rules. The purpose of this Policy is to provide additional guidance on the factors that will be taken into account when purchasing goods and services.

- The council recognises the benefits to the economy of using local and SME businesses and, where appropriate, the voluntary sector. It will therefore purchase locally wherever possible and where best value can be satisfied.
- In evaluating "best value", the past record of the supplier will be taken into account and this does not always mean that the council should select the lowest quotation.
- For goods, materials or services over £30,000, an evaluation model encompassing both price and quality, will be developed in advance against which best value can be judged. *See also procurement thresholds below.*
- For other than small value purchases, the environmental and ethical credentials of the supplier will be requested, in accordance with the Council's Environmental Policy and Community and Social Policy.
- The Council will purchase Fair Trade goods where possible
- The Council will purchase recycled goods or less environmentally damaging materials where they meet the required functional standard, and will have regard to protecting and sustaining the environment.
- The Council recognises its duty to protect biodiversity under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006. To meet this duty the Council will wherever possible purchase products or specify working methods that protect biodiversity.

- The council pays a living wage to its employees, based on the Terms and Conditions of NCJ and the Green Book, and will encourage its suppliers to do the same.
- All procurement will be in accordance with the council's Equal Opportunities Policy.
- The council understands the importance of paying suppliers promptly and will wherever possible settle accounts within a maximum of 30 days, or earlier, by agreement.
- All contractors and suppliers working on council sites will be required to comply with the council's Health & Safety policy and any rules specific to the site of operation.
- Provision of suitable risk assessments and method statements may be a condition of contracts involving work on council properties or sites.
- The council requires all contractors working on council sites and properties to maintain adequate insurance, including but not limited to: Public Liability insurance and, where relevant, Professional Indemnity insurance at a level commensurate with the value of the contract.

Procurement Thresholds

The **thresholds** for application of the **Procurement Act 2023** were set on 1 January 2024 and are expected to continue to apply until 31 December **2025**.

Public contracts, with an estimated value (including VAT, since 1 January 2022):

over £214,904 (previously £213,477) for goods or services, or

over £5,372,609 (previously £5,336,937) for public works (construction),

must comply with the full requirements of the Public Contracts Regulations 2015 (which will be replaced by the Procurement Act, when it takes effect later in 2024). These include specific tendering methods and timescales, as well as a requirement to advertise on both the Contracts Finder website and Find-a-Tender (the UK e-notification service).

Where a contract will run for several years, it is the total (not annual) value that matters.

Where the estimated total value (including VAT) is below these thresholds, but exceeds £30,000 (after 21 December 2022), a council is required to advertise the opportunity on Contracts Finder if they publish an open invitation to quote/tender. If they are inviting specific firms and not opening it up to wider competition, they don't have to advertise the opportunity on Contracts Finder (Public Contracts Regulations 2015, Reg. 110(5)(b)).

However, the council must comply with its own Standing Orders, Standing Orders for Contracts and Financial Regulations, and if those regulations require an open invitation and a formal tender process, the council should follow them. Tendering processes ensure fair competition, achieve value for money and avoid anti-competitive behaviour. They protect the council and taxpayers.

If the council simply chooses specific firms to invite, it must avoid allowing non-commercial considerations (defined in Part 2 of the Local Government Act 1988) to influence its decisions. If a council invites some suppliers and not others, it should record its reasons.

If the council genuinely believed the value would be under £30,000 but the tenders came in above that, the Regulations do not require it to go back and start again.

Regardless of whether the opportunity was advertised, Regulation 112 requires a council to publish the award of a contract over £30,000 on Contracts Finder within a reasonable timescale. There is no specified timescale for parishes, but it is suggested that this is within 3 months.