

**TONBRIDGE & MALLING
BOROUGH COUNCIL**

**PROCUREMENT
STRATEGY**



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1. **Introduction**

1.1 This Strategy applies to the Council as a whole and seeks to ensure that good procurement practice is applied consistently throughout Tonbridge & Malling Borough Council. It is based on the results of a study of our procurement procedures carried out by a neighbouring district authority. The study included consultation with all our staff involved with procurement and external challenge from procurement professionals. The Strategy reflects the increased importance attached to procurement as a result of the National Procurement Strategy and the Efficiency Review of Public Spending. It sets out how we address procurement and establishes its importance to the Council and the contribution it can make to improved service delivery.

1.2 Procurement is an essential element of cost-effective and efficient services and can be defined as follows:

“Procurement is the process of acquiring goods, works and services covering both acquisition from third parties and from in-house providers. The process spans the whole cycle from identification of needs through to the end of a service contract or the end of the useful life of an asset.”

1.3 The importance Tonbridge & Malling Borough Council attaches to good procurement, and its potential to contribute to its Corporate Vision and improved service delivery, is acknowledged by the commitment which Members and officers have made in supporting this Strategy.

2. **Structure and Responsibility**

2.1 The responsibility for Procurement in Tonbridge & Malling Borough Council rests with the following positions:

Member Level – Cabinet Member for Finance, Innovation and Improvement

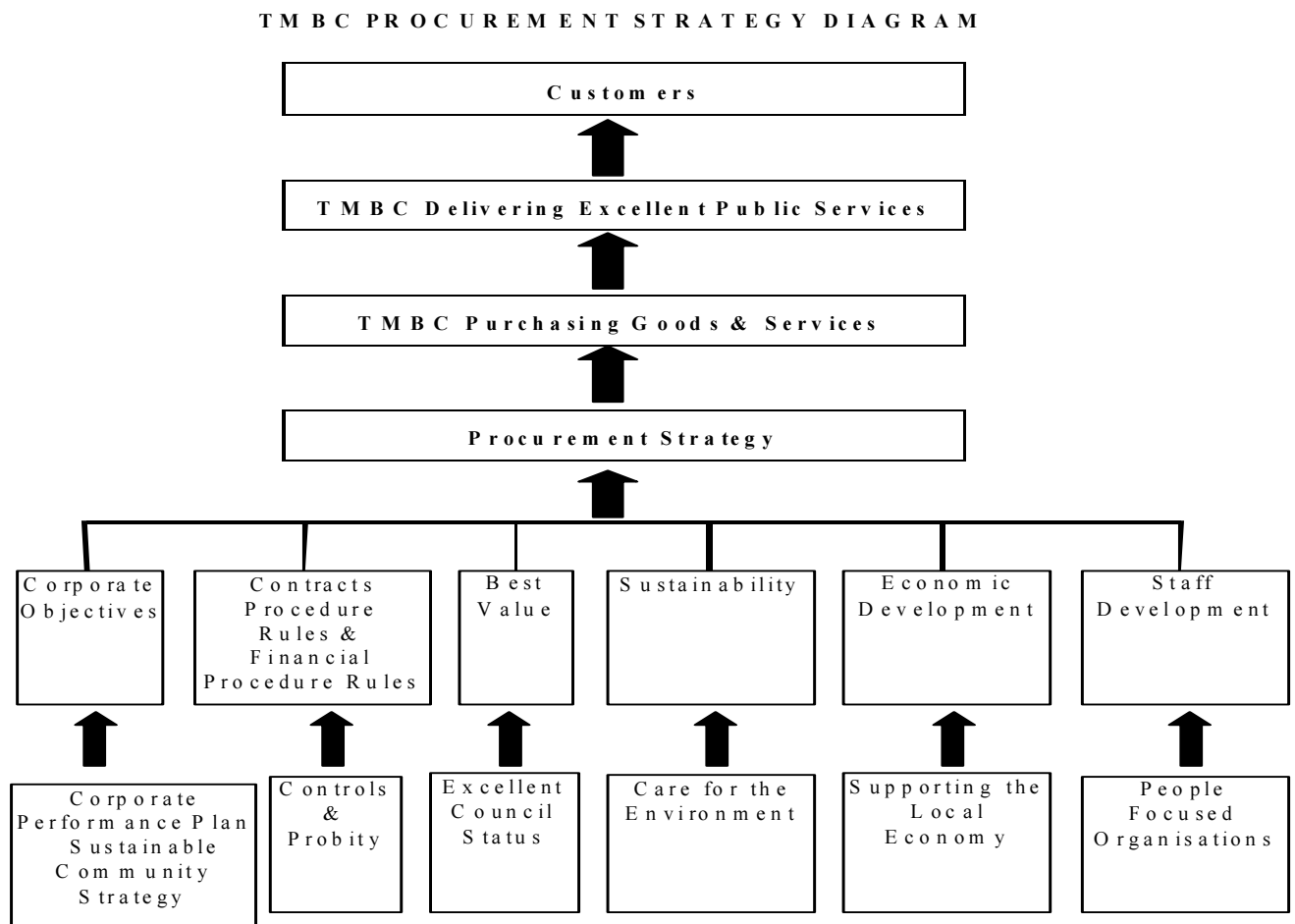
Management Team Level – Central Services Director

Head of Service Level – All Directors in respect of Procurement within their own Directorate

Officer Level – Officers appointed within each Directorate to be responsible for Procurement

3. Strategic Framework

3.1 The strategic framework for procurement can be illustrated by the attached diagram. This shows the policies and rules that affect and inform procurement.



3.2 Tonbridge & Malling Borough Council has defined its strategic objectives in its “Vision”. Its vision is to be “an organisation which provides excellent public services, good value for money and effective community leadership”. It is committed to doing this and has identified the following key improvement priorities:

- Manage the Council's financial resources and performance to meet the challenges of the national budget strategy and its impact on public finances.
- Promote and support the sustainable regeneration and economic development of Tonbridge town centre.
- Secure a continuing supply of affordable housing across all tenures and work to prevent homelessness.
- Involve, safeguard and meet the needs of children and young people.
- Achieve a cleaner, smarter and better maintained “Street Scene” and open space environment.

- Work with partners to:
 - Reduce crime, anti-social behaviour and the fear of crime.
 - Promote, encourage and provide opportunities for healthy living.
 - Make a positive local contribution to tackling the causes and effects of climate change.
 - Achieve further shared priorities to improve residents' quality of life in Tonbridge and Malling.

These priorities will be delivered in conjunction with a range of internal and external partners.

- 3.3 These broad objectives are supported by detailed Service Performance Plans, which describe how the component parts of Tonbridge & Malling Borough Council will contribute to the delivery of these goals. The Council recognises that good procurement practices have a major part to play in supporting the achievement of these objectives.

4. **Key Aims of the Strategy**

The overall aim of this Strategy is to ensure fair and transparent procurement procedures are adopted which lead to effective procurement choices and decisions that provide the best possible services to the community in realisation of the Council's corporate aims and objectives.

In addition, the Strategy seeks to achieve the following specific objectives:

- 4.1 To provide a clear message on how to improve service delivery and provide value for money through better procurement practices.
- 4.2 To reinforce the requirement for procurement to reflect the Council's core values and Corporate objectives and aims.
- 4.3 To secure commitment to good procurement from Members and officers at all levels of the organisation.
- 4.4 To describe the key policies for procurement.
- 4.5 To raise awareness of the scale and impact of procurement activity and its potential contribution to service delivery.
- 4.6 To ensure that the way the Council undertakes procurement is innovative, challenging and effective.
- 4.7 To provide a framework within which the Council can seek to realise efficiency gains and/or savings.
- 4.8 To embed procurement in key strategic reviews.

5. **Procurement Principles**

The Strategy recognises that different models and approaches will be required for the different markets that the Council does business with. These are based on an awareness of the relative risk, complexity and value of each such procurement. The Council will apply the following set of guiding principles to ensure consistency in all of our procurement activity:

- 5.1 Ensure the principles of fairness, openness and transparency are applied to all our procurement activities.
- 5.2 Seek to gain maximum mutual advantage and continuous improvement in relations with suppliers.
- 5.3 Consider the potential for innovation, the management and balance of risk and the opportunity for new or alternative methods of service delivery.
- 5.4 Seek to work with others, including strategic partners, public sector agencies and consortia, to:
 - maximise purchasing power;
 - harness knowledge; and
 - achieve economies of scale.
- 5.5 Incorporate sustainability, equality, quality and safety as important criteria in addition to cost, in the provision of all services procured.
- 5.6 Operate within the framework determined by EC and UK law and the Council's own adopted Financial and Contract Procedure Rules, in that order of precedence.
- 5.7 In all dealings, Members and officers will preserve the highest standards of honesty, integrity, impartiality and objectivity.
- 5.8 Utilise competition as a means of achieving economy, efficiency and effectiveness, wherever appropriate and seek to ensure that our procurement methods contribute to the continued competitiveness of suppliers, contractors and service providers.
- 5.9 Seek to provide value for money in terms of whole life costs, which are all aspects of cost including running costs and the cost of disposal as well as the initial purchase price.
- 5.10 Ensure that the workforce is adequately protected when it is affected by procurement. This will be achieved by consulting all employees and their respective trade unions.

6. **Supplier Management**

- 6.1 The Council will endeavour to provide all potential suppliers, who meet our stated criteria, with an equal opportunity to be aware of our needs and to express interest in supplying goods/services to the Council. In certain exceptional circumstances, the Council may not expose an opportunity to competition, for instance, where a very specialised service is required and there is only one or two possible suppliers or where a part is required for an existing piece of machinery which can only be sourced from the original manufacturer. These and similar situations are addressed in the Council's rules and procedures and require to be validated by three senior officers.
- 6.2 The Council will consider the impact on markets of the way we package services. Whenever possible we will package contracts so as to:
- encourage the widest possible interest in them;
 - make them as attractive as possible to all sectors of the market; and
 - provide the highest quality of service to end-users.
- 6.3 Payment of suppliers will be managed in accordance with the Prompt Payment Code to which the Borough Council is a signatory. We will endeavour to pay suppliers within 10 days of receipt of a valid invoice.
- 6.4 The Council will seek to encourage contractors, service providers and suppliers (and their supply chains) to reduce cost and continuously improve performance. Appropriate standards and/or targets will be included in contracts.
- 6.5 For high value and/or high-risk contracts we will dedicate resources and time into ensuring that organisations working with the Council positively contribute to the achievement of the Council's Vision.
- 6.6 In letting contracts we must ensure that ongoing management and monitoring is structured into our approach. We will endeavour to ensure that all contracts are properly managed and monitored with a view to achieving completion of the service, works or supply on time, within budget and to the appropriate standards of quality.

7. **Economic Issues**

- 7.1 Tonbridge & Malling Borough Council is committed to promoting a strong local economy. It is also committed to providing high quality information and advice to local businesses (particularly small and medium enterprises), voluntary and community organisations, to help them to win and retain contracts.

7.2 We will ensure that information on how to access opportunities is widely available to ensure local businesses and voluntary bodies have a full opportunity to undertake work for the Borough Council. Involving voluntary agencies will be guided by the terms of the West Kent Compact that sets out the Council's commitment to working in partnership with that sector. Where possible we will work with other agencies, within and outside the Borough, to encourage/promote business development opportunities for the local economy. Our more detailed policy setting out how we will promote procurement activity with small and medium sized business and local voluntary sector bodies is attached as Annex A to this strategy.

8. Environmental Issues

8.1 We are committed to help address the impacts of climate change and help achieve a more sustainable environment. Therefore, the Council will, when evaluating contracts and developing business cases, ensure that consideration is given to the environmental impact of its decisions. We will work with our suppliers to ensure that they demonstrate a similar commitment insofar as this is permissible within the law. Our more detailed policy on sustainable procurement is attached as Annex B to this strategy.

9. Equalities Issues

9.1 The Council is committed to promoting equality of opportunity. All contractors providing services for the Council will be required to have equal opportunity policies in place and must comply with all current legislation, including the requirements of the Equality Act 2010. Procurement processes must address any potential impacts on the protected characteristics of age, disability, sex, religion or belief, pregnancy and maternity, race, marriage or civil partnership, sexual orientation and gender re-assignment. A checklist of equalities issues in relation to procurement is attached as Annex C to this strategy.

10. Service Delivery Models

10.1 The Council is committed to a mixed economy of service provision. This is on the basis that service provision, whether by the public, private, voluntary or community sectors, will be determined by what represents best value to the Council and end-service users.

10.2 Procurement considerations will be included in all strategic service reviews. This is to ensure that corporate objectives are aligned to outcomes rather than existing patterns of service delivery. The Council recognises that competitiveness of its services is a key dimension in determining how best to improve service delivery.

11. **Major Procurement Projects**

- 11.1 All major procurement projects will be subject to an option appraisal that assesses the principle options available to the Council against agreed criteria. The criteria will include:
- affordability, based on whole life costs;
 - risk management;
 - service delivery objectives;
 - compatibility with the Council's Vision; and
 - issues of equality, sustainability and economic impact.
- 11.2 All major procurements will be managed on a structured project management basis. Such project management will include progress reports and/or reviews at each key stage. The reports/reviews will be presented to a relevant Advisory Board for decision/information.

12. **Collaboration**

- 12.1 We will seek to take an active role in the creation of strong collaborative initiatives, building upon the work undertaken by the Kent Connects Project Board and the Kent Buying Consortium. By doing so, we aim to achieve better solutions, which take advantage of economies of scale and enhanced shared knowledge and learning. The Council will seek to use appropriate regional buying consortia whenever consortium contracts are of benefit to the Council and meet its requirements. In addition, the Council will endeavour to aggregate its internal demand for supplies and services.

13. **Partnering**

- 13.1 The Council will consider a Partnership approach to service delivery for all of its major projects. The aim will be the creation of mutually advantageous, flexible, long-term relationships based on the achievement of continuous improvement and on sharing of risk and reward. The partnerships may involve the public or the private or the voluntary sector or a combination thereof. The core objective will be to build and sustain an excellent working relationship through openness, trust and common, or compatible, aims and objectives. However, any partnership will be underpinned by a very clear set of objectives.

14. **E-Procurement**

- 14.1 To improve efficiency, and reduce the cost of purchase transactions, the Council will, where practicable, replace existing paper-based processes (from requisition of goods through to payment) with electronic solutions.
- 14.2 The Council will continue to assess and exploit new technologies to reduce the internal cost of making purchases and provide information on which to base Procurement decisions.
- 14.3 We will encourage our suppliers to adopt similar technologies and to share the resulting benefits. Suppliers who take advantage of these opportunities are likely to increase their competitiveness.

15. **Competencies and Development**

15.1 The Council is committed to the training and development of all staff involved in procurement. Management Team will identify any high priority/risk procurement. The Procurement Champion will then undertake a skills audit. This audit will consider whether the staff, who could ultimately be managing the contract:

- have the skills and knowledge to work on project teams to let such contracts; and
- have the necessary expertise to manage the supplier relationships once the contract has been let.

15.2 The Council will:

- keep under review procurement training and development needs, including skills required for contract management; and
- ensure that there are sufficient resources available to meet the aspirations of this Strategy.

16. **Risk Management**

16.1 The Council has a strategy for the management of risk which also embraces its procurement processes. The Council will identify and allocate risk between the respective parties to ensure that risk is effectively managed throughout the procurement process.

17. **Implementation**

17.1 The Council can deliver the aspirations of this Procurement Strategy, and also the National Procurement Strategy, by simultaneously:

- ensuring that the Council continues to have a focus on the key markets, to help develop new contractual arrangements;
- embedding in the culture of the Council the principles of good procurement practices and contract management.

Procurement with Small and Medium-sized Businesses, and Voluntary and Community Organisations

Policy Statement

1. Introduction

- 1.1 The Borough Council recognises the need to promote a strong local economy and to assist voluntary and community organisations (VCOs), some of which are themselves, small/medium sized enterprises. Where appropriate, the Borough Council will use the procurement of its supplies and services to help achieve this. Over 80% of businesses in Tonbridge and Malling employ 10 people or less and therefore these make up a significant part of our local economy. There are approximately 150 VCOs operating within the borough.
- 1.2 The Borough Council spends on average a total of £12.5M on supplies and services. Analysis shows that 21% of this spend was placed with businesses who employed 10-50 employees (medium-sized enterprises) and a further 12% with businesses employing less than 10 people (small enterprises). 38% of the total spend was made with businesses in the local area. The majority of the council's spend, therefore, is currently placed with larger, non-local companies.
- 1.3 The Borough Council's believes that more could be done to increase the numbers of small and medium sized enterprises and voluntary and community bodies in supplying goods and services to the council to support the local economy and help strengthen the voluntary sector in accordance with the Kent Compact. This policy statement sets out how this will be achieved.

2. Legal Issues

- 2.1 European and national procurement rules require fair, equal and open competition to be achieved in the purchase of goods and services. This means that nothing should be done that could restrict, distort or prevent competition when undertaking procurement.
- 2.2 The Borough Council is therefore unable to give priority to certain sizes of companies or groups when seeking suppliers of goods and services and it cannot favour companies or groups located locally over those from further afield. This policy statement has been prepared to take full account of these issues.

3. Guiding Principles

- 3.1 Our overall approach is therefore to:

- § *Do nothing to preclude SMEs and VCOs from having a fair and equal opportunity to tender/bid for works and the supply of goods and services to the council*
- § *Look for opportunities, within the constraints of ensuring fair and open competition, to assist and encourage SMEs and VCOs to work with the council over the supply of goods and services.*

4. The Benefits of Working with SMEs

4.1 Using smaller companies to supply goods and services can often have advantages over using larger companies:

- § *The placing of a contract with an SME even of relatively low value can represent a significant boost for that company, providing for better stability and growth*
- § *SMEs will be able to focus on the delivery of a single contract and will therefore be keen to provide a better quality service to the client overall*
- § *SMEs help to promote supply chains as they can link and work with other SMEs over the contract works*
- § *SMEs are often growing companies and are keen to develop and expand. They can be a source of innovation and help clients develop new ways of working*
- § *SMEs can often have smaller administrative and management costs compared to larger firms and thus can provide better value for money for their clients*
- § *SMEs, being run by a smaller complement of staff, can be more responsive to a client's needs and can be more flexible in their approach.*

5. The Benefits of Working with VCOs

5.1 Using voluntary and community organisations (VCOs) to supply goods and services can have a number of benefits depending on the type of service which is being procured:

- § *VCOs have established links with the community, are often locally based with a thorough understanding of the environment in which they operate. They are able to draw on resources in the community and gain local support for new projects*
- § *VCOs often have a good understanding of the needs of specific client groups: for example, they have a greater capacity to reach and earn trust of excluded or disadvantaged groups*

- § *VCOs are independent and driven by charitable aims rather than improved profit margins. This can make them enthusiastic, committed and flexible and responsive to customers needs*
- § *They may be less risk averse, more willing to innovate and have stronger motivation, through their charitable aims and objectives, to identify better ways of doing things.*

6. The Small Business Concordat

- 6.1 The Government has published a good practice guide for local authorities entitled the 'Small Business Concordat'. This seeks to encourage local authorities to make greater use of SMEs in the procurement of goods and services. The concordat contains a number of 'pledges' to ensure a council's procurement processes do not unduly discriminate against SMEs and, where appropriate, to make it easier for this sector to tender for public sector contracts.
- 6.2 The Borough Council became a signatory to the Concordat in February 2006 and this policy statement seeks to indicate how the pledges contained in the Concordat will be implemented within the borough.

7. The Borough Council's Commitments

- 7.1 The Borough Council will seek to assist SMEs and VCOs in undertaking the procurement of council goods and services in the following ways:
- § *We will provide information about relevant key contract opportunities (over £20K value) on our website and assist bidders, including SMEs and VCOs, with their understanding of the Council's requirements and tender processes on request*
 - § *We will provide feedback on request to any company, including SMEs and VCOs, who have tendered unsuccessfully for the supply of goods and services so that they may improve future bids for council work*
 - § *We will review our procurement processes in the light of any feedback received to ensure that they are both simple and accessible and that SMEs and VCOs are not unduly prejudiced when tendering for council work*
 - § *We will treat all of our suppliers, including SMEs and VCOs, fairly and openly and will ensure payments against undisputed invoices are made within 30 days*
 - § *We will ensure pre-qualification and tender evaluation criteria do not result in SMEs and VCOs being unfairly excluded from supplying goods and services to us*

- § *We will provide details of our main contractors on our website to provide opportunities for SMEs and VCOs to explore joint working and sub contracting*
- § *We will balance opportunities for disaggregating our larger contracts or dividing them into smaller lots to enable SMEs and VCOs to have an equal chance to tender for them with value for money considerations*
- § *We will require those tendering for council business at pre-qualification and tender stages to provide information about how they could make use of, and promote, supply chains which may include SMEs and VCOs*
- § *We will, where appropriate, advertise contract opportunities locally and via SME and VCO networks (subject to ensuring sufficient competition)*
- § *We will, where appropriate, encourage our main contractors to explore opportunities for them to make use of specialist sub-contractors (which might include SMEs and VCOs) in the delivery of larger, longer term contracts.*

Sustainable Procurement Policy Statement

1. Introduction

- 1.1 The Borough Council recognises that sustainable development considerations should be incorporated into the procurement of goods, works and services. This recognises commitments within the Council's Climate Change Strategy and seeks to demonstrate a commitment to procuring goods, works and services that are environmentally and socially responsible. In so doing, the Council wishes to promote the adoption of more sustainable practices and procedures amongst the wider business community.
- 1.2 The Council has a "Procurement Officer Study Group" (OSG) who will encourage internal purchasers to review their consumption of goods and services, reduce usage and adopt more environmentally friendly alternative products. They will also communicate the sustainable procurement policy to all staff and stakeholders.

2. Guiding Principles

- 2.1 Sustainable development means achieving four objectives:
- Effective protection of the environment
 - Prudent use of natural resources
 - Social progress which recognises the needs of everyone
 - Maintenance of high and stable levels of economic growth and employment
- 2.2 Efficient procurement of goods, works and services depends upon balancing considerations of cost and quality. Sustainability issues need to be incorporated into both aspects as follows:
- *When considering the **costs** of goods and services, the life-span of the product or the whole life costs, need to be considered. This takes into account running costs such as energy usage, CO2 emissions, maintenance requirements, staff training needs, reuse, recycling and disposal costs. These costs need to be taken into account in addition to the initial purchase price.*
 - *When considering the **quality** of goods and services offered, their environmental issues and standards need to be taken into account equally along side other aspects of quality.*
- 2.3 Obtaining value for money when procuring goods, works and services is not just about obtaining the lowest price. Consideration of environmental factors needs to be undertaken at an early stage in the procurement process as a key element of the wider 'value' that can be obtained. In some circumstances, a higher price for

goods and services may be justified where this choice results in additional environmental benefits.

3. Benefits of Sustainable Procurement

3.1 Adopting a consistent approach to the environmental implications of procuring goods, works and services can have the following benefits:

- Long-term efficiency savings
- More efficient and effective use of natural resources
- Reduction in harmful impacts of pollution and waste
- Reduction of the impact of hazardous substances on human health and the environment
- Encourages business innovation
- Provides strong signals to the sustainable products market
- Represents a practical expression of the Council's commitment to sustainable development in the local community

3.2 In addition to the above, the Borough Council is a signatory to the Small Business Friendly Concordat and the Kent Partners Compact. It is therefore committed to working with small businesses and the voluntary sector to promote sustainable procurement, remove any barriers for them doing business with the Council and via corporate social responsibility processes, encourage these sectors to adopt an environmentally friendly approach when providing goods and services to the Council.

4. Achieving Sustainable Procurement

4.1 As an initial step in the procurement of any goods, works or services, an assessment of environmental risk will need to be undertaken to determine the extent to which issues of sustainability will need to be taken into account the procurement process. The assessment will need to take account of the environmental factors set out in Appendix 1 to this policy. For example, some goods, works and services may constitute a high environmental risk where it is expected that higher levels of energy consumption and/or CO₂ may be generated by the goods or services being purchased or where there may be an adverse impact on the environment due to the need to use chemicals etc. In these cases, the procurement process to be adopted must seek to take full and proper account of these factors. Where environmental risk is assessed to be lower or, in some cases, minimal, the extent to which sustainability is taken into account may be proportionately less. Further advice on likely impacts can be obtained from the Council's lead officer on Climate Change.

4.2 Appendix 2 to this policy lists harmful chemicals and materials that should not be used by any contractor working for the Borough Council. Confirmation should be obtained from all contractors that this is so.

- 4.3 For **procurement exercises of under £75,000** in value, environmental factors need to be taken fully into account where the assessed risk is judged to be medium/high. For all other exercises, the extent to which environmental factors are taken into account should be proportionate to the nature of the goods or services being procured. In **Non EU procurement exercises** that involve a formal tender procedure, for goods or works with a value in excess of £75,000 but below the current EU threshold, it will be expected that environmental issues must be taken into account in the procurement process and that this should be informed by the risk assessment.
- 4.4 An environmental checklist (attached as Appendix 1 to this policy) will need to be sent out as part of the Pre-Qualification Questionnaire. On the basis of the responses given, an assessment will be made by the procurement officer as to whether the company seeking to tender for the goods or services has an appropriate level of environmental awareness sufficient for it to be included on the tender list. Clear guidance must be given as to how the responses to the questionnaire will be assessed and what weight will be attached to these issues relative to others. If a PQQ is not used, the procurement officer must seek similar information from tenderers at an early stage. Where select lists prepared by other agencies are utilised to provide a list of appropriate tenderers, it must be established with the compiling agency that the environmental credentials of companies has been a factor in the compilation of that select list. If the environmental risk of the procurement exercise is assessed to be medium/high and it cannot be established that the list to be used has taken environmental factors properly into account, then consideration should be given to using a different procurement route.
- 4.5 When formal contract documents are prepared as part of the formal tendering process, sustainable procurement should be encouraged by incorporating social and environmental factors into the contract specification. Any conditions must relate directly to the particular contract activity and be capable of objective assessment. The environmental requirements for contracts will vary depending upon the types of goods or services being procured. A guide as to the requirements that could, where relevant, be included in the invitation to tender documentation is set out at Appendix 1 to this policy.
- 4.6 The tender evaluation process must include some assessment of environmental impacts. The relative weight to be applied to these will depend on the environmental risk balanced with other factors such as cost and quality of the service or goods to be provided. The weights to be applied to each criterion will be set out in the invitation to tender letter.
- 4.7 For **EU Service Contracts**, environmental considerations can only be taken into account if they are directly relevant to the particular contract activity and are capable of objective assessment. There are strict rules on what can be taken into account in assessing

contractors at the pre-tender stage so environmental considerations should predominantly be considered when specifying the services required and in tender evaluation when assessing how the contractor will operate the Service (where relevant) as set out in paras 4.5 and 4.6 above.

- 4.7 The Borough Council's lead officer on Climate Change issues should be consulted on all procurement exercises where environmental issues may arise and where the risk assessment is medium/high.
- 4.8 The application of this policy is subject to the proper application of national and EU rules on open and fair competition in the procurement of goods, works and services and the Council's own adopted financial and contract procedure rules.

Pre-qualification Environmental Questionnaire

<p>Environmental policy</p>	<p>Have you adopted an environmental policy (such as ISO14001 or EMAS) which gives details of the main environmental impacts associated with your product or service demonstrating how impacts will be reduced?</p>	<p>Yes / No <i>If yes please attach a copy</i></p>
<p>Corporate Social Responsibility</p>	<p>Can you demonstrate how economic, social and environmental impacts are taken into account in the way you operate?</p>	<p>Yes / No <i>If yes please provide brief details below</i></p>
<p>Energy</p>	<p>Can you demonstrate any examples you are using to minimise energy use?</p>	<p>Yes /No <i>If yes please provide brief details below</i></p>
<p>Transport</p>	<p>Can you demonstrate how distance of travel required for the delivery of goods or the undertaking of specific services can be minimised?</p>	<p>Yes /No <i>If yes please provide brief details below</i></p>
<p>Further Comments</p>		

Environmental issues: Goods, Works and Services

Chemicals	A requirement not to make any use of chemicals on the EU Black and Red List of most harmful chemicals? (Appendix 1).
Resource Use	A requirement to reduce the consumption of energy, water and resources in addition to reducing CO ₂ emissions and waste associated with any contract or purchase?
Packaging	Where reasonable, a commitment to ensure products purchased will use minimum packaging and will be available in refill packs, recycled packaging or returnable packaging.
Timber	A requirement to use local sources of timber and wood products wherever possible and to use products carrying the Forest Stewardship Council (FSC) trademark, or an equivalent, internationally recognised certification of good forest management.
Recycled products/paper	A requirement to use of paper from sustainably managed sources with a high recycled content and/or a commitment to use, and encourage the use of, other recycled products.
Peat	A prohibition on the use of peat or peat compounds for mulches, container grown plants or in soil dressings.
Creosote	A prohibition on the use of creosote or creosote treated wood.
Pesticides	A commitment to use non chemical control methods rather than the use of pesticides (including herbicides, fungicides, insecticides, rodenticides, lumracides).
Eco-labels	The use of products which carry recognised eco-labels meeting formally approved criteria, based on life-cycle environmental impact.
Transport	A requirement that the distance of travel required for the delivery of goods or the undertaking of specific services is minimised and/or that the supply goods and services incurs less business miles or otherwise the contractor is able to adopt more sustainable travel modes or fuel types.

Environmental Issues: Goods Only

Durability of goods	A requirement that the goods being offered are the most durable when compared to others available on the market and is a product is likely to last the longest.
Materials	The product makes the most of recycled materials compared to others on the market.
Upgrading	Use of a product which can be easily upgraded at a reduced cost.
End of Life	Use of a product (or parts of it) which is re-usable or recyclable when it reaches the end of its useful life and compares well to other similar products.
Running Costs	The running costs of the product are acceptable (i.e. does the product being offer compare with others in terms of amount of energy used and associated CO ₂ emissions)?
Pollution	The product is minimum or non-polluting or there is no available alternative that is more environmentally sound within a similar price range.
Disposal	The disposal costs related to the product are acceptable, compares well to other similar product and contains no chemicals that require special disposal arrangements at extra cost.

The EU Black List

This is a list of priority classes of most harmful chemicals, attached to EU Directive 76/464/EEC which aims to protect the aquatic environment from pollution. The Directive aims to eliminate pollution by chemicals in the following categories.

1. Organohalogen compounds and substances which may form such compounds in the aquatic environment
2. Organophosphorous compounds
3. Organotin compounds
4. Substances in respect of which it has been proved that they possess carcinogenic properties in or via the aquatic environment.
5. Mercury and its compounds
6. Cadmium and its compounds
7. Persistent mineral oils and hydrocarbons of petroleum origin
8. Persistent synthetic substances which may float, remain in suspension or sink and which may interfere with any use of the waters

The EU Red List

Aldrin (I)	Hexachlorobenzene (F)
Atrazine (H)	Hexachlorobutadiene
Azinphos-methyl (IA)	Malathion (IA)
Cadmium compounds	Mercury compounds (F)
DDT, DDD, DDE (I)	Pentachlorophenol
(FHI)	
1,2-Dichloroethane	Polychlorinated biphenyls
Dichlorvos (IA)	Simazine (H)
Dieldrin (I)	Trichlorobenzene
Endosulfan (IA)	Tributyltin compounds (F)
Endrin (IR)	Trifluralin (H)
Fenitrothion (I)	Triphenyltin compounds (F)
Gamma-HCH (lindane) (I)	

The Red List was compiled by the UK Department of the Environment in 1989 as part of its policy to combat environmental pollution. The stated objectives of this policy are:

- Adopt a more precautionary approach to the input of dangerous substances to the environment;
- Reduce inputs of those substances representing the greatest hazard in the aquatic environment;
- Develop a more integrated approach to pollution control and;
- Reduce inputs of Red List substances from diffuse sources as well as point sources.

The criteria for selecting chemicals for the list include toxicity, persistence and bioaccumulation. This is not intended to be a finite list, but one to which other chemicals that have been identified as potentially hazardous environmental pollutants will be added. A priority candidate list of chemicals which are under consideration to be added to the Red List includes the following pesticides:

Azinphos-ethyl (IA)	Dimethoate (IA)
Biphenyl (F)	Fenthion (I)
Chloroacetic acid (H)	Linuron (H)
2,4-D (H)	Mevinphos (IA)
Demeton-O (IA)	Parathion (IA)
1,3-Dichloropropene (N)	Pyrazon (H)

Note: A=Acaricide, F=Fungicide, H=Herbicide, I=Insecticide,
N=Nematicide, R=Rodenticide

Valuing Diversity, Promoting Equality in Procurement

Guidance for Service Providers and Contractors

Foreword

The Council believes that all our customers have a right to expect and receive high quality services that are appropriate and relevant to their needs.

We are committed to ensuring that our service users are treated without discrimination and receive equality opportunities, regardless of their race, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, age, religion or belief, sex or sexual orientation. This commitment also applies when working with our partners and contractors.

We have developed this document to guide service providers on how to demonstrate that they comply with equality legislation.

Aims

- To promote fair employment practices for service providers¹
- To ensure that equality and diversity conditions are built into the procurement process in a manner that is relevant and proportionate to the local area and does not pose unnecessary barriers to potential service providers.

Requirements

The following requirements set out the standard criteria that all service providers must meet. Specific additional requirements will be introduced where a service is being provided that involves significant contact with customers or service users.

The requirements become more demanding depending on the number of staff employed by the firm – sole traders and firms employing less than five employees face minimum requirements, whilst firms employing 50 or more staff need to meet more comprehensive criteria.

Service providers should note the requirements of levels 1 and 2 below before answering the questions on page 4.

Firms with less than 5 employees

Firms with fewer than five directly employed persons must provide a written assurance that they will meet the necessary requirements, following any recruitment which increases the size of the firm to five or more employees.

Level 1: Firms with 5-49 employees

All firms with between 5-49 employees must achieve the following criteria

1. Provision of an equal opportunities policy in respect of race, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, age, religion/belief, sex and sexual orientation that covers at least:
 - Recruitment, selection, training, promotion, discipline and dismissal;
 - Discrimination, harassment and victimisation, making it clear that these are disciplinary offences within the firm;

¹ 'Service Providers' refers to contractors, consultants and suppliers

- Identification of the senior position with responsibility for the policy and its effective implementation; and
 - How the policy is communicated to staff.
2. Effective implementation of the policy in the firms' recruitment practices, to include open recruitment methods such as the use of job centres, careers service or press advertisements.
 3. Regular reviews of the policy.
 4. Regular monitoring of the numbers of job applicants from different gender, disability and ethnic groups.

Level 2: Firms with 50 or more employees

All firms with 50 or more employees must achieve criteria 1-4 in level 1 and the additional criteria 5—9 listed below.

5. Provide equality training for managers and any staff responsible for recruitment and selection.
6. In addition to criterion 4 (level 1) carry out monitoring on the number of employees from different gender, disability and ethnic groups by grade when:
 - (a) in post
 - (b) applying for posts
 - (c) taking up training and development opportunities
 - (d) promoted
 - (e) transferred
 - (f) disciplined and/or dismissed
 - (g) leaving employment
7. If monitoring reveals under-representation of the groups listed in 6 above - to take steps - including positive action —to address any imbalances.
8. Regular reporting and consultation on equality issues within the workforce.
9. Mention in the firms recruitment advertisements and publicity literature that equal opportunities practices are in place.

Evaluating Service Providers

Service providers will be evaluated by their responses to six equality questions which cover race, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, age, religion/belief, sex and sexual orientation discrimination.

The equality requirements provide a benchmark against which equality compliance can be measured. It will be used to ensure service providers are meeting their legislative obligations as listed in Appendix C1.

Questionnaire

1. Do you have an equal opportunities or 'equality policy'?

Yes

No

Please provide a copy of your policy

2. Is it your policy as an employer to comply with your statutory obligations under the current legislation relating to equality and accordingly, your practice not to treat people less favourably than others because of their sex, race, religion or belief, disability, sexual orientation or age, marriage or civil partnership status, pregnancy or maternity in decisions to recruit, train or promote employees?

Yes

No

3. In the last three years has any finding of unlawful discrimination or other breach of the discrimination laws been made against your organisation by any court or industrial tribunal?

Yes

No

If yes, what steps have been taken to address the findings?

4. In the last three years has your Company been the subject of a formal investigation by the Equality and Human Rights Commission, on the grounds of alleged unlawful discrimination?

Yes

No

If yes, what steps have been taken to address the findings?

5. Is your policy on equality opportunities set out:

a. In instructions to those concerned with recruitment, training or promotion of employees?

Yes

No

If yes, please provide details

b. In documents available to employees, recognised trade unions or other employee representative groups?

Yes

No

c. In recruitment advertisements or other literature?

Yes

Yes

If yes, please provide a copy of a recent recruitment advertisement

6. Do you observe as far as possible the relevant equalities and non-discrimination codes of practice?

Yes

No

Frequently Asked Questions

Why do I, or my company, need to take equality into account?

Organisations providing services to, or on behalf of, the Council, must carry out their duties in accordance with UK legislation and take steps to meet the needs of people who share a protected characteristic including race, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, age, religion/belief sex and sexual orientation. Failure to comply could make the authority, and in some cases individuals, liable to legal action and prevent organisations from being allowed to tender for Council services and works.

What if my company does not have a equality policy or has had a case of unlawful discrimination brought against them?

Your responses in relation to your 'equality' policy will be considered against the requirements for the size of the firm. If your company has had a case of unlawful discrimination brought against them, you will be considered for selection, providing you can demonstrate the steps taken to address any shortcomings.

How will this affect contracts whose value equals or exceeds EU thresholds?

If the value of a contract exceeds EU thresholds, EU directives stipulate the questions that can be asked at pre-qualification stage. However, the Council will make explicit in the OJEU (Official Journal of the European Union) Notices for a contract that a successful contractor will be required to comply with additional questions pertaining to equal opportunities in relation to race, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, age, religion/belief, sex and sexual orientation.

What additional requirements will have to be met if a service is being provided that involves significant contact with customers or service users?

The requirements will be set out in the specification and invitation to tender. This will include a general requirement for ensuring that the service is accessible to all residents and customers and specific requirements relevant to the service. Additional questions will be added to the pre-qualification questionnaire which will allow equality in service compliance to be measured.

If my company subcontracts activities, do equality requirements still apply?

The equality conditions would apply where the sub-contracted activities could comprise of functions of a public nature. If you or the sub-contractor are not subject to UK legislation, then experience of complying with equivalent legislation that is designed to eliminate discrimination and promote equality of opportunity may be requested.

Appendix C1: Equality Act 2010

The Equality Act 2010 came into force on 1st October 2010 and protects people who access goods, facilities or services from direct discrimination on the basis of a the following 'protected characteristics': disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Public authorities are required to give due regard to eliminating unlawful discrimination, harassment and victimisation; advance equality of opportunity between different groups and foster good relations between different groups. This duty applies to all functions and services provided by the public authority, including those delivered on their behalf.

Equality requirements within the procurement process

Equality Impact Assessment	Identify Impact	Specification	Drafting Contract	PQQ	Tender	Contract Management	
<p>Has an equality impact assessment (EQIA) been carried out on the overall service of function already?</p> <p>↓</p> <p>Yes Refer to EqIA to identify impact.</p> <p>No Carry out EqIA on works supplies or service to be procured.</p>	Low	Standard requirements apply.	No additional requirements.	- Include standard contract conditions. -Include additional clauses identified from the EqIA.	Include any additional questions relating to the draft contract conditions.	Provide a copy of the Council's 'equality policy'.	-Check acceptance of contract conditions. -Agree reporting arrangements with contractor -Monitor performance against contract conditions.
	Examples	IT Equipment & Software, Furniture, Lighting, Vehicles, Cleaning.		Ensure IT equipment can be used by people with disabilities.	Do you provide equipment/software accessible to people with disabilities?		
	High	Additional requirements apply	Include a general requirement for ensuring the service is accessible to all users. Include additional clauses.	-Include standard contract conditions. -Include additional clauses identified from the EqIA.	Include any additional questions relating to the draft contract conditions.	Provide a copy of the Council's 'equality policy'. State any additional evaluation criteria and documentary evidence required.	-Check acceptance of contract conditions. -Agree reporting arrangements with contractor -Monitor performance against contract conditions.
Examples	Housing, sports / leisure facilities, contact centre, licensing, parking enforcement.	-Provision of swimming and gym sessions for disabled people in sports centres. -Doorstep waste collections for disabled people.	-Monitor equality data for housing register applications. -Increase take up of assisted waste collections for disabled people.	What experience do you have of working with disabled service users?	TBA		