

## **SELECTION AND MANAGEMENT OF CONTRACTORS**

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## **1. Introduction**

Bottisham Parish Council will ensure that contractors are selected and appointed based on competitive quotes and the best value for money.

The Council will strive to attain best value for the goods, materials and services that it purchases. Best value is defined as a balance of price, quality of product and supplier services. Where possible Bottisham Parish Council will support local businesses and will purchase products and services, again where possible and viable, that are environmentally friendly and sustainable products (including those that produce low or zero emissions of greenhouse gases).

Bottisham Parish Council will also ensure that all services and works provided by contractors are planned and managed in order that risks to the health, safety and welfare of the general public and users of Bottisham's amenities/facilities are minimised.

Every contract by the Council or person acting on its behalf shall comply with this policy, the Parish Council's Standing Orders and Financial Regulations. These regulations cover, amongst other things: the number of quotations to be sought and where necessary the tendering procedures. This policy is supplementary to and does not replace the Bottisham Parish Council Financial Regulations and the Bottisham Parish Council Health and Safety Policy (*most importantly sections 2.6 and 3.3*).

## **2. Policy Purpose**

The purpose of this policy is to provide guidance on the factors that will be taken into account when selecting and managing contractors.

Parishioners, employees and councillors should be confident that the Council that any contracted work will be managed to a high standard by implementing the following processes:

- Selection of competent contractors on a competitive basis of quality, and best price;
- Contractors have appropriate insurance / indemnity / liability in place and proof is provided to Council before selection;
- Effective planning of the contracted work or services;
- Ensuring safe working on site;
- Maintaining effective co-operation and communication and
- Monitoring of contracted services and regular review.

## **3. General Principles**

It is the individual responsibility of every contractor, employee, or councillor, irrespective of their position in the organisation, to ensure this policy is applied in practice.

Any training for employees or councillors in relation to this policy will be provided as appropriate.

The primary responsibility for implementing this policy rests with the Clerk and any decisions or recommendations should take into account the potential risks.

Where appropriate, advice from suitably qualified organisations or persons should be sought before a recommendation is made to the Council. Particular care must be taken where the Construction Design and Management Regulations (CDM 2015) apply as detailed in section 8 below.

The Council's Request for Quotation (RFQ) procedure should be followed when external services are ordered. A copy of this policy will normally be given to the contractors when an RFQ is issued. *See section 6.1 and Appendix 12d.*

#### **4. Types of Contractors**

There are two main types of contractors that will be used by the Council: Those that are contracted to undertake work as a one-off job and those who are contracted to work for the Council on a regular basis.

There may be slightly different procedures used depending on the type being contracted and the amounts, being spent.

Along with stated conditions it is for the Council to decide when contractors will be used. This can be for whatever is deemed necessary, including repair to play equipment, maintenance of street lighting or walls, cleaning of premises and/or HR advice.

It would normally be expected for the Clerk to get quotes from three different companies/contractors for a large one-off piece of work or a longer-term contract. However, for a small value contract only two quotes or perhaps no quote at all would be reasonable. Set out below are guidelines as to what is expected in terms of the letting of different types of contracts.

#### **5. Values of Contracts**

In accordance with Bottisham Parish Council Financial Regulations where the estimated value is below the Government threshold\*, the council shall obtain prices as follows:

\* Detailed on gov.uk - Procurement Act 2023

- For contracts estimated to exceed £60,000 (including VAT), the Clerk shall seek formal tenders (Invitation to Tender) from at least three (3) suppliers agreed by the Council OR advertise an open invitation for tender on Contracts Finder<sup>1</sup> in compliance with any relevant provisions of the Legislation<sup>1</sup>. Tenders shall be invited in accordance with Section 6.1.
- For contracts estimated to be over £30,000 including VAT, the council must comply with any requirements of the Legislation<sup>1</sup> regarding the advertising of contract opportunities and the publication of notices about the award of contracts.

<sup>1</sup> The Regulations require councils to use the Contracts Finder website if they advertise contract opportunities and also to publicise the award of contracts over £30,000 including VAT, regardless of whether they were advertised.

- For contracts greater than £3,000 excluding VAT the Clerk/RFO shall seek at least 3 fixed-price quotes;
- Where the value is between £500 and £3,000 excluding VAT, the Clerk/RFO shall try to obtain 3 estimates which might include evidence of online prices, or recent prices from regular suppliers;
- For smaller purchases the Clerk shall determine how best to maximise value for money;
- Contracts must not be split into smaller lots to avoid compliance with these rules.

If inviting specific firms and not opening it up to wider competition, the Parish Council does not have to advertise the opportunity on Contracts Finder (Public Contracts Regulations 2015, Reg. 110(5)(b)).

The Council can exempt specialist services from the requirement to get three quotations if the Clerk deems the service to be specialised or if it has been endorsed by CAPALC or NALC. The reasoning for such a decision should be clearly stated to the Council or relevant working group/committee and recorded in either by email or minutes where discussion has taken place. Avoidance of competition is not a valid reason. These services may include:

- I. specialist services, such as legal professionals acting in disputes;
- II. repairs to, or parts for, existing machinery or equipment;
- III. works, goods or services that constitute an extension of an existing contract;
- IV. goods or services that are only available from one supplier or are sold at a fixed price

The council shall not be obliged to accept the lowest or any tender, quote or estimate

Individual purchases within an agreed budget for that type of expenditure may be authorised by:

- the Clerk, under delegated authority, for any items below £500 excluding VAT.
- the Clerk, in consultation with the Chair of the Council, for any items below £2,000 excluding VAT. If the Chair is unavailable for consultation the Clerk may refer to either Chairmanship or the finance working group.
- the finance working group of the Council for all items of expenditure within their delegated budgets for items under £5,000 excluding VAT
- in respect of grants, a duly authorised committee within any limits set by the Council and in accordance with any policy statement agreed by the council.
- the Council for all items over £5000 - such authorisation must be supported by a minute (in the case of council or committee decisions or other auditable evidence trail.

The other occasion where these guidelines may not apply is where it is an emergency and there is a danger on health and safety grounds where delay caused in obtaining quotes may cause danger or serious damage to life and property. In such cases, the authority of the Chairmanship must be sought and an emergency contractor can be appointed without a quote.

Provision of emergency services include; electricians, plumbing and heating engineers, pest control and general maintenance professionals.

## **6. Quotations and Tenders**

Bottisham Parish Council will typically request organisations to quote for business or invite to tender. This is either termed Request for Quotation (RFQ) or Invitation to Tender (ITT). *For definitions see Appendix e.*

The quotation / tender that meets selected criteria, offers best value and quality to the Council shall be accepted. Local companies should be encouraged to apply and may take preference (*See Section 8*).

For procurements over £30,000 the questions and scoring systems used shall be written in advance of sending out RFQ/ITT. The basis of this exercise shall be explained in any documentation. No negotiation on contracts whose value is in excess of £30,000 can take place without prior authority being granted by the Council

including working group and/or committee. Any negotiations which would distort competition is expressly forbidden.

The Council will use ITTs for contracts of £60,000 and above in value and RFQs for anything below this amount. The process and documentation reflect the risk and value associated with the procurement. A tender will likely have more complex requirements, be of higher value and therefore carry a higher risk. Having more comprehensive documents will help to manage these.

Arithmetical errors found in any tender when checking shall be dealt with as follows: the tenderer shall have the error pointed out to them and be offered the opportunity to stand by their original tender, or their corrected tender, or withdraw it.

**6.1. Invitation To Tender Process (As detailed in The Council Financial Regulations)**

- 1) The invitation to tender shall state the general nature of the intended contract and the Clerk shall obtain the necessary technical assistance to prepare a specification in appropriate cases.
- 2) The invitation shall in addition state that tenders must be addressed to the Clerk in the ordinary course of post, unless an electronic tendering process has been agreed by the council.
- 3) Where a postal process is used, each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract. All sealed tenders shall be opened at the same time on the prescribed date by the Clerk in the presence of at least one member of council.
- 4) Where an electronic tendering process is used, the council shall use a specific email address that will be monitored to ensure that nobody accesses any tender before the expiry of the deadline for submission.
- 5) Any invitation to tender issued under this regulation shall be subject to Standing Orders and, if appropriate, shall refer to the terms of the Bribery Act 2010.
- 6) Where the council, or duly delegated committee, does not accept any tender, quote or estimate, the work is not allocated and the council requires further pricing, no person shall be permitted to submit a later tender, estimate or quote who was present when the original decision-making process was being undertaken.

**6.2. Request for Quotation**

The Request for Quotation (RFQ) (*see Appendix 12d*) will set out in detail a clear definition of the work to be carried out including any preparation and scoping of the work. In addition, it will set out any health and safety issues that are identified. In particular, any health and safety issues which may impact on the cost of the work must be identified, e.g. if Harris fencing is needed, safety cones, notices etc.

The RFQ will set out the arrangements for any on-site supervision (e.g. foreman on site at all times or arrangements for regular visits) communication such as weekly progress meetings and any specific procedures to be followed in the event of an accident.

## **7. Parish Clerk Responsibility**

The Clerk will ensure that the correct number of competing quotations is obtained and that sufficient funding is available to ensure the specified work can be completed without compromising health and safety or the standard required of the service / project.

The Clerk will ensure that a copy of this policy and the Council's Health and Safety Policy is available to the contractor. Checks will be made that contractors understand and are compliant with the Council's Health and Safety policy and that they fully understand any risks that may be present in their area of work. Any and all accidents arising from the contractor's activities will be investigated and recorded by The Clerk.

The Clerk will ensure that contracted works and services are carefully planned and robust specifications are prepared.

The Clerk will ensure that systems are in place to ensure effective and timely communication with the contractors and that their work and activities are adequately monitored and controlled.

## **8. Selecting a Contractor**

The Council will endeavour to select contractors who the Council believes will provide value for money. Appendix 12a provides a list of questions which may be used when selecting a contractor. A number of other factors will be considered including:

- Contractors that are based local to Bottisham and/or the immediate surrounding area
- Contractors registered with the relevant professional/trade bodies will be selected where possible
- Contractors with a proven track record of working in public places will be preferred
- Prospective contractors will be interviewed and asked to explain how they work, what they know about any health and safety issues relating to the job and how they implement their own health and safety policy.
- Where sub-contractors are to be used, the principal contractor will be asked to provide evidence of his company procedures for the selection, training and management of sub-contractors.

The Checklist at Appendix 12a should ideally be used to record the selection process.

The Council must bear in mind, where applicable (which is namely the size /scale of the project), the requirements of the CDM2015 regulations and the application of this legislation to construction and maintenance work. These regulations can be found on [www.hse.gov.uk](http://www.hse.gov.uk) and cover the management of health and safety when carrying out construction projects.

The CDM2015 regulations establish the need for all construction work including maintenance, building works and demolition to have a structured approach to ensure that only the safest practices are employed throughout construction and future use of buildings. The Council has legal duties that cannot be transferred to a client's agent or third party. These duties apply to all projects and include:

- Check competence and resources of all consultants, architects and contractors.
- Ensure there are suitable management arrangements for the project.
- Allow sufficient time and resources for all stages of the project.

- Provide pre-construction information to designers and contractors.

Projects are notifiable if construction work is expected to last more than 30 working days or involves more than 500 person days e.g. 50 people working for more than 10 days. For notifiable projects the Council must, in addition to the above:

- Appoint a CDM coordinator before significant detailed design work begins, so that the CDM Coordinator can advise on client's duties and responsibilities. (detailed design includes preparation of initial concept design and implementation of any strategic brief)
- Appoint a Principal Contractor to properly plan, manage and coordinate the work during the construction phase
- Make sure that the construction phase does not start unless there are suitable:
  - Welfare facilities;
  - A construction phase plan in place; *and*
  - Retain and provide access to the Health and Safety file.

#### 8.1. **Approved Supplier List**

Under the 2015 Public Procurement Regulations, approved supplier lists are not allowed to be held. We follow a fair selection criteria as detailed above.

#### 8.2. **Best Value for Money**

The Council will accept the quotation, estimate or tender that provides best value for money as well as taking into consideration factors around local sourcing, sustainability and travel distances for supply and delivery. The Council is not obliged to accept the lowest of any tender, quotation or estimate, but can, if requested, provide reasons for not doing so. However, each RFQ and ITT is likely to have different weightings and evaluation criteria. Some may be based solely on price; however, most contracts are based on the principle of MAT (Most Advantageous Tender). This means that we will evaluate on the basis of best value for money. The standard ratio of quality:price in the consideration is 7:3 and weightings for local sourcing and sustainability typically vary per situation.

### 9. **Obligations of Contractors**

All Contractors who work on Parish Council premises or land are required to identify and control any risks arising from their activities. They must notify the Clerk of any risks identified and in particular any which may affect the general public.

All contractors must be aware of the Bottisham Parish Council Health and Safety Policy and emergency procedures and comply with these at all times. All contractors must also ensure that the key worker(s), or where appropriate the site foreman/ supervisor, maintains regular communication with the Clerk or other contact nominated by the Council and co-operates with them in all matters. Main contractors are responsible at all times for the work and safety of any sub-contractors and for ensuring that they are competent and carry out any work in accordance with the contract at all times.

Contractors must ensure at all times they adhere to guidance laid out in the Government's Health and Safety Executive (HSE) whereby the law states that you must conduct your business without putting members of the

public at risk. This includes the public and other workers who may be affected by your work taking all steps to ensure workers and public are safe.

#### **10. Equality and Sustainability**

Bottisham Parish Council recognises the importance of sustainability and will take into account the environmental, social and economic impacts of its purchasing decisions.

The Council recognises its duty to protect biodiversity under the 2021 Environment Act whereby public authorities (including town and parish councils) operating in England must consider what they can do to conserve and enhance biodiversity. To meet this duty the council will wherever possible purchase products that protect biodiversity in accordance with the Bottisham Parish Council Biodiversity Policy.

#### **11. Pre-site Meetings**

Before any work begins which may impact on the safety of residents or users of council amenities a pre-site meeting will be held to agree health and safety standards and arrangements.

The meeting will be attended by the Clerk or other nominated person. Notes of the meeting will be made and copies of the notes can be provided to all parties. In particular, the Checklist at Appendix C could be a suggested form be used to record the key issues discussed and agreed.

#### **12. Contracts Entered Into**

If a formal of contract of work is entered into then this must comply with the Council's Financial Regulations and Health and Safety Policy, and no exceptions shall be made unless in an emergency.

#### **13. Review, Completion of Works and Complaints**

At the conclusion of the work, the Clerk or a nominated person will check that the work has been completed to a satisfactory standard. The Clerk will maintain a Contractor File for each project or contract. This will allow a record to be kept of the contractors' overall performance and of any particular successes or problems. This record will allow the Clerk to maintain a list of competent contractors and provide useful information for future projects.

The Councils complaint policy and procedure should be used if there is a complaint regarding the implementation or application of this policy.

#### **14. Prompt Payment of Invoices**

Bottisham Parish Council understands the importance of paying suppliers promptly and aims to settle accounts within 30 days of invoice. All payments will be made by BACS transfer.

In alignment with Local Government Act 1972 (section 135) the Council can make standing orders with respect to the making of contracts for the supply of goods or materials or for the execution of works.



## 15. Responsibility

Contractors, employees, councillors and persons referred to within the scope of this policy are required to adhere to its terms and conditions. The Clerk and councillors are responsible for ensuring that this policy is applied.

Committee and/or Working Group	Responsibility
Environmental	It is the responsibility of all members of the council to work toward implementation of this policy to ensure that this policy is applied in practice on a day-to-day basis.
General Purpose	
Neighbourhood Plan	
Planning	Individual working group and/or committees or the full council should take lawful affirmative or positive action, where appropriate. Risks should be discussed regularly at full parish council meetings.
Cemetery	
Finance / Grants	Monitor and update as appropriate.

## 16. Termination of Contract / Failure to Comply with This Policy

The Council reserves the right to terminate any contract immediately where supplier commits a material breach of the agreement to deliver services, or fails to deliver agreed services, in the agreed timeframe without an agreed plan to address the failings. This includes any breach of this Policy or of the Bottisham Parish Council Health & Safety Policy.

## 17. Contract Regulations and Legal Requirements for Procurement

Local council procurement exercises are subject to the requirements in section 135 of the Local Government Act 1972 (LGA 1972) and the Public Contracts Regulations 2015 (Regulations 2015).

These Contract Regulations are intended to promote good purchasing practice and public accountability, secure compliance with EU and UK Public Procurement rules and to deter corruption. Following the rules is the best defence against allegations that a purchase has been made in breach of the law or fraudulently purchased.

The legal requirements are summarised below:

Contract Value (net of VAT)	Legal Requirements		
	Council Standing Orders & Financial Regulations (LGA 1972 s.135)	The Contracts Finder/ find a tender website and other light touch rules in the 2015 Regulations	Complex requirements in the 2015 Regulations
Up to £25,000	✓		
All contracts over £25,000 but below the thresholds below	✓	✓	
Public service contracts over £213,477 *	✓		✓
Public supply contracts over £213,477 *	✓		✓
Public works contracts over £5,336,937 *	✓		✓

Section 135 of the Local Government Act 1972 (LGA 1972) allows local authorities to create standing orders for contracts. The Public Contracts Regulations 2015 (PCR 2015) are regulations that contracting authorities must follow when procuring goods, works, and services.

#### Section 135 of the LGA 1972

- Allows local authorities to create standing orders for contracts
- Requires local authorities to create standing orders for contracts for goods, materials, and works
- Requires standing orders to include provisions for competition and regulating tender invitations

#### Public Contracts Regulations 2015

- Requires contracting authorities to comply with rules for procuring goods, works, and services
- Requires contracting authorities to consider CCS guidance when selecting suppliers and awarding contracts
- Requires contracting authorities to ensure suppliers pay subcontractors within 30 days
- Requires contracting authorities to ensure economic operators have the necessary capacity to perform contracts

\* Contracts awarded exceeding these thresholds are detailed and complex. It is likely that councils considering such high value contracts will require technical and or legal advice from those who specialise in public procurement. Bottisham Parish Council will seek advice from either Cambridgeshire and Peterborough Association of Local Councils (CAPALC) and/or National Association of Local Councils (NALC) in such instances.

### **18. Competence of Contractors and Due Diligence**

The Council shall only enter into a contract with a supplier if it is satisfied as to the supplier's suitability, eligibility, financial standing and technical capacity to undertake the work/contract by carrying out appropriate due diligence. All contractors and suppliers working for and on behalf of the Parish Council will be required to comply with the Council's Health & Safety policy. Provision of suitable risk assessments and method statements will be a condition of all such contractors.

The Council requires all contractors working on Council sites and projects to maintain adequate insurance including, but not limited to, Public Liability insurance for £10 million.

### **19. Specifications**

Enquiries and invitations to Tender shall be based on a written specification. The specification shall adequately describe the requirement procedure in sufficient detail to enable effective procurement in accordance with these rules.

*This policy will be monitored and reviewed periodically, or in response to changes in legislation.*

**20. Appendix 12a – Selecting A Contractor Form**

**SELECTING A CONTRACTOR**

ITEMS TO CHECK	NOTES
Does the contractor have an up-to-date health and safety policy?	
Are the main health and safety responsibilities defined within the contractor's organisation?	
Does the contractor have adequate Employer Liability Insurance and Third party and Public Liability Insurance?	
Does the contractor have access to professional advice on health and safety?	
Has the contractor any written safety procedures or reference manuals.	
What health and safety training has been provided by the contractor for his site manager, supervisors and operatives.	
Has the contractor previously worked in areas used regularly by the public and does he understand the particular risks.	
Does the contractor have membership of or accreditation by a Trade Body?	
What is the contractor's system for the maintenance of plant and equipment?	
Does the contractor have a system for the reporting and investigation of accidents, diseases and dangerous occurrences?	
What is the contractor's system for assessing the competence and resources of his subcontractors? (if applicable)	
Are the contractor's risk assessments and method statements applicable to the work he is going to carry out on behalf of the council? Has he taken into account the presence of the general public?	

*Ask for documentary proof of the above items as applicable. Checklist completed by:*

Name:	
Signature:	
Date:	

**21. Appendix 12b – Questions to Contractors**

**QUESTIONS TO CONTRACTORS  
FOR GUIDANCE ONLY**

1. What experience do you have of working in public spaces?
2. Have you worked on this type of project before? What do you foresee could be the main problems?
3. Can you provide existing risk assessments or safety method statements for a similar job?
4. Can you supply references from previous, similar projects?
5. Do you have a health and safety policy?
6. Has the HSE ever taken action against your activities?
7. What are your health and safety procedures?
8. Will you provide a Safety Method Statement for this job?
9. What safety checks do you make on equipment and materials?
10. Are you a member of a trade/professional body?
11. How do you ensure your subcontractors are competent?
12. How do you prepare them for working safely while on site?
13. What health & safety training do you provide? Ask for certificates of competence & attendance at training.
14. How is information about health and safety passed on to staff and subcontractors?
15. Can you show us your training programme and records?
16. How do you plan to supervise this job?
17. Who will be responsible for supervision on site?
18. How are changes, which arise during a job, dealt with?
19. If you identify a problem, what action do you take concerning your staff or subcontractors?
20. Will you report accidents, incidents or near misses to us?
21. Can you provide certificates of employer and public liability insurance?

**22. Appendix 12c – Pre-site Meeting**

**PRE-SITE MEETING  
FOR GUIDANCE ONLY**

ITEMS TO DISCUSS & AGREE	NOTES
Hazardous work	
Site security	
Fencing	
Scaffolding	
Vehicle movements & deliveries	
Storage of materials & location of skips	
Provision of services	
Contractor's facilities	
Visitors to site	
Key contacts & emergency numbers	
Time-tabling of work	
On site liaison	
Weekend and evening working	
Progress meetings	
Communication between site personnel & council representative	

Checklist Completed By:

Name:	
Signature:	
Date:	

## 23. Appendix 12d - RFQ

### REQUEST FOR QUOTATION (RFQ)

This RFQ is issued to you ('the supplier') by Bottisham Parish Council ('the council') It is not an order. In particular, suppliers please note the following general conditions when replying to this RFQ. Please contact the Clerk for any further information on this RFQ.

- The council can only make spending decisions during a constituted meeting which are typically held once a month but may be less frequent. Please bear this in mind this delay when submitting a quotation.
- Any assumptions made by the supplier at the time of quotation must be clearly stated.
- The council's decision whether to accept a quotation is final. No reason need be given for any decision.
- No additional expenses by the supplier in excess of those on the RFQ proposal will be paid without permission in advance in writing from the council.
- Please make payment terms clear when replying to the RFQ.
- The supplier is required to take out all relevant liability insurance and any accepted tender response to this RFQ is made on the understanding that this will be done.
- The supplier must comply with all health and safety legislation when carrying out any works. This includes but is not exclusive to; warning signs and barriers around any works, protective gear for operatives, suitable automatic cut-out circuit breakers for any occasions where electrical equipment is in use, portable electrical appliance test labels or certificates. Any accepted tender response to this RFQ is made on the understanding that this will be done.
- Suppliers must demonstrate the existence of a valid Health & Safety policy.
- Suppliers must make themselves and others aware of any Fire Regulations and procedures in force and as appropriate.
- The supplier is responsible for complying with the COSHH or other appropriate or superseding regulations.
- The supplier shall indemnify the council against any claims by third parties for damage or loss arising from the supplier's works.
- All rubbish must be removed, by the supplier, at the end of the works and disposed of responsibly according to all relevant legislation.
- If the attendance of firemen or the police is necessary whilst the supplier is carrying out works, the supplier will be required to pay for such attendance.
- The supplier must observe and perform all statutory provisions and regulations and conditions imposed by any Authority, and indemnify the council from all penalties which they may incur in consequence of any default.
- The council does not undertake the safe custody of property and are not to be held responsible in any way for damage to, or loss from, motor vehicles when used as part of any works carried out.
- Any works must comply with any appropriate current or known regulations unless explicitly stated on the RFQ response.

Date of Issue	
Works Requested	
Notes	
Expected Usage (if appropriate)	
Reply requested within 10 working days of receipt	

Address: Parish Clerk, 41 Stow Road, Stow-cum-Quy, Bottisham, Cambridge, CB25 9AD  
Email: clerk@bottisham-pc.gov.uk  
Telephone: 07369248998

## 24. Appendix 12e – ITT, RFQ, RFP Definition

In the world of contract management and procurement, there are a variety of ways the tendering stage can work. The Council, following the detail outlined in this policy, determines which subcontractor or supplier will provide the best value; and so, understand the difference between an RFP, RFQ and Invitation to Tender can determine the best procurement option to find the right vendor.

There are generally three methods of competitive bid solicitation to choose from:

1. Invitation to Tender (ITT)
2. Request for Quotation (RFQ)
3. Request for Proposals (RFP)



From the legal point of view, all three: ITT, RFQ and RFP are contractually binding. What truly matters legally is the terms, descriptions, powers reserved, evaluation criteria, etc. set out in any of the contract types. These are what are critical to both define and understand in order to ensure both a lawful and smooth relationship between client and vendors.

### **Invitation to Tender**

The Council would typically use these in major construction projects where the Council knows in detail what they want. The invitation to tender document contains detailed specifications for the performance of the work as well as detailed qualifications and requirements for the bidders to meet.

### **Request for Quotation**

The RFQ is a lot like the tender, however typically smaller in size and scope. They're often more geared towards clients who are seeking pricing information for a defined scope of work or supply of materials or equipment. Like the tender, the specifications, terms and expectations are well laid-out and the vendor has fewer obligations for defining the scope themselves.

### **Request for Proposal**

These are typically more openly written so as to push the definition of work down to the vendor. RFPs are used in situations where the client either can't – or doesn't want to – define the Scope of Work upfront to an adequate level of detail. Often clients are faced with situations where they know what they want to achieve, but they don't have the expertise or time to figure out how to get there. They need to rely on the experience and creativity of subcontractors to define the best path to success.