



## *Working with West Lothian Council A suppliers guide*

### **Introduction to West Lothian Council**

West Lothian Council is the 20<sup>th</sup> largest Local Authority in Scotland and serves a population of approximately 169,000. In 2006 it was the first Scottish council to be named UK Council of the Year, and has recently been awarded a 5 star gold award in European Foundation for Quality Management.

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### **What is Public Procurement?**

Public procurement is the process by which public bodies acquire goods, services and works from third parties to meet customer and service user needs. Procurement covers all activities from identification of a requirement through to the end of the useful life or disposal of an asset.

West Lothian Council procures supplies, services and works to the value of approximately £160 million per annum.

### **Procurement in West Lothian Council**

Procurement Services are a support service whose principal activity is to satisfy the council's supply and service needs. Based at the Civic Centre, Livingston, a team of procurement professionals are able to assist with enquiries and offer procurement guidance and advice. Construction and works contracts are the responsibility of Construction Services who are also based at the Civic Centre.

Procurement Services currently manage a portfolio of contracts worth approximately £86 million per annum.

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*“One of the most significant financial opportunities is collaboration across the public sector.”*  
*John F McClelland CBE*

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*Procurement Services are committed to the highest standards of customer care and follow the corporate ethos of putting the customer at the heart of everything we do.*

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## Collaborative Procurement

Procurement Services are committed to collaborative procurement and work closely with Scotland Excel, (the Local Authority Centre of Procurement Expertise) and with Procurement Scotland, (the National Centre of Procurement Expertise).

By collaborating with other public sector organizations, the council is able to benefit from reduced tendering costs and procurement efficiencies in processes and time.

The Centers of Procurement Expertise award both traditional contracts and framework contracts on behalf of the council.

Contracts and frameworks are classified into three categories, (A, B or C).

**Category A** – Procurement Scotland is responsible for this category of contracts. Category A contracts are for commodities that are common across the entire Scottish Public Sector, for example Stationery, Utilities, Photocopying.

**Category B** – Scotland Excel is responsible for this category of contracts. Category B contracts are for commodities that are specific to a particular sector, for example Primary & Secondary Educational Materials, Food and Trade Tools.

Other Center’s of Procurement Expertise have responsibility for their own sector. For example Higher and Further Education (APUC) and the NHS (NHS National Procurement).

**Category C** – This category of contracts cover commodities that are not covered by either category A or B. Such contracts can be collaborative opportunities with other public bodies, for example neighboring Local Authorities, Civic Centre partners. Examples of contracts include Cash in Transit and Social Work Requisites.

*For more information on Scotland Excel please visit:*

<http://www.scotland-excel.org.uk/>

*For more information on Procurement Scotland please visit:*

<http://www.scotland.gov.uk/Topics/Government/Procurement/npcoe>

## What is Tendering?

Tendering is the process that a business undertakes when responding to a Contracting Authorities requirement for supplies or services which is detailed within the tender documents. A tender or tender document is a document that outlines the 'buyers' requirements.

All council tenders have to comply with the EU Procurement Directive 2004/18/EC and the Public Contracts (Scotland) Regulations 2006. The European Commission procurement rules are intended to promote fair and open competition within a single European market. This is achieved through five EU treaty principles which apply to all contracts irrespective of value:

1. **Equal treatment** – ensuring everyone has the same chance to win the contract irrespective of nationality or whether you have past experience of working with them.
2. **Transparency** – stating requirements upfront and sticking to them.
3. **Proportionality** – setting requirements with reference to the needs of the contract in question.
4. **Mutual Recognition** – giving equal validity to qualifications and standards from all Member States, where appropriate.
5. **Confidentiality\*** – respecting the confidentiality of any information received regarding tenders and tenderers.

*\*The council has to comply with the Freedom of Information (Scotland) Act 2002 and there is a general right to access information about all public contracts and procurement activity held by public bodies, subject to certain conditions and exceptions. If the council is requested to release information which may be regarded as confidential or commercially sensitive a "public interest" test would be applied.*

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*"A tender is a document that outlines the 'buyers' requirements."*

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*"Did you know that the council pays over 90% of our suppliers on time"*

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## Advertising Tender Opportunities

Formal tendering procedures are presently required for all supply and service contracts in excess of £30,000. The tender documentation will inevitably depend on the nature, value and risk of the requirement.

All council tendering requirements are advertised on Public Contracts Scotland (PCS). The PCS website is provided by the Scottish Government and we recommend that all suppliers who are interested in working with West Lothian Council register their details.

Registration is free and as a supplier you can benefit from email notifications of contract opportunities that may interest you.

To check for contract opportunities or register your details please visit PCS:

<http://www.publiccontractsscotland.gov.uk/>

The Scottish Government has prepared some detailed information to help suppliers to the public sector. This can be found here:

<http://www.scotland.gov.uk/Topics/Government/Procurement/Selling>



## Tendering Procedures

Where the value of a particular contract exceeds the EC threshold (currently £156,442 for supplies and services) one of the four contract award procedures will be used.

**Open Procedure** – Any party interested in the contract will be invited to tender. This procedure may be used where there is likely to be limited interest in the contract.

**Restricted Procedure** – This procedure has two distinct stages, the selection stage and the award stage.

***Selection Stage** – Interested suppliers are required to complete a “Pre-Qualification Questionnaire” (PQQ) to assess the financial, technical and/or professional capability. The Authority shall select a number of suppliers to proceed to the next stage; this selection is based on published evaluation criteria.*

***Award Stage** – Suppliers selected at the previous stage will be invited to submit a tender for the councils requirements. All tenders will be evaluated based on the published evaluation criteria.*

The Open and Restricted procedures are used most commonly by the council, but there is the option to use the Negotiated Procedure and the Competitive Dialogue Procedure. More information on these procedures can be found using the link below.

**Standstill Period\*** – For contracts valued above the EC Threshold the council must allow a period of no less than 10 days (where communicated electronically) about the outcome of the tendering process and the date on which the council proposes to enter into the contract or conclude the framework agreement. This is to allow unsuccessful bidders sufficient time to request a review of the award decision by the council.

**Debrief** – The council will provide as much information in writing as possible to all suppliers tendering when a contract is awarded. Suppliers also have the opportunity to meet with the council to discuss their tender. It is highly recommended that you accept the offer of a debriefing session as it may help you with future tendering exercises.

*Detailed guidance on the EU Procurement Rules and Contract Award Procedures is available from The Scottish Government:*

<http://www.scotland.gov.uk/Publications/2006/11/16102303/euguidance#6>

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*“The European public sector procurement rules are intended to promote fair and open competition and a single European market.”*

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### Council values:

- ✓ Focusing on our customers' needs
- ✓ Being honest, open and accountable
- ✓ Providing equality of opportunities
- ✓ Developing employees
- ✓ Making the best use of our resources
- ✓ Working in partnership

*\*For Part B services and contracts below the EU Threshold the council is not obliged to apply a standstill period, but may elect to use a voluntary standstill. If a voluntary standstill is being used it will be clearly stated in the contract notice and tender documents.*

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*“Every supplies and services tender opportunity will have a nominated Procurement Officer”*

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### How to apply for West Lothian Contract Opportunities

The council will seek a minimum number of quotes (dependant on value) for supply and service requirements below £30,000. The council is currently investigating the Scottish Government’s “quick quote” facility within Public Contracts Scotland (PCS) to publish future quotations. Please refer to page 3 for details of the PCS website & how to register.

Every supplies and services tender opportunity (presently above £30,000) will have a nominated council Procurement Officer who will have responsibility for the requirement. All contract opportunities will be advertised on PCS and provide suppliers with the nominated Procurement Officer’s details whom you should contact to obtain the tender documents.

*For staff contact details please refer to our internet pages:*

[http://www.westlothian.com/Home/business\\_opportunities/council\\_contracts/](http://www.westlothian.com/Home/business_opportunities/council_contracts/)

### Important Tips when Tendering for Council Contracts

We have prepared some useful tips to consider when tendering for council contracts.

- Investigate your sector and bid for work you can do
- Make sure you return the tender on or before the requested day and time and that you plan your bid around the tender timetable ensuring that you can meet all deadlines
- Make sure you know if any interviews or presentations are likely and arrange to be free on those dates
- Do check documentation, timescales and all information
- Read the evaluation criteria and respond accordingly
- Submit relevant supporting information requested
- DO NOT forward any marketing or promotional materials unless specifically requested to do so
- Don’t forget that delivering the contract is one of the best ways of ensuring that you keep the contract as it helps build your reputation for contract delivery
- Plan and cost thoroughly ensuring that you have included the full extent of delivering the contract and that you have taken full account of overheads and resource implications.
- Read the specification and ensure you price what is being asked for
- If your bid is unclear and you are asked for clarification, please ensure you respond by the stated deadline
- DO NOT leave it too late to ask questions. The tender timetable indicates the deadline for submitting questions to the council
- DO NOT make assumptions
- Don’t be afraid to include variations in your bid. If you are unsure please ASK
- Remember this is a competitive environment and you will need to submit a better response than your competitors
- Please be patient with the council. It can take several months from advertisement to contract award.
- Do ensure that you take up the offer of a debrief on every occasion and please feel free to give feedback. Your comments and opinions are appreciated and the council wish to improve performance in future bidding exercises.

## Supplier Development Programme

If you are unsure about how to bid for, and win contract opportunities, then the Supplier Development Programme may be able to help.

The main priority of the Supplier Development Programme is to build awareness and provide information, education and training on public procurement and contract opportunities.

*More information can be obtained from SDP:*

<http://www.sdpscotland.co.uk/home.aspx>

## Single Point of Enquiry

The Single Point of Enquiry (SPoE) has been set up to provide suppliers to the public sector or publicly funded bodies with an impartial point of contact where they can ask for advice or raise concerns about public procurement practices in Scotland.

SPoE aims :

- provide businesses with advice on procurement legislation, processes and practices
- seek resolution of procurement disputes
- help improve the consistency of public procurement processes applied by public and publicly funded bodies in Scotland
- help businesses become more competitive

Its vision is to encourage and establish best practice in procurement within the Scottish public sector and publicly funded bodies by working with suppliers, the business community and procurers to address issues of concern.

It has a number of values, namely to operate with impartiality, fairness and objectivity and promote a culture of openness and transparency in relation to procurement practice.

*Further information can be obtained at:*

<http://www.scotland.gov.uk/Topics/Government/Procurement/Selling/supplier-enquiries>

## Suppliers Charter

The Suppliers' Charter is a joint statement between public sector procurement and business organisations to facilitate access to public sector procurement opportunities.

Both public sector procurement and businesses accept that effective procurement practices are an important factor in ensuring a varied and competitive marketplace and create opportunities for Small and Medium Enterprises (SMEs), as well as ensuring best value for money for the public sector. It is recognised that there is a need where practical to simplify and standardise processes and to ensure consistency in order to provide a fair and open approach to tendering.

The council has signed up to and fully endorses the Scottish Government's Charter with regard to how to treat our suppliers in our tender processes.

Further information can be obtained at:

<http://www.scotland.gov.uk/Topics/Government/Procurement/Selling/Supplierscharter2>

## Further Information / Feedback

If you would like to obtain further information on West Lothian Council's procurement policies or opportunities or would like to provide feedback on this short guide please contact:

Procurement Services  
West Lothian Council  
West Lothian Civic Centre  
Howden South Road  
LIVINGSTON  
West Lothian  
EH54 6FF  
Tel: 01506 775000  
Fax: 01506 281835

Email: [procurementservices@westlothian.gov.uk](mailto:procurementservices@westlothian.gov.uk)