



## **TAYSIDE VALUATION JOINT BOARD**

### **TENDER PROCEDURES**

## **1 COMMENCEMENT**

- 1.1 These Tender procedures shall apply and have effect on and from 28 August 2017 and may be altered or revoked by the Board at any ordinary meeting provided such proposals are supported by a majority of the Board present and voting.

## **2 FINANCIAL REGULATIONS**

- 2.1 The financial arrangements shall be governed by the Board's Financial Regulations which may be altered or revoked by the Board at any ordinary meeting provided such proposals are supported by a majority of the Board present and voting.

## **3 INVITATION OF TENDERS FOR GOODS AND SERVICES**

- 3.1 Where any plant, vehicles, tools, equipment, furnishings, materials or commodities in excess of £50,000 in value and which are to be financed from revenue are required by the Board tenders shall be invited unless the Clerk to the Board in any particular case because of special circumstances, decides that would not be justified or appropriate in that particular case. All such offers, by tender or otherwise, shall be reported to the Board for approval.
- 3.2 Where any plant, vehicles, tools, equipment, furnishings, materials or commodities below £50,000 in value and which are to be financed from revenue are required by the Board tenders or Quick Quotes shall be invited unless the Clerk to the Board in any particular case because of special circumstances, decides that would not be justified or appropriate in that particular case. All such offers, by tender or otherwise, need not be submitted to the Board for approval if specific provision has been made in the approved estimates.
- 3.3 Notwithstanding the terms of paragraph 3.2 above, where the items to be purchased are below £10,000 in value, and which are to be financed from Revenue it shall be in order for the tender procedure as outlined herein to be dispensed with provided that the items are not part of a series of purchases the aggregate cost of which, would exceed EU Public Procurement Threshold levels. However, at least three competitive quotations should be obtained, unless otherwise directed by the Clerk to the Board with the most advantageous quotation being accepted by the Assessor concerned.
- 3.3A Where the items to be purchased are below £1,000 in value and are to be financed from Revenue it shall be in order to dispense with the requirement to obtain three competitive quotations as outlined in paragraph 3.3 above.
- 3.3B Notwithstanding the terms of paragraph 3.3A above, where items are part of a series of purchases the aggregate annual cost of which is expected to exceed £1,000, three competitive quotations should be obtained.
- 3.4 Where any project is to be financed from Capital, or Capital Financed from Revenue, tenders shall be invited unless the Clerk to the Board in any particular permissible case because of special circumstances, decides that would not be justified or appropriate in that particular case. All such offers by tender or otherwise, shall be reported to the Board for approval.
- 3.5 Where tenders require to be invited for the purchase or sale of plant, vehicles, tools, equipment, furnishings, materials or commodities, or for the carrying out of any works, or for the procurement of any services shall, with the exception of those obtained in terms of paragraph 3.3 above, the Assessor must advise the Clerk to the Board of his particular requirement in conjunction with the Treasurer; and

- a Ensure that any requirements of the European Union in respect of the insertion of advertisements in their Official Journal for tenders for the procurement of services; the execution of works or the supply of plant, vehicles, tools, equipment, furnishings, materials or commodities are met, as these requirements are set out in:-
- i The Public Services Contracts Regulations 1993 (SI No 3228);
  - ii The Public Works Contracts Regulations 1991 (SI No 2680);
  - iii. The Public Supply Contracts Regulations 1995 (SI 1995/2001);
  - iv. The Public Contracts (Scotland) Regulations 2012
- and any legislation amending, consolidating or substituting.
- b Allocate a title (eg Equipment) and serial number to that contract. The serial number shall comprise the Board's code as appended hereto for the purposes of the tendering procedure, eg TVJB, the year in which the tenders are being invited (or the year the project is initiated) and the particular number allocated to that contract. Thus if, for example, the Board is inviting tenders for the twentieth contract in the year 2017 the serial number of that contract shall be TVJB/17/20.
- c In order to advertise the contract on behalf of the Board, officers must:-(a) register on the National Advertising Portal - Public Contracts Scotland; and(b) advertise the invitation bids or quotations through the Portal. Officers must complete the appropriate training to allow them to invite tenders and enter into contracts on behalf of the Council.
- c Where required, Forward all press advertisements inviting tenders to the Clerk to the Board for insertion in the press and in addition advise her in writing of the details of the contract and the closing date for submission of offers. The latter shall include the appropriate serial number of the contract, the estimated value of the contract, and the source of finance (Revenue Capital, Capital Financed from Current Revenue). If in any instance selected tenderers are invited to tender by letter and there is no public advertisement of the proposed contract the same information shall be forwarded to the Clerk to the Board.
- d All press advertisements inviting tenders must contain the following information "Sealed offers using the official label issued by this Department and endorsed (insert the title of the particular contract) must be lodged with the Clerk to the Board, Tayside Valuation Joint Board, 21 City Square, Dundee DD1 3BY on or before 10.00am on .....". Failure to use the official label in the manner prescribed may at the discretion of the Board result in the offer not being considered. The label must be affixed to the front of the envelope. In instances where there is no public notice and invitations are sent to selected tenderers then the foregoing information must be included in the invitation.
- e The official labels referred to immediately above shall be issued to all inquirers and selected tenderers with tender documents. Before issuing a label it shall be completed to show the title and serial number of the particular contract, that the contract is issued by the Assessor and the closing date for the lodging of tenders.
- f Contract documents issued shall, where necessary, include reference to the undernoted:-
- i Contract documents issued by and contracts made with the Board in connection with the execution of works to the value of £250,000 or above shall provide that the contractor shall be required to enter into a Bond with

a Bank or Insurance Company for a sum equal to 10% of the contract sum for the due performance of the contract or such other sum as is stipulated by the Treasurer and/or in such circumstances as the Board may decide, a Parent Company guarantee and/or a Minute of Agreement in respect of Window Warranty.

- ii All contract documents issued by, and all contracts made with, the Board in connection with the carrying out of works procurement of supplies or the provision of services shall provide that the Contractor shall be insured with an approved Insurance Company against liability to work people under statute and at common law; and liability to third parties.  
The relative policy or policies and premium renewal receipts shall be produced by the Contractor whenever required for inspection by any officer authorised by the Board for that purpose.
- iii All contract documents issued by, and all contracts made with, the Board shall provide that the Contractor shall observe safe working practices whilst working on or within the confines of any Board properties.
- iv All contract documents issued by, and all contracts made with, the Board shall, in appropriate cases, provide that if any provider of services, Contractor or supplier of plant, vehicles, tools, equipment, furnishings, materials or commodities to the Board shall offer or give (either directly or through the medium of any person employed by him or acting on his behalf) any gratuity, bonus, discount, consideration, or bribe of any kind whatsoever to any member of the Board or any officer or employee of the Board, the Board may forthwith terminate the contract and may hold that provider, Contractor or supplier (as the case may be) liable for any loss or damage which the Board may thereby sustain.
- v All contract documents issued by and all contracts made with the Board shall provide that the conditions and obligations thereof to be observed by contractors shall likewise apply to any sub-contractor and the contractors shall be responsible for the observance of such conditions by any sub-contractor.
- vi All contract documents issued by the Board shall include a questionnaire in terms of Section 18(5) of the Local Government Act 1988 to ascertain whether the requirements of the Race Relations Act 1976 are being met by contractors.

3.6 The Assessor shall retain until after completion of each contract a list showing the name and address of each inquirer to whom documents have been issued, allocating to each inquirer an individual number. Before an official label to an inquirer is issued the number allocated to that inquirer shall be inserted at the end of the serial number on the label. Thus for TVJB/17/20 the third inquirer for that contract would have the serial number TVJB/17/20/3 shown on the label issued to him. This is important since the numbered list shall enable the Clerk to the Board to return, unopened, to the appropriate tenderer any tender which is received late.

3.7 Ensure that the closing time for receipt of all tenders to be submitted is fixed at 10.00am on a weekday excluding public holidays.

3.8 All late tenders shall be returned if possible unopened to the tenderer and shall not be reported to the Board or taken into account.

#### **4 OPENING OF TENDERS**

- 4.1 Tenders, with the exception of these obtained in terms of paragraph 3.3, shall be opened in the offices of the Clerk to the Board by the appropriate Convener or Vice Convener, or the Clerk to the Board.
- 4.2 The person assisting at the opening of tenders shall ensure that the Tenders Register is completed in the following manner:-
- a The names of all tenderers and the tender amounts shall be listed.
  - b Where the invitation to tender does not require a specific total to be stated, eg "cost plus" projects etc there should be inserted in the "Tender Amount" column the words "to that effect".
  - c Uncompleted tender documents returned using the official tender label must also be listed in the Tenders Register and the words "No offer" inserted under the Tender Amount. These shall not, however, be included in total of completed tenders received.
  - d Where tenderers submit alternative tenders for the same project in one envelope these should be entered separately in the Tenders Register with an explanatory note in the Register.
  - e In cases where tenderers submit offers for two or more different contracts in one envelope using the official tender label for one of the contracts then the Tenders Register must again include an explanatory note.
  - f All tenders must be initialled by the person opening them and the register must be signed by the person opening the tenders and the official receiving them.

## **5 PREPARATION OF TENDER REPORTS**

- 5.1 The Assessor shall prepare a report on tenders received for the purchase of plant, vehicles, tools, equipment, furnishings, materials or commodities, or for the carrying out of any works, or the purchase of any services, with the exception of those obtained in terms of paragraph 3.3 above.
- 5.2 The report shall include the following information:-
- a Whether the expenditure involved has been approved by the Board under a general or specific heading.
  - b A reference to the minute of meeting of the Board approving an increase in the probable costs, if appropriate.
  - c In the case of Capital projects details of any Revenue implications.
  - d Details, if any, of sub-contractors proposed by the contractor.
- 5.3 For reports on contracts below £25,000 to be met from revenue the following procedures shall be followed:-
- a The Assessor shall prepare a report, in terms of paragraphs 5.1 and 5.2 above, for officer approval in respect of all contracts below £25,000 where specific provision has been made in the approved estimates with the exception of those obtained in terms of paragraph 3.3 and shall submit the report together with two copies thereof to the Clerk to the Board and the offer recommended for acceptance. If no specific provision has been made in the estimates the Assessor shall follow the procedures in terms of paragraph 5.4 below.

- b The Clerk to the Board shall thereafter submit the report to the Treasurer for the approval or otherwise.
  - c At the same time as (b) above an acceptance letter shall be prepared by the Clerk to the Board and issued to the Assessor for initialling and return.
  - d The Clerk to the Board shall issue the acceptance letter subject to the approval of the Treasurer and a copy of the final dated acceptance forwarded to the Assessor.
  - e The person who assisted in the opening of the tenders shall place a copy of the acceptance together with the tender report and relative correspondence on a register for inspection purposes.
  - f The person who assisted in the opening of the tenders shall also enter a note in the tender book indicating the successful offer and the date the acceptance was issued. In the case of no offer being accepted, a suitable note shall be entered in the tender book.
  - g The Clerk to the Board shall advise the Treasurer monthly of any reports which are not approved.
- 5.4 For reports on contracts above £25,000 and all contracts to be met from Capital or CFCR the following procedures shall be followed:-
- a The Assessor shall prepare a report, in terms of paragraphs 5.1 and 5.2 above, for Board approval in respect of all contracts above £25,000 and shall submit same to the Clerk to the Board and Treasurer 14 days prior to the Board meeting.
  - b On receipt of the report together with the offer recommended for acceptance the Clerk to the Board shall prepare a draft acceptance letter and issue it to the department assessing the tender documents for initialling and return.
  - c The acceptance letter shall be issued by the Clerk to the Board subject to Board approval as soon as practically possible and a copy of the final dated acceptance forwarded to the Assessor.
  - d The person who assisted in the opening of the tenders shall enter a note in the tender booking showing the date of the Board approval, the successful offer and the date the acceptance was issued. In the case of no offer being accepted a suitable note shall be entered in the tender book.

## **6 APPOINTMENT OF SUB-CONTRACTORS**

- 6.1 The Assessor shall seek the approval of the appropriate Board to the sub-contractor proposed by a Contractor before any contract is entered into with such Contractors and also to any changes proposed in the approved list of sub-contractors.

## **7 ACCEPTANCE OF OFFERS**

- 7.1 Subject to the provisions of paragraph 3.3 all acceptances of offers for the purchase or sale of plant, vehicles, tools, equipment, furnishings, materials or commodities and for the carrying out of any works or the performance of services shall be signed on behalf of the Board by the Clerk to the Board acting as agent for the Assessor.

## **8 PAYMENTS TO CONTRACTORS**

- 8.1 All contracts for the carrying out of any works or the purchase of services on behalf of the Board, or for the supply of any plant, vehicles, tools, equipment, furnishings, materials or commodities to the Board will be entered in a book to be kept by the Principal Officer concerned, and such book shall show the amount of each contract, and any payments made to account.

## **9 ALTERATIONS TO SPECIFICATIONS**

- 9.1 The specification of any works or services under contract and approved by the Board shall not be altered to any substantial extent without the consent of the Board except in cases of urgency or where the nature of the services or works is such as to require deviation from the specification from time to time, but any such instance shall be reported to the Board.

## **10 DETERMINATION OF CONTRACTS AND PLACING OF NEW CONTRACTS**

- 10.1 If for any reason whatsoever the employment of any contractor or supplier of services, or of plant, vehicles, tools, equipment, furnishings, materials or commodities has been terminated, such contractor or supplier shall not receive any new contract from any Board until such new contract has been approved by the Board.
- 10.2 While at all times observing the requirements of the relevant legislation, the Board shall whenever possible and commercially viable, seek to maximise the benefits to the local economy of using local companies and local labour.

## **11 DISPOSAL OF SURPLUS PLANT, MATERIALS ETC**

- 11.1 All surplus plant, vehicles, tools, equipment, furnishings, materials or commodities valued in excess of £5,000 in value to be disposed of by the Assessor shall be advertised for sale either by the invitation of sealed offers or by public auction, unless in special circumstances of which the Board shall be the sole judge, it is otherwise decided. The arrangements for the disposal of surplus plant, vehicles, tools, equipment, furnishings, materials or commodities valued at less than £5,000 shall be delegated to the Assessor in consultation with the Treasurer.