



Fermanagh & Omagh  
District Council  
Comhairle Ceantair  
Fhear Manach agus na hÓmaí

# Procurement Policy

Version 5  
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## Contents

1. Background.....	2
2. Aim.....	3
3. Scope.....	7
4. Objectives .....	7
5. Policy Responsibility and Approach .....	8
6. Review .....	8
7. Linkages (to other policies) .....	9
8. Procurement Principles.....	9
9. Procurement Thresholds.....	10
10. Procurement – Approvals and Reporting .....	13
11. Authorisation and Procurement Approval Limits .....	15
Appendix 1 Tender - Procurement Strategy Document .....	16
Appendix 2 Conflicts of Interest Declaration Form.....	19
Appendix 3 Procurement Act 2023 Conflict of Interest Assessment .....	22
Appendix 4 Procurement Act 2023 - Tender Notices .....	24
Appendix 5 Ethical Code of Conduct for Suppliers .....	27

## 1. Background

Fermanagh and Omagh District Council (the Council) require goods, services, construction works and other supplies to efficiently meet the needs of the Council.

Procurement:

- is the process of obtaining or buying these goods, services, construction works and other supplies usually by means of a contractual arrangement after public competition to fulfil the strategic objectives of the Council;
- is a strategic process which follows a clearly defined method (i.e. applying effective and up-to-date procurement procedures and processes);
- includes the processing of a demand, the end receipt and contract management and spans the whole life cycle of the asset or service contract from initial conception and definition of the need through to the end of the useful life of an asset or the end of a contract; and
- seeks to achieve ‘value for money’ i.e. the Most Advantageous Tender (MAT) which is a combination of cost (whole life cost), quality (meeting a specification which is fit for purpose and meets the Council’s requirements) and social value, minimising negative environmental impacts and ensuring fair treatment throughout the supply chains (economic, social and environment benefits). Important quality criteria include efficiency, longevity and production methods.

The Policy is based on the procurement objectives as detailed within the Procurement Act 2023 (2023 Act) and associated Procurement Regulations (Regulations) and takes account of relevant legislation and guidance including the Northern Ireland Public Procurement Policy Statement and is guided by international best practice as set out in the UN Guiding Principles on Business and Human Rights, Organisation for Economic Co-operation and Development (OCED) Guidelines for Multinational Enterprises and the Global Sullivan Principles (1999).

The Stages in the Procurement process are as follows:

- **Plan** - Having a clear and transparent forward looking commercial pipeline and a good understanding of the market to plan for the procurement process.
- **Define** - Achieving flexible and efficient procurement processes that encourage broad participation and are open and accessible to all.
- **Procure** - Evaluating bidder compliance with exclusion grounds and selecting suitable suppliers for the contract.
- **Manage** - Working with suppliers and managing the contract to ensure successful achievement of the contractual outcomes.

## 2. Aim

The Fermanagh and Omagh 2030 Community Plan outlines 4 Themes and 8 shared outcomes and this Policy aims to achieve a number of outcomes across 3 of these Themes:

- Theme 1: People and Communities
- Theme 2: Economy, Infrastructure and skills; and
- Theme 3: Environment.
- Theme 4: Promoting Wellbeing

Procurement will be balanced and guided by use of available resources, whilst achieving value for money and constantly seeking continuous improvement, stimulating innovation and will align with the Council Values and Objectives included in the Council's Corporate Plan 2024-2028.

The supporting Council outcomes makes clear the commitment of the Council to direct and govern the way in which it does business. It also provides opportunity for further development and will enable the Council to respond to the changing public sector procurement environment and legislative requirements.

This Policy aims to support the delivery of Council objectives in a consistent manner which makes the best use of available resources whilst achieving value for money and constantly seeking continuous improvement along with contributing towards the following four priorities identified within the Corporate plan : Climate Action; People and Communities; Shared Prosperity and One Council. The Policy is also aligned to the Council Values included in the Council's Corporate Plan 2024-2028.

In order to ensure that the Procurement Policy supports both value for money and operational effectiveness, implementation of the Policy will be undertaken according to spend threshold (Section 11), category risk/opportunity and the market maturity of the contract subject matter as well as complying with Public Contract Regulations 2015 or Procurement Act 2023 and Procurement Regulations 2024 (for new procurements effective from 24 February 2025), Best Practice Guidance including Procurement Policy Note PPN01/21 - Social Value in Procurement (revised December 2024), all relevant Council Policies and relevant Procurement Policy Statements.

Social Value in procurement incorporates all aspects of sustainable procurement, including ethical and sustainable supply chains, community benefits and wealth building, job and skills creation and efforts to decarbonise. The Council will endeavour to meet its needs for goods, services, works and utilities in a way that achieves value for money on a whole life-cycle basis by generating benefits not only for the Council but also for the people, communities and economy within our district, whilst significantly reducing negative impacts on the environment. The Council will aim to use its spending power for the benefit of its community.

The Council will incorporate Social Value within its procurement activities by considering at the earliest stage of each tender the opportunities that can be incorporated in line with the most relevant elements of the following four Social Value Themes:

### **Theme 1 Increasing secure employment and skills:**

- Create employment, retraining and other return to work opportunities for those furthest from the labour market and/or from deprived areas.
- Create employment and training opportunities in industries with known skills shortages or in high growth sectors.
- Create employment and training opportunities that support a more resource efficient, greener and low carbon economy.
- Support in-work progression and educational attainment in the workforce, including training schemes that address skill gaps and result in recognised qualifications, to help people to move into higher paid work by developing new skills.
- Support in-work progression and training opportunities to help people gain new skills and recognised qualifications that are relevant to a more resource efficient, greener and low carbon economy.
- Increase the representation of disabled people in the contract workforce.
- Support disabled people to develop new skills and recognised qualifications

### **Theme 2: Building ethical and resilient supply chains**

- Collaborate with the contract's supply chain to ensure fair work and workforce diversity throughout the supply chain.
- Commit to ethical supply chains and practices by identifying and managing risks of modern slavery and human rights abuses in the delivery of the contract, including in the supply chain.
- Create a diverse and innovative supply chain to deliver the contract including new businesses and entrepreneurs, start-ups, micro businesses and Voluntary, Community and Social Sector.
- Support entrepreneurship and social entrepreneurship, including helping new and small organisations to grow.
- Maximise security of supply, for example by minimising proximity of supply chains to point of delivery.

### **Theme 3: delivering climate action**

- Deliver additional climate action benefits in the performance of the contract including working towards net zero greenhouse gas emissions and/or contributing to climate adaption measures.
- Initiatives that support climate adaptation and mitigation measures to minimise the effects of climate change.
- Demonstrate action to maintain and enhance biodiversity and promote the resilience of ecosystems by considering environmental protection and improvement in the delivery of the contract, including the supply chain.
- Work toward net zero emissions by measuring the contract's carbon footprint and minimising scope 1, 2 and 3 emissions.
- Initiatives which contribute to improvements of air and water quality and promote nature-based solutions.
- Demonstrate action that supports the circular economy, by minimising waste and extracting the maximum value of resources in the delivery of the contract, including the supply chain

- Assess and minimise the contract's embodied carbon emissions by minimising use of virgin materials, effective production techniques and effective recovery systems.
- Create Green Jobs and relevant training opportunities that contribute towards a just transition by supporting a more resource efficient, greener and low carbon economy.

#### **Theme 4: Promoting Wellbeing**

- Build a culture that supports the wellbeing of staff working on the contract.
- Support the wellbeing of staff, suppliers, customers and communities in the delivery of the contract.
- Promote and develop arts and cultural related activities relevant to the contract.
- Support community cohesion and good relations in areas where the contract is delivered, for example, by ensuring people have a voice in decisions that impact them.
- Take action to improve equality, diversity and inclusion in the contract's workforce and throughout the supply chain
- Support local initiatives to reduce poverty and inequality in the area where the contract is delivered.

The type of Social Value that can be achieved through each tender will be considered at business case stage and throughout the development of the tender documents. A Social Value Assessment will be detailed within each Tender Procurement Strategy. The method of incorporating Social Value will be reflective of the subject matter of the contract along with the contract scope and complexity.

The Council aims to incorporate the following 12 steps into its processes:

1. **Maintain a 'Request for Quotation' Supplier Database** – Local suppliers are encouraged to register their interest in participating in quotation exercises. The Council actively promotes the opportunity to take part in procurement exercise to local businesses.
2. **Engage with Suppliers** to provide support and guidance to local suppliers, Small and Medium Enterprises (SMEs), Social Enterprises (SEs) and the Voluntary and Community Sector in terms of building capacity and knowledge /skills in relation to participating in Council procurement and other public sector procurement opportunities. This will include encouraging contractors to source materials locally where appropriate, allowing sufficient time for tender responses, reducing barriers to SMEs participating in procurements and encouraging suppliers to pay the national wage to their employees. Ensure that payment mechanisms are structured to assist with cashflow e.g. by establishing payment milestones for key deliverables where tangible benefit can be transferred to the Council as opposed to 100% payment on final completion.
3. **Use of Lots** to encourage participation of SMEs, SEs and the Voluntary and Community Sector and inclusion of a clause requiring Tenderers to pay sub-contractors within 30 days. Any proposed outcomes identified should be proportionate and relevant to the specification of the procurement.
4. **Publish future Tender** opportunity pipeline to allow SMEs, SEs and the Voluntary and Community Sector time to prepare for future procurement opportunities.

5. **Work to continuously improve and streamline procurement processes** to ensure that unnecessary burden is not placed on supply base and to ensure that all tender documents include maximum and relevant procurement objectives.
6. **Business cases** – ensure Social Value is considered from the beginning of the procurement process and identify any opportunities to link responsible procurement considerations to the subject matter of the contract proportionate to the value of the contract. Consider ways of reducing consumption and end of life requirements associated with the procurement in order to reduce carbon emissions and promote a circular economy.
7. **Tender – Procurement Strategy Document** (Appendix 1) – requires the consideration of Social Value within each Tender and detail of the method of scoring that will be used within each tender in line with four social value themes.  
Theme 1: Increasing Secure Employment and Skills  
Theme 2: Building Ethical and Resilient Supply Chains  
Theme 3: Delivering Climate Action  
Theme 4: Promoting Wellbeing

Incorporate at least one Social Value Key Performance Indicator in all relevant tenders valued £250,000 or above.
8. **Assessment criteria** includes a minimum 10% Social Value consideration in the criteria through a social value points matrix or a fixed social value indicator depending on the subject matter, value and complexity of relevant procurement opportunities. Where this is not possible consider the use of contract condition/voluntary requirements which support social value.
9. **Work to identify contracts** that are suitable for the incorporation of defined Social Value criteria relating to the employment of long term unemployed, provision of apprenticeships or provision of training opportunities and ensure selection criteria appropriately addresses equal opportunity, fair trade, fair employment and eliminate modern slavery. Investigate the possibility of partnering with local educational or training organisations with the view to encouraging training opportunities for local students through a voluntary clause in procurement documents.
10. Ensure Social Value **criteria / clauses** are included in Tender documents for Building Contracts, Civil Engineering Contracts and Services Contracts in line with Northern Ireland Procurement Board recommendations. Engage with Strategic Investment Board (SIB) regarding the Council's Capital Plan to identify opportunities for incorporation of appropriate social value clauses and use mandatory government buying standards in procurement specifications wherever possible. Ensure climate change resilience is maximised by opting for sustainable, durable solutions in the face of changing temperatures and weather patterns and the environment is protected by minimising terrestrial, marine and air pollution and enhancing and protecting local biodiversity.
11. **Specifications** – ensure all relevant procurement specifications (including fleet and vehicle specifications) stimulates innovation and seeks to improve energy efficiency and maximises energy supply from renewable sources and encourages zero-carbon travel along with excluding the use of single use plastics where possible.

12. **Declarations** – ensure the following bidder declarations are included as mandatory within all procurement activity of the Council.
- a. Modern Slavery Act 2015 (Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015)
  - b. Human Rights Declaration
  - c. UN Guiding Principles on Business and Human Rights and UN Convention on Genocide
  - d. Fair Employment Legislation
  - e. Equality Declaration
  - f. Safeguarding Declaration
  - g. Ethical Code of Conduct for suppliers

### 3. Scope

The Policy is applicable to all employees (and agency workers) of the Council who have a role in procuring goods, services and construction works and managing contracts and members involved in making decisions on procurement related matters.

Consultants working on behalf of the Council who are involved in the procurement process must ensure their documentation complies with this Policy.

The award of grants is not included within the activity of procurement; however, grant recipients are expected to apply the Council's Procurement Policy to their expenditure.

### 4. Objectives

Objectives of the Council Procurement Policy are based on the objectives outlined within the Procurement Act 2023:

- Delivering value for money (MAT - most advantageous tender);
- Maximising public benefit;
- Sharing information for the purpose of allowing suppliers and others to understand the Council's procurement policies and decisions;
- Acting, and being seen to act, with integrity.
- Removing or reducing the barriers faced by Small and Medium Enterprises (SMEs).

By working in accordance with this Policy the Council aims to ensure that:

- (i) Goods, services and construction works are properly procured to meet the needs of the Council;
- (ii) The procurement process is high quality, clear, open and transparent to ensure that all Council Officers and Elected Members are seen to act, with integrity while sharing information for the purpose of allowing suppliers and others to understand the council's procurement policies and decisions;
- (iii) Assessment criteria relate to the subject matter of the contract; are sufficiently clear, measurable and specific; relate to compliant specifications and are proportionate and have regard to the nature, complexity and cost of the contract;
- (iv) The procurement process is as straightforward as possible for the Council and potential suppliers, raises supplier awareness and aims to remove barriers to Small and Medium Enterprises (SMEs), Social Enterprises and Community and Voluntary

- Sector participation, where possible. Processes should be proportionate and have regard to the nature, complexity and value of the contract.
- (v) There is consistency in approach which includes standard documented procurement procedures utilised by Officers who have undertaken training on the Procurement Policy and Procedures.
  - (vi) Social value in procurement activities is considered from early in the procurement processes.
  - (vii) Procurement is undertaken in a professional manner which seeks to share best practice.
  - (viii) The processes focus on continuous improvement in terms of quality, effectiveness and efficiency; identifies opportunities for collaborative working between Council departments and with other Councils; and which continually seeks to improve the way in which the Council's procurement function and processes operate through the use of relevant technology.

These objectives are consistent with the outcomes and core priorities of the Community Plan which promote Openness, Accountability and Transparency; Equality, Inclusivity and Diversity; Sustainability, Social Value and Continuous Improvement.

## 5. Policy Responsibility and Approach

The Director of Corporate Services and Governance has overall responsibility for the Procurement Policy. All Council Officers are expected to follow this Policy and take the appropriate action to meet the aims and objectives.

The Council adopts a hybrid approach whereby a central procurement function supports trained and competent staff within directorates.

However ultimate responsibility for procurement resides in the Council service area where the expenditure is being incurred. The Council aims to ensure that each directorate has sufficient capacity to implement the Council's procurement policies and processes.

The Council has in place procurement thresholds and limits (Section 10 and 11) and permits the use, where appropriate, of Government Procurement Service Frameworks and other relevant frameworks. Collaborative procurement opportunities will also be considered where relevant. Regularly used supplies, services and works will be procured through Annual Tenders processes. These will be reviewed at appropriate intervals.

## 6. Review

The Procurement Policy will, under normal circumstances, be reviewed every three years, and interim updates will be re-issued and circulated as necessary. The Policy will be updated when government procurement thresholds are published. The Policy will be reviewed sooner in the event of any one or more of the following:

- Failure or weaknesses in the Policy is highlighted.
- Changes in legislative requirements; or
- Changes in Council/Government or other directives and requirements.

## 7. Linkages (to other policies)

This Policy provides the framework for undertaking procurement on behalf of the Council and is supported by procurement procedures. The Policy should be read in conjunction with the Council's Financial Regulations which are included in the Council's Constitution, the Council's Fraud and Corruption Policy; Payments Policy; Credit Card Policy; the Council's Fair Trade Guiding Principles; the Options Appraisal Policy and the Council's Climate Change and Sustainable Development Strategy.

## 8. Procurement Principles

The 12 principles guiding public procurement in Northern Ireland (Public Procurement Policy in Northern Ireland), which complement the outcomes and core priorities of the Fermanagh and Omagh 2030 Community Plan, will be applied to all Council procurement:

The twelve procurement principles are:

1. **Accountability:** Effective mechanisms must be in place in order to enable Council Officers to discharge their personal responsibility on issues of procurement risk and expenditure. Council Officers in the relevant departments will be **accountable** for the procurement process. Council Officers will have a sufficient understanding of procurement procedures and legislation and maintain high professional standards and will retain full documentation to evidence a transparent and clear procurement process.
2. **Competitive Supply:** Procurement should be carried out by competition unless there are convincing reasons to the contrary. Procurement will be carried out in a competitive manner in line with the Council's procurement limits.
3. **Consistency:** Suppliers should, all things being equal, be able to expect the same general procurement policy across the public sector. All suppliers will be treated in a consistent manner across all departments.
4. **Effectiveness:** Public bodies should meet the commercial, regulatory and socio-economic goals of government in a balanced manner appropriate to the procurement requirement. The Council will put in place mechanisms in which the procurement method will be effective by affording appropriate consideration to the goods, services and construction works being procured. All major procurement shall consider the impact on the social, economic and environmental well-being within the District. Social considerations will be included in the procurement process provided they are considered when appraising options and relate to the subject matter of the contract or the performance of the contract.
5. **Efficiency:** Procurement processes will be carried out as cost effectively as possible. All major procurement will have due regard to Social Value and early decisions will be taken to ensure that procurements are developed so as to encourage delivery in the most efficient manner meeting the needs of the end user within budget.
6. **Fair dealing:** Suppliers should be treated fairly and without unfair discrimination, including protection of commercial confidentiality where required. Public bodies

should not impose unnecessary burdens or constraints on suppliers or potential suppliers. The Council will endeavour to treat everyone in an equitable and fair manner regardless of religious belief, political opinion, racial group, age, marital status, sexual orientation, between genders, between persons with a disability and persons without and between persons with dependants and persons without. The tendering process should not place unnecessary burdens or constraints on current or potential suppliers.

7. **Integration:** The Policy will integrate with other policies and will take account relevant legislation, best practice and guidance.
8. **Integrity:** All Council Officers must avoid placing themselves under any obligation to people or organisations that might inappropriately try to influence their decisions. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare any actual, potential or perceived conflicts of interest. The risks associated with all procurement shall be assessed and minimised / mitigated accordingly. (**Appendix 2**) Conflict of Interest declaration to be completed for all tenders from outset of procurement process.
9. **Informed decision-making:** Public bodies need to base decisions on accurate information and to monitor requirements to ensure that they are being met. Accurate, timely information will provide the basis for informed decision making with the purpose and intended outcomes of the procurement always kept in mind. Officers must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
10. **Legality:** Public bodies must conform to relevant legal requirements. All Council procurement will be carried out in line with relevant legislation and guidance.
11. **Responsiveness:** Public bodies should endeavor to meet the aspirations, expectations and needs of the community served by the procurement. The Council's procurement process should result in an end product which is responsive to the needs of the end user identified at the initiation phase of the procurement within budget and on time.
12. **Transparency:** Public bodies should ensure that there is openness and clarity on procurement policy and its delivery. The Council's procurement process should be transparent; open and clear.

## 9. Procurement Thresholds

### Above Threshold (Covered Procurement)

The Procurement Act 2023 defines a "**Covered procurement**" as the procurement of goods, services, construction works and other supplies which is over the relevant value threshold and is fully regulated by the Act. The definition distinguishes fully regulated procurements from those that are not fully regulated (such as in relation to below-threshold contracts). The Council will have regard to the importance of objectives outlined within the 2023 Act as follows.

<b>Above Threshold Limits</b>	
Works contracts	£5,193,000 and above
Service contracts	£207,720 and above

## **Fair Treatment**

When carrying out a covered procurement the Council must treat suppliers the same unless a difference between the suppliers justifies different treatment. If the Council considers that different treatment is justified in a particular case, the Council must take all reasonable steps to ensure it does not put a supplier at an unfair advantage or disadvantage.

## **Small and Medium-sized Enterprises**

In carrying out a covered procurement, the Council will have regard to the fact that small and medium-sized enterprises may face particular barriers to participation and consider whether barriers can be removed or reduced.

## **Public Procurement Notices**

There is an extended range of Procurement Notices which will be published on the Central Digital Platform during the procurement process to notify the market of new procurement opportunities, contract awards and changes to contracts along with the contract management stage and the end of the contract. (**Appendix 4**)

## **Preliminary Market Engagement**

The Council will publish a preliminary market engagement notice. The notice is used to invite suppliers to participate in preliminary market engagement or to notify the market that engagement has taken place. This can help to ensure a level playing field and also serve to attract new entrants. This engagement will take place before the publication of a tender or transparency notice and will be conducted in a way that it does not give any supplier an unfair advantage or distort competition. This engagement will support the Council and the marketplace to prepare for a procurement.

## **Key Performance Indicator and Contract Management**

A key performance indicator (KPI) is defined in the 2023 Act as a factor or measure against which a supplier's performance of a contract can be assessed during the life cycle of the contract. The Council will set targets for the desired level of performance against KPIs, and this will allow the Council to measure and demonstrate a supplier's progress against those targets. A minimum of three KPIs will be published in the contract details notice of any public contract with an estimated value of more than £5million. KPIs will be assessed at least once in every twelve-month period during the lifetime of the contract and on termination. The KPIs will be included in a Contract Performance Notice and assessed in accordance with Regulation 39(5) of the 2023 Act.

## **Conflict of Interest**

A conflict of interest (includes a personal, professional or financial interest and may be direct or indirect) arises in a procurement where there is a conflict between the interests of a person acting in relation to a procurement and those of the procurement itself. The Council will take all reasonable steps to identify, and keep under review, in relation to a covered procurement, any conflicts of interest or potential conflicts of interest.

There is a conflict of interest in relation to a covered procurement if:

- a person acting for or on behalf of the Council in relation to the procurement has a conflict of interest, or
- a person who influences a decision made by or on behalf of the Council in relation to a covered procurement is to be treated as acting in relation to the procurement.

The Council will take appropriate measures to prevent, identify, and remedy conflicts of interest arising in the conduct of procurement procedures so as to avoid any distortion of competition and to ensure equal treatment of all economic operators. This includes any situation where relevant Council Officers or Elected Members, have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure.

Conflicts of interest will be managed effectively to ensure that the public can trust the Council to carry out public procurement responsibly and impartially. This will help to encourage suppliers to participate and to provide confidence that suppliers will be treated fairly and that there will be genuine competition.

The Council will have processes in place to identify and keep under review actual and potential conflicts of interest, to mitigate conflicts of interest and to address circumstances which are considered likely to cause a reasonable person to wrongly believe there to be a conflict or potential conflict of interest ('perceived conflict of interest'). This will include all persons involved in any stage of the procurement process declaring immediately, in writing, of any personal or business interest arising from the procurement exercise and to complete a Conflict of Interest and Confidentiality Declaration before any tender documentation is shared with them and that declarations are declared should a conflict arise at any later stage of the competition. PA23 Conflicts Assessment (**Appendix 3**) to be completed and reviewed throughout the contract period for above threshold procurements.

### **Central Digital Platform**

A Central Digital Platform (an enhancement to Find a Tender Service) will be used by the Council to facilitate the publishing of required notices and documents in accordance with the new Procurement Act 2023 and Procurement Regulations 2024. This Platform supports the requirement for the Council to meet transparency commitments under the 2023 Act. It will

reduce the burden on suppliers by storing 'core supplier information' in one place and enable tenderers to find out what opportunities are coming along that they might wish to bid for, as well as details on contracts that have been let, how contracts are being changed and other useful information. Additionally, suppliers will use the central digital platform to register, input and then share their commonly used information as part of the procurement.

### **Procurement Pipeline**

A Procurement Pipeline, which is not mandatory for Northern Ireland, will be available on the Council website to provide transparency on planned procurement exercises where the value of any Procurement meets the thresholds outlined within the Procurement Act and a relevant Pipeline Notice will be published.

### **Below Threshold Procurement**

A below threshold procurement is the procurement of any goods, services, construction works and other supplies that are not included within the Procurement Act 2023 as a Covered Procurement.

<b>Below Threshold Limits</b>	
Works contracts	Below - £5,193,000
Service contracts	Below - £207,720

The table below summaries the key requirements for above and below Procurement Activity over the lifecycle of the contract.

<b>Key Requirements</b>	<b>Above Threshold (Covered Procurement)</b>	<b>Below Threshold Procurement</b>
<b>Procurement Pipeline</b>	Council website >£5m - Central Digital Platform	Council website
<b>Conflict of Interest</b>	Monitor throughout the Process Complete and review PA23 Conflicts Assessment	Monitor throughout process
<b>Preliminary Market Engagement</b>	Required	May be used but not mandatory
<b>Procurement Notices</b>	Central Digital Platform	Not required
<b>Procurement Platform</b>	Central Digital Platform (via eTenderNI )Tender and relevant Notices	eTenderNI
<b>Key Performance Indicator and Contract Management</b>	3 Required in all	May be used but not mandatory 1 Social value KPI in all tenders above £250,000

## 10. Procurement – Approvals and Reporting

The following table details the Procurement and Approval Limits to be followed in the procurement process and the responsibility of Council Officers. Where the required number of submissions has not been received, the Council Officer responsible must complete a Procurement Authorisation Form documenting the process followed and the rationale for proceeding, this must then be authorised by the relevant Head of Service/Director before the purchase can proceed.

Once the quotations/tenders have been assessed electronic requisitions must be raised and electronic purchase orders must be approved by authorised Officers, a list of whom is maintained within Technology One.

### **Above Tender Threshold (£50,000)**

Approvals to award a contract (following Committee approval to proceed to Tender) is required as follows:-

#### **(A) Director of Corporate Services and Governance**

1. Most Advantageous Tender (MAT) Price is within 10% of Pre-tender estimate and the price does not exceed £250,000.
2. Single Tender contracts where price does not exceed £250,000.
3. Contracts within the Pre-tender estimate.
4. Tender extensions in line with contract award.

**(B) The Policy and Resources Committee (monthly report)**

1. Approval to Proceed to Tender/use of a Procurement Framework for all contracts, with the exception of those procurements that have received approval via the Regeneration and Community Committee – ‘If the Business Case Appraisal has been approved/recommended for approval the report will also include a recommendation to proceed to tender and award to most economically advantageous tender’.
2. Note award to the Most Advantageous Tender (MAT) within the Pre-tender Estimate up to £250,000.
3. Approval to award to MAT Price above 10% of Pre-tender estimate (up to £250,000).
4. Award all contracts (including single tender contracts) where price exceeds £250,000).

**(C) Report on Council website**

A Monthly report on Contracts awarded by the Council will be uploaded to the Council website and will detail - Tender Reference, Tender title, Supplier, Value of contract (unless information is deemed commercially sensitive e.g., unit price) and Contract period.

## 11. Authorisation and Procurement Approval Limits

Always ensure approved Budget for expenditure is in place and the documentary evidence is saved in correct files

	to £999	£1k to £2,999	£3k to £9,999	£10k to £49,999	£50k to £250k	£250k +
Outcome	Value for Money Consider Social Value	Value for Money Consider Social Value	VFM and technical compliance check. Consider Social Value	Ensure MAT arrangements Consider Social Value	Ensure MAT Tender arrangements taking relevant factors Assess Social Value	Ensure MAT Tender arrangements taking relevant factors Assess Social Value
Procurement process	Undertake price comparison: Supplier database/ Frameworks / Annual Tender	Supplier database/ Frameworks / Annual Tender	Supplier database/ Frameworks / Annual Tender	eTenders NI Portal/ Frameworks / use supplier database to select suppliers	Public Advertisement - eTenders NI Portal/Frameworks Above threshold - Central Digital Platform and notices	Public Advertisement - eTenders NI portal/Frameworks Above threshold - Central Digital Platform and notices
Evidence	Price comparison	2 Quotes	3 Quotes RFQ if quality is a criteria	Formal Quotation - RFQ (4 Quotes)	Tender	Tender
Responsibility	Directorate Staff	Directorate Staff	Directorate Staff	Service area with support from Procurement Staff	Procurement Section with support from Service area	Procurement Section with support from Service area
Authorisation	Manager/HoS	Manager/HoS: Less than 2 quotes - PA signed by HOS/Director	Manager/HoS: Less than 3 quotes - PA signed by HOS/Director	Email Authorisation by HoS/Director	Business Case or approved Strategy. Approval to proceed to tender by P&R. Approval to award by Director of CSG	Business Case or approved Strategy. Approval to proceed to tender by P&R. Approval to award by P&R

**Tender - Procurement Strategy Document**

<b>Tender / Framework Title</b>	
<b>Tender / Framework Reference</b>	
<b>Responsible Officer</b>	
<b>Directorate</b>	
<b>Anticipated cost</b>	
<b>Planned Duration of contract</b>	
<b>Description of requirement</b>	
<b>Business case status</b>	
<b>Proposed procurement method</b>  *Tender Thresholds Goods / Service contracts £214,904 (Inc VAT)  Works Contracts £5,372,609 (Inc VAT)*  *(subject to change)	Open Tender <input type="checkbox"/> below threshold Two Stage Tender <input type="checkbox"/> below threshold Open Procedure <input type="checkbox"/> above threshold Competitive Flexible Procedure <input type="checkbox"/> above threshold Development of Framework <input type="checkbox"/> Use of compliant Framework <input type="checkbox"/> Collaborative procurement <input type="checkbox"/>
<b>Rationale for proposed procurement method</b>	
<b>Pre-market engagement carried out to date / required prior to procurement</b>	
<b>Please detail considerations to remove barriers to Small and Medium Enterprises (SMEs), Social Enterprises and Community and Voluntary Sector participation, where possible. Processes should be proportionate and have regard to the nature, complexity and value of the contract.</b>	
<b>Please detail assessment methodology</b>	
Assessment of Experience required <input type="checkbox"/> Price only criteria <input type="checkbox"/> Price, Quality and Social Value criteria <input type="checkbox"/>	
<b>Please detail rationale for proposed assessment methodology</b>	

<p><b>Detail risks and opportunities associated with this procurement</b></p> <p> </p>	
<p><b>The Procurement Policy details that a minimum 10% of the assessment criteria is based on social value considerations. This may be implemented through the inclusion of a social value points matrix, fixed social value indicator or scored social value criteria depending on the subject matter, value and complexity of the procurement. Please detail how social value is to be incorporated in this tender**</b></p>	
<p><b>Social value points matrix</b> <input type="checkbox"/></p> <p><b>Fixed social value indicator</b> <input type="checkbox"/></p> <p><b>Contract condition / voluntary requirements</b> <input type="checkbox"/></p>	
<p><b>Please detail rationale for proposed method of including social value</b></p> <p> </p>	
<p><b>Please detail any Key Performance Indicators to be included</b></p> <p> </p>	
<b>Name</b>	
<b>Department</b>	
<b>Job Title</b>	
<b>Signature</b>	
<b>Date</b>	

**\*\* Social value can be incorporated in one of the following ways:**

**Scored**

1. Social value points matrix (indicators linked to social value themes)
2. Fixed social value indicator (1 or more indicators linked to social value themes)

**Not scored**

3. Contract condition / voluntary requirements

1. **Social Value points matrix** ensures that social value outcomes are delivered in a measurable, proportionate, and flexible manner. Tenderers will be required to deliver a prescribed number of social value points based on the anticipated contract a value eg.100 social value points per £1,000,000 of contract value. The relevant Social Value Themes and Indicators should be reflective of the subject matter of the contract and relevant strategic priorities. A Mandatory minimum score may be set for some social value initiatives which the tenderer must meet. If these initiatives are considered priority, the tenderer must deliver a set % of the social value points through that initiative and will then have the flexibility to build up the remaining social value points required from the remaining potential initiatives. It is also possible to cap the number of points that can be derived from specific initiatives. Initiatives can be tailored to target priority groups relevant to the project the points available for initiatives which relate to priority groups can be increased to incentivise tenderers to prioritise social value delivery with these groups. Tenderers will be required to submit a social value delivery plan clearly detailing how they will deliver the selected initiatives.
2. **Fixed Social Value Indicator Approach** - for some procurements the Fixed Social Value Indicator Approach may be more suitable. An indicator which is relevant to the delivery of the contract should be selected and tenderers are required to provide detail on how they will meet this requirement throughout the delivery of the project.
3. **Contract condition / voluntary requirements** - Social Value may also be included as a condition of contract in addition to the scored social value or as a separate measure of social value.

## **Conflicts of Interest Declaration Form**

<b>Tender / Framework Title</b>	
<b>Tender / Framework Reference</b>	

### **Introduction**

This Declaration Form is intended to capture conflicts of interest relating to individuals involved in the above procurement in order to avoid any distortion of competition and to ensure equal treatment of all companies seeking to do business with the Council.

**Involvement, in the context of conflicts of interest, may relate to any stage in the commercial lifecycle including preparation and planning, publication, selection and award and contract implementation.**

Individuals\*\*\* must avoid placing themselves in a position where there is a conflict between their personal and/or outside interest and their official duties in a procurement and must comply with internal policy relating to gifts, hospitality and conflicts of interest at all times.

Examples of conflicts of interest may include, but are not restricted to:

- if you are a current or previous employee of a company, or have a member of your family, your partner (married, civil partnership or not), your siblings, your children, or any close personal or professional relationships that are an employee of a company, that is seeking to do business with the Council;
- if you, or a member of your family/friends (as set out above), has a financial interest in a company that is seeking to do business with the Council;
- if you, or a member of your family/friends (as set out above), has a financial relationship of any kind with a company seeking to do business with the Council.

This is a non-exhaustive list of examples and it is your responsibility to ensure that any and all actual, potential or perceived conflicts are disclosed prior to you being involved in the procurement.

If you are unsure whether your current or previous relationship or involvement with a company that is seeking to do business with the Council constitutes a conflict of interest, you should seek advice from the Procurement Team.

**This Form also includes a requirement for individuals involved in the procurement to treat information (including but not restricted to bid documents, supplier evaluations etc.) with the appropriate level of confidentiality and not make any unauthorised disclosures of this information.**

**All individuals with access to procurement information must sign this Form.**

*\*\*\* "Individual" applies to any employee or person acting for or on behalf of the Council, where those individuals influence a decision made by or on behalf of the Council in relation to a procurement. Such persons may include (but are not limited to): the project management team, the senior responsible officer, the budget holder, heads of service/lead officers, corporate management team or commercial staff, specification writers, individuals who will assess tenders, contractors, external experts, private sector secondees and consultants.*

## Authorised Individuals

Authorised Individuals are responsible for managing the disclosure of procurement information and conflicts of interest. The Authorised Individuals for the procurement are:

*[insert name and title of accounting officer and any person(s) to whom management has been delegated]*

If conflicts of interest arise at any time during the commercial lifecycle, an Authorised Individual must be notified. Any disclosure of procurement information must also be approved by an Authorised Individual prior to disclosure.

## Statements

1. I acknowledge that my official duties cause me to have access to documents or data pertaining to the above procurement. I am aware that unauthorised disclosure of information could damage the integrity of the procurement and that transmission or revelation of such information to unauthorised persons will subject me to disciplinary action.
2. I will not divulge, publish or reveal by word, conduct, or any other means such information or knowledge, except as necessary to do so in the performance of my official duties related to this procurement and in accordance with applicable laws, unless specially authorised in writing in each and every case by an Authorised Individual of the Council.
3. I acknowledge that the information I receive will be given only to persons specifically granted access to the procurement, and it may not be further divulged without specific prior written approval from an Authorised Individual.
4. If at any time during the procurement my participation might result in an actual, potential or perceived conflict of interest, I will immediately report the circumstances to the appropriate Authorised Individual.

### Declaration Guidance

**Declaration A** should be signed if there are no actual, potential or perceived conflicts of interest.

**Declaration B** should be signed if there are actual, potential or perceived conflicts of interest. The conflicts of interest and mitigation must be stated as must the role that the individual will be carrying out (where appropriate) within the procurement. An Authorised Individual must also sign Declaration B to confirm that they accept that appropriate mitigations have been put in place.

### Declaration A (if no conflicts of interest)

By signing this Form, I declare that I have read and accept the Statements above, and that there are no conflicts of interest of any nature which would prevent me from participating in the aforementioned procurement.

If any actual, potential or perceived conflicts of interest arise in the future, I will inform an Authorised Individual immediately

Name	
Organisation / Department	
Job Title	
Signature	
Date	

**Declaration B (if actual, potential or perceived conflicts of interest)**

By signing this Form, I confirm that the conflicts of interest stated have been mitigated appropriately to allow me to participate in a suitable role within the procurement.

If any other actual, potential or perceived conflicts of interest arise in the future, I will inform an Authorised Individual immediately.

<b>Name</b>	
<b>Organisation / Department</b>	
<b>Job Title</b>	
<b>Signature</b>	
<b>Date</b>	
<b>My conflict(s) of interest are</b>	
<b>Proposed mitigation</b>	
<b>Therefore, my role in the procurement will be</b>	
<b>or</b> <b>Therefore I will not have a role in the procurement.</b>	

**Authorised Individual**

By signing this Form, I confirm that the conflicts of interest in Declaration B have been mitigated appropriately, and therefore the individual's role in the procurement, also stated in Declaration B is appropriate.

<b>Name</b>	
<b>Organisation / Department</b>	
<b>Job Title</b>	
<b>Signature</b>	
<b>Date</b>	

## Procurement Act 2023 Conflict of Interest Assessment

### PART A

Contracting Authority name	Fermanagh & Omagh District Council
Tender / Framework Title	
Unique identifier (UI) number	
Tender / Framework Reference	
Conflicts Assessment completed by (name and role)	
Conflicts Assessment approved by (name and role)	
Date of Assessment	
Planned date of next review/ next review point	

#### 1) Details of individuals and teams relevant to the procurement / contract

Individuals (or team) relevant to the procurement/ contract	Role and/or relevance to the procurement/contract	Conflicts information received (e.g. by declarations or other means)	Date completed

#### 2) Details of any actual, potential or perceived conflicts identified and mitigations

Individual(s) impacted	Type of Conflict (actual, potential or perceived)	Type of Conflict (actual, potential or perceived)	Supplier(s) impacted	Mitigations / step taken or will be taken	Date mitigations completed

\*Add or delete rows as required

## 1) Details of impacted suppliers

Complete this section for any suppliers impacted in section '2) Details of any Actual, Potential or Perceived Conflicts Identified'.

Supplier Name	Are further actions required to remove an unfair advantage or disadvantage?	Further actions required to remove an unfair advantage or disadvantage	Date action taken

\*Add or delete rows as required

## 2) Suppliers excluded from the procurement due to an unfair advantage (if applicable)

Supplier Name	Reason for removing supplier	Date supplier notified

\*Add or delete rows as required

## PART B

### Assessment Reviews

This section can be completed when the conflicts assessment is reviewed and revised.

Review date	Is there a change since the last assessment?	Details	Approved by

\*Add or delete rows as required

### Procurement Act 2023 - Tender Notices

The following notice types relate to above threshold procurements issued after 24 February 2025 these are required to provide greater visibility of upcoming opportunities, allowing tenderers plan and prepare more effectively, while also offering greater market insights.

#### Pre-Procurement Notices

**Pipeline Notice (UK1)** - The requirement to publish pipeline notices does not apply to a transferred Northern Ireland Council.

Mandatory (for organisations where spend is £100m+ per annum). An announcement made before the start of the financial year, 1 April, detailing procurement plans for the next 18 months. Publication of these notices is mandatory for contracting authorities expecting to spend more than £100m in the next financial year. Only procurements worth more than £2 million each are required within Pipeline Notices.

#### **Preliminary Market Engagement Notice (UK2)**

UK2 Preliminary market engagement notice Mandatory where engagement is anticipated or has taken place (or explain in tender notice why it hasn't been published).

The notice provides an invitation for suppliers to participate in preliminary market engagement. These notices help contracting authorities explore their procurement requirements and options, while also allowing the market to prepare bid plans. These notices can also be used to inform suppliers that preliminary market engagement has taken place, providing details of the process and outcomes.

#### **Planned Procurement Notice (UK3)**

An optional announcement indicating its intention to publish a tender notice. These notices contain enough information for suppliers to start planning their bids and primarily aim to shorten the tendering period. If the market is given advance notice of 40 days to 12 months, the tendering period for the associated procurement can be reduced to just 10 days.

#### **Transparency Notice and Direct Awards (UK5)**

Transparency notice Mandatory (for a direct award) Publish prior to award when undertaking a direct award. Published to inform the market that a contracting authority intends to make a Direct Award (enter into a Public Contract with a supplier), without the use of a competitive tendering procedure. These notices provide a summary of the requirements and terms within the Public Contract, and the rationale for making the Direct Award decision. There is a minimum eight working day standstill period after the publication of this notice, after which point the Contracting Authority may enter into the Public Contract. There is no requirement to publish a subsequent Contract Details Notice in relation to the Direct Award.

#### Sourcing and Procurement Notices

#### **Tender Notice (UK4) – for Public Contracts (High-Value Tenders)**

Mandatory (for a competitive procedure) - publish when undertaking an open or competitive flexible procedure (including to establish a framework contract). Notices for Public Contracts are commonly known as High-Value Tenders, and advertise contracting opportunities valued above the UK Public procurement thresholds. Due to their higher value, the questions within these tenders tend to require detailed responses and evidence to prove eligibility.

#### **Contract Award Notice (UK6)**

Mandatory - Publish to communicate the outcome of the procurement and to commence the standstill period prior to awarding a contract under the open or competitive flexible procedure (and voluntary standstill periods for direct awards). Published to share a contracting authority's intention to enter into

a Public Contract with a supplier, or suppliers, following a competitive tendering procedure. These notices provide a summary of the requirements and terms within the Public Contract. There is a minimum eight working day standstill period after the publication of this notice, after which point the Contracting Authority may enter into the Public Contract. Before entering into a Public Contract, Summary Assessments must also be sent to all suppliers who submitted a tender, whether they were successful or not.

#### **Contract Details Notice (UK7)**

Mandatory - Publish details of the awarded contract (including the contract, for public contracts £5m+), inc. regulated below-threshold contracts above a certain value and those procured by direct award. Used to notify stakeholders that a contracting authority has entered into a contract with a supplier, or suppliers, following a competitive tendering procedure. These notices must be published within 30 days, and if the value of the work is over £5 million, copies of all contracts and associated KPIs must be included.

#### **Procurement Termination Notice (UK12)**

Mandatory – to inform the market that a contracting authority has decided to cancel the procurement process, following the publication of a Tender or Transparency Notice. This could be due to a change in circumstances, or no suitable suppliers submitted bids for the contract. No bids for the contract will be considered and no contracts awarded.

#### **Dynamic Market Intention Notice (UK13)**

Mandatory announcement detailing a contracting authority's intent to establish a dynamic market. These notices include information about the buyers' needs, technical requirements, payment terms, and joining instructions. These function like Tender Notices and invite suppliers to submit bids for relevant opportunities within the Dynamic Market.

#### **Dynamic Market Establishment Notice (UK14)**

Used to notify stakeholders that a contracting authority has established a Dynamic Market, following a competitive tendering procedure. These notices include lists of which suppliers have been admitted, and details of which parts of the Dynamic Market they have access to.

### **Post-Procurement and Contract Management Notices**

#### **Contract Performance Notice (UK9)**

Published, at least annually, to provide details of supplier performance against set Key Performance Indicators (KPIs). They are associated with Public Contracts valued at £5 million or greater, for which at least three KPIs must be set to measure supplier performance.

#### **Contract Change Notice (UK10)**

Used when changes or modifications are required to ensure a contract can still be fulfilled despite changing demands or circumstances. Typically, these notices would be used to overcome the materialisation of known risks, the need for additional resources, and unforeseen circumstances.

#### **Contract Termination Notice (UK11)**

Used to inform the market that a contract has ended. They are mandatory for all Public Contracts and are published regardless of successful fulfilment or early termination of contractual obligations.

#### **Dynamic Market Modification Notice (UK15)**

Used when changes or modifications are required to ensure a Dynamic Market fully meets the needs of the buyers. The conditions for membership may not be modified during the term of the Dynamic Market, but parts and specifications may be edited as required. These notices define the nature and scope of the modifications made, as well as details of newly added or removed suppliers.

**Dynamic Market Cessation Notice (UK16)**

Used to inform stakeholders that the Dynamic Market has ceased to operate. These notices primarily contain administrative information.

**Payments Compliance Notices (UK17)** The requirement to publish payments compliances notices does not apply to a transferred Northern Ireland authority.

Published every 6 months to provide a summary of payments relating to Public Contracts. These notices help ensure Contracting Authorities comply with agreed payment terms and detail their adherence to the 30-day payment policy.

**Failure to publish a notice when it is required – including compliance with required timescales and providing correct and complete information – could leave contracting authorities at risk of a legal challenge.**

## **Ethical Code of Conduct for Suppliers**

The Procurement Policy of Fermanagh and Omagh District Council (the Council) is based on the procurement objectives as detailed within the Procurement Act 2023 and associated Procurement Regulations and takes account of relevant legislation and guidance including the Northern Ireland Public Procurement Policy Statement. In relation to ethical and resilient supply-chains, the Policy is guided by international best practice as set out in the UN Guiding Principles on Business and Human Rights, Organisation for Economic Co-operation and Development (OCED) Guidelines for Multinational Enterprises and the Global Sullivan Principles (1999).

The Council will aim to use its spending power for the benefit of its community, incorporating ethical and sustainable supply chains, community benefits and wealth building, job and skills creation and efforts to decarbonise.

The Council is committed to building ethical and resilient supply chains, as detailed within Theme 2 of the Procurement Policy, as follows:

- Collaborate with the contract's supply chain to ensure fair work and workforce diversity throughout the supply chain;
- Commit to ethical supply chains and practices by identifying and managing risks of modern slavery and human rights abuses in the delivery of the contract, including in the supply chain;
- Create a diverse and innovative supply chain to deliver the contract including new businesses and entrepreneurs, start-ups, micro businesses and Voluntary, Community and Social Sector;
- Support entrepreneurship and social entrepreneurship, including helping new and small organisations to grow; and
- Maximise security of supply, for example by minimising proximity of supply chains to point of delivery.

To deliver on the commitment to build ethical and resilient supply chains the Council seeks to encourage and promote compliance with legislation and international best practice. The Council believes that setting out these ethical standards as a voluntary code of conduct for suppliers, will make an important contribution to achieving this ambition.

The requirements outlined within the Ethical Code of Conduct below may already be written into the tender and contract documents that govern the obligations between the Council and its suppliers, and as such they will be legally enforceable independently of this voluntary code.

### **Ethical Code of Conduct Requirements**

The Council asks suppliers to comply with the following principles, where proportionate and directly relevant to the subject matter of the contract:

1. Fair employment and equal treatment including anti-slavery and non-discriminatory practices, work towards paying the national living wage and ensure fair employment in line with legislation.
2. Workplace Health and Safety, and commitment to the delivery of excellent working conditions, positive health and wellbeing, safeguarding of children and adults at risk of harm, training, development and opportunities for all.
3. Compliance with all applicable local, national and international law, and human rights legislation and associated guiding principles.
4. Business integrity including promotion of a zero tolerance for bribery, corruption and fraud, avoidance of conflicts of interest and maintain transparency.
5. Minimising negative environmental impacts throughout the supply chains, compliance with environmental laws and promotion of sustainable practices.
6. A culture of fair dealing, integrity, engagement and accountability.
7. Self-monitoring, compliance, reporting and transparency.
8. Continuous improvement in ethical, social, and environmental practices over time.