

# How to do business with Middlesbrough Council

## A Guide for Suppliers and Contractors

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## Introduction

The prospect of tendering with a public sector organisation, including Middlesbrough Council can be daunting for any supplier, especially any that are new to tendering or bidding for contracts. As a result of this the following guide has been produced to assist suppliers and contractors who wish to supply the Council with goods, works and services.

It aims to help in 3 ways:

- Provide awareness of the rules that Middlesbrough Council must follow.
- Outline the different procurement options that are available
- Outline where opportunities to tender can be found and outline how to bid for these tenders.

Middlesbrough Council encourages competition and welcomes bids from new and established suppliers. Contracts are generally awarded based on the most economically advantageous offer to the Council. Middlesbrough Council cannot discriminate in favour of local suppliers but they will be given every encouragement to compete for Middlesbrough Council contracts.

## How much does Middlesbrough Council Spend

Middlesbrough Council spends in the region of £150million annually on goods, works and services.

In addition Middlesbrough Council utilises a number of collaborative procurements contracts through the North Eastern Purchasing Organisation (NEPO), Yorkshire Purchasing Organisation (YPO), Eastern Shires Purchasing Organisation (ESPO), Crown Commercial Services (CCS) and joint procurement via Tees Valley Local Authorities with enable foods and services to be provided in an efficient, cost effective and sustainable way and assist Middlesbrough Council meet its corporate objective. A full list of Middlesbrough Councils current contracts register is available on the [E-Tendering Portal Contract Register](#) and is the default location for current tendering opportunities.

It is important that the Council obtains value for money when buying any goods, works and services by inviting competitive tenders where appropriate. The Council ensures that public money, spent via procurement activity, is spent in a way that is honest, open, equal, and transparent.

## Rules and Regulation

All the Council's procurements must comply with UK Legislation and Local regulations. Local rules relate to Middlesbrough Council's Finance Procedure Rules and the Standing Orders contained within them. The process that will be followed is dependent on the nature and value of the goods, works or services being procured. A general guide is given in the table below;

WORKS	SUPPLY OF GOODS, MATERIALS & SERVICES INCLUDING CONSULTANCY	LIGHT TOUCH REGIME	TENDERING PROCEDURE
Up to £10,000	Up to £10,000	Up to £10,000	<ul style="list-style-type: none"> <li>Neither written quotations nor tenders need to be invited.</li> <li>Ensure value for money is achieved using local suppliers where possible.</li> </ul>
£10,001 - £1,000,000	£10,001 - £213,477 (inclusive of VAT) £177,897.50 (exclusive of VAT)	£10,001 - £663,540 (inclusive of VAT) £552,950 (exclusive of VAT)	<ul style="list-style-type: none"> <li>At least 3 written quotations.</li> <li>The quotation system must be used for quotations.</li> <li>Use local suppliers where possible.</li> <li>Tenders can be sought but this is optional.</li> </ul>
£1,000,001 - £5,336,937 (inclusive of VAT) £4,447,447.50 (exclusive of VAT)	N/A	N/A	<ul style="list-style-type: none"> <li>At least 4 tenders must be sought.</li> <li>The Tender advert(s) must be placed on Contracts Finder.</li> <li>The E-Tendering Portal must be used.</li> </ul>
Above £5,336,937 (inclusive of VAT) £4,447,447.50 (exclusive of VAT)	Above £213,477 (inclusive of VAT) £177,897.50 (exclusive of VAT)	Above £663,540 (inclusive of VAT) £552,950 (exclusive of VAT)	<ul style="list-style-type: none"> <li>Notice in Find a Tender Service.</li> <li>At least 5 tenders must be sought, ensuring that the tender process complies with UK Procurement law.</li> <li>The E-Tendering Portal must be used.</li> </ul>

## What procurement options are available to the Council?

Middlesbrough Council currently operate numerous corporate contracts for goods, materials, and services, and in a normal year would tender a proportion of contracts on a rolling programme. Many of the supply contracts will be in the form of a “call-off contract” or “framework contract”. Both will last for a period of time before coming up for renewal. Call-off contracts allow orders to be placed over the period of the contract to meet the needs of Middlesbrough Council. Framework contracts allow Middlesbrough Council to identify a number of companies that have successfully met the standards in open competition and the Council to place orders with the selected companies over the period of the contract without the need to use the tender process each time.

The Processes the Council can use are as follows:

### Open Procedure

An advert will be on the E-Tendering Portal, Contracts Finder and if applicable the Find a Tender Service. An open tender will be open to anyone and tender documents can be accessed by anyone who expresses an interest.

### Restricted Procedure

An advert will be placed on the Council website, in the business section, Contracts Finder and Find a Tender Service depending on value. Companies who express an interest will be required to complete a Supplier Questionnaire. The Council will evaluate the responses and produce a list of suitable companies who will then be invited to tender by the issuing of an Invitation to Tender (ITT) direct to those suitable companies via the e-tendering portal.

### Negotiated Procedure

This kind of procedure is used when the Council is unable to provide a precise specification and where there is scope to negotiate with companies about what services they provide. All tender opportunities can be accessed via the regional e-tendering portal.

### Competitive Dialogue

In the case of particularly complex contracts competitive dialogue may be used. This procedure has features in common with both the restricted and negotiated procedures. All tender opportunities can be accessed via the regional e-tendering portal.

### Approved Lists

Middlesbrough Council also maintain approved lists of contractors, which in the main are in the area of works. Suppliers on the approved list have been through an application process and are approved to carry out specific work for the Council and are asked to tender when opportunities arise.

Companies wishing to be considered for the inclusion within the Standing List should contact [Procurement@middlesbrough.gov.uk](mailto:Procurement@middlesbrough.gov.uk).

## How do I find out about tender opportunities?

Potential suppliers are advised to regularly check the regional e-tendering portal on [www.nepo.org/](http://www.nepo.org/) In addition it is recommended that you check the government websites [Contract Finder](#) and [Find a](#)

[Tender](#) for advertisements and notices placed by Middlesbrough Council and other public bodies for seeking opportunities for works, goods and services.

## How do I apply for contracts that are advertised?

The contract notice or advertisement will invite companies to submit an expression of interest for a contract. The advertisement will detail the procedure and what information is required. In most cases, expressing your interest will give you direct access to the tender documentation. All tender submissions must be submitted via the e-tendering portal.

## What will the tender documents be like?

If the opportunity is using the open process or a supplier is successful in applying for a tender, a set of documents will be made available on the e-tendering portal following an expression of interest. The information submitted will be considered together with the tender bid at the same time. The tender documents will consist of all or some of the following: -

### [An Invitation to Tender \(ITT\)](#)

This document provides the following:

- Guidance for completing the tender documentation
- A timetable of key dates
- A background to the tender
- Details the requirements of submission and the information to include
- Provides detail of the evaluation process the Council will use to select the winner.
- Details the clarification meetings and site visits (if/as required)

### [A Specification \(Schedule 1\)](#)

This document sets out what needs to be provided along with the performance standards and outcomes that must be delivered.

### [The Terms & Conditions \(Schedule 2\)](#)

This document sets out the conditions the tenderers must comply with and details how the contract will be managed, in addition to the relationship between the Council and the Contractor.

### [Pricing Schedule \(Schedule 3\)](#)

This document provides a template for completion for tenderers to submit their tendered price. Tenderers may also be asked to provide a breakdown on how this cost has been calculated.

### [Form of Tender \(Schedule 4\)](#)

The Form of Tender is a company's agreement to the terms and conditions of the tender in addition to their cost for the contract. This form must be signed before the tender is submitted.

### [Certificate of Non-collusion and Non-Canvassing \(Schedule 5\)](#)

This form is a declaration and must be signed before your tender is submitted.

### [Quality Submission Template \(Schedule 6\)](#)

This document contains the quality questions asked by the Council that requires a response from suppliers. These are the qualitative questions that will be evaluated by the panel.

## TUPE Confidentiality (Schedule 7)

This form is required to be completed by suppliers prior to the release of any TUPE information. If applicable within the tender.

## Supplier Assessment Questionnaire (Schedule 8)

This document is designed to capture all the information the Council required to assess whether a company is suitable to be awarded a contract. The general information required provides basic details about an organisation, verified that it can be identified as a legitimate trading organisation, that it has acceptable levels of economic and financial standing, relevant technical ability and other declarations relating to equal opportunities and health and safety.

It is important that all questions are answered so that your submission can be evaluate.

## Supplier Incentive Programme (Schedule 9)

This document allows a supplier to opt-in to our early payment programme. The Supplier Incentive Programme enables a supplier's invoices to be paid ahead of contractual payment terms in exchange for a pre-agreed rebate. The rebate is applied dynamically as the invoice is paid and is proportionate to how many days your payment is accelerated by.

## What happens when I have submitted a tender?

There are 3 stages following the submission of a tender:

1. Tender opening – When the tender return date has passed the tenders that were submitted on time and in the correct procedure will be opened in accordance with the Council's Standing Orders.
2. Tender Evaluation – Tenders will be evaluated using the scoring mechanism state within the tender documents.
3. Contract Award – The successful and unsuccessful tenders will be notified. In the case of tenders where the Public Contract Regulations 2015 apply a 10-day standstill period will be applied. This mean that there has to be a 10-day period between the notification of the contract award and the start of the contract this gives tenderers the opportunity to request further information.

## How to Tender – Hints & Tips

### General

When tendering ensure:

- You take the time to read all documentation and understand what is being asked.
- The submission is completed in a timely manner – Don't leave until deadline day!
- The submission is complaint and contains all the information asked for in the ITT.
- Set out in the same order as the notice lists, with any additional information properly indexed.
- Make full use of the question and answer section to refine your bid.

### Tender Preparation

Always read through the tender documentation until you fully understand what is required. If you don't understand any part of the documentation raise a question through the e-tendering portal.

The way you submit information is just as important as the content and it is worth noting that in most cases the council will be evaluating many bids at the same time and anything you can do to make yours easier to read and more relevant to the tender will be a great help to all concerned.

Bidders should ensure that they read fully the Tender documents relating to the Council requirement(s) with the response tailored towards the information as called for. The bid document should also be laid out in a structured format that clearly details the responses to the information called for. If a template is provided do not deviate from this as it may invalidate your bid.

Always remember, the first part of the selection process is identifying non-compliant bids. Tenders can be rejected as being non-compliant bids for a number of reasons including; late delivery, incomplete documents provided, unauthorised changes to the documents and even as simple as documents not being signed. Only when the rejection process is completed can the selection process start.

Whenever you submit a tender you should always aim to produce bids that will attract the highest possible scores, both for quality and for price. If you have any queries about what you are being asked to provide it is best to ask them earlier rather than at the last minute. Each Tender will have a date stated upon it by which final date questions on clarifications may be made pre-tender submission.

### Organising the Tender Response

On receipt of the tender documents (ITT documents) start a simple project plan. Log those important dates; the date in which you received the documents and the date this must be return. Then based on these dates and any other important dates for your company, set our a timetable that ensures the tender is completed and returned on time.

Dependent on the size of your company is often best to pull together a tender team and make one person in your company responsible for the tender submission Remember the tender team will nearly always have to work with other people in your company to develop the bid and price it, make sure you have the resources to meet the tender deadlines. Your company will:

- decide whether to tender or not: if not, inform the authority and 'opt out' via the e-tendering portal
- distribute the required information to the Tender Team
- produce a tender timescale plan
- read and re-read the tender document and track down any obtain copies of any reference documents stated in the document(s)
- decide which members of your staff you need to complete the tender
- call an initial meeting of your Tender Team. This may include input from your production, legal, commercial and sales personnel. It is important to include any sales personnel who have knowledge of the client: they are likely to appreciate from their past contact any requirements the client feels are important – this can set your bid apart from your competitors.



- check every member of the Tender Team's holiday dates to ensure that they can complete the tasks in the timescale required

### Questions and Clarifications

If you have any questions regarding the tender documents, you should submit your questions via the e-tendering portal through the questions and answer sections.

When you submit your questions to the authority these will be answered promptly and if these questions are of a general clarification nature the answers will be circulated to all tendered at the same time. If your question is of a purely commercial nature specific to your company, then the answer is sent only to your company through a private reply. All questions must be submitted electronically via the e-tendering portal to ensure there is no misunderstanding as to exactly what has been asked.

It is recommended that you fully utilise this function to confirm your understanding and requirements of the opportunity and to ask further questions to help refine your bid.

Remember to check the ITT as there will be a cut off date when questions and clarification can be asked. This is usually one week prior to the submission deadline but could be longer depending on the complexity of the goods, works or services procured.

### Tender Submission

Tenders should be checked to ensure compliance with the Invitation to Tender (ITT).

Do not wait until the last minute to upload your tender onto the e-tendering portal. You need to log-in, navigate to the correct project and complete the submission information before the system will allow you to submit your tender. **Any bids received after the closing date and time will be rejected.** Remember you can submit your bid at any point in advance of the closing date and if necessary, you can also submit an amended tender if changes are required before the deadline.

### Bid Evaluation

When evaluating bids, we often come across genuine errors and areas that we need to clarify. Do not be concerned if you are contacted via the e-tendering portal asking you to answer any questions.

Always reply electronically and remember whatever your answer it will be used to evaluate the bid and could form part of your contract.

### Contract Award

UK procurement law requires that contract authorities now include a minimum mandatory standstill period of ten clear days for those contract values where the Public Contract Regs apply.

This means that unsuccessful bidders can be informed of the outcome of the tender evaluation and be given the opportunity to challenge the result if they have evidence that they have been treated unfairly in comparison to other bidders.

### Where can I find further information?

Middlesbrough Council tender opportunities are advertised in a range of places which include:

Middlesbrough Council Website - [Business | Middlesbrough Council](#)

Contracts Finder - [Contracts Finder - GOV.UK \(www.gov.uk\)](https://www.gov.uk/contracts-finder) – Low value contracts

Find a Tender Service - [Find high value contracts in the public sector - GOV.UK \(www.gov.uk\)](https://www.gov.uk/find-high-value-contracts)

Regional e-tendering portal: [Home | NEPO](#) And [Home - Open | Developed by Nepo \(open-uk.org\)](#)

If you require any further information and guidance on the procurement processes followed by Middlesbrough Council, then please feel free to contact: [Procurement@middlesbrough.gov.uk](mailto:Procurement@middlesbrough.gov.uk)