



# Tendering and Procurement Policy

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SIGNED BY CHAIR OF TRUST BOARD:

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## Statement of intent

The Pioneer Academy aims to achieve value for money on all its tendering and procurement activities while complying with all statutory requirements. This policy has been created to establish procedures to ensure that all members of staff involved in tendering and procurement are aware of the appropriate procedures and requirements. The trust will ensure it is able to show that public funds have been used as intended by Parliament.

During the trust's tendering and procurement processes, we aim to fulfil the following objectives:

- Delivering value for money
- Maximising public benefit
- Being transparent about policies and decisions
- Acting and being seen to act with integrity
- Treating all potential suppliers the same
- Avoiding putting suppliers at an advantage or disadvantage

## Procurement Act 2023: policy background

The Procurement Act 2023 came into force on 24 February 2025, bringing with it changes in procurement regulation and practices; however, this will only affect purchases which are over the public procurement thresholds set out below:

- Supplies & Services: £214,904
- Works: £5,372,609

Due to the transitional and saving arrangements set out in the regulations, procurements that started before 24 February 2025 must continue to be procured and managed under the previous legislation.

Schools and trusts are exempt from the below-threshold requirements of the new legislation, meaning that the process of making any purchases which are below the threshold remains unchanged.

## Definitions

**Procurement:** The award, entry into and management of a contract.

**Procurement thresholds:** the financial threshold at which The Procurement Act 2023 sets certain obligations on contracting authorities according to the value of the procurement.

**Contracting authority:** A public authority that is wholly or mainly funded out of public funds, or subject to public authority oversight, and does not operate on a commercial basis.

**Covered procurement:** The award, entry into and management of a public contract.

**Conflict of interest:** Where someone involved in the procurement process has a personal or professional interest that could influence, or be seen to influence, their decisions.

**Public contract:** Any contract for the supply, for pecuniary interest, of goods, services or works to a contracting authority with a value above the relevant threshold that is not exempted by Schedule 2 of the Procurement Act 2023.

**Centralised procurement authority:** A contracting authority that is in the business of carrying out procurement for or on behalf of other contracting authorities, e.g. via a framework agreement.

**Central digital platform:** this platform is an enhancement of the existing [Find a Tender](#) service that makes it easier for suppliers to find and bid for contracts, allow notices and documents to be published and enable contracting authorities to meet their transparency responsibilities.

**Standstill period** - the period between announcing which supplier is to be awarded the contract and actually entering into that contract. It provides unsuccessful suppliers the opportunity to raise any potential claims before the new public contract is entered into. The standstill period is a minimum of eight working days, beginning with the day on which the contract award notice is published.

**Clarification stage** – A time when suppliers can ask questions.

**Framework agreement:** A buying process wherein schools buy goods and services from a centralised list of DfE pre-approved suppliers without having to complete a full procurement process e.g. Find a Tender.

**Fraud:** A deliberate deception intended to make a financial gain or cause a loss.

**Fixed assets:** Items of value that will be used for a long time, such land, buildings, office equipment and IT etc.

## Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- [The Academies Act 2010](#)
- [Equality Act 2010](#)
- [Procurement Act 2023](#)
- [DfE \(2025\) 'Buying for schools'](#)
- [The Procurement Regulations 2024](#)
- [DFE \(2025\) 'Academy trust handbook 2025' \(ATH\)](#)
- [DfE \(2025\) 'Academy trust governance guide'](#)
- [DFE \(2023\) 'Declare or seek approval for related party transactions: summary guidance'](#)
- [HM Treasury \(2012\) 'Review of the tax arrangements of public sector appointees'](#)
- [Data Protection Act 2018](#)
- [The UK General Data Protection Regulation \(UK GDPR\)](#)

This policy operates in conjunction with the following trust policies:

- Data Protection Policy

- Business Continuity Policy
- Conflicts of Interest Policy
- Anti-fraud and Corruption Policy
- Finance Policy
- Reserves and Investment Policy
- Records Management Policy

## **Roles and responsibilities**

The members are responsible for:

- Having collective accountability and responsibility for the trust and assuring itself that there is compliance with regulatory, contractual, and statutory requirements.
- Where necessary, by special resolution, issuing direction to the trustees to take a specific action.
- Conducting the business of the trust in accordance with company and charity law and adhering to the trust's funding agreement with the Secretary of State.
- Knowing about and adhering to the Seven Principles of Public Life.

The board of trustees is responsible for:

- Complying with the trust's charitable objects, with company and charity law, and with their contractual obligations under the trust's funding agreement.
- Ensuring regularity and propriety in use of the trust's funds, achieving economy, efficiency and effectiveness – the three elements of value for money.
- Taking ownership of the trust's financial sustainability, and its ability to operate as a going concern.
- Overseeing and ensuring appropriate use of funding and effective financial performance.
- Acting in the best interests of the trust and being open and transparent about their decisions and actions.
- Following the requirements of the guidance in the ATH.
- Appointing an accounting officer and notifying the Secretary of State of that appointment.
- Managing the trust's financial affairs, stewardship of assets and efficient use of resources to maximise outcomes for pupils.
- Ensuring the trust has sound internal control, risk management and assurance processes.
- Being able to show that public funds have been used as intended by parliament.
- Ensuring internal delegation levels are applied.
- Approving a written scheme of delegation of financial powers.
- Managing conflicts of interests and related party transactions and ensuring that requirements for managing related party transactions are applied across the trust.
- Managing personal relationships with related parties to avoid both real and perceived conflicts of interest, promoting integrity and openness in accordance with the Seven Principles of Public Life.
- Approving a balanced budget for the financial year and minuting the approval.
- Appointing an audit and risk committee to advise on the adequacy of the trust's controls and risks.
- Knowing about and adhering to the Seven Principles of Public Life.
- Ensuring a competitive procurement procedure is in place and incorporated into the trust's financial framework which conforms to government guidance and legislation.

- Seeking professional advice where appropriate.
- Referring to the [Buying for schools: how to buy what you need tool](#) to help obtain value for money and apply relevant procurement regulations.
- Reviewing the budgets for approval.
- Ensuring that any grants are used for the purposes intended.
- Reviewing the actual income and expenditure against the approved budgets.
- Ensuring responsibility for the trust's detailed financial procedures is delegated.

The accounting officer is responsible for:

- Assuming the responsibilities of the role, as set out in the ATH..
- Achieving value for money and the best possible educational outcomes through the economic, efficient, and effective use of resources.
- Ensuring regularity when dealing with items of income and expenditure in accordance with legislation, the terms of the trust's funding agreement and the ATH, and with the trust's internal procedures.
- Ensuring propriety with regards to expenditure and receipts, including standards of conduct, behaviour, and corporate governance.
- Keeping full and accurate financial records.
- The management of opportunities and risks.
- Assuring the board of trustees that the trust is compliant with the ATH and the funding agreement.
- Informing the board of trustees, in writing, of any action or policy under consideration that is incompatible with the terms of the Articles of Association, funding agreement or the ATH.
- Knowing about and adhering to the Seven Principles of Public Life.
- Assuring Parliament and the public, of high standards of probity in the management of public funds, particularly regularity, propriety and value for money.
- Maintaining robust oversight of the trust's financial affairs.

The CFO is responsible for:

- Acting as the principal finance officer for the trust.
- Ensuring that all financial matters focus on the wider needs of the trust, rather than on any individual academy.
- Challenging finance staff to ensure that value for money is routinely obtained.
- Ensuring effective financial policies are in place across the trust.
- Liaising with the headteacher and SBM from each academy regarding financial matters.
- Continuing professional development and/or personal development and undertaking relevant ongoing training.

The head teacher is responsible for:

- Prioritising and allocating financial resources appropriately, ensuring efficiency, effectiveness, and probity in the use of public funds.
- Implementing the decisions of the governing board.
- Ensuring that all monies controlled by the school are handled in accordance with regulations and sound financial practice.
- Overseeing staff dealing with finances and ensuring that procedures are carried out accurately.

- Making regular checks of procedures.

The SBM/SFM is responsible for:

- Controlling, monitoring and evaluating the school's finances, ensuring compliance with financial requirements and regulations.
- Working with and maintaining administrative systems, ensuring that maximum efficiency is achieved.
- Providing reports, as requested, on current school accounts to the CFO.
- Ensuring that orders, invoices, and other financial documents are processed according to established procedures.
- Checking the accuracy of information and providing regular reports to the headteacher and governing board.
- The financial management system and all financial and personnel papers, ensuring that only authorised staff members have access to personnel files and that arrangements to access their own files are in – in line with the UK GDPR and the Data Protection Act (DPA) 2018.
- Maintaining a list of all assets.
- Advising the headteacher on matters of financial administration or maladministration.
- Registering the school on the [central digital platform](#) to allow notices and documents to be published.

## **Pre-procurement research and preparation**

### **The business case**

Prior to purchasing good and services the trust will always undertake appropriate research and preparation to ensure it is able to get the best deal and save money.

The trust and its schools will always check buying rules before starting a procurement process to ascertain responsibility for buying certain things.

When preparing the business case the trust will:

- Talk with the people who will use the goods or services to ensure their needs can be met.
- Talk with the people who will approve the purchase.
- Talk with suppliers, to get an idea of prices and what's available. Note, staff will only speak to potential suppliers if they are authorised to do so.
- Think about whether expert help is needed with writing the specification, or with the whole buying process.

Once these issues have been resolved, the trust will prepare and write a business case to outline:

- What is required, why it is required and by what date.
- What level of approval is needed.
- The trust's decision-making process.
- A draft of the specification.
- The estimated cost.
- Whether there are any opportunities to work with other schools or trusts.
- Who should be involved in the process, e.g. the governing board, suppliers, technical experts.

When writing a business case, the trust will consider:

- The total cost of the contract across its lifetime.
- The price of the goods or services, including VAT.
- Any delivery charges.
- Any ongoing maintenance costs.
- Any running costs.
- The cost of removing or disposing of an item that is no longer needed.
- The availability of the budget.

The trust will also consider working with other schools or trusts to save time and money and will consider:

- Borrowing equipment.
- Sharing resources and staff expertise.
- Sharing knowledge of markets.
- Comparing prices and experiences from previous purchases.
- Pursuing a joint venue.

### **Procurement and spending decisions**

In all procurement decisions the trust will ensure that:

- Spending is for the purpose intended and there is probity in the use of public funds.
- Spending decisions represent value for money.
- Internal delegation levels exist and are applied.
- The appropriate route to buy is used in accordance with PCR procurement rules.
- Professional advice is obtained where appropriate.

In all procurements, a written specification will outline the trust's requirements and include the following details:

- A precise description of the goods, work or services required and what it should do
- The amount required and when it is needed
- The expected quality of the goods, work or services

### **Conflicts of interest**

To ensure the integrity of the procurement process the trust will be proactive in ensuring that anybody involved is unable to influence, or be seen to influence, trust decisions.

The trust will follow the Conflicts of Interest Policy to manage this and try to identify and remove any potential conflicts before the start of any process.

### **Finding the right route to buy**

The trust is aware of the statutory procurement regulations in place and understands that there are separate procedures that it must follow for the five different buying procedures (routes) and that these differ according to the value of the procurement being sought:

- **Route 1:** Use a framework agreement ([appendix 1](#))

- **Route 2:** Use catalogues to find low value goods ([appendix 2](#))
- **Route 3:** Get at least three quotes from suppliers for low to medium purchases ([appendix 3](#))
- **Route 4:** Advertise a contract and run a buying process for high value purchases **under** the public procurement threshold ([appendix 4](#))
- **Route 5:** Run a process compliant with the Procurement Act 2023 for high value purchases **over** the procurement thresholds – either ‘**open procedure**’ or ‘**competitive flexible procedure**’ ([appendix 5](#))

When undertaking any of these routes, the trust will follow the guidelines set out by the government and ensure that it complies with the latest procurement regulations and legislation.

### Procurement thresholds

The following thresholds are in place in relation to how goods, works or services can be procured:

Order value	Routes available
<b>Low</b> - under £10,000	<b>Route 1:</b> Framework agreement <b>Route 2:</b> Use catalogues <b>Route 3:</b> Get at least three quotes from suppliers
<b>Medium</b> - £10,000 to £40,000	<b>Route 1:</b> Framework agreement <b>Route 3:</b> Get at least three quotes from suppliers
<b>High</b> - over £40,000 and up to procurement thresholds	<b>Route 1:</b> Framework agreement <b>Route 4:</b> Advertise a contract and run a buying process
<b>Over procurement thresholds:</b> <b>Supplies &amp; Services:</b> £214,904 <b>Works:</b> £5,372,609 Services covered by the <a href="#">‘light touch regime’</a> – £663,540	<b>Route 1:</b> Framework agreement <b>Route 5:</b> Run a process compliant with the Procurement Act 2023 – either ‘ <b>open procedure</b> ’ or ‘ <b>competitive flexible procedure</b> ’

### Contracts

The trust will seek legal advice before entering a contract and ensure that it has a contract management plan in place. Non-routine tenders or purchases, such as leases, are subject to a contract, which will be signed before the work begins or goods are delivered.

Once contracts have been signed by both parties the trust will arrange a meeting with suppliers to finalise the management and payment arrangements, clarify key performance indicators, and agree how both parties will work together.

All contracts will include the following details:

- A detailed description of the goods, works or services the trust has agreed to buy, linked to the specification
- A pricing schedule – what will be paid when
- Terms and conditions

- The level of service you want – this may include service level agreements (SLA) and/ or ‘key performance indicators’ (KPIs)
- Any contract management arrangements, such as regular meetings or contact
- An ‘implementation plan’ saying who is responsible for what – for example, if buying ICT equipment, who will do the cabling and install it
- What happens at the end of the contract
- The written specification, as an appendix to the contract
- The timeline and completion date of the work
- An exit process
- The requirements for any companies being employed by the supplier

The trust will ensure that it holds regular meetings with the supplier to discuss:

- Their progress with any work.
- Where they are doing well.
- Any problems and what to do about them.
- Any changes that are needed.
- Planned maintenance.
- Upgrades or improvements.

Notes of these meetings will be kept and shared with the supplier.

Copies of all contracts will be securely stored.

The trust will use a variation agreement if changes to the contract are required at any point.

The trust will set the option to extend a contract in its invitation to tender, if required, and specify a timeframe. Any extended contracts will adhere to the timeframe set in the invitation to tender, using a variation agreement.

The trust will seek legal advice or contact the DfE if a contract needs to be extended but was not an option included on the initial invitation to tender.

### **The end of a contract**

The trust will plan for the end of a contract in advance by:

- Returning the supplier’s equipment, where required.
- Terminating any joint arrangements.
- Disposing of or removing any unwanted items.

The trust will follow its exit process where a contract needs to end prematurely.

### **Sub-contractors**

If the supplier is employing another company to undertake some, or all, of the work, or to provide goods, it is the supplier’s responsibility to ensure the company has the requirements listed below in place – these requirements will be made clear in the contract:

- Health and safety policies in place.
- The relevant insurance.
- The required professional qualifications.
- Proof of certification.

Where appropriate and necessary, the trust will seek further legal advice on sub-contractor warranties.

### **Assessment of goods**

Goods will be inspected by the office manager upon delivery. Any items that are not part of the order, damaged, or not fit for purpose will be returned as soon as practicable.

When goods are returned, the office manager will record:

- The name and product code of the item.
- The cost of the item.
- Photographic proof, if required.
- Details of the item.
- The reason for rejecting the item.

A record of goods that have been accepted or rejected will be kept.

All receipts and invoices will be kept for the current financial year plus an additional six years after the initial purchase, in line with the Records Management Policy.

### **Invoices**

All invoices will be recorded and stored for future reference, with checks on the following information:

- The mathematical validity.
- The purchase ledger.
- The goods or services ordered and delivered.
- Any difference between the agreed and delivered price.
- The authorisation for payment.
- The amount paid in VAT.
- The total payment made.

### **Risk management**

The trust will maintain a risk register and manages risks to ensure its effective operation.

The board of trustees will retain ultimate responsibility for risk management, including ultimate oversight of the risk register, drawing on advice from the audit and risk committee. The board of trustees will review the risk register as required and at least annually.

The trust's risk management will include contingency and business continuity planning.

The trust is protected from risk by the RPA.

The trust will cooperate with risk management auditors and risk managers, implementing any reasonable risk management audit recommendations.

## **Conflicts of interest and related party transactions**

The trust will be even-handed in its relationships with related parties by ensuring:

- Trustees avoid any conflicts of interest, declare their interest in proposed transactions and arrangements, and will not accept benefits from third parties.
- All members, trustees, local governors and senior employees complete the register of interests, which is kept up-to-date.
- No member, trustee, local governor, employee or related individual uses their connection to the trust for personal gain, including payment under terms that are preferential to those that would be offered to an individual or organisation with no connection to the trust.
- Payments to trustees by the trust are only made where permitted by its articles of association, or by the authority of the Charity Commission, and comply with any relevant agreement with the Secretary of State.
- Consideration is given to the trust's obligations where payments are made to other businesses who employ a trustee, are owned by a trustee or in which the trustee holds a controlling interest.
- The Charity Commission's approval will be obtained, prior to payment, where the trust believes a significant advantage exists in paying a trustee for acting as a trustee.
- The trust adheres to 'at cost' requirements.
- The chair of trustees and the accounting officer's capacity to control and influence does not conflict with related party transaction requirements.
- Personal relationships with related parties are managed in a manner that avoids both real and perceived conflicts of interest, promotes integrity and openness, and is in accordance with ['The Seven Principles of Public Life'](#).

The trust will recognise that relationships with related parties may attract greater public scrutiny, such as:

- Transactions with individuals in a position of control and influence, including the chair of the board of trustees and the accounting officer.
- Payments to organisations with a profit motive, as opposed to those in the public or voluntary sectors.
- Relationships with external auditors beyond their duty to deliver a statutory audit.

## **Record keeping**

The trust will keep sufficient records, and make sufficient disclosures in the annual accounts, to show that related party transactions have been made in accordance with accountability and transparency standards.

### **Reporting and approval of related party transactions**

The trust will obtain the DFE's approval for related party transactions that are novel, contentious or repercussive. Transactions involving the chair of trustees or the accounting officer will be carefully considered against this requirement.

The trust will report all contracts and other agreements with related parties to the DFE in advance of the contract or agreement commencing or being renewed, using DFE's [related party on-line form](#). The DFE's prior approval will be obtained, using the related party online form, for contracts and other agreements for the supply of goods or services to the trust by a related party agreed on or after 1 September 2023 where a contract or other agreement exceeds £40,000 in the same financial year ending 31 August.

Approval will not be required where contracts and other agreements for the supply of goods or services to the trust are with colleges, universities and schools which are sponsors of the trust, and other state funded schools and colleges, including academies.

For the purposes of reporting to, and approval by, the DFE, related party transactions will not include salaries and other payments made by the trust to a person under a contract of employment through the trust's payroll.

The trust will obtain DFE's prior approval for any contracts and other agreements with related parties that are novel, contentious or repercussive, regardless of value. using DFE's related party on-line form.

The trust will carefully consider the impact of this requirement and its relevance to transactions involving the board chair or the accounting officer.

### **Register of interests**

In line with the requirements set out in the ATH and the trust's Conflicts of Interests Policy, the trust will keep a register of any relevant business and financial interests, including governance roles in other educational institutions, for members, trustees, local governors and senior employees, serving at any point over the past 12 months. including:

- Directorships, partnerships and employments with businesses.
- Trusteeships and governorships at other educational institutions and charities.
- For each interest, the name of the business, the nature of the business, the nature of the interest and the date the interest began.

The register of interests will identify all relevant material interests from close family relationships between the trust's members, trustees or local governors. It will also identify relevant material interests arising from close family relationships between those individuals and employees.

The trust will consider any other interests for inclusion on the register of interests – if there is any doubt about whether an interest should be registered, it will be registered.

The board of trustees will keep the register of interests up to date.

The trust will publish on its website the relevant business and pecuniary interests of members, trustees, local governors and accounting officers. The publication of interests belonging to any other individuals named on the register is at the discretion of the trust.

### **'At cost' requirements**

The trust will not pay more than 'cost' for goods or services provided by the following:

- Any member or trustee of the trust
- Any individual or organisation related to a member or trustee of the trust, namely:
  - A relative of a member or trustee: defined as a close member of the family, or member of the same household, who may be expected to influence, or be influenced by, the person. This includes, but is not limited to, a child, parent, spouse or civil partner.
  - An individual or organisation conducting business in partnership with the member, trustee or a relative of the member or trustee.
  - A company in which a member or the relative of a member (taken separately or together), and/or a trustee or the relative of a trustee (taken separately or together), holds more than 20 percent of the share capital or is entitled to exercise more than 20 percent of the voting power at any general meeting of that company.
  - An organisation which is controlled by a member or the relative of a member (acting separately or together), and/or a trustee or the relative of a trustee (acting separately or together) – an organisation is controlled by an individual or organisation if that individual or organisation is able to secure that the affairs of the body are conducted in accordance with the individual's or organisation's wishes.
- Any individual or organisation given the right under the trust's articles of association to appoint a member or trustee of the academy trust, or anybody connected to the individual or organisation.
- Any individual or organisation recognised by the Secretary of State as a sponsor of the trust, or anybody connected to the individual or organisation.

A body is connected to an individual or organisation if it is controlled by the individual or organisation, controls the organisation, or is under common control with the individual or organisation, namely any of the following:

- Holding a greater than 20 percent capital share or equivalent interest
- Having the equivalent right to control management decisions of the body
- Having the right to appoint or remove a majority of the board or governing board

'At cost' requirements will apply to:

- Contracts for goods and services from a related party agreed on or after 7 November 2013.
- Contracts for goods and services from a related party exceeding £2,500, cumulatively, in any one financial year. Where a contract takes the trust's cumulative annual total with the related party beyond £2,500, the element above £2,500 must be at no more than cost.
- Legal advice or audit services when the organisation's partner directly managing the service is a member or trustee of the trust, but not in other cases.

The trust will ensure that any agreement with an individual or organisation which is classed as being a related party transaction is:

- Procured through an open and fair process.
- Supported by a statement of assurance from the individual or organisation to the trust confirming their charges do not exceed the cost of the goods or services.
- On the basis of an open-book agreement including a requirement for the supplier to demonstrate clearly, if requested, that their charges do not exceed the cost of supply.

The cost will be the full cost of all the resources used in supplying the goods or services and will not include any profit. Full cost includes:

- All direct costs – the costs of any materials and labour used directly in producing the goods or services.
- Indirect costs – a proportionate and reasonable share of fixed and variable overheads.

The CFO will be responsible for ensuring that none of the members of staff involved in the tender process are subject to conflicts of interest in line with the Conflicts of Interest Policy.

The trust will try to identify and remove potential conflicts before the start of any procurement process; however, where this is not possible, the trust will consider:

- Having everyone involved in the process complete and sign forms declaring any interests.
- Using staff from a different office to assess the bids.
- Withholding the names of the companies when their bids are assessed.

## **Fraud**

The trust will remain vigilant for fraudulent activity during the procurement process and will aim to avoid this by:

- Adhering to the procedures outlined in this policy and government guidance.
- Maintaining clear records.
- Running a transparent buying process.
- Ensuring all relevant parties are well informed of the process.
- Implementing a selection stage in the procurement process to exclude fraudulent offers.
- Researching the estimated cost of a purchase before starting the procurement process.
- Adhering to the Anti-fraud and Corruption Policy.
- Conducting fraud risk assessments.

The trust will remain vigilant for:

- Price fixing – where suppliers work together to raise prices or decide who wins the bid.
- Cover pricing – where suppliers send in excessively high bids to make other bids seem low, or where they do not want the work but do not want to seem unwilling to do similar work in the future.
- Overcharging.
- Suppliers charging for work or goods that are not provided or required.

The trust may halt the procurement process if it suspects there is fraudulent activity, and report this to the relevant authority in line with the Anti-fraud and Corruption Policy.

**Monitoring and review**

This policy will be reviewed annually by the CFO and COO. Any changes to this policy will be communicated to the relevant stakeholders.

## **Route 1: Using a framework agreement**

The trust is aware that it is possible to use a framework agreement to purchase goods, works or services of all values. Where appropriate and possible, the trust will therefore use a framework agreement as a quick and easy procurement process, as agreements have:

- Already been through a full competitive tender process.
- Been quality checked.
- Been checked to make sure they comply with the law.
- Draft specifications and help available.
- An agreed pricing structure.

When using a framework agreement, the trust will have two options:

1. Select a supplier direct from a framework agreement.
2. Run a mini competition - the trust will ask all suppliers on the list to send a bid, and the trust will choose the best one.

The framework agreement will state whether the trust can select a preferred supplier itself or if a mini competition must be run. If the trust can select a supplier itself, it will follow the framework agreement setting out the rules for doing so.

### **Running a mini-competition**

When running a mini competition, the trust will:

- Comply with the terms of the framework agreement.
- Decide how it will assess bids, following any rules the framework has.
- Decide the level of service required.
- Decide if it wants to run an expression of interest process.
- Send an invitation to tender to all suppliers who can provide what the trust needs.
- Fairly assess all bids received.
- Choose the supplier that offers the best value for money.
- Award the contract to the winning supplier.

### **The tendering process**

#### *Preparing the invitation to tender*

The trust will make all necessary invitation to tender documents available online. These will include the following:

- A covering letter: including all the information people need to submit a bid.
- A timetable
- How to ask questions
- How to submit a bid
- The specification
- The award criteria
- Specific levels of service wanted
- Terms of appointment
- Timeline: setting deadlines for:
  - The clarification period – when suppliers can ask you questions

- When suppliers must submit their bid
- The '[standstill period](#)' if you have one
- When you intend to enter into the contract

The trust will ensure it gives suppliers enough time to:

- Understand the trusts needs
- Ask questions and use the information in your reply
- Respond to your questions and pricing requirements

The trust will ensure that it sends the invitation to tender to every supplier on the framework agreement who can meet the trust's needs, unless an expression of interest process has been undertaken.

#### *Assessing bids*

Before sending invitations to tender the trust will formulate the 'award criteria' it will use to decide which bid best meets specification and is the 'most economically advantageous' – the one that best combines price and quality.

Each criterion will be given:

- A range of scores – such as 1 to 5, with 5 highest.
- A weighting – a figure you multiply the score by depending on how important the criteria is.

#### *Use an expression of interest to cut the number of bidders*

In circumstances where the trust wishes to ascertain the number of suppliers who are interested in bidding it will send an expression of interest (EOI) to them all, including the following details:

- An overview of the trust's needs
- The size of the trust
- How long the contract will last, with any important deadlines
- When they must respond by

Invitations to tender will only be sent to suppliers who responded to the EOI.

The trust is aware that not all framework agreements allow the use of EOIs and will therefore check the framework's agreements before considering this option.

#### *Answering questions from suppliers*

The trust will arrange a time when suppliers are able to ask the trust any pertinent questions about the tender and specification i.e. a 'clarification stage'.

The trust will ask for consent from suppliers asking questions to publish their queries and answers. If they decline, the trust will consider their request and may ask them to withdraw the question.

In all cases the trust will:

- Ask suppliers to email the questions.
- Keep a log of the questions and the answers given.
- Send the question and reply to **all** the bidders with the same information.

- Anonymise the question, so no one knows who asked it.

The trust will ensure that it does not reveal any copyrighted or sensitive information during the clarification stage.

#### *Deciding the winning bid*

Bids will be assessed using the award criteria sent out in the invitation to tender.

The trust will:

- Not open any bids before the deadline.
- Treat all bids fairly and equally.
- Record how decisions have been made, so they can be defended if necessary.
- Keep confidential, secure, auditable records.
- Award the contract to the highest scoring bidder.

At least two people will be involved in assessing and moderating each bid. Where necessary, the trust will enlist the support of a specialist.

Where appropriate, the trust will ask the framework owner when a financial check was last undertaken on a supplier, and, where it is felt necessary, ask them to run a new one.

The trust will keep records of all scores, comments and moderation decisions - frameworks usually have a system for this, though the trust may also employ its own.

#### *Notifying suppliers and awarding contracts*

Once a procurement decision has been made, the trust will send a letter to all bidders, at the same time, including the following information:

- The name of the winning bidder
- The award criteria used
- The scores for the winning bid
- The relative advantages of the winning bidder
- When the [standstill period](#) ends, if there is one
- Their scores and feedback – for unsuccessful bidders

#### *Feeding back to unsuccessful bidders*

The trust is aware that it does not have to give any further feedback to an unsuccessful bidder; however, in circumstances where it chooses to do so it will only comment on their bid and try to give positive feedback.

The feedback will consist of a written response - the trust will not attend or organise feedback meetings.

#### *Standstill period*

The trust will implement a standstill period of at [eight](#) days between informing bidders of its decision and formally awarding the contract. This will give any unsuccessful supplier sufficient time to challenge the trust's decision if they believe it is unfair.

*Awarding the contract*

Following the standstill period, the trust will inform the successful supplier of its decision and sign the contract.

The trust is aware that the contract's terms and conditions - or 'service order terms' - will have generally been set as part of the framework agreement and it will therefore not seek to change them. The trust will only add in those things that were agreed as part of the buying process.

## **Route 2: Using catalogues to find low value goods**

To buy in this way the trust will compare similar products and prices and choose the supplier that offers best value for money through the trust's own research or by using catalogues that have been selected by the DfE:

- [CSS purchasing platform](#)
- [ESPO](#)
- [YPO procurement product catalogue](#)

When deciding which goods meet the trust's requirements and give best value for money the trust will consider:

- Price and ongoing costs.
- Quality.
- Deals.
- Ability to deliver on time.
- Customer service.
- After care.

Once a decision has been made the trust will place an order with the chosen supplier directly, in accordance with the trust's Finance Policy.

## **Route 3: Getting at least three quotes from suppliers for low to medium value purchases**

To buy in this way the trust will:

- Decide how it will assess the bids.
- Get quotes from at least 3 suppliers.
- Assess all the quotes you get fairly.
- Choose the supplier that offers best value for money.

### *Getting quotes*

All suppliers will be sent the same information, as follows:

- The specification.
- The deadline to submit the quote.
- When a decision will be made.
- How the supplier can ask questions about what the trust is buying and the process.
- A link to the trust's terms and conditions, if needed.

### *Assessing quotes*

Before contacting suppliers, the trust will formulate the 'award criteria' it will use to decide which bid best meets specification and is the 'most economically advantageous' – the one that best combines price and quality.

Each criterion will be given:

- A range of scores – such as 1 to 5, with 5 highest.
- A weighting – a figure you multiply the score by depending on how important the criteria is.

### *Deciding the winning quote*

The quotes will be assessed using the award criteria sent to the suppliers. To avoid legal challenges, the trust will:

- Not open any quote before the deadline.
- Not open any late bids.
- Have at least two people assess each quote, where possible.
- Treat all quotes fairly and equally.
- Record how decisions are made.
- Keep confidential, secure and auditable records.
- Award the contract to the highest scoring bidder.

### *Placing an order*

The trust will send a contract, e.g. a purchase order, to the successful supplier including the following:

- Product details
- Price
- Delivery address, or where any work should be carried out
- Delivery date, and any other important dates
- Payment date

## **Route 4: Advertising a contract and running a buying process for high value purchases under the public procurement threshold**

The trust is aware that any purchase or service estimated to cost over **£40,000** is considered to be high value. When making high value purchases the trust will seek legal advice.

Where possible, the trust will use a framework agreement to purchase high value goods, works or services which are under the public procurement thresholds set out below:

- Supplies & Services: £214,904
- Works: £5,372,609

Where it is not possible or appropriate to use a framework agreement the trust will advertise a contract and run a buying process. To ensure the trust gets good value, it will follow a structured process which is proportionate to the identified requirements. As part of this process the trust will:

- Assess the market.
- Check the trust's governance processes.
- Prepare contract and tender documents.
- Advertise requirements.
- Consider using an expression of interest to cut the number of bids that will need to be assessed later.
- Send an invitation to tender to people who reply to the advert.
- Fairly assess all the bids received, using the same process.
- Choose the bid that offers best value for money.
- Award the contract to the highest scoring bidder.

### *Assessing the market*

Prior to advertising the trust will undertake some 'soft market testing' by undertaking the following activities:

- Accessing the [find a DfE approved framework tool](#) to establish procurement availability
- Assessing how many possible suppliers there are
- Identifying the best places to advertise
- Speaking to potential suppliers
- Asking for advice from other trusts or schools
- Considering whether to ask suppliers to submit an expression of interest

If the trust does speak to suppliers, it will make sure that any information given to them at this stage is given to all later bidders.

The trust will ensure that written specifications do not unnecessarily favour suppliers who have been consulted.

### *Asking suppliers to submit an expression of interest (EOI)*

In certain circumstances the trust may advertise, asking suppliers to submit an EOI.

The trust is aware that running an EOI will increase time spent on the procurement process and will therefore consider carefully whether this is necessary, or if it will save time or money. The trust may consider running an EOI if it:

- Wants to establish how many bids are likely – this will inform staff of how much work will be involved in assessing them later.
- Are buying something unusual and need to know if there are people who can supply it.

#### *Invitations to tender*

The trust will send an invitation to the people who reply to the advert including the following:

- A covering letter
- A timeline
- How to ask questions
- How to submit a bid
- Specification
- A list of things you want prices for
- Award criteria
- Contract terms – including the level of service desired and any contract management arrangements, such as regular meetings
- Any mandatory requirements for suppliers and, if needed, an invitation for suppliers to give a demonstration

#### *Timeline*

The trust will set deadlines for:

- The clarification period – when suppliers can ask you questions
- When suppliers must submit their bid
- When the contract will be awarded

When setting deadlines, the trust will ensure that it will give enough time for suppliers to:

- Understand the trust's needs.
- Ask questions.
- Write a detailed proposal with costs.
- Submit their bids.

#### *Assessing quotes*

Before sending out invitations to tender the trust will formulate the 'award criteria' it will use to decide which bid best meets specification and is the 'most economically advantageous' – the one that best combines price and quality.

Each criterion will be given:

- A range of scores – such as 1 to 5, with 5 highest.
- A weighting – a figure you multiply the score by depending on how important the criteria is.

#### **Advertising**

The trust will ensure that procurement advertisement:

- Clearly explain the product or service required.

- Inform suppliers of the information required by the trust.
- Explain how to get an invitation to tender.
- Set timelines.
- Explain the trust will be using award criteria to give the contract to the most advantageous tender.

The trust will ensure that adverts are placed in places where suppliers are likely to see them, such as the following:

- The central digital platform.
- Newspapers.
- Education publications or websites.
- Trade magazines.

#### *Answering questions from the suppliers*

The trust will arrange a time when suppliers are able to ask the trust any pertinent questions about the procurement i.e. a 'clarification stage'.

The trust will ask for consent from suppliers asking questions to publish their queries and answers. If they decline, the trust will consider their request and may ask them to withdraw the question.

In all cases the trust will:

- Ask suppliers to email the questions.
- Keep a log of the questions and the answers given.
- Send the question and reply to **all** the bidders with the same information.
- Anonymise the question, so no one knows who asked it.

The trust will ensure that it does not reveal any copyrighted or sensitive information during the clarification stage.

#### *Deciding the winning bid*

Bids will be assessed using the award criteria sent out in the invitation to tender.

The trust will:

- Not open any bids before the deadline.
- Treat all bids fairly and equally.
- Record how decisions have been made, so they can be defended if necessary.
- Keep confidential, secure, auditable records.
- Award the contract to the highest scoring bidder.

At least two people will be involved in assessing and moderating each bid. Where necessary, the trust will enlist the support of a specialist.

#### *Informing the winning bidder*

The trust will write a letter to the winning bidder inviting them to finalise the contract. The letter will include information on the following:

- The award criteria used

- Their scores
- The reasons why their bid is the most advantageous
- Feedback

The trust will make it clear in the letter that, until both parties have signed the contract, there are no commitments on either party, and no work should begin.

#### *Challenges from unsuccessful bidders*

In the event of an unsuccessful bidder challenging the fairness of the contract award decision or process, the trust will contact them, explaining that a fair assessment process has been conducted and that comprehensive records have been kept of all stages and decisions.

If a formal challenge is made, the trust will seek legal advice and delay finalising any contracts until the matter is satisfactorily resolved.

#### *Awarding the contract*

If there are no legal challenges, the trust will inform the successful supplier and arrange the signing of contracts.

Staff will ensure that, if they have agreed to use the trust's terms and conditions, the signed copy returned is the same as the copy sent and no changes have been made.

The trust will ensure that, when signing contracts, it is the last to sign as the last copy of the terms and conditions sent by either side will be the one that is legally binding.

In circumstances where an advert has been placed in [Contracts Finder](#), the trust will place a notice of the contract award there too.

The trust will then set up a meeting with the supplier to finalise the management and payment arrangements, clarify key performance indicators and agree working arrangements. There should be no changes from what was in the original invitation to tender.

#### *Abandoning*

The trust is aware that occasions may arise where it is compelled to stop the bidding process.

If the process is stopped while suppliers are preparing, or have submitted their bids, the trust will inform them as soon as is reasonably practicable, with the reasons for doing so.

The trust is aware that, the later in the process the procurement is abandoned, the greater the risk of receiving a legal challenge, where bidders may seek reimbursement of their bid costs.

The trust will ensure that tender documents include text detailing the trust's right to abandon the process at any time without any liability to the bidders.

The trust will not abandon the process merely because the highest-scoring bidder is not the preferred supplier.

## **Route 5: Running a process compliant with the Procurement Act 2023 for high value purchases over the public procurement threshold**

The trust is aware that for any purchase or service estimated to cost above the public procurement thresholds set out below it is legally required, unless using a framework agreement, to run a process compliant with the Procurement Act 2023:

- Supplies & Services: £214,904
- Works: £5,372,609

For procurement process that began before 24 February 2025, the procurement and contract management will continue to be run under [The Public Contracts Regulations 2015](#). The trust will seek legal advice in situations where it is unsure whether this applies.

Where possible, the trust will use a framework agreement to purchase high value goods, works or services which are valued above the public procurement thresholds.

### *Register on the central digital platform*

The trust is aware that, as part of The Procurement Act 2023 there will be a central digital platform to allow notices and documents to be published. This platform is an enhancement of the existing Find a Tender service, designed to make it easier for suppliers to find and bid for contracts, and for trusts to meet their transparency responsibilities.

The trust will register on the platform using the instructions on [Government Commercial College](#).

The trust is aware that free and impartial help and support from [procurement specialists](#) is available when running its procurement; however, it is also aware that, to access this service, the trust will be asked to complete the free Procurement Act 2023 training being provided by the government.

### *Procurement Act 2023 training*

The trust is aware that the Cabinet Office have provided free Transforming Public Procurement (TPP) training for all operational procurement staff. The trust will follow the advice of the DfE and ensure that all trust staff who are involved with procurement and buying take the time to access and complete this free training by registering with the [Government Commercial College \(GCC\)](#).

### *Overview*

When running a process compliant with the Procurement Act 2023 the trust will, from the outset, show regard for:

- Delivering value for money.
- Maximising public benefit.
- Sharing information and being transparent.
- Integrity.
- Treating suppliers the same.
- Not putting a supplier at an unfair advantage or disadvantage.
- Small and medium enterprises.

- National Procurement Policy Statements

The trust will ensure that it acts in compliance with each of the following requirements:

- Publishing notices at each stage of the process using the central digital platform.
- Transparency.
- Keeping records of material decisions for 3 years.
- Supplier exclusions.
- Conflict of interests assessment.
- Assessment of conditions of participation.
- Making your invitation to tender and all other documents available electronically.
- Criteria for assessing all the bids you get fairly and using the same process.
- Choosing the supplier that offers the most advantageous bid.
- Awarding the contract to the highest scoring bid supplier.

The trust is aware that there are two types of buying procedure it can use for high value purchases above the public procurement thresholds – ‘**open**’ or ‘**competitive flexible**’.

#### *Open procedure*

The trust is aware that the open procedure allows anyone to bid for the trust’s identified requirement.

The trust will use an open procedure when what is needed is:

- A known requirement.
- A simple requirement.
- Suitable for emerging markets and small and medium-sized enterprises (SMEs).
- Suitable for small markets.
- Suitable for established or known market where there is no need to assess conditions of participation before inviting a tender.

When using this procedure, the trust is aware that:

- There is one stage of bidding to a specific specification.
- The trust must consider exclusion grounds.
- Conditions of participation are the minimum standards that a supplier must satisfy in order to be awarded a contract - they cannot be used to shortlist suppliers.

#### *Competitive flexible procedure*

The trust is aware that the competitive flexible procedure entails the trust designing its own procurement through a number of stages, using evaluation at each stage to restrict the number of bids. The trust will use the competitive flexible procedure when what is needed is:

- An unknown solution.
- A complex requirement.
- For novel or innovative goods and services.
- Suitable for a large market.
- Formal engagement with suppliers during the process such as negotiation or dialogue.
- Suitable for a small specialist market.
- To assess conditions of participation before inviting a submission.

When using this procedure, the trust is aware that:

- It can run a multi-stage process, using the appropriate notice to detail what the plan is.
- The multiple stages allow the reduction of the number of bidders at each stage.
- It will need to evaluate each stage to reduce the number of bidders. The trust will provide feedback at each stage and build this requirement into the timeline.
- It can use conditions of participation:
  - Prior to award.
  - As a separate condition of the participation stage at the start of the tendering procedure, which is used to pre-select participants or limit the number of suppliers in an initial tendering round.
  - As a separate stage at any point in the tendering procedure, to limit or reduce the number of participants who progress to the following stage i.e., scoring and down-selection.

#### *Assessing the market*

When conducting any pre-market engagement the trust is aware that it is mandatory to publish a 'preliminary market engagement notice'. If, for whatever reason, the trust does not publish this notice, it understands that it will need to justify, in the tender notice, why this was not published. The trust will ensure, when published, that the notice contains the:

- Initial scope of the requirement or outcome the trust is intending to achieve.
- Nature of the engagement.
- Deadlines for participating.

The trust understands that assessing the market allows it to:

- See how many possible suppliers there are.
- Speak to potential suppliers.
- Ask other trusts what they have done.
- Consider whether to conduct an open or competitive flexible procedure.

To ensure fairness and transparency the trust will ensure that any pre-market information given to suppliers at this point is also given to suppliers who bid later, and that the specification, contract and tender documents do not favour any particular supplier.

#### *Invitation to tender*

When inviting suppliers to tender for a contract, the trust is aware that it must publish a tender notice on the central digital platform. When doing so, the trust will ensure that all appropriate documents are available online from the date at which the tender notice is posted, including information on the following:

- A timeline
- How to ask questions
- How to submit a bid
- Your specification
- A list of things for which prices are needed
- The award criteria
- the level of service you want

- Any contract management needs, such as regular meetings or contact
- An invitation for suppliers to give a demonstration, if needed
- The process and stages to be followed if undertaking a competitive flexible procedure
- The proposed draft of the contract

#### *Assessing bids*

Before sending invitations to tender the trust will formulate the 'award criteria' it will use to decide which bid best meets specification and is the 'most economically advantageous' – the one that best combines price, quality and other factors such as social value.

The trust is aware that, as a contracting authority, social value considerations should be built into the award criteria for contracts. These should contribute to the successful delivery of the contract whilst also aligning with public sector priorities.

Each criterion will be given:

- A range of scores – such as 1 to 5, with 5 highest.
- A weighting – a figure you multiply the score by depending on how important the criteria is.

The trust will seek further advice and support when compiling award criteria to ensure all the required aspects of the Procurement Act 2023 are adhered to.

#### *Timeline*

The trust will set deadlines for:

- The clarification period – when suppliers can ask questions.
- The length of competitive flexible stages and assessments.
- When suppliers must submit their bid.
- When the contract will be awarded.
- The start and end dates of the standstill period.

When setting deadlines, the trust will ensure it gives enough time for suppliers to:

- Understand the trust's procurement needs.
- Ask questions.
- Write a detailed proposal with costs.

The trust will ensure that its timeline adheres to the specific minimum timescales outlined in the Procurement Act 2023.

The trust will seek further advice and support when compiling procurement timelines to ensure all the required aspects of the Procurement Act 2023 are adhered to.

#### *Tender notice*

It is a statutory requirement to publish tender notices on the central digital platform as set out below:

**Open procedure:** the tender notice must set out:

- The subject matter and description of the requirement.

- How the tenders will be assessed including any conditions of participation and the criteria for awarding the contract.
- The timescales for both the procurement process and delivery of requirements.

For transparency, CAs must also provide the reasons for any decisions taken, e.g. if the trust has undertaken any pre-market engagement and not published a notice or chosen not to award by lots.

The trust must also provide confirmation that a conflicts assessment has been undertaken.

**Competitive flexible procedure:** the same requirements apply as for the open tender notice, as above, however trusts must also:

- Set out how the process will be designed and carried out.
- Include a clear description of the procedure, including the different stages and how they will be assessed.
- Be clear about whether the award criteria may be refined during the procedure.

#### *Answering questions from suppliers*

The trust will ensure that it implements a clarification stage which complies with the following requirements:

- Questions and replies are sent to all bidders
- Questions are anonymised
- Information provided does not reveal copyrighted or sensitive information.
- Suppliers requested to send questions through an e-tendering solution or by email
- Keep a log of the questions and the answers given

The trust will ask for consent from suppliers asking questions to publish their queries and answers. If they decline, the trust will consider their request and may ask them to withdraw the question.

#### **Deciding the winning bid, or choosing the bidders to be taken through to each stage of the competitive flexible procedure**

Bids will be assessed using the award criteria sent out in the invitation to tender.

The trust will:

- Not open any bids before the deadline.
- Treat all bids fairly and equally.
- Record how decisions have been made, so they can be defended if necessary.
- Keep confidential, secure, auditable records.
- Award the contract to the highest scoring bidder.

Where necessary, the trust will contact suppliers to clarify details of the bid which are unclear e.g. if a supplier has an abnormally low price, trust staff will clarify the accuracy of the details provided before discarding the bid.

The trust will not negotiate over bids when following the **open procedure**.

When following the **competitive flexible procedure** the trust will assess each stage of the process and notify the suppliers about whether they were successful or unsuccessful. As part of the procedure, the trust is aware that it can have a negotiation stage if this was specified in the tender notice.

At least two people will be involved in assessing and moderating each bid. Where necessary, the trust will enlist the support of a specialist.

#### *Informing bidders whether they were successful or not and providing assessment summaries*

The trust will provide written information to the successful and unsuccessful bidders, on the same day, to:

- Inform them the trust is publishing the contract awards notice.
- Inform them of the standstill end date – standstill should last eight calendar days.
- Provide an assessment summary.

Assessment summaries give an explanation to each supplier, whether successful or unsuccessful, of the reasons behind the contract awarding decisions. The Procurement Act specifies the specific information the summary should contain.

Unsuccessful suppliers will receive, in writing:

- Their own tender assessment summary.
- A copy of the successful supplier's assessment summary, redacted where appropriate to remove any commercially sensitive information.

The trust will not arrange or attend any feedback meetings with unsuccessful bidders.

#### *Informing the winning bidder*

The trust will write a letter to the winning bidder informing them of their successful bid and inviting them to finalise the contract. The letter will include:

- An assessment summary.
- Details of when the standstill period will end.
- Confirmation that the contract will only be awarded if the standstill period passes without a challenge from another supplier.
- A disclaimer stating that until both parties have signed the contract, there are no commitments on either party, and no work should begin.

The trust is aware that if it decides not to go ahead with the contract it can either:

- Award the contract to the second-highest scoring bidder, if this right was reserved in the original tender documents
- Rerun the process

#### *Challenges from unsuccessful bidders*

In the event of an unsuccessful bidder challenging the fairness of the contract award decision or process during the standstill period, the trust will contact them to explain that a fair assessment

process has been conducted and that comprehensive records have been kept of all stages and decisions.

If a formal challenge is made, the trust will seek legal advice and delay finalising any contracts until the matter is satisfactorily resolved.

#### *Awarding the contract*

After the standstill period the trust will inform the successful supplier that it will be placing the contract with them and arrange the signing of contracts.

Staff will ensure that, if they have agreed to use the trust's terms and conditions, the signed copy returned is the same as the copy sent and that no changes have been made.

The trust will ensure that, when signing contracts, it is the last to sign as the last copy of the terms and conditions sent by either side will be the one that is legally binding.

The trust will place a contract details notice on central digital platform within 30 days of awarding the contract.

The trust will then set up a meeting with the supplier to finalise the management and payment arrangements, clarify key performance indicators and agree working arrangements.

#### *Abandoning*

The trust is aware that it must publish a procurement termination notice for any procurement that is not awarded any time after publishing the tender notice. If this happened very late in the process, from the evaluation period onwards, the trust understands that it may be at risk of receiving a legal challenge.

The trust will not abandon the process merely because the highest-scoring bidder is not the preferred supplier.