**Schools Procurement Code**

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# Introduction to this Document

* 1. This Schools Procurement Code (Code) sets out where schools are exempt from certain Rules and Procurement Legislation. This document, together with the Procurement Code and Rules, serves as a roadmap for Schools, outlining the key principles, procedures, and best practices to uphold throughout all Contracting activity. Schools must follow the Councils Contract Procedure Rules (CPRs), Procurement Code and Schools Procurement Code for all Contracting Activity. Schools must also comply with the Schools Finance Manual.
	2. Contracting Activity requires strategic decision-making, risk management, and fostering mutually beneficial relationships with vital suppliers. By adhering to this Code, the Council and School can manage cost savings, mitigation of risks, maintain compliance with regulations, and ultimately contribute to the Council’s and school’s plan.

1.3 All Schools Officers at whatever role involved in Contracting Activity must read this Code and the Rules to ensure there is a thorough understanding of how to carry out the steps within the Sourcing Cycle to ensure best practice and compliance to Council and UK Procurement Legislation.

Contracting Activity means:

* Procurement (all elements of the process)
* Direct Awards
* Waivers
* Contract Modification (variation & extensions)
* Terminations
* Novations
* Contract Management
	1. Public Contracts (above threshold) must be carried out electronically as set out in the Procurement Legislation. This applies to schools and any consultant/third party used to manage or carry out procurement projects. The Councils Procurement System can be used on request. See Rule 31 on record keeping.
	2. All documentation is available on the Schools Hub Procurement Pages.

# Introduction – Rule 1

* 1. Schools must be aware of the obligations in the Procurement Act 2023. Schools are exempt from some of the Procurement Act 2023 notifications relating to below threshold and transparency. Schools are exempt from using the Councils Procurement System but must comply with the legislation for above threshold in electronic tendering.

# Purpose – Rule 2

* 1. Schools must ensure that all contracts (other than those that are exempt from the CPRs) are compliant to the Rules.

# Exempted Contracts – Rule 3

* 1. Schools must be aware of contracts that are exempt from CPRs.

# Roles and Responsibilities – Rule 4

* 1. Schools must apply their own governance and management structure to the application of the CPRs. PAG, Contract Management Framework and the Annual Plan are not applicable to schools. The schools may take advantage of using the Direct Award and Waiver form provided on the Schools Hub intranet site.

# Procurement Governance and Assurance – Rule 5

* 1. Schools do not need to comply with Procurement Assurance Requirements but should have written processes for ensuring compliant and robust procurement processes are in place and followed.

# Annual Procurement Plan and Pipeline Notification and Planning – Rule 6

* 1. Schools a Schools do not have to provide information to Procurement Services for the Annual Procurement plan. However, for good practice schools should have their own procurement plan covering 12 – 18 months of work.
	2. Any school likely to spend over £100 Million in the next financial year will be required to comply with the Pipeline Notification.

# Risk Assessment – Rule 7

* 1. It is good practice for schools to comply with this rule.

# Insurance – Rule 8

* 1. Refer to the Procurement Code for further guidance.

# Direct Award in special Cases – Rule 9

* 1. Schools can use the Direct Award and Waiver form. Direct Awards should be recorded via the Direct Award and Waiver form but are not bound by the PAG requirements. Over threshold then notifications and standstill will apply.

# Waivers – Rule 9

* 1. Waivers should be recorded via the Direct Award and Waiver form (or schools own form), but are not bound by the PAG requirements, and must be approved at set out in the school’s scheme of delegation.

# Financial Due Diligence and [Security](file://lbe.local/fileserver/Resource/ProcurementandCommissioningHub/Procurement%20Operations%20%26%20Governance/CPR%27s%20Folder/Procurement%20Guidance%20041217.docx#Security)– Rule 12

* 1. Schools should carry out their own Financial Economic Standing tests, especially for Contracts over £100k, unless they have an agreement with Finance.

# Business Continuity – Rule 13

* 1. Schools do not need to comply with having business continuity plans for Emergency Planning, however it is good practice to ensure that key supplier have business continuity plans in place and are tested. School must follow any guidance from DofE for this area.

# UK General Data Protection Regulations (UK GDPR) and Cyber Security – Rule 13

* 1. Schools ensure that any system or service sharing personal data is compliant.

# Contracting Activity Governance – Approvals – Rule 14

* 1. Schools should follow governance as set out by the Council or Headteacher. Schools must follow their own governance for approvals for:
		1. Authority to Procure
		2. Authority for contract modification
		3. Authority to award
		4. Authority to Novate
		5. Authority to Terminate.

# Specialist Procurement – Rule 15

* 1. Schools do not need to comply with this rule.

# Estimating the Value of a Contract – Rule 16

* 1. Schools must ensure that they are compliant to this rule and legislation.

# Framework Agreements and Dynamic Market Systems – Rule 17

* 1. Schools are not bound by PAG when directly awarding a contract from a framework or single supplier framework. Schools must ensure that they are compliant to any notifications for above threshold procurements for PA23 frameworks.

# Conflict of Interest – Rule 18

* 1. Schools must complete conflict of interest assessments for above threshold and consider that it is good practice for below threshold.

# Sustainable and Ethical Procurement Policy – Rule 19

* 1. Schools must consider the Social Value Act 2012 and the application of the Sustainable and Ethical Procurement Policy. This also ensure that schools meet their obligations to consider the National Procurement Policy Statement.

# Procurement Thresholds – Rule 20

* 1. Schools are bound by the number of quotations required as set out in the CPRs. They do not need to use the procurement system below threshold. Schools are exempt from notifications for below threshold.

# Provider Selection Regime – Rule 21

* 1. It is unlikely that any school will procure health care services. If they do then they must use the Provider Selection Regime – see PSR Code and contact procurement.support@enfield.gov.uk.

# Light Touch Services – Rule 22

* 1. This code sets out what the difference are for contracts that come under the light touch process.

# Notifications – Rule 23

* 1. Schools are exempt from some of the Procurement Act 2023 Notifications relating to below threshold and transparency. Notifications are needed for all Public Contracts (above threshold), see Procurement Code for full details.
	2. Schools must ensure that any 3rd party responsible for procurement delivery is compliant to these Notifications and provides evidence/copies of the Notifications to the school as these may be needed for the management of the contract at a later date, including extensions and variations. The school must ensure it is registered on the government Central Digital Platform for notifications. Contact procurement.support@enfield.gov.uk
	3. Notifications.

|  |  |
| --- | --- |
| **Notification** | **Compliance** |
| A planed procurement Notice | Must comply for above threshold |
| Pipeline Notice | This notification applies in relation to any school that considers that, in the coming financial year, it will pay more than £100 million under relevant Contracts. |
| Preliminary Market Engagement Notice | Must comply for above threshold |
| A Tender Notice | Must comply for above threshold |
| Dynamic Market Notice | Must comply for above threshold |
| Contract Award Notice | Must comply for above threshold |
| Procurement Termination Notice | Must comply for above threshold |
| Contract Details Notice | Must comply for above threshold |
| Contract Change Notice | Must comply where required. |
| Payments Compliance Notice | Exempt |
| Contract Performance Notice | Must comply for contracts let under PA23 & above £5m. |
| Contract Termination Notice | Must comply for above threshold |
| Transparency Notice (Direct Award) | Must comply for above threshold |
| Below threshold procurement tender notice | Exempt |
| Below threshold award notice | Exempt |
| Payment notification | Exempt |

# Preliminary Market Engagement – Rule 24

* 1. Notifications may apply to above threshold contracts.

# Receipt and Opening of Tenders and Quotes – Rule 25

* 1. Schools are exempt from using the Councils procurement system but must ensure above threshold is carried out electronically.

# Award Criteria and Evaluation – Rule 26

* 1. Schools should use this rule for good practice.

# Contract Award and Execution – Rule 27

* 1. Schools must ensure that contracts are awarded in line with school’s governance.

# Post-Tender Negotiations – Rule 28

* 1. This rule applied to schools.

# Contract Modifications, Novation & Termination to Contracts – Rule 29

* 1. Schools should use their own governance for the approval of Contract Modifications, Novation and Termination. Notifications over threshold will be required where applicable.

* 1. They are not bound by PAG requirements.

# Contract Management – Rule 30

* 1. Schools must implement their own governance for the management of contracts.

# Contracts, Terms and Conditions – Rule 31

* 1. Schools do not need to apply the implied terms of 30-day payment terms.

# Record Keeping – Rule 32

* 1. Schools should ensure that all records are kept in a central location within the school, in line with the Procurement Act 2023.
	2. Schools should ensure that all records are kept in a central location within the school, in line with the Councils retention policy.

# Prevention of Corruption - Rule 33

* 1. This rule applies to schools.

# Grant Funding – Rule 34

* 1. This rule applies to schools.

# IR35 – Rule 35

* 1. This rule applies to schools.

# Consultation – Rule 36

* 1. This rule does not apply to schools.