



**Ombwdsmon
Ombudsman**
Cymru • Wales

Procurement Policy

Mae'r ddogfen hon hefyd ar gael yn y Gymraeg.
This document is also available in Welsh.

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1. Guiding principles

All procurement should be subject to competition

- 1.1 A competitive process provides the best opportunity to procure goods or services with value for money. All procurements above £5k will involve competition as set out elsewhere within this policy. There may be occasional but valid exceptions to this principle, arising from the nature of the requirement; in such circumstances the approval of the Ombudsman (or in their absence the Chief Operating Officer), as Accounting Officer, is required.

All procurement should be conducted on a value for money basis

- 1.2 Value for money includes the whole life costs, quality and appropriateness for purpose. Although cost is the major consideration other appropriate factors should be evaluated as part of the process (e.g. environmental impact, service level standards, cost of switching suppliers, information security implications).

All procurement should consider sustainability issues

- 1.3 Sustainability issues should be addressed at the appropriate stages in the procurement process (normally the specification and evaluation stages). Cost and affordability must be taken into consideration. In some instances, particularly when environmental issues are relevant, sustainable procurement can reduce whole life costs and improve quality through recycling or reducing disposal costs.

All procurement should be fair, open and transparent

- 1.4 Where the value of the tender exceeds the relevant United Kingdom procurement thresholds it must be advertised on the 'Find a Tender Service' (FTS) website. This has replaced the previous European Union procurement rules which no longer apply post-Brexit. Note however that the procurement thresholds apply to the total, rather than the annual, value of contracts.
- 1.5 The principle of not favouring, or putting at a disadvantage, any potential supplier should be applied. All processes should be seen to be conducted in a fair manner. A well-managed procurement, with a well-defined requirement from the outset, will

help enable a successful outcome. Goods and services being sought should be defined as closely as possible; procurement failure usually points to a badly defined requirement.

- 1.6 Where a decision is taken to seek the best offer of service / supply for a sum specified by PSOW, the specification will highlight the minimum requirement and the broad areas of additional value that may be taken into account. In such circumstances it is important that PSOW is satisfied that there will be sufficient competition to secure good and competitive offers.

All procurement should be socially responsible

- 1.7 Where possible PSOW should seek to improve economic, social, environmental and cultural wellbeing by carrying out procurement in a socially responsible way. References to social value through procurement refer to championing the wellbeing of current and future generations. When considering socially responsible procurement, PSOW may be guided by the principles of the Wellbeing of Future Generations (Wales) Act 2015 and the seven wellbeing goals:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

Encouraging smaller local suppliers

- 1.8 Consideration should be given to using local firms and small businesses if they can provide an appropriate service delivery at competitive cost.
- 1.9 PSOW should take all steps to reduce barriers to entry for small businesses, such as simplifying the tendering process to reduce the administrative burden.

Equality and the Welsh language

- 1.10 Under the Equality Act 2010 and the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, at all stages of the procurement process PSOW must have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.
- 1.11 Under the Public Services Ombudsman (Wales) Act 2019, PSOW is subject to Welsh Language Standards. In line with the Standards, PSOW promotes and supports the use of the Welsh language in the procurement process.
- 1.12 All providers will be made aware of PSOW's duties and commitments in relation to equality and the Welsh language, and support PSOW in their fulfilment.

2. Procurement processes

Use of external agencies

- 2.1 Due to restrictions within the PSOW Act the Ombudsman is prevented from entering into any service agreement with bodies under their jurisdiction. In the event that an external agency is utilised it is essential that the full cost is evaluated to ensure that it represents best value.

Business case and authorisation

- 2.2 If the estimate of total contract cost is in excess of £25k, a business case containing the outline specification for the required service must be prepared to justify the procurement activity and expenditure. The critical success factors must be SMART: Specific, Measurable, Achievable, Realistic and Time Bound. It should be ensured that end users of the goods or services are involved in the setting the requirements specification. A discussion must then be held with the COODOI and or FM regarding budget and estimate contract worth. Authority to proceed for procurement less than £25k can be given by the relevant authorised signatory or signatories as defined in section 21 of the [PSOW Financial Policies](#). Procurement for services in excess of £25k can only be authorised by the COODOI or Ombudsman (or staff with delegated authority to act at that level due to absence).

Implementation plan

- 2.3 Dependent upon the size of the procurement and estimated budget allowed (see sections 3,4 and 5), a plan should be prepared to ensure that all the tasks and deliverables are identified in sufficient detail. The approach to the supplier selection and evaluation should be clearly defined from the outset.

Terms and conditions

- 2.4 Consideration should be given as to whether standard terms and conditions for any contractual arrangement should be used. If there is uncertainty concerning the best approach to adopt, advice should be obtained from Sell 2 Wales.

Evaluation processes

- 2.5 There should be clear evaluation processes incorporated into the documentation forwarded to prospective suppliers.

Equality, social value and Welsh language

- 2.6 All procurement will be assessed for its relevance to equality, social value and the Welsh language (see Appendix D).
- 2.7 In procurements deemed to be relevant to equality, social value or the Welsh language, additional essential or desirable requirements for providers may be set.

Evaluation Interviews

- 2.8 It may be appropriate to hold evaluation interviews with potential suppliers.

Notification of award of contract

- 2.9 Successful and unsuccessful bidders should be notified in writing. Unsuccessful bidders should be offered the opportunity of an appropriate debrief, as a debriefing can help suppliers to improve their competitive performance. It can also help to identify ways to improve the process for the next time, and perhaps improve on communication.

Contract Register and transparency

- 2.10 Following the appropriate decision to appoint, the contract details and copy of the signed contract are to be recorded on PSOW's internal supplier and contract database which is stored on the Hub.

Ongoing contract management processes

- 2.11 The contract management arrangements should be built into the contract depending on the type of contract.
- 2.12 When problems arise, they should be dealt with promptly - this requires good communication channels, aimed at delivering "win-win" outcomes.
- 2.13 There should be regular monitoring of supplier performance against agreed service levels. The aim should be to continuously improve in performance or increase value for money.

3. Single suppliers

- 3.1 It may be necessary to use a single supplier. This could be that:
- the requirements are specific
 - the supplier has already undertaken work of a similar nature already
 - the supply will be an addition to an existing contractual arrangement.
- 3.2 In such circumstances, the specific approval of the Ombudsman or Chief Operating Officer and Director of Improvement is required for procurements above £25k.

4. Procurement of £25k or under

- 4.1 No formal tender process is required for the procurement of goods and or services for less than £25k. However, the Ombudsman reserves the right to conduct a tender process if it is considered appropriate.
- 4.2 The factors detailed in section 1 of this policy must be considered and best value must always be sought in the purchase of all goods and services.

- 4.3 For procurements between £5k and £25k three separate quotations for the required goods / services should be sought unless section 3 single supplier conditions are applicable.
- 4.4 All procurement for goods/services in excess of £20k must be reported to the Audit & Risk Assurance Committee via the standard 'items to report' agenda item and form.

5. Procurement in excess of £25k

- 5.1 A documented tender process must be followed for procurement of goods or services in excess of £25k, unless section 3 'Single Suppliers' applies.
- 5.2 The successful tender will be decided based upon best value and not necessarily the lowest price. The criteria to be used in evaluation, together with any weighting, must be included in tender documents.
- 5.3 A minimum of three organisations should be invited to tender, or the tender process can be made open via publishing on Sell 2 Wales and the PSOW website. In exceptional circumstances advertisements in relevant regional / national media may be required. Invitation to tender will be published bilingually.
- 5.4 The 'Tender Document' must be finalised (see appendix A for the required contents of tender document) before the tender is published.
- 5.5 Tenderers should be notified that they must submit applications through the Sell 2 Wales online 'postbox' facility.
- 5.6 Where using the 'postbox' facility Sell 2 Wales only allows an authorised employee to open and view applications once the deadline has passed.
- 5.7 The tender decision form (see appendix B) must be completed.

- 5.8 The initial assessment of the submitted tender applications should be based upon the ability of the applicants to demonstrate that they have:
- the financial stability to carry out the contract being tendered
 - satisfactory equality policies in relation to the services to be provided and ability to meet any additional equality and the Welsh language requirements set
 - be of good standing
- 5.9 The decision to appoint a service provider (for goods or services over £25k following a formal tender process) must be authorised by either the Ombudsman or the Chief Operating Officer / Director of Improvement.
- 5.10 The normal term is to offer a 3-year contract, with a possible 2-year extension subject to agreement of both parties. However, other contract terms may be offered where appropriate.
- 5.11 In the event that there is no completed tender returned, or if there is no acceptable tender received, the tender process must begin again.
- 5.12 All successful tender process documents must be retained electronically for 6 years from the date of awarding the contract. All unsuccessful tender documents are to be kept for 2 years following the tender decision date.
- 5.13 Since all procurement for goods/services in excess of £20k must be reported to the Audit & Risk Assurance Committee via the standard 'items to report' agenda item and form, any procurement in excess of £25k must therefore also be reported.
- 5.14 Due to potential UK public procurement requirements, legal advice should be sought when considering goods or services contracts in excess of £214,904 in total value, inclusive of VAT (i.e. annual value multiplied by maximum contract term).

6. Authority levels

- 6.1 Authority levels are set out in Section 21 of the [PSOW Financial Policies](#).

- 6.2 The list of current PSOW staff authorised to sign and at what level is detailed in Appendices B and C of the PSOW Financial policies, along with the Ombudsman's authority for them do to so.
- 6.3 Whilst the PSOW financial policies are a public document, to minimise the risk of fraud, the appendices to the PSOW Financial Policies are not to be published externally.

7. Monitoring, review and publication

- 7.1 This policy will be reviewed every 2 years and published internally and externally.
- 7.2 Any queries about this policy can be directed to policycontrol@ombudsman.wales

Tender Document

Invitation to tender template suggested contents list:

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PART 3 – Tender application Form

Appendix B (i)

Tender for services evaluation form

Tender exercise name:

Company Name:

Category	Weight x	Rating					Total
Financial Stability		1	2	3	4	5	
Equalities Policies		1	2	3	4	5	
Welsh language requirements		1	2	3	4	5	
Social value		1	2	3	4	5	
Company Standing / Image		1	2	3	4	5	
Customer Base / References		1	2	3	4	5	
Expertise		1	2	3	4	5	
Resource		1	2	3	4	5	
Customer Contact		1	2	3	4	5	
Process		1	2	3	4	5	
Innovation		1	2	3	4	5	
Cost and Value		1	2	3	4	5	

The above are the agreed scores by the undersigned tender review panel.

Signature _____

Date _____

Signature _____

Date _____

Signature _____

Date _____

2 authorised signatories required for authority over £500 - £25k (s21 of PSOW Financial Policies)

3 authorised signatories for formal tender decisions in excess of £25k

<Add / Delete / Amend as required the categories as appropriate for the tender exercise.>

Tender for services evaluation summary form

Company Name									
Financial Stability									
Equalities Policies									
Welsh language requirements									
Social value									
Company Standing / Image									
Customer Base / References									
Expertise									
Resource									
Customer Contact									
Process									
Innovation									
Cost and Value									
TOTALS									
RANK									

The above are the agreed scores by the undersigned tender review panel. The decision by the panel is to therefore appoint [Company name] as the successful tender applicant [amend text as appropriate]

Signature _____ Date _____

Signature _____ Date _____

Signature _____ Date _____

2 authorised signatories required for authority over £500 - £25k (s21 of PSOW Financial Policies)
 3 authorised signatories for formal tender decisions in excess of £25k
 <Add / Delete / Amend as required the categories as appropriate for the tender exercise.>

Example tender document

Table of Contents

PART 1 – Tendering Procedures

Section I

Introduction to PSOW

The Ombudsman has 3 specific roles. The first is to consider complaints about public service providers in Wales; the second is to consider complaints that members of local authorities have broken the Code of Conduct; the third is to proactively drive systematic improvement of public services. The Ombudsman is independent of all government bodies and the service provided is free of charge.

Under the Public Services Ombudsman (Wales) Act 2019, the Ombudsman considers complaints about bodies providing public services where responsibility for their provision has been devolved to Wales. These include:

- local government (both county and community councils);
- the National Health Service (including GPs and dentists);
- registered social landlords (housing associations);
- the Welsh Government, together with its sponsored bodies.

The Ombudsman is an independent public official appointed by HM The King on the nomination of the Welsh Parliament / Senedd Cymru. Around 75 staff work with the Ombudsman and are mostly based at offices in Pencoed, near Bridgend. Most staff work on a hybrid basis between the office and home.

The Ombudsman prepares an Annual Report and Accounts which is laid before the Welsh Parliament / Senedd Cymru. This is available on the PSOW website.

Under the Equality Act 2010 and the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011, at all stages of procurement process PSOW must have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.

Under the Public Services Ombudsman (Wales) Act 2019, PSOW is subject to Welsh Language Standards. In line with the Standards, PSOW welcomes tenders submitted in Welsh and will facilitate the use of Welsh by tenderers and communicate with them in Welsh according to their preference. A tender submitted in Welsh will be treated no less favourably than a tender submitted in English.

All providers should be aware of PSOW’s duties and commitments in relation to equality and the Welsh language, and support PSOW in their fulfilment.

If there are any ways we can make this information more accessible for you please let us know and we will do our best to accommodate your needs.

Section II

Overview of service required and main contract terms

The Ombudsman is inviting tenders for the provision of.....

Length of contract

The contract will be for a [2 year] term, commencing xx/xx/xxxx with the option to extend to a total of [3 years] by mutual agreement.

Location

It is expected that the work will generally be undertaken [remotely] / [onsite at our offices in Pencoed] using [electronic records and telephone / video interviews] / [face to face meetings]. Electronic copies of relevant records, recordings etc will be made available to [the service provider]. [Office space can however be made available within the PSOW’s office in Pencoed if and when required for the]

Confidentiality

All records, working papers, reports and other information held by [the service provider] in fulfilling this contract will remain the property of the PSOW. At the end of the contract all applicable paperwork must be returned to the PSOW or disposed of in a manner agreed by PSOW.

Any records (paper and electronic) must be securely stored with appropriate security measures in place. Disposal of any hard copy documents must be in a manner agreed by PSOW. [The service provider] is responsible for ensuring any records are thoroughly removed from any computers, servers, hard disks before any of these are disposed of.

[The service provider] will be required to comply with the Ombudsman's Information Security Policy, a copy of which will be made available.

[The Service Provider] must undertake not to publish or communicate the results or content of any of their work to anyone other than the PSOW and the complainant. This undertaking continues beyond the life of the contract.

Any breach of confidentiality of contract or of restricted information will constitute a material breach of contract and enable the Ombudsman to terminate the contract.

Pricing

All pricing should be submitted in GBP. VAT rates must be quoted if applicable as PSOW is not registered for VAT and therefore cannot reclaim VAT charged.

[Include specific pricing requirements e.g. hourly / daily day rates, or variable amount based upon service etc.]

[Include any ability to reclaim expenses / travel etc.]

Section III

Instruction to Tenderers

Completed Tender application Forms must be submitted through the Sell 2 Wales postbox portal before [time] on XX/XX/XXXX.

Section IV

The tender process

An indicative timetable is outlined below. The PSOW reserves the right to amend the dates if required:

Tender application terms and conditions

Confidentiality

[The service provider] will not issue any public statements or otherwise disclose any information concerning this tender document, the process and its participation in the process without the prior written approval of the PSOW.

Issue Tender	
Closing Date for Tenders	
Shortlisting	
Presentations to Panel	
Selection of preferred provider	
Commencement of provision	

Legal Disclaimer

This tender document is an invitation to propose and does not in any manner create an offer or other obligation on the part of the PSOW to enter into any contract.

All expenses and costs incurred by the applicant in completing, submitting and delivering the bids, together with any costs incurred during the post tender stage, will be to the applicant's account. The PSOW are not bound to accept the lowest or any bid.

Use of Information

This tender document and any other information furnished hereunder shall be used solely for the purpose of responding to this invite. Reproduction of any part of this document is authorised only to the extent necessary for the preparation of your response. The applicant shall ensure that all such copies are destroyed when no longer required in connection with this application. The above shall supersede any confidentiality agreements between the PSOW and the applicant.

Section V

Evaluation and Qualification Criteria

Upon receipt the PSOW will review and evaluate the proposal. The PSOW may request clarification if there are questions concerning the proposal.

Proposals will be evaluated on:

- Financial Stability
- Equalities Policies
- Welsh language requirements
- Social value
- Company Standing / Image / Customer Base / References
- Expertise
- Resource
- Customer Service
- Understanding of process and innovation
- Value for money

PART 2 – Specific Requirement

Section VI

Specification document

[Insert Specific details of contract requirements]

Section VII

Budgetary considerations

[If applicable, it may be decided prior to the tender exercise to include within the tender documentation a specific maximum budget if the tender process involves the potential service provider to potentially identify new and innovative ways of providing the service required.]

Part 3 – Tender application Form

SECTION 1: Main details

Name of Company	
Head Office address	
Local Office address	

Please fill in the following details about the person in your organisation who will be the main contact for your application.

Contact (Title/full name)	
Position / Job Title	
Address for correspondence including postcode	
Email address	
Contact Telephone number	

Section 2: History and financial stability

Number of years trading	
Last 2 years financial accounts included?	
Further details	

Section 3a: Equalities policies

<p>Please provide details of your commitment to equality of service (with reference to any internal equality policy or process)</p>	
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Section 3b: Welsh language requirements and social value

<p>Please provide details of your commitment to increasing social value, for example environmental sustainability or growing the Welsh language (with reference to any internal policy or process)</p>	
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Section 4: Corporate and public image

<p>Please provide details of your Corporate image and your understanding of the goodwill and public perception of such.</p>	
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Section 5: Customer base and customer references

<p>Please provide details of your customer base and quote examples of customers who you provide a similar service for. Please also attach any customer references that would be relevant to the services being applied for.</p>	
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Section 6: Expertise

<p>Please provide details of the skills and expertise available to you in relation to the services required.</p>	
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Section 7: Resource

<p>Please provide details of the size of your organisation and also the resources available to you with respect to fulfilling this contract.</p>	
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Section 8: Customer service

<p>Please provide details of how your company manages each contract you are awarded especially relating to continuity of account contact.</p>	
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Section 9: Understanding of process / services being requested

<p>Please provide details of how your company would provide the necessary services required.</p>	
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Section 10: Cost

<p>Please provide details of the charges that would be applicable for the successful completion of this contract. (i.e. hourly / daily / ad hoc rates) plus detail any additional charges that would apply</p>	
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Section 11: Example contract

<p>Please attach an example of contract of service that you propose.</p>	
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You are welcome to attach any further promotional material / presentations, but please note that the initial assessment will be based upon the completion of the above form.

Attached: [please detail any attachments / enclosures]

Signed..... Name.....

Job Title..... Date.....

Equality and Welsh language relevance assessment tool

Is this procurement process relevant to equality or Welsh language?	
Will it impact people with protected characteristics / Welsh speakers?	Could it help PSOW to comply with the General Equality Duty / Welsh Language Standards?
<p>Protected characteristics</p> <ul style="list-style-type: none"> • age • disability • sex • sexual orientation • gender reassignment • race – including ethnic or national origin, colour or nationality • religion or belief – including lack of belief • pregnancy and maternity • marriage and civil partnership <p>Welsh language</p>	<p>Could it</p> <ul style="list-style-type: none"> • remove or minimise disadvantage • help meet the needs of people with protected characteristics • encourage increased participation of people with protected characteristics • help to tackle prejudice • help to promote understanding between people with different protected characteristics • impact opportunities for people to use the Welsh language • impact treating the Welsh language no less favourably than the English language
If the procurement is relevant to equality or Welsh language, consider setting additional requirements for providers	
<p>E.g. ask for evidence of:</p> <ul style="list-style-type: none"> • ability to deliver services or outputs in Welsh • ability to cater for dietary requirements of ethnic or religious groups • ability to meet disability access requirements • track record of engagement with particular protected groups • arrangements to ensure accessibility and fair treatment in service delivery 	
Under £25k	Over £25k
All potential providers supply evidence of ability to meet the additional requirements	All potential providers complete specific questions in the ITT