****

# **FREQUENTLY ASKED PROCUREMENT QUESTIONS - FOR WORKS CONTRACTORS**

The following FAQs have been compiled to assist businesses of any scale and locality to assist in the identification of, and preparation for potential contract opportunities.

1. **Where can I find out about Oldham Council’s and other public sector contract opportunities?**

Our webpages contain some useful information about Procurement within the Council, and how to access tendering opportunities via our e-tendering platform; **The Chest**, also known as Proactis. Your organisation can register at any time and access to all information/documentation is free of charge:

<https://www.the-chest.org.uk/>

Many other public sector bodies use this e-tendering platform.

**Contracts Finder** – for public sector tender opportunities £12,000 (including VAT) and above in value: <https://www.gov.uk/contracts-finder>

For public sector tender opportunities above the threshold values referred to by the Public Contracts Regulations 2015 (as amended) (or other applicable legislation including The Procurement Act 2023 coming into effect in October 2024); the UK government’s e-notification **Find A Tender Service** (<https://www.find-tender.service.gov.uk>) went live 1st January 2021. The threshold values change biennially, and vary in value for goods, works and services.

For any platform you register on; ensure you select the correct categories of works to associate your company with so you receive relevant alerts.

1. **Is Procurement responsible for specifying the Council’s requirements?**

Procurement as a function is not responsible for defining/establishing specifications/requirements (whether for products, services or works). These are established by our internal customers/ stakeholders.

1. **I am a small contractor and do not have the scale or capability to bid for and deliver multi-million pound projects the Council or other public sector bodies might tender. What can I do?**

Be as proactive as possible in making contact with contractors who are successfully winning contracts in your region of operation. You can conduct this research by viewing the public sector body’s own contracts register (e.g., on The Chest), and ‘award notices’ posted on Contracts Finder and Find A Tender. For links please see FAQ #1.

You can also identify these contractors by viewing public sector frameworks which are established by providers such as Crown Commercial Services (CCS), Procure Partnerships Framework, North West Construction Hub (NWCH), Rise Construction Framework etc.,

For example, Crown Commercial Services Construction Works and Associated Services Framework, Lot 1.1.1 details 19 contractors (and their contact details) which can deliver building works and minor associated civil engineering works for public sector bodies in the north of England:

[https://www.crowncommercial.gov.uk/agreements/RM6088:1.1.1/lot-suppliers](https://www.crowncommercial.gov.uk/agreements/RM6088%3A1.1.1/lot-suppliers)

It is often the case that contractors who have successfully secured a contract have already identified and disclosed as part of the tender process; their proposed sub-contractors and sub-suppliers. However, you will be able to identify which contractors are repeatedly successful in their pursuit of public sector works contracts, and you can make contact with them to:

* Find out how you might be able to become a sub-contractor for them; what is their qualifying criteria etc.,

Typically contractors issue questionnaires to assess potential sub-contractors which will request information about your company including but not limited to the following, for them to assess and consider:

1. Company details and profile.
2. Financial standing (disclosure of accounts).
3. Insurance cover details: Public, Professional Indemnity, All Risk, Employers.
4. Health, Safety and Environment: RIDDOR records, disclosure of any enforcement notices, accreditations and registrations with professional bodies (e.g., CHAS, Constructionline, ISO45001 etc.,) Health & Safety Policy, sample RAMS, employee competency/training information, Waste Carrier Licence (if applicable) etc.,
5. Details of referees they can contact for works previously carried out.
* Find out what future projects they plan to bid for and enquire if they would consider your organisation as a potential sub-contractor. Construction companies will be monitoring Contracts Finder and the Find A Tender Service for early/advance notices for future public sector procurements/projects. As plans for all new developments that need planning permission are made public by the Council they will also be monitoring the planning permission website to gain these early insights and add these potential new business opportunities to their register.
* Promote your business, your capability and your locality. Oldham Council like many other public sector bodies, evaluates a tenderer’s ability to deliver ‘added social value’ with the contract, such as the tenderer’s intention/plans to use supply chains and sub-contractors local to the works site. For example, Oldham Council has adopted the Social Value Portal (see FAQ #4).

Many larger contractors use databases such as Builders Profile (https://www.buildersprofile.co.uk/website/what-is-builders-profile/) to identify potential new sub-contractors. This is an open-access Common Database service providing compliance and pre-qualification (Selection Questionnaire) information to the construction industry.

Oldham Council does also procure works which are not multi-million pound projects. Please refer to FAQ #1 and #6.

1. **What is ‘Social Value’ and is it important to Oldham Council?**

­­­­­­­­­­­Yes - Social Value is very important to Oldham Council.

**Social Value** serves as an umbrella term for the wider economic, social and environmental effects the Council’s decisions and actions (whether through the contracts it awards or otherwise) can have. We make a conscious effort to ensure that these effects are positive, and can be seen as adding social value by contributing to the long-term wellbeing and resilience of individuals, communities and society in general. This is often termed ‘Social Value Add (SVA)’.

Public sector bodies can and are encouraged to take ‘Social Value Add’ into account through their policy and spending decisions to maximise the benefit for the communities they serve.

Oldham Council has adopted **The Social Value Portal (SVP)** for use in its procurement processes for contracts valued in excess of £100,000. See FAQ #5.

1. **What is ‘The Social Value Portal (SVP)’ and how is it used in the procurement process?**

*It is useful for all tiers of contractors to be aware of the SVP even though use of the SVP will only be applicable to contractors which directly tender for our contracts (e.g., rather than sub-contractors).*

The Social Value Portal is a social value toolkit which Oldham Council has committed to using as a performance and evidence-based approach to Social Value. The SVP uses the National **TOMs** which stands for ‘Themes, Outcomes and Measures’ (or a client-bespoke version of the TOMs) which are available to view at <http://socialvalueportal.com/national-toms/>

It is useful for contractors to familiarise themselves with the *National* TOMs even where public bodies such as Oldham Council will use and publish their own *bespoke* version of the TOMs with their procurement documents. This is because even bespoke versions will not differ too significantly from the National set of measures, and so these provide a useful insight into what the measures consist of, and help contractors start to think about what social value proposition they could offer against these as part of the tender process.

As part of the Council’s procurement processes, tenderers will be required to access the SVP and to define their social value proposition against the TOMs, having been informed of Oldham’s social value needs and objectives in the form of Oldham’s ‘**Needs Analysis’ document** which will typically be published with our procurement documents but which can also be viewed here:

<https://www.oldham.gov.uk/download/downloads/id/6626/oldham_council_needs_analysis_final_accessible_2210.pdf>

Tenderers will be free to choose those measures that are proportionate and relevant to their business, and to the specific contract/project/works being bid for. None of the measures are mandatory, but tenderers should ensure that their Social Value proposals relate directly to the contract in question, are appropriate to the local area (e.g., Oldham), and are proportionate to the overall contract value.

Typically a tenderer’s social value proposition will be worth 10% of the overall tender evaluation marks.

You must have a SVP account before participating in a tender. Registration is free of charge (at any time) and links to register for specific procurements will be provided in Oldham Council’s tender documents along with all other supporting social value information.

Group training sessions for tenderers are run periodically by the SVP. They are not linked to any specific procurement and can be booked directly via the bookings page at Social Value Portal subject to availability:

[https://outlook.office365.com/owa/calendar/SupplierEngagementCalendar@socialvalueportal.com/bookings/s/Cgn2wGzP4EuEEpNVyf3VTQ2](https://outlook.office365.com/owa/calendar/SupplierEngagementCalendar%40socialvalueportal.com/bookings/s/Cgn2wGzP4EuEEpNVyf3VTQ2)

If you need support with the SVP please contact the SVP directly; <https://socialvalueportal.com/support/> or support@socialvalueportal.com.

The Council cannot assist or advise tenderers on how to use the SVP system.

The Social Value Portal User Guidance Document is available at: <https://socialvalueportal.force.com/resource/1554464511000/UserGuidePDF>

Please try to take the time to read the **Social Value Easy Guide: A Step By Step for SMEs and VCSEs**

<https://socialvalueportal.com/wp-content/uploads/2020/07/Social-Value-Easy-Guide_For-SME-VCSE_July-2020-1.pdf>

1. **Why do public sector tender documents seem lengthy and quite complicated to complete?**

Public sector procurement activity is heavily regulated and influenced by various pieces of legislation including but not limited to the Public Contracts Regulations 2015 (as amended) (<https://www.legislation.gov.uk/uksi/2015/102/contents/made>) and The Procurement Act 2023 (coming into force by October 2024), and must always be conducted in a manner which honours the principles of transparency, fair treatment, non-discrimination, integrity, efficiency, value for money and public good.

Mandatory minimum requirements must be addressed in our procurement documents which ensure due diligence is conducted on prospective contractors beyond matters of financial standing and health and safety, with a view to protecting the Council’s interests and the public funds it is responsible for. With this in mind and given the high value nature of the works we procure, our documents need to be all inclusive, comprehensive, transparently explain the process we will follow and how tender submissions will be evaluated.

Although public sector procurement documentation can sometimes be considered lengthy by contractors, if contractors familiarise themselves with the public sector style of tendering and typical content, this will assist them in bidding for other public sector contracts, and it may even be possible to build a bank of responses which then could be made bespoke to the client and project for the next procurement activity your organisation engages in.

It is recommended that contractors familiarise themselves with the Crown Commercial Services **Standard Selection Questionnaire** **(SQ)** which can be found at [www.gov.uk/government/publications/procurement-policy-note-816-standard-selection-questionnaire-sq-template](http://www.gov.uk/government/publications/procurement-policy-note-816-standard-selection-questionnaire-sq-template) and the **Publicly Available Specification, or** **PAS 91** as it's more commonly known, both of which are standardised pre-qualification questionnaires which aim to reduce the need for contractors to complete a multitude of questionnaires for different public sector bodies when bidding for contracts. If Oldham Council conducts an independent tender for works rather than using an accessible third party framework, the procurement documentation will most likely use one of these standardised pre-qualification questionnaires.

Oldham Council understands and appreciates the time and resource investment contractors make by engaging in our procurement processes. This is why we will always aim to select a procurement route which is as efficient and cost effective as possible both for ourselves and the contractors engaging with us, but without compromising on our regulatory obligations and the requirements of the project. This may for example include procuring under a third party framework such as Crown Commercial Services (CCS), North West Construction Hub (NWCH), Procure Partnerships Framework, Rise Construction Framework etc., or if independently tendering; to use a phased approach which is designed to avoid parties involved incurring unnecessary bid costs and so may for example provide for an Expression of Interest and Shortlisting Stage before full tender.

1. **Does the council have minimum set requirements of contractors it engages with regarding matters such as Health and Safety accreditations, registrations, turnover, insurance levels etc.,?**

Aside from any mandatory requirements set by legislation relating to certain trades/operations, the Public Contracts Regulations 2015 as amended, The Procurement Act 2023 or otherwise, the Council’s requirements for each procurement activity are set on a project by project basis. We always aim for these to be proportionate and appropriate for the scale and scope of the project/works and what the market/contractor base offers whilst effectively managing associated risks.

We do not for example have a blanket mandatory requirement for all tenderers/contractors to be registered with Constructionline or have ISO45001.

1. **What suite of construction contracts does Oldham Council typically use?**

Unless the form of contract is already prescribed/established if we were for example procuring under a third party framework, the form of contract Oldham Council will use is decided on a project by project basis in consultation with our legal advisors and market engagement. Our legal advisors bespoke the contract to the project.

1. **What can I do to help upskill my company as a potential bidder/tenderer for a public sector works contract, whether Oldham Council’s or otherwise?**

Familiarise yourself with the portals/web pages referenced under FAQ #1.

Attend supplier/market engagement sessions/events hosted by the public sector body, construction related networking events, site visits and online demonstrations of systems signposted and recommended in the tender advertisements or procurement documents themselves.

Familiarise yourself with procurement documents as best possible, and the requirements of the public sector body whose business you wish to target.

In addition to the Crown Commercial Services **Standard Selection Questionnaire** **(SQ)** which can be found at [www.gov.uk/government/publications/procurement-policy-note-816-standard-selection-questionnaire-sq-template](http://www.gov.uk/government/publications/procurement-policy-note-816-standard-selection-questionnaire-sq-template) and the **Publicly Available Specification, or** **PAS 91** you can contact the procurement department of the public sector body and ask if they would share a standard works tender template they use, or better still; a recent but past works tender they have published and so which has already been in the public domain. This will provide you with a wealth of information about the organisation’s procurement process, how they structure their documents, and what type of questions they ask.

It is important when bidding for public sector contracts that your company fine-tunes its ability to articulate its capabilities well in writing, as public sector tendering is a very paper based exercise.

Take note of the type of policies, certificates and process information the tender documents require, and check that your organisation has these in place, that they are current, and readily available to submit as part of a procurement process if required. Examples may include, two or three years audited accounts, Health and Safety Policy, insurance certificates, the CVs of key personnel, contact details for referees and summaries of past works projects your organisation has delivered to completion within the last five years including detail such as budget, programme, form of contract etc.,

Particularly if you bid for a public sector contract and are unsuccessful, ask for feedback as to how you can improve your tender submission next time or for any specific areas the evaluators considered your bid fell short on. Please note that public sector bodies are not always obliged to provide feedback of this nature – it depends if the value of the contract reaches the threshold referred to by the Public Contracts Regulations 2015 as amended or The Procurement Act 2023, but you can always ask for some basic feedback regardless.

Oldham Council will always endeavour to offer feedback to support contractors in their pursuit of future Council contracts. Below is some typical feedback for some very common mistakes we see tenderers make:

* Responses should be bespoke to Oldham Council and its specific project and requirements. Bespoke responses ordinarily achieve higher marks than generic responses.
* Take care to script your response so that it directly answers the question asked / each and every element of the question asked. This is critical for scored or pass/fail questions.
* If the procurement documents mandate a certain requirement, avoid making a counter offer or variant bid as your bid will likely be disqualified or failed. If you are unsure raise a clarification ahead of the submission deadline.
* You must not answer questions by cross referring to other answers or to other materials (e.g. located on a web site). Each question answered must be complete in its own right.
* You must adhere to maximum word count or page limited where mandated.
* Where permitted and necessary to include directly relevant attachments for your response, please ensure these are clearly headed up, and the file is named appropriately and clearly referred to in the main body of the response so that the evaluation panel clearly understands which attachments you wish to be considered against each question. The evaluation panel will not guess or make assumptions on which appendix/attachment a Tenderer wishes the panel to consider as part of their response to any question. To confirm; the panel may disregard un-referenced attachments. If you are unsure on requirements raise a clarification ahead of the submission deadline.
* Before submitting your bid please check all attachments you have referred to in your submission are uploaded. The Council is not obliged to provide you with the opportunity to submit missing information after the submission deadline.
* Ensure attachments whether policies or certificates etc., are within date and reflect the latest legislative requirements (if applicable).
1. **How does Oldham Council ensure they are an intelligent and competent client?**

Construction procurement activity is carried out by CIPS qualified procurement professionals specifically experienced in the category, working closely with qualified and experienced stakeholders who then manage the project (Client side) throughout construction. Legal and Finance colleagues are integral to the team, with additional departments and colleagues advising on matters such as health and safety and environment. External professional disciplines are appointed on a project by project basis; Cost Consultants, Architect, Project Manager, M&E and C&S Engineers etc.,

The Council follows various governance processes with gateway checks, under a hierarchy of senior management boards specific to capital projects.

**Disclaimer:** *Information contained herein is provided in good faith but does not purport to be all inclusive. The Council does not endorse third party websites referenced herein nor does it accept responsibility for the content of these websites. Organisations/readers are responsible for making their own checks and conducting their own research. The Council does not accept any responsibility for the information contained herein, nor does it make any representation or warranty, express or implied, as to the accuracy, adequacy or completeness of the information and shall not be liable for any loss or damage arising as a result of reliance on the information.*