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<b>Policy:</b>	Procurement Policy
<b>Legal Requirements:</b>	<p>When procuring contracts for supplies, services or works, the Association must comply with the following legislation:</p> <p>The Public Contracts (Scotland) Regulations 2015 Procurement Reform (Scotland) Act 2014 (“the Act”) The Procurement (Scotland) Regulations 2016.</p>
<b>Regulatory Standards:</b>	<p>The Scottish Housing Regulator has set out Regulatory Standards for all Registered Social Landlords (RSLs) to ensure that RSLs deliver good outcomes and services for its tenants and service users through good governance and financial management.</p> <p>This policy evidences that the following Regulatory Standards are being met:</p> <p>Standard 1. The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.</p> <p>Standard 2. The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities.</p> <p>Standard 4. The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation’s purpose.</p> <p>Standard 5. The RSL conducts its affairs with honesty and integrity.</p>
<b>Notifiable Events Guidance:</b>	<p>In compiling this policy, consideration has been given to the Notifiable Events Guidance issued by the Scottish Housing Regulator and the impact of that guidance on the policy.</p>
<b>Equality and Diversity:</b>	<p>The Association is committed to Equal Opportunities and will endeavour to ensure that all services are carried out in an undiscriminating manner in line with the Association’s Equality and Diversity Policy.</p> <p>In particular, the Association will not discriminate on the grounds of age, disability, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender, gender reassignment or sexual orientation.</p>
<b>Human Rights:</b>	<p>In compiling this policy, consideration has been given to “The Right to Adequate Housing” (Fact Sheet No. 21/Rev.1) published by the Office of the United Nations High Commissioner for Human Rights and the impact of that guidance on the policy.</p> <p>In particular, the Association is satisfied that this policy promotes the key aspects of the right to adequate housing – that it contains freedoms; entitlements; provides more than four walls and a roof; and protects against forced evictions.</p>
<b>Complaints:</b>	<p>Although the Association is committed to providing high levels of service, we accept that there may be occasions where customers may not be satisfied with the service they have received. The Association values all complaints and uses this information to improve the services that it provides. The Association’s Complaints Policy describes our complaints handling procedure and how to make a complaint.</p>



POLICY STATEMENT

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<b>General Data Protection Regulation (GDPR):</b>	The Association will treat all customers' personal data in line with its obligations under the current data protection regulations and our Privacy Policy. Information regarding how data will be used and the basis for processing data is provided in the Association's Fair Processing Notice.
<b>Policy Author:</b>	Kevin Freeman
<b>Policy Review:</b>	In order to ensure that any change in circumstances is accommodated this policy will be subject to review every three years in the month of August.
<b>Policy Approval:</b>	This policy was last reviewed / approved by the Management Committee of Yoker Housing Association Limited at its meeting held on Tuesday the 26th of September 2024.



### Statement of Policy Aims and Principles

The aim of this policy is to ensure that Yoker Housing Association Ltd (“the Association”) has efficient, effective and accountable procedures for procuring contracts for the supply of supplies, services and contract works.

To that end, the Association will:

- Comply with all legislative and regulatory requirements;
- Ensure good procurement practice is applied across the organisation
- Obtain value for money when purchasing supplies, services and contract works
- Encourage the development of partnership arrangements with suppliers and other procuring organisations and explore opportunities for joint delivery of services with others;
- Ensure that community benefits and innovation are promoted in accordance with the legislation.

### Policy Details

When procuring contracts for supplies, services or contract works, the Association must comply with the Public Contracts (Scotland) Regulations 2015 and the Procurement Reform (Scotland) Act 2014 (“the Act”) which provides a national legislative framework for sustainable public procurement. The Act became effective on 18 April 2016.

### The Procurement Journey

To ensure that the Association complies with the legislation, we will use “The Procurement Journey” published on the Scottish Government’s website. “The Procurement Journey is intended to support all levels of procurement activities and to help manage the expectations of stakeholders, customers and suppliers alike. It facilitates best practice and consistency across the Scottish public sector.” (Source: <https://www.procurementjourney.scot/procurement-journey>).

The Procurement Journey was developed as an online tool and has been updated to comply with the Public Contracts (Scotland) Regulations 2015, Procurement (Scotland) Regulations 2016 and the statutory guidance. The Association will use the Public Contracts Scotland Portal where applicable.

### Thresholds

The procedure for the award of a contract depends on the estimated value of that contract. When estimating the cost of a contract, an allowance for VAT must be included within the calculation for the purpose of determining whether or not the contract equals or exceeds threshold values.

Regardless of the threshold value, there is (1) a “general duty” to treat potential suppliers equally and without discrimination and to act in a transparent and proportionate manner (i.e. procurement procedures and decisions must be proportionate) and (2) a “sustainable procurement duty” to improve the economic, social and environmental wellbeing, to facilitate the involvement of small and medium sized enterprises (SMEs), third sector bodies (such as voluntary or community organisations), supported business and to promote innovation.

Threshold values for contracts subject to procurement legislation and for publishing notices should be checked at the start of each tendering process.

The relevant threshold values and the associated procurement procedure that must be applied are detailed as follows:

### Contract Works, Supplies or Services below a threshold of £5,000 exclusive of VAT

Work may be authorised by individual officers and a contractor may be directly engaged without any form of public procurement exercise.

For maintenance works, this threshold may be overruled in properties of mixed ownership, where particular attention will be paid to the rules set out in the Deed of Conditions in respect of the stated thresholds in the procurement of works involving planned or reactive repairs, renewals or improvements.



POLICY STATEMENT

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Contract Works, Supplies or Services between £5,000 and £10,000 exclusive of VAT

5 Except in exceptional or emergency circumstances, minor contracts, goods or services (those of value £2,000 to £10,000 excluding VAT) will be put out for a minimum of two competitive quotations via a direct approach to suppliers or contractors using standardised documentation and return date.

10 For maintenance works, this threshold may be overruled in properties of mixed ownership, where particular attention will be paid to the rules set out in the Deed of Conditions in respect of the stated thresholds in the procurement of works involving planned or reactive repairs, renewals or improvements.

The procedure for quotations shall be as follows:

- 15 (a) The works shall be put out for competitive quotation to a minimum of two suppliers or contractors.
- (b) The quotations shall be returned within a specified timescale in an envelope clearly marked "QUOTATION" or electronically with an attachment clearly marked "QUOTATION", detailing the supplier / contractor's name and a description of the works. Quotations returned late will be rejected.
- 20 (c) Quotations shall be opened in the presence of two members of staff.
- (d) The relevant information shall be written into the "Minor and Small Works Register".
- 25 (e) Subject to the above procedure having been complied with, the lowest quotation shall be accepted by the designated member of staff.

Contract Works, Supplies or Services between £10,000 and £50,000 (exclusive of VAT)

30 At least three competitive tenders must be sought via Quick Quote from suppliers who have the experience and expertise to meet our requirements.

This can be done either in-house by obtaining a minimum of three competitive quotations, or by Quick Quote either by the authorised staff members or in conjunction with a consultant Quantity Surveyor using the Public Contracts Scotland Portal.

35 Route One of the Procurement Journey should be followed.

Unless there is good reason for doing so, the Association will endeavour not to restrict our selection to existing suppliers to facilitate competition, encourage innovation and ensure best value. A record will be maintained of all tenders received on our Contract Register.

40 Subject to the above procedure having been complied with, the lowest quotation shall be accepted by the designated member of staff. However, if only one contractor or supplier can undertake the work required, approval can be sought from the Management Committee for a Non-Competitive Action. This is an exceptional procedure and should be strictly limited to certain situations and documented for audit purposes.

Supplies or Services between £50,000 and £179,087 (Scottish Threshold) exclusive of VAT

45 Such contracts may be procured by Quick Quote in conjunction with a consultant Quantity Surveyor using the Public Contracts Scotland Portal; or

50 May be advertised on the Public Contracts Scotland Portal and procured in accordance with the Act using a formal tender process. A formal tender process will apply, using the Single Procurement Document (SPD) for pre-qualification stage and a subsequent Invitation to Tender (ITT). Contracts will be awarded based on the "Most Economically Advantageous Tender" (MEAT), having regard to quality, price and technical merit.

55 For a formal tender process, a consultant Quantity Surveyor will be utilised.



**POLICY STATEMENT**

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Supplies and Services over £179,087 (Scottish Threshold) exclusive of VAT

Such contracts will be subject to fully regulated procedures and must be published on the Public Contracts Scotland Portal.

5 Public Contracts Scotland will then automatically transfer notices to the UK Find a Tender Service (FTS) for public contracts (above threshold). FTS replaces the role of the Official Journal of the EU (OJEU) in the procurement process.

10 Contracts will be awarded having regard to quality, price and technical merit. Price only will not be used as the sole award criteria. The Most Economically Advantageous Tender will be identified based on the best price/quality ratio, which will be assessed prior to publication based on criteria linked to the subject matter of the contract.

For regulated procedures, a consultant Quantity Surveyor will be utilised.

Works Contract between £50,000 and £2,000,000 exclusive of VAT

15 At least three competitive tenders must be sought via Quick Quote from suppliers who have the experience and expertise to meet our requirements.

20 The Association will endeavour not to restrict our selection to existing suppliers in order to facilitate competition, encourage innovation and ensure best value.

An Invitation to Tender (ITT) document will be utilised. Price only may be used as the sole award criteria. The Most Economically Advantageous Tender will be identified based on the best price / quality ratio, which will be assessed prior to issue of the ITT.

25 For a formal tender process, a consultant Quantity Surveyor will be utilised.

Works Contract between £2,000,000 and £4,477,174 (Scottish Threshold) exclusive of VAT

30 Such contracts will be subject to fully regulated procedures and must be published on the Public Contracts Scotland Portal.

A formal tender process will apply, using the Single Procurement Document (SPD) for pre-qualification stage and a subsequent Invitation to Tender (ITT). Contracts will be awarded based on the "Most Economically Advantageous Tender" (MEAT), having regard to quality, price and technical merit.

35 For regulated procedures, a consultant Quantity Surveyor will be utilised.

Works Contract over £4,477,174 (Scottish Threshold) exclusive of VAT

40 Such contracts will be subject to fully regulated procedures and must be published on the Public Contracts Scotland Portal. Public Contracts Scotland will then automatically transfer notices to the UK Find a Tender Service (FTS) for public contracts (above threshold). FTS replaces the role of the Official Journal of the EU (OJEU) in the procurement process.

45 Contracts will be awarded having regard to quality, price and technical merit. Price only will not be used as the sole award criteria. The Most Economically Advantageous Tender will be identified based on the best price/quality ratio, which will be assessed prior to publication based on criteria linked to the subject matter of the contract.

For regulated procedures, a consultant Quantity Surveyor will be utilised.

**Contract Register**

50 A record will be maintained on our Contract Register of all contracts awarded. All contracts awarded via PCS will be recorded on the PCS Contract Register. The Association will also maintain and update our internal Contract Register for all contracts awarded though PCS.



**Pre-Tendered Frameworks**

As a Registered Social Landlord (RSL), the Association may join/be named on a pre-tendered framework without the need to go through any formal procurement process.

5 The framework provider has already done the procurement works and the Association can join and enjoy the benefits of the 3 or 4 year period of the framework.

Frameworks can also allow direct award of contracts, supplies or services and this can be beneficial in terms of time and costs for the Association.

10 The Association may also consider setting up its own Frameworks for works, supplies or services.

**Community Benefits**

15 The Act requires that for any regulated procurement with an estimated value equal to or greater than £4,000,000 excluding VAT, the contracting authority must, before carrying out the procurement, consider whether to impose community benefits as part of the procurement.

20 The Association will always consider training and recruitment opportunities to improve the economic, social or environmental wellbeing of our area of operation where it is feasible to do so.

**Procurement Strategy**

25 The Act requires that a contracting authority which expects to have significant procurement expenditure (defined as the sum of the estimated values of the contracts to which its regulated procurement in that year is equal to or greater than £5,000,000) must prepare a procurement strategy setting out how the authority intends to carry out regulated procurements.

The Association will comply with the requirements of the Act when our procurement expenditure reaches the published limit.

**Receipt of Tenders**

30 Except for electronic tenders which will be returned via the Public Contracts Scotland Portal, all tenders will be returned to the offices of the Association in a sealed envelope prior to the expiry of the deadline stated in the invitation to tender and tender documentation.

The envelope should be provided by the Association and should be clearly identified as containing a tender, and the time and closing date for receipt of the tender should be stated on the outside of the envelope.

35 Envelopes containing tenders should be returned by recorded delivery or, if handed into the Association's offices, a receipt should be requested and given. The envelope should be date stamped and the time of receipt must be clearly marked before placing the documents in a secure cabinet until the time of tender opening.

40 On no account should any tender be opened prior to the agreed time to prevent any information contained within the documents from being misused.

**Tender Opening**

45 It is the policy of the Association that tenders will be opened as soon as practically possible after the closing time and date in the presence of two members of staff, one of whom shall be Officer grade or above, to record the details and witness the opening.

Consultants or members of a design team (if applicable) and the Director may also be present at the opening.

50 Electronic tenders received via the Public Contracts Scotland Portal will remain locked until the closing deadline. They can be unlocked after the closing date by the authorised personnel who issued the tender via the portal, whether a staff member or a professional consultant. The recording procedures for electronic tenders remain as undernoted.

When the tenders are opened, the amounts shall be recorded in the Tender Return Schedule in accordance with the headings therein. All representatives present at the opening should sign the Tender Return Schedule giving their name, title and designation. The original tender return schedule will be held by the Director and a scanned copy kept on the Tender Returns file.

55 All tenders will be checked for arithmetical errors and tender rates will be compared.



**Acceptance of Tender**

It is the policy of the Association that the most economically advantageous tender received should normally be accepted.

5 A tender report will be presented at the next appropriate Management Committee meeting and will include details on which tender has been accepted.

However, there may be occasions where areas of concern are identified, which might suggest that the most economically advantageous tender is not the most competitive and this will be reflected in the tender report to Committee. In such cases, the Management Committee will consider the recommendations and then make the decision on which tender should be accepted.