

MARISH

ACADEMY TRUST



Competitive Tendering and Procurement Policy

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1. Aims

This policy aims to ensure that:

- The academy trust's funds are used only in accordance with the law, its articles of association, its funding agreement and the Academies Trust Handbook
- The trust's funds are used in a way that commands broad public support.
- Procurement procedures are compliant with procurement legislation
- Value for money (economy, efficiency and effectiveness) is achieved
- Trustees fulfil their duties and responsibilities as charitable trustees and company directors
- Conflicts of interest are managed adequately and appropriately
- The trust has open and transparent procurement procedures

This policy includes procedures for open tenders. This approach allows anyone to submit a bid to supply goods or services required and offers an equal opportunity to any organisation to submit a proposal.

2. Legislation and guidance

The [Academies Trust Handbook](#) states that academy trusts are required to have a competitive tendering and procurement policy, and ensure that the Public Contracts Regulations (PCR) procurement thresholds are observed.

This policy is based on:

- Academies Trust Handbook
- [Department for Education \(DfE\) guidance on buying procedures and procurement law](#)
- [Procurement Act 2023](#)

This policy also complies with our funding agreement and articles of association.

3. Roles and responsibilities

3.1 Academy trustees

Academy trustees will ensure that:

- Spending decisions represent value for money
- The trust's funds are used in a way that commands broad public support
- Relevant legal or professional advice (such as an external auditor) is used, where appropriate
- Goods or services provided by individuals or organisations connected to the trust are provided at no more than cost
- Nobody connected to the trust, directly or indirectly, uses their position or connection to the trust for personal gain

- Where any trustee has a pecuniary interest in a procurement decision, they exclude themselves from the process and records (e.g. meeting minutes) to show that they had no influence on the decision

3.2 Finance Audit and Risk committee

- Academy trustees delegate competitive tendering responsibilities to the finance committee.
- The committee is responsible for reviewing the trust's tendering processes, and for reporting to trustees on tenders.
- Where any trustee has a pecuniary interest in a procurement decision, they exclude themselves from the process and records (e.g. meeting minutes) to show that they had no influence on the decision.

3.3 Chief financial officer

The chief financial officer (CFO) is responsible for:

- Ensuring appropriate financial governance and risk management arrangements are in place
- Preparing and monitoring budgets
- Providing information to the finance committee and academy trustees, as appropriate
- Overseeing and supporting competitive tendering

3.4 Facilities Director

- The facilities director will lead on competitive tendering for site and building works and improvements to the Trust's infrastructure.

3.5 Deputy Head shadowing finance or Chief Operations Officer

- The Deputy Head Finance, or their nominee, will lead on competitive tendering for education and curriculum services.

4. Purchase thresholds

4.2 Low to high-value purchase thresholds

Purchase levels are divided into the following:

- Low-value purchase: £1,000 - £20,000
- Medium-value purchase: £20 000 - £50,000
- High-value purchase: over £50,000, but below the PCR procurement threshold

4.3 PCR procurement threshold

If it is estimated that the cost of a contract is above the PCR threshold for procurement spending, the trust will seek legal advice to ensure it runs a PCR compliant buying process. The current PCR threshold for all goods and most services is £214,904.

A 'light touch regime', with a higher threshold of £663,540 applies for some services that are specifically for education provision. We will seek legal advice to determine if any procurement run by the trust qualifies.

4.4 Approval authority – please refer also to the Marish Academy Trust Scheme of delegation.

CONTRACT LEVEL	CONTRACT VALUE	APPROVAL LEVEL
De minimis	Up to £1,000	Budget holder counter signed by an assistant or deputy head teacher
Low	£1,000 – £20,000	Two of the following: School Business Manager (SBM), Chief Finance officer (CFO), Facilities Lead, Headteacher, Executive Head teacher
Medium	£20,000 – £50,000	Headteacher and Executive Headteacher countersigned by the chair of governors
High	Over £50,000, but below the public procurement threshold	Governing board
Over the public procurement threshold	Over £214,904	Governing board
'Light touch'	Over £663,540	Governing board

5. Preparing to Buy

To secure best value and maintain records of the decision-making process, all staff involved in procurement decisions must follow this process for each new procurement.

5.1 Write specification

This is required for all purchases over the de minimis level., unless it is a renewal of items or services we have had previously.

The specification should set out relevant requirements, including:

- a. Product/works/service description
- b. Technical specifications
- c. Quantity
- d. Quality
- e. Delivery schedule

For higher value purchases, it may be appropriate to conduct soft market testing by speaking to suppliers at this stage. Any information provided to suppliers at this stage will also be shared with suppliers who bid later. The specification will not favour the suppliers we have spoken to.

5.2 Value contract

The value of a contract will be determined by calculating the estimated whole-life value of the goods, works or services, including:

- f. The price of the goods, works or services
- g. VAT
- h. Delivery charges
- i. Ongoing maintenance costs
- j. Running costs
- k. Cost of removing and disposing of an item or service when it's no longer required

For fixed term contracts with an option to extend the term, the value of the contract will be the price of the fixed term plus the potential extension period.

We will not divide a single contract into smaller contracts to bypass the purchase thresholds (see section 4).

The cost will affect which buying process we use.

5.3 Business case

A business case will be required for purchases over £100,000. This must be approved by the relevant delegated authority.

The business case should include:

- l. Draft specification
- m. Estimated cost
- n. Opportunities to work with other schools

5.4 Identify route to buy

Following DfE guidance on buying for schools, we will follow 1 of the 5 routes to buy according to the value of the contract.

- o. **Route 1:** framework agreement (all values)
- p. **Route 2:** use catalogues (low value)
- q. **Route 3:** get quotes from at least 3 suppliers (low or medium value)

- r. **Route 4:** run a buying process for (for high value contracts below the public procurement threshold)
- s. **Route 5:** run a buying process compliant with the Procurement Act 2023 (high value contracts above the public procurement threshold)

Routes 3, 4 and 5 will only be used if we cannot meet our requirements through a framework agreement.

See section 6 for more detail on each route.

6. Routes to buy

6.1 Framework agreements (route 1)

Where possible, we will use a framework agreement to contract suppliers for purchases of all values.

Framework agreements are arrangements that a contracting authority, such as a public sector buying organisation, makes with suppliers. Framework agreements are the preferred route, as:

- t. They have already been through a competitive tender process
- u. They have favourable terms and conditions
- v. The framework provider may offer advice and support

Depending on the framework we choose, we will either pick the best-value supplier from a list or run a mini-competition between listed suppliers, where we will ask each supplier to submit their bid and we will then select the best one.

In either case, we will follow the DfE guidance on procurement to ensure good practice. The reasons for the choice of framework, and for the choice of supplier, will be clearly recorded.

A team of at least three staff and one trustee will evaluate submitted quotes and records will be kept for subsequent analysis if necessary

6.2 Catalogues for purchasing low value goods (route 2)

To buy goods under the low-value threshold, we will use catalogues to compare similar products and choose the supplier that meets our requirements and offers best value for money.

Where possible, we will use the following DfE-approved catalogues:

- w. [CCS purchasing platform](#) – technology products including laptops, smartphones, accessories and software, and office machines that print, scan, or copy (multi-functional devices)
- x. [ESPO](#) – a range of goods including stationery, art and crafts, classroom resources, furniture, office essentials, presentation and display equipment
- y. [YPO procurement product catalogue](#) – a range of products from UK suppliers, including pens and paper, storage, computers, audio visual equipment, and furniture

Staff are also free to carry out their own research and find alternative suppliers, if these offer better value for money.

Approval for the purchase should be sought from the budget holder before placing any orders with the chosen supplier.

6.3. Getting quotes for low and medium-value purchases (route 3)

We will use this process if we cannot meet our requirements through a framework or a catalogue.

We will secure quotes from at least 3 suppliers. These will be assessed following the process set out in section 7.

All suppliers will be provided with the same information, which will include:

- z.** The specification
 - aa.** Date by which we require the quote
 - bb.** When our decision will be made
 - cc.** How the supplier can ask questions about what we are buying or our buying process
 - dd.** If needed, a link to the school's terms and conditions

6.4 Tendering procedure for high-value purchases under the public procurement threshold (route 4)

The school will only follow this process if our needs cannot be met through a framework agreement. Before proceeding, we may seek legal advice.

To ensure we secure good value, we will follow DfE guidance (see section 2) and seek specialist support as necessary.

To initiate the procurement the school will publish a tender notice. This notice will be publicly accessible and provide details of the following:

- ee.** The specification
- ff.** Evaluation criteria
- gg.** Submission deadlines, including timeframe for the clarification period

The tender notice will be published at least 20 days before the submission deadline to ensure adequate time for suppliers to prepare their bids.

There will be a clarification period of 10 days to allow potential suppliers to seek clarification on the procurement requirements and seek further information. Suppliers must submit their questions in writing. Where permitted to do so, all questions and responses will be documented and shared anonymously with all interested suppliers to ensure transparency and equal access to information.

Tenders will be assessed following the process set out in section 7.

6.5 Tendering procedure for high-value purchases over the public procurement threshold (route 5)

The Trust will only follow this process if our needs cannot be met through a framework agreement. Before proceeding, we will seek legal advice to ensure that the process the school runs is compliant with the Procurement Act 2023.

We will follow DfE guidance (see section 2) and seek specialist support as necessary.

All members of staff involved in this process must have completed the appropriate [training on the Procurement Act 2023](#).

Tenders will be assessed following the process set out in section 7, taking into account appropriate legal advice and additional requirements for purchases over the public procurement threshold.

7. Assessing bids

7.1 How we will assess the bids

Before beginning a buying process that requires quotes or bids to be assessed (routes 1, 3, 4 and 5), we will determine appropriate award criteria to decide which bid best meets the specification and delivers factors such as price and quality. These award criteria will be made available to all bidders.

The exact criteria may vary depending on the chosen procurement route. For purchases over the public procurement threshold (route 5), we will seek legal advice at this stage to ensure we meet the additional requirements for assessing bids.

Each criterion will be assigned a:

- hh.** Range of scores – such as 1 to 5, with 5 the highest
- ii.** Weighting – a figure to multiply the score depending on the importance of the criterion

Using these criteria, bids and quotes will be assessed independently by 2 members of staff, who will then compare scores, discuss any differences and reach a final agreed score.

Bids must be submitted by the deadline specified in the tender notice. Any late submissions will not be considered.

We will:

- jj.** Not open any bids/quotes before the deadline
- kk.** Treat all bids/quotes fairly and equally
- ll.** Record how decisions are made
- mm.** Keep confidential, secure, auditable records
- nn.** Award the contract to the highest scoring bidder

7.2 Notification of Award

We will notify both successful and unsuccessful bidders in accordance with the notification requirements specified in the applicable guidance for procurements below and above the procurement threshold.

7.3 Contract finalisation

We will work closely with the winning bidder to ensure a smooth transition from the bidding process to contract execution.

There will be no commitments and no work shall begin until both parties have signed the contract.

8. Conflict of interest

We will report all contracts and other agreements with related parties to the Education and Skills Funding Agency (ESFA) in advance of the contract or agreement commencing.

Related parties include persons and entities with control or significant influence over the academy trust, and members of the same group (e.g. parent and subsidiary companies, key management personnel and close family members). This description is not comprehensive. See section 33 of [Financial Reporting Standard 102](#).

The trust will obtain the ESFA's prior approval for contracts and other agreements for the supply of goods or services to the trust by a related party where any of the following limits arise:

- A contract or other agreement over £40,000
- A contract or other agreement of any value that would mean the cumulative value of contracts and other agreements with the related party exceeds, or continues to exceed, £40,000 in the same financial year ending 31 August

9. Monitoring arrangements

The finance, audit and risk committee are responsible for the implementation of this policy.

This policy will be reviewed and approved by the board of trustees every year.

10. Links with other policies

This competitive tendering policy should be considered alongside the Trusts other financial policy documents as published from time to time. These include the Academy Trust Handbook, the accounting policy and the reserves policy.