

Northern Ireland Assembly Commission

CORPORATE PROCUREMENT POLICY

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1. PURPOSE

- 1.1.** The purpose of this procurement policy is to support the corporate strategy and to establish the procurement related corporate objectives, principles and drivers that will be used when anyone connected with the Northern Ireland Assembly Commission (the Assembly Commission) is procuring supplies, services or works on our behalf. It is written to be understood and applied by all staff and avoids the use of overly technical language.
- 1.2.** The policy outlines the key principles related to procurement as a functional and important activity of the Assembly Commission. The purpose of the policy is to provide direction to the Assembly Commission staff involved in procurement. However, it is also useful to demonstrate, to the Assembly Commission's current and potential supplier base and wider stakeholders, that the organisation operates its procurement activity professionally, fairly and objectively, being mindful of the need to achieve value for money (VFM) in a transparent and competent manner.
- 1.3.** The policy is endorsed by senior management as being current, up-to-date, practical and fit for purpose. The policy has to be adhered with by all business areas of the secretariat.
- 1.4.** The policy is sponsored by the Director of Legal, Governance and Research Services (LGRS). The Head of Procurement (HoP), in consultation with the director of LGRS, has discretion to make minor/factual amendments to the policy from time-to-time, referring policy changes to the Senior Management Group (SMG).
- 1.5.** The policy will be subject to review, led by the HoP, every two years.

2. BACKGROUND

- 2.1.** The Northern Ireland Assembly is the legislative body for Northern Ireland. It consists of 90 Members of the Legislative Assembly (MLAs), supported by members' staff and a secretariat. The Assembly Commission is the corporate body established to support the Northern Ireland Assembly. It is responsible for the provision of all of the requirements for the operation of the Northern Ireland Assembly e.g. staff, buildings, goods and services and contracts etc. The Assembly Commission is separate from the Northern Ireland Executive and, therefore, is not regulated by the Northern Ireland Executive procurement board.
- 2.2.** The Assembly Commission's corporate strategy 2018-23 guides the direction of the Assembly Commission in the provision of support, services and advice to the Northern Ireland Assembly. One of the key objectives of the strategy is to build excellence and innovation in our services. The Assembly Commission is committed to providing the Northern Ireland Assembly with services that demonstrate excellence, VFM, opportunity, transparency, sustainability and fitness for purpose.
- 2.3.** The Assembly Commission is a contracting authority as defined in the Public Contracts Regulations 2015 (PCR), which inform and regulate how goods, services and works are procured by the Assembly Commission. With the advent of Brexit and the UK having left the EU, it is not clear what impacts this will have on procurement regulations. However, the interim position is that there will be no substantial changes in the short term. The policy will be amended to take account of any new regulations when they come into force. The PCR apply to procurements above a specified threshold (this is specified by the EU and is altered around every two years). However, the Assembly Commission applies the principles of transparency, equal treatment, non-discrimination,

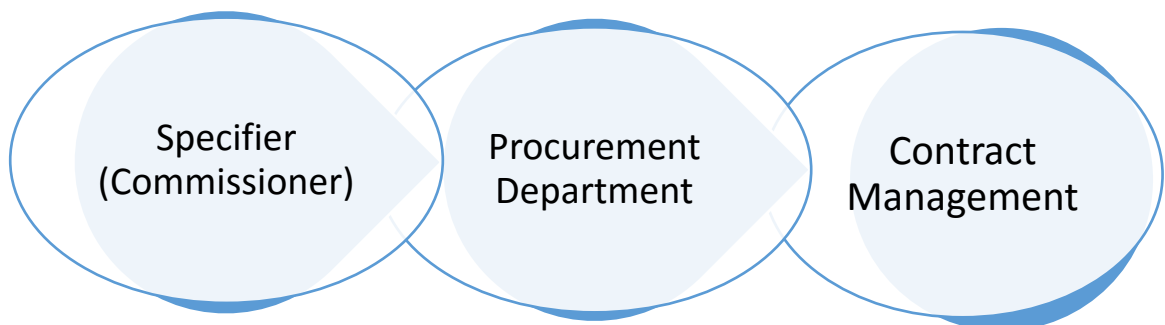
proportionality and mutual recognition to the EU Treaty Principles to all procurements. This is likely to continue when any new EU regulations are implemented after the UK's departure

3. BEST PRACTICE

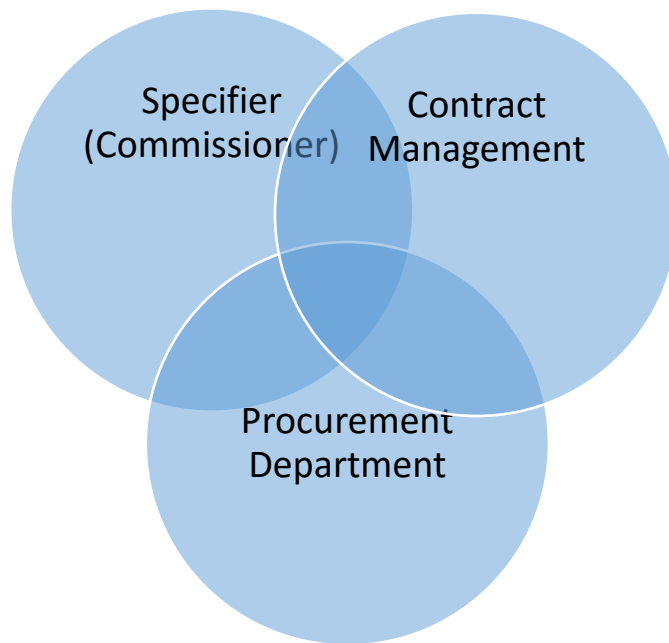
- 3.1.** The use of appropriate procurement processes to identify service providers is an important aspect of the Assembly Commission's delivery of its projects. Procurement is the end-to-end acquisition of goods and services. Procurement is an integral part of resource, finance, governance and budgetary management. It is a significant contributor to the provision of the services on behalf of the Assembly Commission.
- 3.2.** The key elements of the policy reflect the essential requirements to direct the development of procurements so they will support the Assembly Commission's corporate strategy and SMG's drivers for success e.g. VFM, compliance and risk. A fundamental recognition and implementation of good governance, equality, transparency and accountability, as these apply to procurement activities within the public sector, are required (within which the Assembly Commission's procurements occur).
- 3.3.** The Assembly Commission will strive to ensure that its procurements are conducted in accordance with best practice. Best practice will be assessed on a case-by-case basis but will include:
 - careful consideration of procurement policy notes that are issued by both the Cabinet Office and Construction and Procurement Delivery (CPD) and, where appropriate, allowing those policies to inform the Assembly Commission's policy and procedures;
 - being as transparent as possible to allow all stakeholders to understand what, where, when and why we are procuring;

- ensuring that small and medium sized enterprises (SMEs) have access to our opportunities where possible;
- to the extent permitted by law, encouraging Northern Ireland based-SMEs to access our opportunities;
- being proportionate in our approach to procurement to avoid overly complex or bureaucratic processes;
- being focused upon value and not price;
- ensuring that social, economic and environmental issues are considered when planning procurements;
- ensuring that compliance is achieved in all procurements, but recognising that this is not the primary purpose of procurements; and
- assessing risk and being prepared to mitigate or accept this where and when it is appropriate.

3.4. Many traditional procurement structures separate commissioning, procurement and contract management, leading to a process that looks like this:



3.5. However, current best practice suggests that these three phases should be integrated to ensure that each is brought to bear upon achieving the best result. This would produce a procurement environment more like this:



- 3.6.** It is the latter model of procurement integration that the Assembly Commission has adopted. The purpose is to achieve a much greater level of integration between the commissioning agents (specifier), purchaser and contract management. In this way, the objectives of the contract are embedded in the procurement and contract management processes. The policy requires that, as soon as a requirement with an estimated value of greater than £30k is identified via the decision authorisation system (DAS), that an appropriate procurement resource will be allocated to the project with the intention of assisting the development of the business case, market sounding, specification and all of the usual procurement documents and processes.
- 3.7.** Best practice further suggests that reactive and/or rushed procurements rarely achieve the best result. Therefore, procurements should be well planned and designed to ensure that the objectives of the procurement are built into each element to ensure there is a focus on success. It is therefore important to utilise a collaborative team approach that requires the commissioner, purchaser and contract manager to be integrally involved from the commencement of the development of the

requirement until completion of the project.

4. PROCUREMENT OFFICE STRUCTURE

- 4.1.** Truly effective procurement requires high-quality professionals. The expectation is that all staff working in the procurement team are committed to a career in procurement. They should all either be Members of the Chartered Institute of Procurement and Supply (MCIPS) qualified, or, where market conditions suggest that this is not possible, committed to working towards the qualification. This will be reflected in relevant recruitment exercises. Additionally, all procurement staff will be continually updating their knowledge and expertise.
- 4.2.** Procurement is a specialism that changes regularly. Such changes include changes in the interpretation of regulations, changes in law/regulations, developments in supply chains/markets and operational requirements. Therefore, there will be an emphasis on continuing professional development, utilising training, networking and ongoing coaching and mentoring.

5. KEY PRINCIPLES OF THE COMMISSION'S PROCUREMENT POLICY

VALUE FOR MONEY (VFM)

- 5.1.** The prime objective of procurement is to achieve best VFM. Best VFM is the optimum combination of whole-life costs and quality to meet the customer's requirements. Best practice states that, in order to demonstrate VFM, procurements must usually be sourced via open competition.

COMPETITION

5.2. Procurement should be conducted through open competition. An audit trail that clearly demonstrates how the procurement was offered competitively is required for each contract. Different procurement costs require different forms of competition ([see Assembly Commission procurement thresholds](#)). In summary these are:

- £0-5,000 - Purchasers are required to demonstrate that they have achieved VFM. This will usually be achieved by comparing costs offered, perhaps on websites, and choosing the lowest priced option. Screenshots etc. should be saved to file as evidence of competition and for audit purposes.
- £5,001-30,000 - Purchasers are required to obtain at least three quotations from competent suppliers. These will be invited by issuing a specification to the selected suppliers.
- £30,001 and above - These must be conducted by the Procurement Office. They will usually be subject to an openly advertised competition. When the values exceed the various regulated thresholds, as detailed in the PCR 2015, these regulations will be applied in full. When value is estimated to be close to the thresholds, and where there is a risk of proposals breaching the thresholds, consideration will be given to offering the requirement under the PCR 2015. The Procurement Office will develop a procurement strategy, for each procurement project, which will detail the various objectives, options and processes to provide full reasoning and transparency to how the procurement will be conducted.

NO COMPETITION (Direct Award or Single Tender Contracts)

5.3. It is recognised that, on occasion, contracts may need to be awarded without the use of a competitive process. However, such awards represent significant risk to the Assembly Commission (both

operationally and legally) and therefore their use must be the exception and, when used, the reasons and justification must be fully developed and properly approved. The processes for direct award contracts can be found [here](#).

COMPLIANCE

- 5.4.** The Assembly Commission will conform with compliance requirements as detailed in the PCR, other applicable law, and its own policy requirements e.g. finance, audit and legal. When undertaking a procurement, all members of Assembly Commission staff MUST comply with the procurement policies and guidelines to ensure that the procurement is underpinned with compliance. Should there be any doubt as to whether an action being considered will be compliant; guidance must be sought from the Procurement Office.

SEPARATION OF DUTIES

- 5.5.** The roles of purchaser and approver should be separated i.e. no single person should be able to determine to whom an award recommendation should be offered to and also approve the award recommendation - see 6.6. For the purposes of the policy, separation of duties is focused upon award i.e. not financial and/or budgetary approvals. There must be demonstrable and clear separation between the individual(s) who perform the procurement exercise and those who provide approval to award. Should there be exceptional circumstances that make this requirement unworkable, the variation to the process should be documented and separately approved.

PROPORTIONALITY

- 5.6.** The Assembly Commission will apply its procurement policies and procurement guidance in a proportional manner. The purpose of this will be to streamline each procurement exercise with the objective of the achievement of VFM and maximising market access by not gold-plating

or the unnecessary application of bureaucracy in its procurement processes.

PUBLICATION

- 5.7.** The Assembly Commission will annually publish on its website, all of the contracts it has awarded in the previous year that have an individual value of greater than £30k.

SCOPE

- 5.8.** The policy will apply to all the Assembly Commission-initiated procurement exercises in the manner determined by the various thresholds and consistently with the CPD procurement policy, procurement policy note on direct award contracts, Procurement Guidance Note (PGN) 03/11 (amended 2016). The PGN states that there are various transactions that can be bought via a direct award but, due to their nature sit outside of normal procurement policy requirements. These include the following, which are therefore exempt from the functions of the policy (these are highlighted as those being most relevant to the Assembly Commission):

- professional journals; and
- membership of professional bodies.

FUNDAMENTAL PRINCIPLES

- 5.9.** The policy seeks to ensure that the principles of transparency, equal treatment, non-discrimination, proportionality and mutual recognition inform all our procurements. We achieve this by:

- a procurement policy that reflects best public procurement practices, and is followed by all staff involved in the procurement process;

- having robust and transparent procurement processes and procedures that fully comply with procurement law in Northern Ireland;
- utilising an e-procurement system that provides transparency, operational effectiveness and governance to our procurements;
- advertising our contract opportunities of a value above £30k on the Public Contracts Northern Ireland portal (eTendersNI), as a minimum;
- providing tenderers with details of our tender criteria and stipulating evaluation guidance for regulated procurements;
- providing tenderers with details of the procurement process that will be followed;
- using plain English in our tender documentation and in other communication with suppliers;
- keeping contract requirements and terms proportionate to the size and value of the contract and not including requirements that are extraneous to the delivery of the contract;
- having evaluation teams (for over £30k requirements) led by a member of the Procurement Office;
- ensuring that we have appropriate justification for the scoring awarded to tenders; and
- publishing details of contracts awarded over £30k.

6. PROCUREMENT ROLES AND RESPONSIBILITIES

PROCUREMENT PROCESS

6.1. The Assembly Commission operates a delegated model of procurement whereby directors have delegated authority to award contracts up to an estimated total value of £30k. Above this value, all procurements must be led by the Procurement Office and the authority to award is

delegated to the HoP. Business case approval resides with the Assembly Commission, Clerk/Chief Executive or SMG depending upon value.

DELEGATED PROCUREMENT

6.2. The procedures and guidelines that apply to the award of delegated procurements can be found [here](#). Within delegated procurements, there are distinct processes depending upon the estimated cost (threshold). These are:

- up to a value of £5k – must demonstrate VFM; and
- £5k to £30k – must seek a minimum of three competitive quotes.

6.3. As the authority to award a delegated contract has been delegated to directors, the contract must be signed off by the director. Alternatively, whoever is awarding the contract must have clearly sub-delegated authority to do so.

PROCUREMENTS OVER £30K

6.4. The procedures and guidelines that apply to the award of over £30k procurements can be found [here](#). Each of these procurements will have a procurement strategy developed by the Procurement Office that will detail the various drivers leading to a sourcing recommendation. Value is not always the best determinant of risk and therefore all aspects will be considered when determining the level of detail included in the procurement strategy. *See paragraph 5.2*

6.5. All of these procurements will be concluded by the drafting of an evaluation report by the Procurement Office, which will be approved by the HoP and the relevant director. Where a project board has been commissioned, the director's role will be assumed by this board. When approval has been granted, the HoP will award the contract in accordance with the structure set out above.

SEPARATION OF DUTIES

- 6.6.** In any procurement process, the key roles of purchaser and approver should not be performed by the same individual. The approver should have the authority to commission goods, services or works and to provide financial authority for the expenditure. The purchaser should have authority to conduct the procurement exercise but not the authority to approve the award of the contract.
- 6.7.** Separation of these roles within a procurement process provides the necessary safeguards against impropriety or unethical practice. Accountable officers are required to ensure that procedures exist that allow only those staff with appropriate purchasing authority to commit the Assembly Commission to a new contractual relationship.

RESPONSIBILITY AND AUTHORITY

- 6.8.** The delegated authority to commit to a contract on behalf of the Assembly Commission (purchasing/contractual commitment authority) is entirely separate from delegated budgetary authority. Budgetary authority does not of itself imply purchasing/contractual commitment authority. The authority to commit the Assembly Commission to a contract up to the value of £1 million is delegated from the Clerk/Chief Executive to the Director of Corporate Services and subsequently to the HoP.
- 6.9.** For contracts above this £1m, the authority to commit the Assembly to a contract remains with the Assembly Commission. Consultancy contracts above £10k must be approved by the Speaker, and the Assembly Commission must approve ICT contracts above £50k. The authority to commit the Assembly Commission to a contract up to a value of £30k is delegated from the Clerk/Chief Executive to individual directors.

6.10. In all regards, should an issue be considered novel, contentious or politically sensitive, regardless of value, approval must be sought from SMG. SMG will decide whether further approvals are required from the Assembly Commission. Where possible, such approvals should be gained at the outset of the procurement e.g. via business case approval.

All procurements above £30k must be conducted via the Procurement Office.

7. PROCUREMENT PRIORITIES

VALUE FOR MONEY:

- 7.1.** The Assembly Commission's procurement of goods and services must demonstrate VFM. This means that we must choose the bid and/or solution that offers the optimum combination of whole-life costs and quality. It is policy to award contracts on the basis of most economically advantageous tender (MEAT), evaluating both the price and quality of the tenders submitted. Quality can include a number of factors, including technical merit and functional characteristics.
- 7.2.** To assess MEAT, a price-quality ratio will be applied that balances the relative importance of price and quality in the tender. For example, where performance takes a high priority a price-quality ratio of 40-60 may be applied. The relative importance of the criteria on which the contract will be awarded will be listed in either the invitation to quote (ITQ) or invitation to tender (ITT) documentation. These will be discussed in the procurement strategy.
- 7.3.** Cost in any evaluation must be given a significant role. Where a requirement has been well planned, well defined, properly evaluated and well performance managed, it should not carry significant risk of a

poor award or poor performance. Therefore, it should be the exception where quality is given a disproportionate value as it relates to cost. It is anticipated that either whole-life cost or a qualitative/quantitative balance whereby qualitative is rated no higher than quantitative will be used i.e. 50/50 unless the procurement strategy provides a convincing argument to the contrary.

- 7.4.** It is recognised that on occasions that price/cost might be the sole determinant. This is acceptable under the MEAT model as a valid award route.
- 7.5.** In general, where a procurement has been well planned, any risk of not having a high qualitative percentage as a barrier to accepting a poor solution should be mitigated.
- 7.6.** We deliver added value in our procurements by:
- evaluating tenders taking both quality and price into account and making this clear to tenderers;
 - utilising whole-life costing to evaluate tender pricing;
 - utilising collaborative frameworks where possible;
 - undertaking effective market research to inform our procurement strategies;
 - utilising outcome-based specifications;
 - embedding sustainability considerations in our decision-making;
 - implementing robust business continuity plans in critical contracts;
 - ensuring effective engagement between our purchasers and internal stakeholders, utilising our technical, commercial and legal expertise; and
 - measuring contractors' performance against agreed key performance indicators (KPIs) and service levels.

COMPETITIVE PROCESS

- 7.7.** Competition promotes efficiency and effectiveness in public expenditure. Awarding contracts on the basis of VFM following competition contributes to the competitiveness of suppliers as well as demonstrating the achievement of VFM for the Assembly Commission.
- 7.8.** Goods, services and works should be acquired by effective competition, including adequate publication of the contract opportunity, unless there are convincing and justifiable reasons to the contrary.
- 7.9.** The form of competition should be appropriate to the value and complexity of the goods, services or works to be acquired. Bidding costs should be kept to the minimum necessary for effective competition and should remove barriers to participation by, for example, small firms, the self-employed and the third sector without discriminating against others. Consistent with legal obligations, during competition, any minimum standards required should be proportionate to the contract in question.
- 7.10.** As the corporate body acting on behalf of the Northern Ireland Assembly in procurement exercises, the Assembly Commission will try to frame its procurements in ways that maximise opportunity and that where applicable and to the extent permitted by law, do not restrict the opportunity to compete i.e. consideration of the use of national frameworks.
- 7.11.** The Assembly Commission will strive to use processes and criteria that encourage SMEs to compete in its procurement processes.

SPECIFICATION DEVELOPMENT

- 7.12.** The Assembly Commission will usually develop specifications that are output, and outcome-based. The choice of specification development will be determined on a case-by-case basis with the preferred method

being argued in the procurement strategy. When using input specifications, the Assembly Commission will avoid the use of any descriptions that may limit the market to narrow or single solutions.

- 7.13.** One of the early decisions in a procurement exercise is whether the Assembly Commission has sufficient expertise to adequately specify a requirement and to evaluate technical proposals. Therefore, a project team needs to decide on a case-by-case basis if they require technical support, the purpose of such support and how it will be acquired. This might include consulting other organisations to ascertain whether they could lend support, procuring technical support or procuring the expertise by way of competition.

CONTRACT MANAGEMENT

- 7.14.** The Assembly Commission's policy is that all significant contracts for goods and/or services must be governed by either a contract-specific service level agreement (SLA) or some other supplier performance measurement and reporting mechanism. The method and frequency, together with roles and responsibilities, will vary from contract to contract.
- 7.15.** For contracts with an aggregate value of greater than £100k, the Procurement Office will draft a contracts management plan for issue to the contract manager. This will be used to outline the roles and responsibilities, key aspects of the contract and the contract management provisions (much of this information may be derived from the applicable procurement strategy).
- 7.16.** The Assembly Commission operates a contract managers' forum. In addition, a contract management guide with links to more detailed contract management guides is also available ([hyperlinks to follow](#))

EUROPEAN PUBLIC PROCUREMENT

- 7.17.** The United Kingdom left the European Union on 31 January 2020 (exit day). However, pursuant to the withdrawal agreement and relevant statutory provisions, an implementation or transition period will run from exit day until 31 December 2020. During this period, the substance of EU procurement law will continue to apply to the United Kingdom. The following paragraphs provide an overview of the general principles contained in the PCR 2015 as it is anticipated that these will not change significantly as foundational tenets supporting any new UK procurement regulations.
- 7.18.** Public-sector procurement takes place within a strictly regulated legal framework, with its base in European Union law. Public procurement law is informed by five principles underpinning the EU treaties:
- equal treatment;
 - transparency ;
 - proportionality;
 - mutual recognition; and
 - confidentiality.
- 7.19.** Additional provision for regulated procurements are made in a range of EU procurement directives, with general provision and specific provision for areas such as utilities and defence and security. Procurements by the Assembly Commission above threshold generally fall within the framework established by the Directive 2014/24/EU on public procurement, transposed into domestic law by the 2015 PCR.
- 7.20.** It is not uncommon for high-value regulated procurements to be subject to legal challenge. Therefore, whilst VFM is the overriding principle to be achieved in any procurement, the Procurement Office will ensure that the procurement strategy takes full account of the legal framework under the treaties and the 2015 PCR.

7.21. The Procurement Office will determine the most appropriate procurement procedure and this will be argued in the procurement strategy and a recommendation as to the preferred procedure agreed.

FRAMEWORKS

7.22. The use of frameworks is recognised as a useful means by which many of the principles stated in the policy might be delivered:

Pros

- VFM;
- proportionality;
- compliance; and
- useful for high turnover/low value requirements e.g. stationery.

Cons

- restrictions on opportunity for local service providers;
- restrictions on length of contract;
- subsequent competitions will be restricted to the evaluation criteria used for award;
- temptation to make them fit the requirement instead of recognising the areas of the requirement that may not be a good fit; and
- despite the perception that they are quicker and easier, the fact is that generally they are only slightly less resource-intensive than a separate procurement.

7.23. In determining whether to use a framework, the principles established in the policy will be applied to all available procurement routes and a recommendation made within the procurement strategy.

7.24. Where it has been determined to use a framework, ALL instances above £30k, must be detailed in an abbreviated procurement strategy, developed by the Procurement Office, and approved in advance of any commitment.

CATALOGUES

7.25. Buying agencies also offer catalogues where specific goods are offered in a marketplace setting. These establish strict pricing offerings, which can be very attractive (provided there are no significant enhancements or additional services required). These can be useful to the Assembly Commission for small ICT commodity purchases in particular. They are generally only available for high volume/low-value or less complex procurements.

8. SUBJECTS OF GENERAL APPLICATION

ETHICS

8.1. The Procurement Office observes public procurement ethics, and in order to demonstrate this, an audit trail is essential. The Chartered Institute of Procurement and Supply has a code of conduct, which the Procurement Office complies with. The basic test: "could this action be defended in public?"

8.2. There are four key principles underpinning the high standard of ethical behaviour:

- staff do not allow (or foster any suspicion of) any conflict between official and private interests;
- staff are not influenced by any gift/consideration, or show favour or disfavour to any person or organisation;
- dealings with suppliers are at all times honest, fair and even-handed; and
- the standards are promoted and supported by systems and procedures.

8.3. Any Assembly Commission staff who are involved in procurement exercises will be expected to maintain the highest standard of integrity in all business relationships, by:

- rejecting any business practice that might be deemed improper;
- never using their authority or position for their own financial gain;
- declaring to their line manager any personal interest that might affect, or be seen by others to affect, their impartiality in decision-making;
- ensuring that the information they give in the course of their work is accurate and not misleading;
- never breaching the confidentiality of information they receive in a professional capacity;
- striving for genuine, fair and transparent competition; and
- being truthful about their skills, experience and qualifications.

8.4. Core values and behaviour within the public-sector supply chain include:

- fairness;
- honesty;
- openness;
- efficiency and effectiveness; and
- professionalism.

8.5. The Procurement Office will ensure that we are fair, and seen to be fair, to potential suppliers/contractors by:

- Competitive tendering: treating all firms invited to bid equally, and to not give any information or relax conditions to one firm unless all of them have the same treatment.
- Non-discrimination: staff must be honest, fair and impartial in dealing with suppliers and, in particular, not discriminate against the staff of contractors on any grounds. The legitimate interests of both the supplier and the Assembly Commission should be recognised in negotiating and administering contracts.

- Avoiding casual contacts: avoid casual enquiries from potential suppliers. All requests should be based on a serious intention to buy something.
- Being a good customer: we must maintain a reputation as a good customer, so we should take all possible steps to make it as convenient as possible for suppliers to deal with us. We should deal with them promptly, courteously and professionally.
- Preparing for meetings with representatives of suppliers: the way we behave at meetings with outside organisations reflects on the Assembly Commission. Staff should brief themselves fully on matters to be discussed at meetings. They should be punctual, take notes and record a file note if necessary.
- The purchases we make using the Assembly Commission's funds are under constant scrutiny. They are subject to internal and external audit to ensure probity and propriety. We will retain all key purchasing documentation both in paper format and/or electronically and keep it secure in accordance with our retention policy. This is to make the audit trail clear.
- We separate duties to make sure that the same individual cannot make a requisition, purchase and authorise payment for goods or services. This is embedded within the Assembly Commission's purchase-to-pay procedures.

CORPORATE SOCIAL RESPONSIBILITY (CSR)

8.6. The Assembly Commission will take account of the economic, social, environmental and equality impacts of our purchasing activities, seeking to maximise the positive impacts of purchasing activities and minimise the negative. The Assembly Commission will work towards incorporating, where relevant, CSR into our major procurement activity.

SUSTAINABILITY

- 8.7.** Assembly Commission procurement is about more than the achievement of the narrow interests to be met by the requirement in question. It also recognises that some Assembly Commission policies and objectives are delivered via procurement processes. These policy objectives will be achieved only if recognised and targeted in relevant procurement exercises.
- 8.8.** Sustainable procurement is about avoiding/minimising the use of depleting natural resources. Procurement should take account of environmental, social and economic factors when making purchasing decisions. It is about looking at what products are made of, where they have come from, and who has made them. It is even about looking at whether the purchase needs to be made at all.
- 8.9.** We encourage suppliers to remove packaging at the point of delivery to us. This eliminates waste and lets the supplier reuse the packaging. It is particularly relevant for IT equipment and other goods.
- 8.10.** We apply the principle of whole-life costing to promote sustainable procurement. This looks at all lifecycle costs (including disposal costs) of a product or service, and makes sure they are minimised. Making procurement sustainable also involves challenging the repeat purchase demand and examining business processes to be sure that a justified business need exists. The Procurement Office will ensure this challenge is made.
- 8.11.** The Procurement Office will use sustainability criteria, for instance, the government buying standards, and will consider supplier policies for waste, transport, energy, procurement and staff awareness of environmental issues in its pre-qualification questionnaire and specification. It will also use the criteria in the tender evaluation and may

ask suppliers to submit alternative goods or services that are more sustainable.

- 8.12.** Sustainability goes beyond focusing on environmental issues. It also includes social and economic issues. Where sustainability factors in the supply chain are particularly important, the Procurement Office will speak, via market sounding, to our direct suppliers to understand the sustainability risks and how they are managed and mitigated. In such instances, these issues will be built into the procurement process to ensure that they are specified and evaluated. Whilst directors have a responsibility to ensure that these issues are given corporate credence, it is the responsibility of heads of business to give cognisance to policies/guidance emanating from other business areas e.g. human resources (apprenticeships etc.), sustainable development office (environmental issues etc.), when considering and planning for procurements.
- 8.13.** We will encourage our supply base to investigate and minimise the environmental impacts of supplying us, including resource use, waste, energy consumption and carbon emissions. We will also improve our understanding of the social considerations of our purchasing decisions, so we can become an environmentally and socially responsible purchaser.
- 8.14.** We will encourage suppliers to actively promote the employment of disadvantaged groups.

9. GOVERNANCE

9.1. The risks associated with procurement are taken very seriously by the Assembly Commission. To that end, the corporate governance and risk policies include the governance of procurement as a key risk. This is further demonstrated by the Assembly Commission's investment in the development of a resource to be professionally qualified, and ensuring that this resource is at the centre of all but the lowest value procurement exercises.

APPROVALS

9.2. It is anticipated that strategic approvals required by the Assembly Commission and/or SMG will have been provided at the business case approval stage. It is extremely difficult and potentially risky for these groups, who have not been involved in the process, to attempt to govern a process that has already happened.

9.3. The formal approvals for procurement strategies, and to commit the Assembly Commission to contract, has been delegated to the HoP, via the Director of Corporate Services, via the Clerk/Chief Executive.

9.4. However, the approval process also engages other groups. These include the evaluation panel, the project board (should one have been constituted), or the director (should a project board not have been constituted) who must approve the evaluation report. Directors might wish to communicate with other groups, the Assembly Commission and SMG, but these are not included in the formal award approval process and commercial confidentiality must be maintained.

9.5. For contracts of a value greater than £1 million, the Assembly Commission has retained the authority and, therefore, approval must be received from the Assembly Commission. In such instances, this will be gained via a commission paper rather than an evaluation report.

APPROVAL REGIME

9.6. This section sets out the approval processes for procurement activities. No contract should be awarded, extended or varied without having the proper approvals in place.

Threshold	Approval to Proceed	Specification Development and Approvals	Tender Process	Evaluation Approval	Evaluation Report and Award Approval	Authority to Award Contract
<i>Less than £5k</i>	DAS Approval	Technical Lead in Directorate	Directorate Procurer	Line Manager	N/A	Director (Unless novel and contentious)
<i>£5-30k</i>	DAS Approval	Technical Lead in Directorate	Directorate Procurer	Line Manager	Directorate Procurer	Director (Unless novel and contentious)
<i>£30k plus</i>	DAS Approval	Project and Procurement Team	Procurement Office	Evaluation Chairperson	Director/ Project Board, HoP	HoP (Unless novel and contentious)
<i>Direct Award/Single Tender</i>	DAS STA Approval Process	Project Team	N/A	N/A	N/A	HoP – C/CE (Speaker when req'd)

PROCUREMENT STRATEGY

9.7. The Assembly Commission recognises that many, if not all, of the **PRINCIPLES** established in the policy are best achieved when clearly planned at the outset of any procurement. These include:

- planning;
- VFM;
- financial probity;
- governance;
- accountability; and
- risk management.

- 9.8.** Many of these processes will be developed within individual documents (e.g. project documents, business case, procurement initiation documentation etc.) and will be sufficiently detailed to provide full understanding. In order to provide strategic direction to these processes, and to clearly identify key drivers at the outset of a tendering process, the Assembly Commission will use a procurement strategy to capture, at a headline level, the key steps of the procurement process. The procurement strategy should link the project objectives, procurement approach, specification development, evaluation process and risks to clearly define how these will be co-ordinated to deliver a well-planned procurement outcome. This will allow all involved to quickly ascertain the what, where and when of any procurement exercise and in doing so, should allow greater value (both financial and non-financial) to be achieved. The Procurement Office will lead the development of the procurement strategy with the evaluation panel, which will then be approved by the HoP.
- 9.9.** The relevant procurement strategy must be approved before any tender or quotation exercise is commenced.

10. UPCOMING ISSUES

BREXIT

- 10.1.** As of the date of this document, the Cabinet Office has instructed that the conduct of procurements in either a deal or no-deal basis will continue in substantially the same form as required under EU law and transposed by the PCR. The only significant change is that, following the departure from the European Union, contracting authorities will no longer be required to advertise in the Official Journal of the European

Union (OJEU) and instead will do so via a portal operated by the Cabinet Office.

11. DATA PROTECTION

11.1. The Assembly Commission will require bidders to be compliant with the GDPR and the Data Protection Act 2018, and the Assembly Commission's data protection and information assurance policies.

12. WHERE TO GET HELP

12.1. If you need help or advice at any point, please contact the Procurement Office either by telephone ext. 21526 or email procurement@nissembly.gov.uk.

12.2. Further information and documentation can be found on the Procurement Office AsslSt pages. <http://assist.assemblyni.gov.uk/business-areas/procurement-office/>